

**MIDLAND CITY COUNCIL
MINUTES
February 26, 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 26, 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 26, 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

cto 10:01 a.m.

1. Invocation - Pastor Randy Sims, Midland Bible Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor & Love presented a

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of proclamation to Negro Business and Professional Women's Club of Midland for Women History Month.

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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. Regular City Council Meeting of February 12, 2019.

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 allocating funds from Hotel/Motel Operating Budget to the Midland Softball Field Project. (FINANCE)

RESOLUTION NO. 2019 - 046

RESOLUTION ALLOCATING THE SUM OF \$325,000.00 FROM THE HOTEL/MOTEL FUND'S (090150) 2019 OPERATING BUDGET FOR THE MIDLAND SOFTBALL ACCOUNT (56187) TO THE MIDLAND SOFTBALL FIELD PROJECT (900289)

Lacy question all going to bill williams. laurie asked for by bill williams already appropriated to hotel/motel moved to project. Lacy great facility also have mugs and other ones for lights spend alot building facility but sometimes neglect other facilities and field around city want to make sure look at all playing services. Laurie did do fields for mugs. Love coming from hotel/motel tax this money has to be replaced. John is improving a field and the field don't generate over 5 year period generate hotel/motel revenue that covers then the city has to reimburse the program. Love this is something we have to deal with what has finance done to project what possible revenue funds to ensure have amount of money so city doesn't have to reimburse. When Amy asked for grant project out what revenue bring in giving grant or not giving grant and track through years. Love who is monitoring Amy works with grantees. Is there a state body that comes in that says you didn't make your five year goal. Pam had to start hotel/motel fund for state but do report to state annually. Starting on report. Robnett do we show future obligation and adjust annually based on performance. Pam not obligation in financial or accounting records to keep on somebodys radar in event we don't need to be aware of.

Council Member Lacy moved to adopt Resolution No. 2019 - 046; 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.

6. Approved a motion approving the purchase of Cradlepoint Netcloud equipment, software and services for one (1) year from CentralSquare Technologies for a cost of \$251,764.15 for the Communication and Information Systems Department. (PURCHASING)

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 awarding a contract for a Splash Pad for the Dennis the Menace Park to Sunbelt Pools, Inc. through Buyboard contract 512-16 for a cost of \$820,250.00 plus \$80,000.00 in contingencies for a total project cost of \$900,250.00 for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 047

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A SPLASH PAD AT DENNIS THE MENACE PARK TO SUNBELT POOLS, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$820,250.00; APPROVING \$80,000.00 FOR CONTINGENCIES; AND ALLOCATING FUNDS THEREFOR

Lacy look at pirate ship theme what we did at sports complex. concern is ongoing maintenance with ropes, flags, what is annual cost we know water is not greatest and will have high levels of corrosion. Laurie did calculations on upkeep looking at 12,000 per year. 20-25 year life span if keep up maintenance. Love when is grant opening. Laurie July.

Council Member Lacy moved to adopt Resolution No. 2019 - 047; 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.

8. Approved a resolution awarding a contract for the Year Two (2) Road Bond Mill & Inlay Paving Project: Michigan Avenue, Texas Avenue & Louisiana Avenue for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 048

RESOLUTION AWARDING A CONTRACT FOR THE MICHIGAN AVENUE, TEXAS AVENUE AND LOUISIANA AVENUE MILL AND INLAY PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$4,744,309.95; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 Year Two (2) Bond Project: Wood Drive and Oriole Drive Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 049

RESOLUTION AWARDING A CONTRACT FOR THE WOOD DRIVE AND ORIOLE DRIVING PAVING PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$2,847,122.00; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 six (6) Kann refuse truck bodies on International cab and chassis' from Roberts Truck Center of Texas LLC dba Summit Truck Group through Sourcewell formerly National Joint Powers Alliance (NJPA) contract #081716-NVS for a cost of \$1,185,656.88 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 050

RESOLUTION APPROVING THE PURCHASE OF SIX (6) KANN REFUSE TRUCK BODIES ON INTERNATIONAL CAB AND CHASSIS FROM ROBERTS TRUCK CENTER OF TEXAS LLC DBA SUMMIT TRUCK GROUP THROUGH SOURCEWELL

FOR THE GARAGE DIVISION AT A TOTAL COST OF \$1,185,656.88

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 an agreement to the sole proposer, Valor Water Analytics, for Apparent Water Loss Detection Software Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 051

RESOLUTION AWARDING AN AGREEMENT FOR APPARENT WATER LOSS DETECTION SOFTWARE SERVICES TO VALOR WATER ANALYTICS AT A TOTAL COST OF \$146,568.00

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 professional services agreement to Camp Dresser & McKee, Inc. dba CDM Smith for the design of the Paul Davis pump station improvements for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 052

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CAMP DRESSER & MCKEE, INC., D/B/A CDM SMITH, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF THE PAUL DAVIS PUMP STATION IMPROVEMENTS FOR THE CITY OF MIDLAND, FOR A TOTAL COST OF \$780,300.00

Williams CDM Smith not agreeable will come alter.

13. Approved a resolution ratifying the emergency repair of a twenty-four inch (24") effluent irrigation line at Spraberry Farm and authorizing payment to Red Deer Construction, LLC for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 053

RESOLUTION RATIFYING AND APPROVING THE PROCUREMENT OF EMERGENCY REPAIR SERVICES FROM RED DEER CONSTRUCTION, LLC, FOR THE REPAIR OF AN EFFLUENT IRRIGATION LINE AT SPRABERRY FARM; AND AUTHORIZING PAYMENT THEREFOR AT A TOTAL COST OF \$77,776.45

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 awarding the Automated Weather Observation System (AWOS) Installation Project at Midland Airpark Airport to DBT Transportation Service of Lafayette, Colorado. (AIRPORTS)

RESOLUTION NO. 2019 - 054

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DBT TRANSPORTATION SERVICES OF LAFAYETTE, COLORADO, FOR THE AUTOMATED WEATHER OBSERVING SYSTEM INSTALLATION PROJECT AT MIDLAND AIRPARK IN AN AMOUNT NOT TO EXCEED \$149,535.00

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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. Approved a resolution awarding and authorizing the City Manager to negotiate and enter into a Lease Agreement for Airport Hangar Facility with The Good Shed, LLC of Midland, Texas; Lots D & E Hangar Development Project, Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2019 - 055

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH THE GOOD SHED, LLC, FOR CERTAIN CITY-OWNED PROPERTY DESCRIBED AS LOTS D AND E, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DEVELOPING A PRIVATE AIRCRAFT HANGAR AT MIDLAND INTERNATIONAL AIR & SPACE PORT

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 awarding the Airport Security Access Control Software, Hardware, Cable and CCTV System Upgrade at Midland International Air & Space Port to RRC Construction of Midland, Texas. (AIRPORTS)

RESOLUTION NO. 2019 - 056

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RRC CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$1,080,000.00 FOR THE AIRPORT SECURITY ACCESS CONTROL AND CCTV UPGRADE PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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 resolution approving certain consulting services agreements between the Midland Development Corporation and the Perryman Group, McChrystal Group LLC, and TIP Strategies, Inc., for services associated with the preparation of a regional economic master strategic plan. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 057

RESOLUTION APPROVING CERTAIN CONSULTING SERVICES AGREEMENTS BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE PERRYMAN GROUP, McCHRYSTAL GROUP LLC, AND TIP STRATEGIES, INC., FOR SERVICES ASSOCIATED WITH THE PREPARATION OF A REGIONAL ECONOMIC MASTER STRATEGIC PLAN

Love pulled his 67 years on council 6 hardest decision have to make wanted to make comments because difficult. Spending significant amount of money to help improve midland for improving and taxing entities working together 100% support priority Midland and what trying to do. Go sticker shock when saw amount of appropriate. If going to get over hump of where we are as community have to take risks and do big things. Looking at some of money spent on consultants and project this is significant investment but concluded it is worth it and if wrong then you have opportunity to remedy situation through voter box. Trost questions to ask foremost is this highest and best use of tax payer dollars? Haven't been convinced. However in looking at it and seeing briefing session heard one of MDC gentleman say that they are reaching out to PSP to work together what do we need consultants for if internally we can do this? Agreements signed in December and just now coming to Council. Money been expended already and believe in bylaws of MDC that Council approval has to be given for anything over 50,000. John O bylaws say that yes. Trost how much money expended by MDC already?

Council Member Love moved to adopt Resolution No. 2019 - 057; seconded by Council Member Robnett.

Brent Hillard chairman MDC, answer to question is in December board meeting approved expenditure of \$4M to go toward Priority Midland. Lacy it was a joint meeting. Hilliard there aren't many things do that don't consult legal counsel and based on their advice should not bring before Council. John O didn't bring authorization of Council advice was get contracts in place and then bring before Council. as that is how done in past. Brent will take responsibility for it it was his mistake. To another statement as what bylaws say the board shall research prepare and submit to council its economic plans for city. The last time MDC had a plan was 2007. last time had a plan for economic development in general. Undertaking right now is preparing and putting forward economic plan to meet needs of community both short term and long term. Trost what is return going to be? Hilliard 50,000 more people paying taxes (Lacy) Hilliard tangible if create a plan. think of funeral costs 7181 1.1B to bury 150,000. How much spend planning for funeral. More difficult as priority Midland rights story book of what taking for economic development they are blank pages we don't know the end of the story yet. The return on investment will be what you see happen is other foundations and corporation will invest in advance the economic development of City. Its an idea spun out of MDC at Mayors request. Mayor on this dais he would take full responsibility.

Mayor growing at very aggressive growth rate. every area in City is growing excessively. Not paid Council Members and do it as volunteer. We need professional consultant come in help move our city forward to have housing, educational system etc. At critical point if don't do something we will be in serious situation. This is something that tax entity has behind. Its going to make difference in return on investment will be 3,4, 10 times. Trost will they put money in. Morales asked Council to put in seed money and then reach out to taxing entities and oil companies to help support. working fast writing book as start showing results hope to prove that under budget and on time on road bond can go back in another 5 years because we need it.

Trost \$4m is not huge size. Brent based on charter it is highest and best use. Dufford essentially \$4m helps leverage us into \$100 M not just PSP money but another \$100 M of foundation money. Without plan they don't know where to put money. Love boldest thing we have ever done and have some uncertainty. Potential reward could be incredibly huge. The risk, in his opinion, is worth the potential reward. Dufford risk is don't use plan once developed. Love his risk is money to one consultant not an expert in all fields. Lacy small down payment on overall costs. We are capital of PB it is not stopping any time soon unbelievable growth of oil produced in this region. This is bold initiative by MDC and Council said to move forward with it. We are all volunteers and time to bring people in place because have to make a living. applaud you and mayor for implementing. Robert Patrick did identify council member Trost new expressed clearly but realized when working on communications with other entities. did not communicate well with Council Member Trost. He apologized for any communication errors. Love in regard to 55,000 to mdc this body should consider upping that amount because I can tell every 50,000 you spend maybe 200,000 or 250,000.

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

18. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreement issued to Callon Petroleum Operating Company (Current Operator) located in Section 23, Block 40, T-1-S, T&P RRC Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 058

RESOLUTION APPROVING THE TRANSFER OF 16 OIL AND GAS WELL PERMITS FROM CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DE3 OPERATING LLC ("TRANSFeree"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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.

19. Approved a resolution authorizing the transfer of Right-of-Way License 2012-128 between the City of Midland and Callon Petroleum Company to DE3 Operating LLC.

Said Right-of-Way License transfer has been requested as part of the Callon Petroleum Company trade of all right, title and interest in this right of way only. Said right of way is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing one private flowline, not to exceed four (4) inches in diameter inside a twenty four inch (24) steel casing . The pipeline crosses City of Midland owned Golden Gate Road in Section 23, BLK 40-1 South, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 059

RESOLUTION APPROVING THE TRANSFER OF A RIGHT-OF-WAY LICENSE FROM CALLON PETROLEUM COMPANY ("LICENSEE") TO DE3 OPERATING LLC ("TRANSFEREE"); SAID RIGHT-OF-WAY LICENSE BEING LOCATED IN SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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.

20. Approved a motion approving a proposed Preliminary Plat of Dahlia Industrial Park, being a plat of 148.42-acre tract of land located in the east half of Section 18, Block 40, T-1-S, T&P RR Co. Survey Midland County, Texas, (generally located north of Craddick Highway, approximately 2,717 feet east of North Farm-to-Market Road 1788 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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.

21. Approved a resolution of the City Council of the City of Midland, Texas, nominating Silvertip Completion Services Operating, LLC, to the Office of the Governor, Economic Development and Tourism, through the Economic Development Bank as an Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; providing an effective date; and designating a liaison for the communication with interest parties (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 060

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, NOMINATING SILVERTIP COMPLETION SERVICES OPERATING, LLC, TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING AN EFFECTIVE DATE; AND DESIGNATING A LIAISON FOR THE COMMUNICATION WITH INTERESTED PARTIES

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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.

22. Approved a resolution authorizing the City Manager to execute, on behalf of the City of Midland, an instrument granting an aerial easement and a utility easement located in a 0.17-acre tract of land out of or otherwise adjacent to Block 50, Homestead Addition, Lot 1, Block 36, Homestead Addition, Section 16, and Lot 13, Block 30, Original Town, Section 9, City and County of Midland, Texas (Generally located at the intersection of West Ohio Avenue and North Carrizo Street), to COG Realty LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 061

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING AN AERIAL EASEMENT AND A UTILITY EASEMENT LOCATED IN A 0.17-ACRE TRACT OF LAND OUT OF OR OTHERWISE ADJACENT TO BLOCK 50, HOMESTEAD ADDITION, LOT 1, BLOCK 36, HOMESTEAD ADDITION, SECTION 16, AND LOT 13, BLOCK 30, ORIGINAL TOWN, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, TO COG REALTY LLC

Council Member Lacy moved to adopt Resolution No. 2019 - 061; seconded by Council Member Dufford.

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

23. Approved a resolution authorizing the execution of an agreement for the temporary closure of state right of way with the State of Texas for use of a state-owned highway, including BS 349C (Big Spring Street) between Ohio Avenue and Missouri Avenue, for the purpose of demolishing the building located at 310 W. Texas Avenue. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 062

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY WITH THE STATE OF TEXAS FOR USE OF A STATE-OWNED HIGHWAY, INCLUDING BUSINESS STATE HIGHWAY 349C (BIG SPRING STREET) FROM MISSOURI AVENUE TO OHIO AVENUE, FOR THE PURPOSE OF ESTABLISHING A SAFETY ZONE FOR THE DEMOLITION OF A BUILDING

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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. Approved a resolution to authorize execution of three Public Improvement Development Agreements with Betenbough Homes in the amount of \$2,043,786 for future design and construction of public paving and water improvements for the development of Lone Star Trails II, City and County of Midland, Texas; appropriating funds in the amount of \$2,043,786 for said paving and water improvements as authorized by Section 395.081

of the Texas Local Government Code; and authorizing the execution of two escrow agreements with Betenbough Homes, Daybreak Development, LLC and Title One, Digital Title Services, LLC associated with Betenbough Homes's construction of public paving and water improvements on Mockingbird Lane, from its east end to Fairgrounds Road, and on Fairgrounds Road, from Mockingbird Lane to Rattler Lane. The subject property is generally located at the southeast corner of Fairgrounds Road and Occidental Parkway, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 063

RESOLUTION AUTHORIZING THE EXECUTION OF THREE PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENTS WITH BETENBOUGH HOMES FOR THE DEVELOPMENT OF LONE STAR TRAILS II, CITY AND COUNTY OF MIDLAND, TEXAS; APPROPRIATING AND ALLOCATING FUNDS; AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$2,043,786.00; SAID AGREEMENTS BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE EXECUTION OF TWO ESCROW AGREEMENTS WITH BETENBOUGH HOMES, DAYBREAK DEVELOPMENT, LLC, AND TITLE ONE, DIGITAL TITLE SERVICES, LLC ASSOCIATED WITH BETENBOUGH HOMES'S CONSTRUCTION OF PUBLIC IMPROVEMENTS ON MOCKINGBIRD LANE, FROM ITS EAST END TO FAIRGROUNDS ROAD, AND ON FAIRGROUNDS ROAD, FROM MOCKINGBIRD LANE TO RATTLER LANE

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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.

25. Approved a resolution to accept and appropriate funds awarded through the FY2019 Edward Byrne Memorial Justice Assistance Grant Program by the Office of the Governor of Texas Criminal Justice Division (POLICE)

RESOLUTION NO. 2019 - 064

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$138,000.00 FROM THE FISCAL YEAR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE GOVERNOR'S OFFICE; SAID GRANT FUNDS WILL BE USED TO PURCHASE AN ACCIDENT RECONSTRUCTION TECHNOLOGY SYSTEM AND ELECTRONIC TICKET WRITERS FOR THE POLICE DEPARTMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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.

26. Approved a resolution authorizing the execution of a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Sections 16 and 21, Block 37, Township 3 South, T&P R.R. Survey, Midland County Texas (UTILITIES)

RESOLUTION NO. 2019 - 065

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16 AND 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P R.R. CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 26 excluding 5, 7, 12, 17, 22; 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

27. Consider an ordinance on second reading 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) (First reading held February 12, 2019.)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9874.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9874 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Lacy idea of what intends to build? Harrington no site plan strictly zone change intent to build single story structure for membership meetings. Lacy assume ingress and ingress

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

28. Consider an ordinance on second reading 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) (First reading held February 12, 2019.)

ORDINANCE NO. 9884

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 SueAnn Reyes read the caption of Ordinance No. 9884.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9884 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.

29. Consider an ordinance on second reading 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). (DEVELOPMENT SERVICES) (First reading held February 12, 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 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 SueAnn Reyes read the caption of Ordinance No. 9885.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9885 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

PUBLIC HEARINGS

30. Hold a public hearing and consider an ordinance on a request by Jay Leeper for a Specific Use Permit, without Term, for an accessory building for living or sleeping quarters, on Lot 10, Block 149, Wilshire Park, Section 4, City and County of Midland, Texas. (Generally located on the west side of Woodcrest Drive approximately 257-feet south of Ric Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9889

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 10, BLOCK 149, WILSHIRE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WOODCREST DRIVE, APPROXIMATELY 257 FEET SOUTH OF RIC DRIVE), WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9889.

Chalres Harrington develop he has provided floor plan one bedroom one bath one story structure does have option 58.1 square covered porch reviewed by all depts compleis with comp plan would allow to facilitate care. staff recomends approval of permit subject cond a-f. rec no loj.

Love question previously his history on Council and P&Z is these items require a medical condition with dotors note saying existed which was term and renewed every two yeeers. building official recommended denial. Chuck had occassion where elderly parent not health sitaution one north of scharborought drive did one a few years ago, typically would do without term but if council wants to do term that is fine. love what do you mean about cost. Chuck cost of structure. Love uncomfortable of without term easily could become rental property. If you ahve term can actually check not do that as oppsoed ot without term making assumption going to following rules. John record in courthouse to ptu future buyers on notice. Chuck the use is not something that he can approve. if you look at other cases he is doing based on his dividison rules. Lacy for caregiving this is one with SUP with term. Love his mom is getting older and may need to be closer. Totally understand and want to wwork to help solve problem but without term can't support. Mayor Morales opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Robnett don't see a bunch of these requeusts think use is legitmate but not rpactical to bring back up or bring in rv and not go through rprocess. downside is relatively mall

compared to burden put on homeowner. vote against motion. Love term would require building torn down. Dufford it could. What is penalty what is penalty if find out renting out what is penalty for using. John up to \$2,000.

Love this council relies heavily on precedence like starting alcohol start at 10 a.m. understand objections and points. Morales fenced in no rear entry. Chuck has to come in through house. Hotchkiss when did we stop doing 2 year terms. John O explained permits without terms as preferred to temporary mobile home. Different paths. See a lot of other ones are temporary include like mobile home for two years and this is different tract in process. John O those w 2 year term are medical hardship. Love I stand corrected that was for mobile home onto a property. Robnett could this come to council in another form. Chuck it is laid out pretty specific in ordinance because living quarters.

Love what penalty is up to \$2,000. Would tell you basic economic thing worth \$2,000 find. Lacy can issue daily.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9889 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love withdrew motion

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

31. Hold a public hearing and consider an ordinance on a request by SBC, LP for approval of a Site Plan on a 13.36-acre tract of land located in Section 35, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9890

AN ORDINANCE ADOPTING A SITE PLAN FOR A 13.36-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9890.

Development Services Director Chuck Harrington gave a brief overview of the item noting tract recently annexed into city limits. request approval of site plan. will be require to adhere to all site plan review standards. 13 3-story building 312 units 624 parking of which 100 are attached garage. bbq outdoor lawn, cabana, dog park, pool club house single story. review by staff comments addressed such as access. reviewed by p7z on 2/4 and rec for approval, in compl with comp plan. as of 2/19 no loj and staff rec approval. Lacy first with beer garden. Its on private property.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9890 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.

32. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC for Site Plan Approval on a 21.30-acre tract of land located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 688-feet south of State Highway 191 and 2,287-feet west of Avalon Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9891

AN ORDINANCE ADOPTING A SITE PLAN FOR A 21.30-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9891.

Development Services Director Chuck Harrington gave a brief overview of the item noting StoneHawk Capital Partners. This property recently annexed requesting approval of wsite plan. adhere to all site plan review standards have provided site plan that meets standards. prop 6 3-story building 383 units 766 parking. club house and other typical ammenities. The proposed building mat met reuquirements don't exceed max ht. circ to all dept approved byy p7z 2/4 mets all req staff rec approval subj to cond a-c. as of 2/19 no loj.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9891 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.

33. Hold a public hearing and consider an ordinance on a request by Dahlia Development, LLC. for a Zone Change from 1F-2, One-Family Dwelling District to AE, Agriculture Estate District on a 30.74-acre tract of land located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North

Garfield Street, approximately 594-feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9892

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 30.74-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH GARFIELD STREET, APPROXIMATELY 594 FEET NORTH OF MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9892.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9892.

Development Services Director Chuck Harrington gave a brief overview of the item noting would like to go to larger lots. staff has no objection. it it in compli with comp plan and staf rec approval from 1f2 to ae. approved p7zx 2/4 and as of 2/19 no loj. Love not opposed think turning out to be interesting looking neighborhood. question is 1f1 triangle below is not deveeloped currently and it and curious wether or not enough available for single family in such a small spot. Chuck interesting question if alook at acess point it might could be developed as a single residential. Love concerna bout deadzone or could be changed to pdsc.

Mayor Morales opened the public hearing at 10:55 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. 9892 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

34. Hold a public hearing and consider an ordinance on a request for 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 west of the intersection of Mockingbird Lane and Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9893

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 126.162-ACRE TRACT OF LAND AND A 13.537-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND

COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,630 FEET WEST OF THE INTERSECTION OF MOCKINGBIRD LANE AND HOLIDAY HILL ROAD); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9893.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is final ph of processing following this up for ordinance adoption to complete the annexation. Extention of the vineyard voluntary annex staff rec apprvoal.

Mayor Morales opened the public hearing at 10:57 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. 9893 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.

35. Hold a public hearing and consider an annexation of a 17.55-acre tract of land located in the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this is 17.55 acre tract located on swc of tradewinds and thomason dr. applicant requested annexation for future dev of multi family housing. vvol annex in compl with comp plan no loj.

Mayor Morales opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

36. Hold a public hearing and consider a resolution on a request for a Temporary Land Use for an Annual Church Fair and Carnival on Lot 13-A, Block 7, Glendale, Section 2, and a 0.31-acre portion of alley right-of-way and a 0.86-acre portion of North Tyler Street right-of-way adjacent to said Lot, all out of the City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Garden Lane and North Tyler Street. - Council District 2) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 066

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR AND A CARNIVAL ON LOT 13A, BLOCK 7, GLENDALE ADDITION, SECTION 2, A 0.31-ACRE PORTION OF ALLEY RIGHT-OF-WAY AND A 0.86-ACRE PORTION OF NORTH TYLER STREET RIGHT-OF-WAY ADJACENT TO SAID LOT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH CARVER STREET AND GARDEN LANE); 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 permit of our lady of guadalupe annual fair and carn event ?? fri 26 6-12 sat 27 12-12 and sunday 12-10:30. wil ahve music and sale of alcoh bev. 8 peace office 15 men and 15 women toilets. routed to all depts rec approval subj to cond outlined in report. Lacy why is there a police incidence report in here. police called 6 tiems last year was it a problem. Chuck no trying to give info. Love in his deistrict support and really good project. ON comment previously in past beer next to holy water.

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

Council Member Love moved to adopt Resolution No. 2019 - 066; seconded by Council Member Dufford.

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

MISCELLANEOUS

37. 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, Urbandale Addition, City and County of Midland, Texas. Generally located on the northeast corner of the intersection of J Street and Douglas Avenue. (DEVELOPMENT SERVICES) (Public hearing heard. Deferred from February 12, 2019.)

ORDINANCE NO. 9886

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 SueAnn Reyes read the caption of Ordinance No. 9886.

Development Services Director Chuck Harrington gave a brief overview of the item noting wasn't whole council at last meeting. deferred to this meeting. located int j and douglass special exception to have privacy security gate in front of driveway in june 2017 agreed to reduce side yard setback if not gate or privacy doors to shut property off. Property has very short drive approach creates issue of transportation less then 20 feet to park vehicle. code is concerned about setback. presented last time received one loj on desk and letter form applicant aon desk. Love concern short parking space. garage is perindicular swing in could you tlel me what staff objection with respect to why gate should be there iin light of everything else. Is it statutory or hazard. Chuck statutory says 20 foot setback. This was reduced to 5 in previous meeting but previously it was

more like carport situation so could park off street. One thing is if look it also offers problem in back don;t have a lot of space to get head out of distance so becomes issue in terms of safety. Can;t see backing up that why 20 foot makes safer distance for drivng. Love if safety backing out is concern would city or traffic si concern would reflect mirror feel beter about that? Dufford is it the gate that is the issue. Robnett whether sliding gate is there or not would still be backing out. Just talkign about gate will have to be open to back up. Love that is why asking question specifically concern was with gate. Chuck normal driveway side entry has 20 foot set back that allows vehicle to aprk on 20 feet. originally improve carport so car could swing in but now there is a gate. Trost if gate is open could do same thing. Robnett queing in street waiting ffor gate. Mike Pacelli Mr. Robnett is correct in asssestment wasn't ehre when code written staes 20 feet. praitcally speaking garage and gate is same thing. has to be open, in code interpret same say because not room for vehiclej to park outside of gate or garage door or pull in while gate opening or closing. Love if this was not a gate but garage tis the same thing no difference from traffic.

Hotchkiss want information this is difficult people these are her neighbors have visited several times. Before brought to Council had long visit with Trish met in her driveway which faces her garage. Was very clear that wouldn't support zero setback here becasue danger involved orf them getting in and out but also with traffic. If it slowed or stopped taafic. couldn't support tried to explain how oord worked as chatted the situation was could do carport instead based on where Coles had done at PRinceton and N Street the people are able to get off road quickly never any problems with cars getting in and out it is attractive, useful and gave what they eneded. This Council supportedthat. Found had precedent and could support because safer and Trish agreed and that is what was brought forward. It passed uannimously and then at end of December past were installed house approved. Called and asked about posts and brackets she said hang some gates. She told her it wasn't allowed. Her contractor stopped and asked about gate and she told him it wasn't accepted under variance. Later heard from Chris andd he told about safety items were going to do like open gate far in advance with wifi. Its rare that a gate exists without garage door for her safety does not work She hand't called but asked about another issue and asked what was with the gate and he had no knowlege of it and told them they could not use it and had to stay open until approved by Council. She wants to remind they knew it was illegal because they asked and she told them. There was no partition between garage adn swimming pool and that has since been added. Standing for safety of city she cannot support and would never have brought a plan that called for a gaate. Thanked Spencer asked Council to send variance of house on Humble and I. This council ppassed that variance and have been disappointned have received calls had people come to face and say it is dangerous it issame thing, a bit of traffic, it looked great when proposed. Because of this variance won'tsupport another one. However the Ccoles had a nice variance that she ccould support. Cannot support.

Chris and Trish Lyles 1512 Douglass, thank Council the first go around focusing on merits of case and why variance should be allowed. Will say that is more or less putting cart before house while here asking for variance different in already completed project. Already completed unknowingly out of law. Here to take full responsibility and asked for forgiveness and view projects for own merits. In response to MRs. Hotchkiss that statement has added more light to sitution people were able to meet with explained had talked to people at Humble House entertained purchasing that house. After wife spoke with Mrs. Hotchksis she said sdidn't like idea came up with idea of swing garage. Said it

could take a lot of time living in rental house and decided to do swinging garage and natural profession of what happened didn't connect 2 and 2 that it was an issue. He viewed gate separate then garage door. He doesn't view as safety. He is truly sorry never intention to deceive. Put a lot of money at risk with Hotchkiss right across the street.

Trost appreciate safety you have automatically can't come from in house or anywhere you have cell signal having to wait for them to open and close not an issue. Trost this is a case of doing and asking permission later that is what he struggles with. In conversations with Ms. Hotchkiss what did you ascertain after having those discussions. Chris his discussions came after the fact. He felt more safety risk to have children be able to run into street. Image pulling out forward or backing in. Don't see as particular issue. Trost asked Ms. Lyels if had discussion with Hotchkiss. Trish felt that through conversation realized miscommunication of what talkign about. She called at end of October when psot had gone up had questions about gate she referred to husband. Did not come away from conversation then Chris will talk to her. He did talk to her and she felt like things were fine. She pulled up in car and talked to builder and talked about gates, Chuck switched builders so whole variance process prior to Chuck he had no knowledge completely over his head. There is no way if someone was to say to him if he felt wrong or illegal he would of said something to him and they would have paused. Trost who pulled permits for those gates? Trish thought it was permit of whole house. Steve Thorpe dates and subsequent wall that divides porch from back yard were never part of plans from Chuck Dawson. It was added after the fact which is when found whole gate situation house had had final inspection and swimming pool permit. Plans have never been amended. That is not the first time in recent history that Mr. Dawson has not filed plans and asked for forgiveness after the fact. Love, MR. Pacelli talked about gate is equivalent is same as garage sitting there but its not a garage fence with gate. If this were not a driveway entrance but once would staff have a concern. Steve yes, it was a variance for side yard setback. The language in variance was for a swing in garage.

Dufford asphalt torn up in front of the driveway. Chris final piece for certificate of occupancy to complete the tie in it is now repaired and transition is smooth had to redo driveway out of ADA compliance. Trost surprised at number of vehicles within 3-4 block variance pulled up to garage door and vehicles onto street. wondering if that is not a hazard do we start at sidewalk or at street. Chuck setback starts at edge of rw so yes starts at sidewalk.

Robnett don't like situation backed into a corner a little bit and this is least favorite votes. Think important how we go there and have to make decision as to whether be punitive. Don't think luyles knowingly and willfully went around. Don't think cause increase in applications for same variance if anything this will be less advantage for queing potential traffic. Will we be punitive will vote in support don't like it but at end of day ord will be amended to require opener that can be opened from at least one block away so it will operate as intended without the gates. Home must always have remote garage door opener with greater than one block radiance to get the garage door open. Dufford doesn't like being put in this situation either, from his perspective thankfully j is wider street. don't think as big concern because J street wide enough. Hotchkiss repercussions, tried to be thoughtful when offer a waiver because everyone is aware those can be used against you, in this case two different waiver. will have more as people change add on the number of cars people have, hope we would be always aware of issue of safety.

Although garage door reaches from Egypt doesn't matter if forget to push button and cars still can stack up. Notliek Wadley but there is traffic always be aware of precedence you are setting.

Lacy don't like granting forgiveness like people to follow process but since voted in past will support. Mayor question for staff. Steve mentioned this contractor done this in the past not sure how gotten away with it. Seem like we need to put a system in place that we red tag this contractor, they get a letter after 2 or 3 they cannot work in Midland they are blatantly breaking law. Robert Patrick Mr. Torpe hasn't been shy in past message conveyed will get on it. Mayor put in situation hard to vote and want to be fair agree that young family and trying to establish yourself appreciate recognizing broke law and asking for forgiveness tough for us to go in community have finger pointed at us.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9886 in accordance with the Charter of the City of Midland with requirement that homeowner always maintain extended range gate opener to open gates remotely; seconded by Council Member Lacy.

Love concerned about safety and this applicant stated eloquently stated concerns about safety this will help protect children.

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

38. Consider an ordinance Adopting a Fee Schedule Effective May 1, 2019. (FINANCE)

ORDINANCE NO. 9894

AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2019; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9894.

Jame Minor Finance annual review of fees requested gather all fees city charges for its ordinances. gathered them all onto one ordinance to review annually as part of budget process and make changes as need to increase and do one time a year on October first thru budget process all fees in to go into effect at new fiscal year.

Hotchkiss didn't know how many fees we had thank you for work that went into. Love did any of them increase? Jamie yes planning and code wanted to increase P72 increased and water and sewer customer service proposed to increase fees as well.

Council Member Love moved approval of the first of two readings of Ordinance No. 9894 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. Consider 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. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9895

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 SueAnn Reyes read the caption of Ordinance No. 9895.

Development Services Director Chuck Harrington gave a brief overview of the item noting orig had variance of setback for utility poles 7 foot alley and 5 foot poles. during subsequent objection staff assumed was 5 foot around poles which will allow full use of property. Love appeals new one o. john o supercedes.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9895 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.

40. 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) (Deferred from February 12, 2019)

Development Services Director Chuck Harrington gave a brief overview of the item noting deferred from 2/12. applicant request to install new electronic message board onto existing sign. existing sign not in compliance with sign code as sign itself extends over row by 6 feet. circ to all different depts. row belongs to txdot they had objection to increasing sign in driveway. as req rep deviation form sign ord and no hardship staff rec denial of request and req applicant put sign on his property. They can reposition so on row. Dufford sign been there for 40 years. Dufford it blew down Chuck wants to add electronic message sign smaller than existing sign. Love respect to TxDOT if you have necessary row for street. it will be challenging to expand big spring street. Lacy assumption of risk taken by owner that if ever do widen road the sign will have to be taken down.

James Reeder 1925 Cedar Springs, Jems picture on left is what used to look like right side is what it will look like no sign there now the pole is still there been here for 44 years. Drove down Big Spring today there are probably 50 signs in same place as his.

They painted vegetation just trying to replace what's there. If move pole it will be \$10,000 \$5,000 more than current. hasn't been objected to in past and request approve application. Dufford square footage smaller. Reeder yes square footage of bottom portion is smaller. Lacy reason for doing this? Reeder large wind storm and blew down.

Hotchkiss will signage that is used planning to advertise your business alone? Reeder messages about what is available. Courtney cannot do off premise advertising. Reeder may put time and temperature but messages about facility.

Council Member Robnett moved to approve 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). ; seconded by Council Member Love.

Robnett this is right way a lot of signs get done after fact. Love notwithstanding your representative extremely helpful for you to be here today.

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

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

Council Member Lacy moved to appoint Joby Rittenhous to Zoning Board of Adjustments; seconded by Council Member Dufford.

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

Council Member Hotchkiss moved to move up Karmen Hendrix from alternate member to regular member on Planning & Zoning; 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.

PUBLIC COMMENT

42. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation 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.)

Richard Smith 3304 Cimarron, address terrible shape of animal shelter. Odessa doesn't seem to have problem. I know economics, one of things is understand have \$5m budget it will take \$10M. Understand county put in \$1m. there might be different approach. would like to see if could put different plant get a better solution to put plan together. Reach out to everyone who has animals. One of things is have to break the chain and it is in terrible shape. if you go vet they mock up with bleach and water. The exposure rate is needing when take health and put with unhealthy will have all unhealthy animals. this is first one got. could get with somebody. Robnett can provide any

numbers you want. Smith. thank you for interest in animal shelter hotchkiss and robnett can work with them they will share any information they have. Dufford staff in fund raising process as well.

Daniel Burgess, 5803 SCR 1200, 4.5 miles south of I-20 working man. Grievance in regard to a septic system permit for land to move MIL in there. running into opposition getting her placed. Her husband passed away. Issue getting permit to have septic built for trailer she bought. Hang up is have to have land platted. Don't mind going by regulations but procedure is costly to him by several thousand dollars and time delay. Requesting is alternative to being able to get septic system permit and get plot later don't mind doing so but 8-10 weeks ago want to move quickly. Mayor state law. Robert Patrick will get with him to talk. Robnett what currently doing? Hisland has septic putting in mobile home in back side of property. Had water well put in. Everything done because can't finish septic.

Ryan Richards, PO Box 1746 Seminole 79360, OSF 2 install septic systems Mr. Burgess one of his clients. Dealt with issue before and apparently it is a major problem he is only one who will do something about it. This is law that govern septic systems tx admin code ch 285. This is why important on page 1 to eliminate and prevent health hazards and properly planning location design and maint of on site sewage disposal systems. The process is submit to dept and human and health services tceq for permitting for midland county. turn in septic permit to them and have flood plain permit that get from engineering dept and they check fema maps to check if in a 100 year flood zone and send a paper saying as such to health dept thus making application complete. What been doing is checking if property is within etj and if not platted regardless if owned before etj passed which technically grandfathered in. They refuse to send paper in osff refuse to send paper. Pretty sure that is illegal. tceq is who regulates septic system. City cannot stop installations of septic systems alternative is digging hole. Not willing to perjure self by putting on paperwork. We have rules that govern on. Ryan whether COM has authority to force people to get their property platted is in question. Issue that needs to be addressed. Mayor have Mr. Patrick sit down with you. whether or not it is in the flood plane it says fema data is public information. Don't have to get from engineering dept refusal to send information to health dept from engineering roundabout way of withholding septic permits. Robnett I hope you are right don't want to go through septic.

EXECUTIVE SESSION

Recess to go to Executive Session at 12:03 p.m.

43. 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 551.071, Consultation with Attorney
 - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

b. Section 551.087, Deliberate Economic Development Negotiations

- b.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.

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