

**MIDLAND CITY COUNCIL
MINUTES
September 11, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on September 11, 2018.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director __, 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 Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 11, 2018.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

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

OPENING ITEMS

10:02 a.m.

Mayor comments about 9/11 remembrance and be thankful for all around us.

1. Presentation of Colors by the Midland Fire Department and Midland Police Department Honor Guard
2. Pledge of Allegiance
3. Invocation - Pastor Daniel Stephens, Mid-Cities Church

PRESENTATIONS

A. Change to Pink the Basin mayor present B Mayor presented american letgion

4. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation from American Breast Cancer Society
 - b. Presentation of a proclamation for "American Legion Day 2018"

BUDGET AND TAX RATE

5. Consider an ordinance on second reading providing funds for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019. (FINANCE) (First Reading Held August 28, 2018)

ORDINANCE NO. 9814

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9814.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9814 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

6. Consider an ordinance on second reading Fixing the Tax Levy for the City of Midland, Texas for the Fiscal Year 2018-2019. (FINANCE) (First Reading Held August 28, 2018)

ORDINANCE NO. 9815

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2018 AND ENDING ON SEPTEMBER 30, 2019

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9815.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9815 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

with Robnetts wwords added

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

7. Approved a resolution ratifying the property tax revenue increase reflected in the Fiscal Year 2018-2019 Budget (FINANCE)

RESOLUTION NO. 2018 - 331

RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2018-2019 BUDGET

Council Member Lacy moved to adopt Resolution No. 2018 - 331; seconded by Council Member Robnett.

Love state of tx wisdom making ratify something we just voted for.

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

CONSENT AGENDA

8. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

- a. Regular City Council meeting of August 28, 2018

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55;

seconded by Council Member Robnett.

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

9. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. for design and engineering services for the Northeast Water System Improvements Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 332

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE NORTHEAST WATER SYSTEM IMPROVEMENTS PROJECT FOR THE CITY OF MIDLAND, FOR AN AMOUNT NOT TO EXCEED \$1,915,000.00

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

10. Approved a resolution awarding a contract for Wrecker Services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 333

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ACTION WRECKER, INCORPORATED, FOR WRECKER AND IMPOUND SERVICES FOR THE CITY OF MIDLAND

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

12. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Louisiana Avenue Water Line Replacement Project (Year 2 Bond Project) for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 335

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LOUISIANA AVENUE WATER LINE REPLACEMENT PROJECT; SAID PROJECT TO REPLACE APPROXIMATELY TWO THOUSAND EIGHT HUNDRED FEET OF PIPE AND THREE WATER MAIN LINE CROSSINGS; SAID PROJECT BEING A YEAR TWO BOND PROJECT

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

13. Approved a resolution approving the issuance of a request for proposals for an underground fiber optic cable system for City facilities for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 336

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR INSTALLATION AND MAINTENANCE FOR AN UNDERGROUND FIBER OPTIC CABLE SYSTEM FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

14. Approved a resolution approving an amendment to the professional services agreement with HDR Engineering, Inc. for the design of Midway Lift Station for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 337

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., PROVIDING FOR THE DESIGN OF THE MIDWAY LIFT STATION; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$70,499.00 OVER AND ABOVE THE ORIGINAL AMOUNT OF \$71,750.00 FOR THE PERFORMANCE OF ADDITIONAL PROFESSIONAL SERVICES

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

15. Approved a resolution approving the purchase of Generators for seven (7) fire stations from Warren Power & Machinery, Inc. dba Warren Cat through Buyboard contract 515-16 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2018 - 338

RESOLUTION APPROVING THE PURCHASE OF GENERATORS FOR SEVEN FIRE STATIONS FOR THE FIRE DEPARTMENT FROM WARREN POWER & MACHINERY, INC. D/B/A WARREN CAT OF ODESSA, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF \$224,183.00

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

16. Approved a resolution approving an amendment to the professional services agreement with HDR Engineering, Inc. for the Water Pollution Control Plant Rehabilitation Project for additional professional services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 339

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., PROVIDING FOR ENGINEERING SERVICES FOR THE CITY OF MIDLAND 2017 WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$394,200.00 OVER AND ABOVE THE ORIGINAL NOT-TO-EXCEED AMOUNT OF \$1,120,000.00 FOR THE PERFORMANCE OF ADDITIONAL PROFESSIONAL SERVICES

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

17. Approved a resolution awarding a professional services agreement with Parkhill, Smith & Cooper, Inc. for annual Water Storage Tank Inspections for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 340

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR WATER STORAGE TANK INSPECTION SERVICES FOR THE UTILITIES DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

18. Approved a resolution authorizing the execution of Amendment #1 to 1990 Lease Agreement between The City of Midland, Texas and the Confederate (now Commemorative) Air Force (CAF) at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 341

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND COMMEMORATIVE AIR FORCE, INC., REGARDING CERTAIN CITY-OWNED REAL PROPERTY DESCRIBED AS AN APPROXIMATE 42.72 ACRE TRACT OF LAND LOCATED IN SECTION 5, BLOCK 40, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

19. Approved a resolution ATMOS negotiated rate settlement (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 342

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION ("COMPANY") REGARDING COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO COMPANY AND CITIES' LEGAL COUNSEL

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

20. Approved a motion approving a contract with Midland Crime Stoppers, Inc., in the amount of \$40,000.00 for the operation of a Crime Stoppers Program from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

21. Approved a motion approving a contract with Midland Teen Court, Inc., in the amount of \$27,500.00 for a Teen Court program in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55;

seconded by Council Member Robnett.

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

22. Approved a motion approving a contract with Keep Midland Beautiful, Inc., in the amount of \$100,000.00 for litter reduction, education, and beautification programs in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Sanitation/Litter Abatement). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

23. Approved a motion approving a contract with Permian Basin Community Centers DBA PermianCare in the amount of \$75,000.00 for mental health, mental retardation and substance abuse service in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

24. Approved a motion approving a contract with Midland College Business and Economic Development Center (BEDC) in the amount of \$113,000.00 to promote growth and development in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

25. Approved a motion approving a contract with 3:23 Ministries, Inc. in the amount of \$38,000.00 for advertising, promotion, and solicitation of volleyball activities in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

26. Approved a motion approving a contract with Arts Council of Midland in the amount of \$150,000.00 for the encouragement, promotion, improvement, and education of arts in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

27. Approved a motion approving a contract with the High Sky Wing of the Commemorative Air Force in the amount of \$50,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

28. Approved a motion approving a contract with COM Aquatics in the amount of \$54,000.00 for advertising, promotion and solicitation of aquatic activities in Midland from funds available and as approved in the Fiscal Year 2018-2019 budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

29. Approved a motion approving a contract with George W. Bush Childhood Home, Inc. in the amount of \$15,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

30. Approved a motion approving a contract with Hispanic Cultural Center of Midland, Inc. in the amount of \$10,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

31. Approved a motion approving a contract with Midland Chamber of Commerce for the management of the Midland Convention Center in the amount of \$560,400.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

32. Approved a motion approving a contract with Midland Athletic Association, Inc. DBA Tournament of Champions in the amount of \$20,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

33. Approved a motion approving a contract with Midland Chamber of Commerce in the amount of \$1,764,182.00 to promote tourism, convention, and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

34. Approved a motion approving a contract with Midland County Public Library Foundation in the amount of \$30,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

35. Approved a motion approving a contract with Midland High Basketball Boosters (Byron Johnston Holiday Classic) in the amount of \$12,000.00 to promote tourism and the hotel

industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

36. Approved a motion approving a contract with Midland Hispanic Chamber of Commerce (Mex-Tex) in the amount of \$27,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

37. Approved a motion approving a contract with Midland Municipal Employee Scholarship Fund (MMESF) in the amount of \$5,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

38. Approved a motion approving a contract with Midland-Odessa Symphony & Chorale, Inc. in the amount of \$10,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

39. Approved a motion approving a contract with Midland Softball Association in the amount of \$125,800.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

40. Approved a motion approving a contract with Midland Soccer Association in the amount of \$20,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/None Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

41. Approved a motion approving a contract with Museum of the Southwest in the amount of \$40,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

42. Approved a motion approving a contract with Midland Storytelling Festival in the amount of \$15,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

43. Approved a motion approving a contract with Permian Basin Petroleum Museum in the amount of \$30,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

44. Approved a motion approving a contract with West Texas Softball Classic in the amount of \$15,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

45. Approved a motion approving a contract with West Texas Kennel Club in the amount of \$10,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

46. Approved a resolution authorizing the City Secretary to negotiate and enter into a contract with Martin County to conduct the November 6, 2018 election for City of Midland residents located in Martin County. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2018 - 343

RESOLUTION AUTHORIZING THE CITY SECRETARY TO NEGOTIATE AND EXECUTE A CONTRACT WITH MARTIN COUNTY FOR THE PURPOSE OF PROVIDING ELECTION SERVICES TO THE CITY OF MIDLAND FOR CERTAIN CITIZENS THAT RESIDE WITHIN THE BOUNDARIES OF MARTIN COUNTY; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL DOCUMENTS NECESSARY AND APPROPRIATE FOR THE EFFECTUATION OF SAID ELECTION SERVICES

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

47. Approved a resolution authorizing the execution of an Independent Professional Consultant Contract with Frances Stapp to provide curator management and other services to the Scarborough Linebery House (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 344

RESOLUTION AUTHORIZING THE EXECUTION OF AN INDEPENDENT PROFESSIONAL CONSULTANT AGREEMENT WITH FRANCES STAPP TO PROVIDE CURATOR MANAGEMENT AND OTHER SERVICES FOR THE SCARBOROUGH LINEBERY HOUSE

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

48. Approved a resolution authorizing the execution of a contract between the City of Midland, Texas, and Midland Sports, Incorporated, in the amount of \$106,000, for professional marketing, promotion, and management services at the Scharbauer Sports Complex (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 345

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF MIDLAND AND MIDLAND SPORTS, INC., IN THE AMOUNT OF \$106,000.00, FOR PROFESSIONAL MARKETING, PROMOTION, AND MANAGEMENT SERVICES AT THE SCHARBAUER SPORTS COMPLEX

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

49. Consider an amendment to Resolution 2018-034 on a request from Parsley Energy Operations, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Hogan 1-24-4203H) located 805 feet from the south line and 564 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 539 feet east of Lamesa Road and 805 feet north of Loop 250.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 346

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSELY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 805 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 805 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 30 FEET SOUTH AND 23 FEET WEST OF THE PREVIOUSLY PERMITTED LOCATION

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

50. Consider an amendment to Resolution 2018-032 on a request from Parsley Energy Operations, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Hogan 1-24-2803H) located 775 feet from the south line and 564 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 539 feet east of Lamesa Road and 775 feet north of Loop 250) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 347

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSELY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 775 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 775 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 20 FEET SOUTH AND 23 FEET WEST OF THE PREVIOUSLY PERMITTED LOCATION

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

51. Consider an amendment to Resolution 2018-036 on a request from Parsley Energy Operations, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Hogan 1-24-4303H) located 835 feet from the south line and 564 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 539 feet east of Lamesa Road and 835 feet north of Loop 250.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 348

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSELY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 835 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 835 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 40 FEET SOUTH AND 23 FEET WEST OF THE PREVIOUSLY PERMITTED LOCATION

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

52. Consider a Resolution of No Objection of the City Council of the City of Midland for the Texas Housing Foundation's Application to the Texas Department of Housing and Community Affairs for Housing Tax Credits (Generally located near the northwest corner of N. Fairgrounds Rd. and E. Golf Course Rd.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 349

RESOLUTION OF NO OBJECTION TO THE TEXAS HOUSING FOUNDATION'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOUSING TAX CREDITS IN THE NAME OF THF MIDLAND LEASED

HOUSING ASSOCIATES II, LP, A TEXAS LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF APPROXIMATELY THREE HUNDRED UNITS OF MULTIFAMILY HOUSING NEAR THE NORTHWEST CORNER OF NORTH FAIRGROUNDS ROAD AND EAST GOLF COURSE ROAD IN MIDLAND, TEXAS, TO BE NAMED VENTURA AT FAIRGROUNDS APARTMENTS

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

53. Approved a motion on a request by Newton Engineering, PC to defer public wastewater and sidewalk improvements for Covington Addition, Section 6 and to waive the corresponding financial security guarantee valued at \$46,169.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of SH 191, approximately 1,270 feet east of Jordy Road, within the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

54. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Atascocita Partners, Ltd. in the amount of \$32,633.00 for future design and construction of public water improvements to serve Covington Addition, Section 6; and appropriating funds therefore; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is generally located on the north side of State Highway 191, approximately 1,270 feet east of Jordy Road, within the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 350

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH ATASCOCITA PARTNERS, LTD. FOR WATER DISTRIBUTION IMPROVEMENTS TO SERVE COVINGTON ADDITION, SECTION 6 (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,270 FEET EAST OF JORDY ROAD); AND AUTHORIZING THE TRANSFER OF FUNDS RECEIVED IN ACCORDANCE WITH SAID AGREEMENT; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

56. Approved a resolution to approve the execution of a Right-of-Way License, replacing a

previously granted Right-of-Way License (2008-162) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Section 4, Blk 38, T2 S, T&P RR Survey, Midland County, TX. (UTILITIES)

RESOLUTION NO. 2018 - 352

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

57. Approved a resolution to approve the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License (2008-324) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Sections 2 & 3, Blk 37, T3 S, T&P RR Survey, Midland County, TX. (UTILITIES)

RESOLUTION NO. 2018 - 353

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 2 AND 3, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

58. Approved a resolution to approve the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License (2008-326) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Sections 16 & 21, Blk 37, T3 S, T&P RR Survey, Midland County, TX. (UTILITIES)

RESOLUTION NO. 2018 - 354

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16 AND 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales,

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

59. Approved a resolution to approve the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License (2008-325) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Sections 3 & 4, Blk 37, T3 S, T&P RR Survey, Midland County, TX. (UTILITIES)

RESOLUTION NO. 2018 - 355

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 3 AND 4, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

60. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Lucid Energy Delaware LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a natural gas pipeline, not to exceed 4 inches (4") in diameter and a 150' by 120' (18,000) sq. ft. meter station site and to have the right to ingress and egress at convenient points for such purpose; the pipeline and meter site is located within City of Midland property, Sections 22, and 25, Block C23, Public School Land Survey, Winkler County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 356

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LUCID ENERGY DELAWARE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 22 AND 25, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; seconded by Council Member Robnett.

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

11. Approved a resolution awarding a contract for the purchase and installation of a Shade Structure and Playground Equipment for Dennis the Menace Park for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 334

RESOLUTION AWARDING A CONTRACT TO PLAYGROUNDS, ETC., FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT DENNIS THE MENACE PARK FOR TOTAL COST OF \$566,503.00; AWARDING A CONTRACT TO THE PLAYWELL GROUP FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURE EQUIPMENT AT DENNIS THE MENACE PARK FOR A TOTAL COST

OF \$46,730.32; AND APPROVING \$141,625.75 FOR CONTINGENCIES

Hotchkiss bragging rights. Laurie Williams bout to finish up phhase I ifnrastructure and ssidewalks. Looked at 6 companies 28 playgrounds, reviewed criteria including addingshading and ADA accessible have 4 themes represented Denniss the Menace. Have Airplane ADA Accesible, shared pictures of playground. Western Town, baseball, treehouse. february projected completion. custom plaaygrounds. Council thanked staff for Dennis the Menace park which is landmark for Midland.

Council Member Love moved to adopt Resolution No. 2018 - 334; seconded by Council Member Sparks.

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

55. Approved a resolution approving a Landfill Service Fee. (SOLID WASTE)

RESOLUTION NO. 2018 - 351
RESOLUTION ADOPTING A CITY OF MIDLAND LANDFILL PULL-OFF FEE

Robnet 75 is enough to hire additional manpower or discourage pulloffs from coming in. we are only landfill taking pull offss and because raised fee doesn't mean solved problem but wil it deter traffic? Morris, it was great deal of talk about going on fee want to be customer friendly make high enough to be deterrent. Takes a great deal of time and ressources and liability of sitution. It iss at low eend but could go higher. Robnett simillar from oilfield waste into wastewater please come back if doesn't solve problem.

Council Member Lacy moved to adopt Resolution No. 2018 - 351; seconded by Council Member Robnett.

hotchkiss ask come back in 6 months to report on how gooing.

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

SECOND READINGS

61. Consider an ordinance on second reading on a request by Maverick Engineering, for a zone change from LR-2, Local Retail District, to BP, I-20 Business Park District, on a 7.99-acre tract of land located in Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of West Interstate 20, approximately 336-feet west of South Midkiff Road.). (DEVELOPMENT SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9806
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.995-ACRE TRACT OF LAND OUT OF SECTION 5, 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 ON THE NORTH SIDE OF

WEST INTERSTATE 20, APPROXIMATELY 336 FEET WEST OF SOUTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9806.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9806 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

62. Consider an ordinance on second reading on a request by Summit 11 Investment Group, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended Planned District on Lots 4A and 4B, Block 2, Westridge Park Addition, Section 34, City and County of Midland, Texas. (Generally located on west side of N. Loop 250 West, approximately 795-feet north of Deauville Blvd.) (DEVELOPMENT SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9807

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 4A AND 4B, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 34, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 795 FEET NORTH OF DEAUVILLE BOULEVARD); 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. 9807.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9807 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

63. Consider an ordinance on second reading on a request by Robert Rendall for the initial zoning of a 15.83-acre tract located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located at on the southeast corner of the intersection of North County Road 1247 and West State Highway 158.) (DEVELOPMENT SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9808

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA

INDICATED AS BEING A 15.83-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158; 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. 9808.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9808 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

64. Consider an ordinance on second reading on a request by Mesquite Terrace Apartments 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 161, Wilshire Park Addition, Section 9, and Lot 2A, Block 165, Wilshire Park Addition, Section 19, City and County of Midland, Texas. (Generally located at the southeast intersection of South Loop 250 West and Leisure Drive.) (DEVELOPMENT SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9809

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 161, WILSHIRE PARK ADDITION, SECTION 9, AND LOT 2A, BLOCK 165, WILSHIRE PARK ADDITION, SECTION 19, 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 SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9809.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9809 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

65. Consider an ordinance on second reading on a request by Maverick Engineering for a Vacation of the 0.566-acres portion of Guadalupe Street right-of-way located adjacent to Lot 15, Block 2, and Lot 1, Block 3, Adobe Meadows, Section 2, City and County of

Midland, Texas. (Generally located on the north side of E. Mockingbird Lane, approximately 900-ft east of N. State Highway 349.). (DEVELOPMENT SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9810

AN ORDINANCE VACATING AND ABANDONING A 0.566-ACRE PORTION OF GUADALUPE STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 900 FEET EAST OF NORTH STATE HIGHWAY 349); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,698.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9810.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9810 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

66. Consider an ordinance on second reading on a request by Maverick Engineering for a zone change from PD, Planned District for a Mixed Use District, to MF-1, Multiple Family Dwelling District, and LR-2, Local Retail District, on a 12.94-acre tract of land located in Section 19, Block 39, T-1-2, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the north side of Andrews Highway, approximately 421-feet west of N. Midland Drive.) (DEVELOPMENT SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9811

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING APPROXIMATELY 12.96 ACRES LOCATED IN TWO TRACTS OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER AND HOUSING DEVELOPMENT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND AN LR-2, LOCAL RETAIL DISTRICT, IN PART (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 421 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9811.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9811 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

67. Consider an ordinance on second reading on a request by Maverick Engineering, for a zone change from 1F-1, Single Family Dwelling District, to LR-2, Local Retail District; on a 5.75-acre tract of land located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the south side of Andrews Highway, approximately 670 feet west of North Midland Drive.) (DEVELOPMENT SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9813

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING APPROXIMATELY 5.75 ACRES LOCATED IN TWO TRACTS OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9813.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9813 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

Richard Case 1500 Marie Street own house on Andrews Highway directly adjacent to item just passed. Want to object to that item 66 and 67. Mayor 66 already passed, please refer to 67. He didn't hear call for comments enjoyed idyllic lifestyle for more than 20 years. like to look at grass passion shared with neighbors from south side of andrews until traffic got to so dense and congested they found it impossible to egress from property to andrews during several hours of day. this project further exacerbate that situation. 30,000 cars per day pass through andrews/midland intersection. Personally monitored 1200 cars per hour east bound. no wonder neighbors couldn't get out of house. item need further time before passed.

68. Consider an ordinance on second reading amending Title X, "Traffic Regulations," Chapter 13, "Parking Prohibited," of the City Code of Midland, Texas, by establishing Section 13, "Parking on Private Property; Signed." (CITY ATTORNEY'S OFFICE) (First Reading Held August 28, 2018)

ORDINANCE NO. 9816

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 13, "PARKING PROHIBITED", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING

SECTION 13, "PARKING ON PRIVATE PROPERTY; SIGNED", SO AS TO PROHIBIT THE PARKING OF A MOTOR VEHICLE ON PRIVATE PROPERTY IN VIOLATION OF A SIGN DESIGNATING HOURS OF PROHIBITED PARKING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF MIDLAND; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2018.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9816.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9816 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

69. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter 13, "Parking Prohibited", of the City Code of Midland, Texas, by adding Section 14, "Commercial Motor Vehicle Parking Prohibited", so as to prohibit the parking of a commercial motor vehicle upon any public street, alley or right-of-way; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of October 1, 2018. (ENGINEERING SERVICES) (First Reading Held August 28, 2018)

ORDINANCE NO. 9817

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 13, "PARKING PROHIBITED", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SECTION 14, "COMMERCIAL MOTOR VEHICLE PARKING PROHIBITED", SO AS TO PROHIBIT THE PARKING OF A COMMERCIAL MOTOR VEHICLE UPON ANY PUBLIC STREET, ALLEY OR RIGHT-OF-WAY; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2018

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9817.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9817 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

PUBLIC HEARINGS

70. Hold a public hearing and consider a request by Nicholas P. Leschke for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center on Lot 4, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Road, approximately 1,030-feet south of Loop 250 North). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9818

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 1,030 FEET SOUTH OF 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 SueAnn Reyes read the caption of Ordinance No. 9818.

Development Services Director Chuck Harrington gave a brief overview of the item noting at Midland Park Mall to allow expand existing building and add new outlet. it will affect parking lot and internal traffic flow. It has been reviewed by all departments and approved by P&Z. meets comp plan no loj, staff recommend approval. Love question don't think they would be able to answer today, building envelope, circulation. It is already terrible trying to negotiate midland park mall. now more challenging. Chuck already been working with them about traffic impact on whole site and applicant has been agreeable.

Mike Pacelli traffic Engineer, did have concerns about increased growth on site, developer will do a traffic study in November and get to them late november to look at entire mall site including projected growth and will talk about improvements with subsequent developments. Mike traffic with first project and stipulations for improvements with later phases as they come along.

Mayor Morales opened the public hearing at 10:45 a.m.

Brent Bates, 4603 Gulf, own adjacent property to mall trash comes over edge of curb from mall into their alley. No obj to midland park mall but would like to address mall and City people. would like fence built on mall property to alleviate trash problem and dangers of people coming over edge of curb. fence from back side of jumburrito to ditch. sloped area with rocks that is deteriorating and they have been cleaning up. John Love planned distr for shopping center can make a requirement for fence? John O , yyes.

There being no one else wishing to speak, the public hearing was closed at 10:49 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9818 in accordance with the Charter of the City of Midland with amendment to make fence the same height as the adjoining property.; seconded by Council Member Sparks.

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

71. Hold public hearing and consider an ordinance on a request by Kimley-Horn and Associates, Inc. for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on a 17.84-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 737-feet east of Avalon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9819

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 17.84-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 737 FEET EAST OF AVALON DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9819.

Development Services Director Chuck Harrington gave a brief overview of the item noting Planned district established april of this year. req to amend to make changes to plan due to retention basin. provided site plan, meets all requirements, circ and reviewed by all depts, meets comp plan approved by p7z sept 4, staff rec approval. Love detention basin, chuck open space detention basin.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9819 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

72. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from PD, Planned District for a Shopping Center, in part, and 1F-1, Single Family Dwelling District, in part to MF-1, Multiple Family Dwelling District, on a 8.03-acre tract of land located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the south side of Andrews Highway, approximately 670 feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9820

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 8.03-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9820. Change all to Reyes!!!

Development Services Director Chuck Harrington gave a brief overview of the item noting appeal to p7z decision 8/20 vote 3-3 did not receive approval. applicant is rezoning to mf1 to develop southern section of mariposa. proposal does meet land use plan and staff reviewed and rec approval. denied 8/20 p7z. number of loj most been included however also had additional 9 given this morning noww 46 letters of objection but none significantly change 13.6 % less than 20 . Part is reducing the land use intensitty fororm pd shopping center to mf1 which is less itnensse use but other part increasing going from 1f to multi family. Cchuck in terms of traffic shopping center does not have 24 impacts like residential.

Mayor Morales opened the public hearing at 10:57 a.m.

Sharon Humpries 4504 Princeton Avenue, on the map showed direction of picures. Husband lived in midland since 1973 has enjoyed his life read letters "watch pop increaase by half and commercial development of what was quiet semi rural neighborhood. growth and process welcomed by most but prospect of multi family brings serious concern, security and privacy issues to remaining single family residences and value of surrounding properties. locaiton of multi family housing seems llike better plan in established neighborhood. She also had pointed ot pictures in back of packet. according to Tall City plan ensure existing and future neighborhood and ot livability of City and strengthen economic base. 6 concerns: significantly later characterissitic, increase traffic, apt complex in addiiton to retail district adding a minimum of 1000 cars a day and odn't know what will be developed on 19 pluus acres. Princeton no sidewalks, twowo houses built there where sidewalks required none rest have sidewalks very dangerous. Ask to review everything last 2 pages are google maps picture. Otherthing misleading is preliminary replat shared a plat tos outh where ingress and egress and left people out of 200 foot radius.

Alan Bicket 4502 Princeton neighborhood will be destroyed with multi family housing it will bee eviction notice his wife has said they are moving, don't thiing zoning change should push out o home, look to council to rectify, what is wrong with way it is, no one wants apts in neighborhood no different.

Earl Penner, 4622 Princeton Avenue, little bit out of picture to west, biggest issue is increase in traffic, under this development for multi family city required to make regress from apartments to Princeton Avenue and that does not show up on this if this goes through that will happen. What doing is taking Princeton Avenue which is residential street and now a thoroughfare and destroy whole atmosphere of residential community. Traffic will substantially increase and if go to Loop to to Princeton if go to Midland will have to come around to our street to go around. At meeting on August 6 with development they asked good question. Like single family and understood it will become commercial but other area proposing like to single family. However the same engineering group doing this is doing apts on other side. Suggestion is to make that 3 story and have 1 story on his side. Still don't like apts because transient makes community questionable for their area. Number of cars reduced on their side making more acceptable to them. Love indicated that main concern is traffic and then offered suggestion of 3 story is objection something else what does your solution actually solve, and will help not having neighbors looking into their yard this will lower their impact.

Darrel Bishop, 4406 & 4410 Princeton, one objection is been told a two lane road one each way coming to Princeton that will take care of this current address at 4408 which has someone to live there. still an occupied unit. The Mariposa south will change neighborhood. apts will build road 4408 Princeton and cause traffic congestion and vehicle noise. demolition of 4408 Princeton for road brings safety concern as heavy machine destroys and asbestos. If in process of demo need to sell her or mom home couldn't get fair market value for some time. Heavy truck traffic. He has question to Maverick have they considered asbestos abatement for demo. Council required by state law. that will affect him right in his yard. He sees conflict in scheduling if have resident in home for one year will it not be built for one year. Developer has promised masonry wall on his property line hasn't promised one at 4406. With landscaping with developer provide details about fence because affects him more than some finish color and utility infrastructure. 7 foot wall present on site plan? and does he need binding contract with developers to get that wall. Dufford have to file log with City? Bishop that is basically his concern to consider wall along side of property and asked for a wall on other side as well.

Andrew Mellen Maverick Engineering, 1909 W Wall, Mayor road infrastructure asbestos utilities, Andrew talking about zoning reason map showing like this concerns him not trying to be forthright with info, all 1F1 in hatching reason left there is not needed for apt complex so single family home there at all times. As far as zoning applications don't show easements on zoning but site plan will show easement which is 26 foot wide concrete roadway. It is a public access privately maintained and built. There has been meeting between landowners and developers 8 foot concrete wall along two properties down to Princeton and a trees placed in area. Love will trees be placed on land. when changes down this way no room for trees every 30 feet so had conversations about planting in his property but have to be on his side of the property to view blocking. 20 foot strip of ownership planned back in day planned for ingress/egress and appropriately striped and built out and conducive to traffic to east connecting to Midland Drive. 3 entrance/exit Andrews/Midland/Princeton. Already a fence line along this property. Mayor on trying to factor the formula for cars what come up with. Andrews 110 units 220 parking spaces also have plus another 100 plus spaces not accounted for on site plan. Pass out 2 fob keycards that cannot be copied won't have 6 people in one place. and two stores trying to keep under 16 units per acre kept it at 14. so that why equaled out to 2 sides. Love any comments with respect to traffic. Andrew traffic is

bad will continue to get worse which is why have reliever routes. Love citizens okay with Andrews Highway traffic with respect to Princeton or going to Midland to go south. Andrew never done traffic study so can't address. Morales 26 foot roadway simultaneous with apt. Will be built with apts. Hotchkiss are apts two story. Sparks when planned dev for shopping center why go for multi family and not make planned dev. question Mr. Glenn.

Mayor asked to speak to Andrews/Midland improve? Jose no plans immediate but this would? 11:27 a.m. anything else to add. Jose didn't conduct eng study but need to come up with better access in and out of site difficult maneuver having access to Princeton will help. Morales maybe want to make it mandatory turn right same with Andrews highway. rec out on Andrews and Midland can be signed that way. Love you go right out on Andrews and Midland Drive people from apt complex have no other way except to go south. Jose or go to Thomason or down to Loop plans for signal at Woodcrest and Andrews so. Dufford requirement of City to have egress on Princeton. Chuck Harrington id recalculation including last letter 20.8 requires super majority.

Glen Lynch with Bobby Cox companies owns Rosa Cafe Texas burger long time business man, basically started this development, Mr. Cox owned land since early 90's basically when Taco Villa initially done we came in about year ago bought a couple of tracks here bought tracks across street. when bought feb this year came with proposal of turn into local retail and multi family on tract here and across street. when first came to City were in approval met plan as far as went for that type zoning went to site plan, when did that did not own particular tract looking at tire in that property and this and widen Andrews highway, city staff entrance out to Princeton to diversify traffic or whatever direction go. When did talk to adjoining properties to buy. Beent through p7z a lot of apts know Midland really short on housing and you have 3 types apts class a, b c. class c are 30-40 years built long time ago need of repair, class b are almost every new apt in Midland is class b 3 story walk up class b. class a is apt lex deserty and a lot off amenities not many put in Midland. 13.69 units per acre class a unit all own private garage, own private entry 10 units to building a3 bottom and 7 on top. tried to address every compliant who is going to live in apts if less built one in Odessa highlighted criteria for people who live in apt 18 and older criminal background check and look at everything, give criteria if any violation for felony including dwi can keep out. Probably not for dwi but 2 would be excluded. if any charge against another person disallow them in. folks end up really good tenants no problem put up amenities, no pool on south but on north wet park for children but nothing for party atmosphere. folks that live next to it plant trees on other side of fence still in protest. done everything can to meet those needs and understand agrees to go down that side on our side and plant another 30 trees on other side to totally block view. Bobby is kind of guy who want to be good neighbors, a lot of opposition built a lot of opposition what proposing is first class development and if approved a lot of fears will go away because won't be near as bad. Love impressed that requiring renters insurance for everyone who rents so higher eschelon clientele renting. Built one 4 years ago in Odessa in Midland today class c getting class a rent. these will be top rents in Midland but lightens market. sparks see site plan. OHnemiller site plan required to come before council since planend district?? 11:338 a.m.

Andrew Savis 4415 Princeton everyone will have apts we need apts, anybody gets in neighborhood will complain. his primary focus is safety already increased traffic on Princeton to avoid Midland, every hour not just 4 o'clock happens through 10-11 o'clock.

very difficult to walk on Princeton anymore already had one child hit. regardless of intent of traffic flows, road on Princeton was increased safety concern caused by more traffic on Midland seems like ok put on Princeton. even if didn't have road will get to loop by going to Princeton. concern about people on ss apts want to go to pool and use, had to become part of traffic problem to get to facilities on other side of apts complex. purely selfish prevent people walk, move get out of apts, Love don't need to talk to your dog, but understand concern in audience because live on Oak Street and same thing on Oak potentially might be happening with Princeton but Princeton is release valve for neighborhood, traffic engineer and will personally work with him to see what can do about Princeton to make safer and traffic flow a little better.

Earl Penner 4622 Princeton, instead of making road out here make road to Woodcrest that would give access to Woodcrest. if go out won't go to Woodcrest. Mayor this is a zone change but have to look at site plan

There being no one else wishing to speak, the public hearing was closed at 11:43

Love understand all citizen concerns about property. developer has gone out of their way to satiate those concerns and done good job can't remember when developer worked with citizens to alleviate concerns. Midland needs housing got to have it so many problems and this is appropriate location and hope that citizens working hard to try to work with developer and citizens work for entire neighborhood. Dufford when will see site plan. chuck it should be at same time. or after second reading, can always defer, Dufford if vote to approve today still want to see site plan.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9820 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

73. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for approval of a site plan on a 8.03-acre tract of land located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the south side of Andrews Highway, approximately 670-feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9821

AN ORDINANCE ADOPTING A SITE PLAN FOR AN 8.03-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH MIDLAND 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

chuck withdrawn take back through notification.

74. Hold a public hearing and consider a resolution on a request by Mac's BBQ & Catering for a Temporary Land Use Permit, for a Private Event on Lots 16 through 18; Block A, Garrett Place Addition, and a 0.2-acre portion of W. Indiana Street, adjacent to Lots 16 through 18, Block A, and Lots 1 through 2, Block J, Garrett Place Addition, City and County of Midland, Texas. (Generally located on the north side of West Indiana Avenue, approximately 189-feet east of Carlton Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 357

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PRIVATE PARTY ON LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, AND A 0.2-ACRE PORTION OF WEST INDIANA AVENUE LOCATED ADJACENT TO SAID LOTS AND LOTS 1 AND 2, BLOCK J, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 189 FEET EAST OF CARLTON STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington TLU to hold private property for ProPetro during oil show on West Indiana oct 16 4-12 invitation only paarty and will consist of live music and provide extra restrooms and two security guards at event. ccirc to all departments and been approved subject to barricading by barricding companyu. Does meet com pplna and staff rec approval no loj.

Mayor Morales opened the public hearing at 11:47 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved to adopt Resolution No. 2018 - 357; seconded by Council Member Love.

Love no police incidencets? chuck no.

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

75. Hold a public hearing and consider a resolution on a request by University of Texas of the Permian Basin for approval of a Temporary Land Use Permit for a Tailgate on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located at the northeast corner of Tradewinds Boulevard and Champions Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 358

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TAILGATE EVENT ON LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND CHAMPIONS 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 UTPB as hshot for football game tailgate party during game at Grande Stadium

sat oct 20 9-545 tailgating tesnt showcase local busienss, kids activities utpb band. no sale of alco but on prm cons. min of 5 prot restrooms and 20 security guards on duty. gone through depts staff rec approval subj cond a-i. lacy why 545? He is going to change to midnight.

Mayor MOrales oph 11:50 a.m. cph

Council Member Lacy moved to adopt Resolution No. 2018 - 358 with amendment of hours from 9 am to 12 midnight; seconded by Council Member Love.

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

76. Hold a public hearing and consider an ordinance on a request by Midland Community College District for a Special Exception to the Site Plan Review Standards concerning the building material requirements on a 215.22 Acre Tract of Land out of, Section 15, Block 39, T-1-S, T.&P., R.R. Co. Survey City and County of Midland, Texas. (Generally located on the east side of North Garfield Street, approximately 580 Feet north of West Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9822

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR AN APPROXIMATE 215.22-ACRE TRACT OF LAND OUT OF SECTION 15, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH GARFIELD STREET, APPROXIMATELY 580 FEET NORTH OF WEST WADLEY AVENUE), BY PERMITTING A BUILDING CONSTRUCTED OF PRE-ENGINEERED METAL (R-PANEL OR SIMILAR STYLE) WITH LESS THAN 75 PERCENT OF THE PRIMARY AND SECONDARY ELEVATIONS, EXCLUDING DOORS AND WINDOWS, FINISHED IN ONE OR MORE OF THE MATERIALS LISTED IN SECTION 11-10-2.B.2.(C) OF THE CITY CODE; 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. 9822.

Development Services Director Chuck Harrington gave a brief overview of the item noting Midland College for facilliteis on softball complex itnernally to proeprty in regard tto lawsuit in past eyear. requesting special exception due to fiscal year budget constraints can't build exacly as code requires but committed ot making improvements when funds become avail. circ to all depts staff rec approval. Lacy timeframe? Chuck haven't been given but assume in next fiscal year. Lacy when funds become available not a priority.

Mayor Morales opened the public hearing at 11:53 a.m.

Ben Sanchez, parkhill smith and cooper 1700 W Wall, building should be in enxt fiscal year in 2019 hapy to answer questions.

There being no one else wishing to speak, the public hearing was closed at 11:53 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9822 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

77. Hold a public hearing and consider an ordinance request by Family Promise of Midland, for a zone change from 2F, Two-Family Dwelling District, to MF-1, Multiple-Family Dwelling District on the south half of Block 23, Gardens Addition, City and County of Midland, Texas. (Generally located on the northwest corner of Ward Street and W. Ohio Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9823

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE SOUTH HALF OF BLOCK 23, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WARD STREET AND WEST OHIO 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. 9823.

Development Services Director Chuck Harrington gave a brief overview of the item noting Family Promise zone change to 2 family dwelling district on southern half of this property. build duplexes for their client multiple on same property proposing ot have 5 duplex on property 2 3 bed and 1 2 bedroom unit site plan has been reviewed?? ## showing total 22 shared parking spaces for day centeer and 5 duplex buildings which require to provide 20 units and 17 spaces for day center, but their clientel doesn't have vehicles that normally expect to see. inn addiiton day center utilized by same peeople lviing there unique situation. been reviewed proposed building materials with city circ to all depts for approval and staf rec approval did received one loj. Love for perspect what iis property across street? wait for PH.

Mayor Morales opened the public hearing at 11:57 a.m.

Tom Miller 4311? what seeing on left side is old nursing home and east of that property are the zonne and old trinity towers. that is vacant nursing home. acquired 1.5 acres prop to build 5 duplexes families don't stay in day center and families spend evenings at local congregations. other part is for famileis forward transitional housing famileis can resdie up to 2 years. Love thank you fo rministering to needs fo community especially isntant homeless. Morales ongoing maint. Tom try to get famileis to do that.

Raymond Young 2811 W Michigan already low income housing across street at twin toowers, problem is foot traffic, trash and just not thinking a great idea. We need

housing but the people that are coming in with already dealing with get out of car throw trash on ground and walk inside thinking not best quality of people. This is coming from group of people around twin towers. Just want to object.

There being no one else wishing to speak, the public hearing was closed at 12:01 p.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9823 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks by having something new better chance of improving neighborhood rather than making worse. Mayor when did not in my town there was idea of decorating trash cans and get grants to place those receptacles around compound orr work with KMB to have trash receptiibles to collect debris. Tom Miller, his famileis when apply go through a vetting process as well as 3 pages of rules to abide by, if proeprty not kept neat and clean dismissed form program but welcome to trash cans in area. Will have permiiter fence aorund property. Hotchkiss do very good job of policing properties. Robnett veery structures program.

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

78. 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 9.75-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 northwest intersection of Tradewinds Boulevard and Thomason Drive. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 359

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 9.75-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED AT THE NORTHWEST 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

chuck Harrington requirement state wants to do sparsely populated tract of land applicant requesting to be annexed 9.75 acre traact multi fmaioly housing aallow them to have city services to their property to go ahead with annexation.

Mayor Morales opened the public hearing at 12:04 p.m.

Ben Sanchez psc here for questions.

There being no one else wishing to speak, the public hearing was closed at 12:05 p.m.

Council Member Love moved to adopt Resolution No. 2018 - 359; seconded by Council Member Robnett.

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

MISCELLANEOUS

79. Consider an ordinance on a request by John Gannon, Inc., for a Specific Use Permit with Term for an Electronic Billboard on a portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas. (Generally located at the southwest corner of the intersection of West County Road 100 and South Farm-to-Market 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9824

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 114.94-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FARM-TO-MARKET 1788, APPROXIMATELY 1,610 FEET NORTH OF LOOP 40), WHICH IS PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9824.

Development Services Director Chuck Harrington gave a brief overview of the item noting request to install electronic billboard on 115 acres tract of land along 1788. large tract propose to put 300 sq foot electronic billboard overlal hegt 30 feet oon site. all prop meet require for sppacing no in special disstrict, on propert set backss for billboard in location. It was denied bby p7z on july 2 however meets all od require staff require approval. Love what was vote and why? Chuck a lot of discussiona bout electronic billboards and one of commission memebbers wass not out ill during period and not understanding, used ot prohibit he sitll flet liek should prohibit. Robnett what was vote? Chuck don't recall. Hotchkiss diiscussion had to do with distraction.

Hotchkiss comment on location fm1788 very dangerous road 331 accidents and 1 death on road. That is extremely hazordous sitauiion there. nad traffic will conti to grow and driving will get worse. All been down road and there is road come out there are big truck traffic, hazardou cargo, bicycle route and think would be a mistake to post this here because why does a billboard exist but for you to lok at and have to take eyes off road. would like to ask council to deny ththis request and to keep avenue open with no billboards.

Denise Porter 525 Sir Barton oppose billboard think dangerouss road and will maek it

more dangerous. Sure can do things to amek road safer but now is not time to ddo.

from 2017 tto now 18 months. Lacy since that time road has been improved. Hotchkiss can't get number traffic signal installed going into airport.

Sparks will say argument of distraction does have error in itwhen focusing outside the vehicle your perifpheral works different then when focusing inside vehicle. not saying don't take eyes off road but it is a different visual then if distracted by insdie vehicle. Also making the assumption that if there is no distraction outside of the vehicle they are going to pay better attention to road. Always looking at side of road means not looking at other side. This iss area that billboard will work and will support. Billboards keep mind active on long trip. Hotchkiss not a long trip.

Council Member Love moved approval of the first of two readings of Ordinance No. 9824 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

80. Consider an ordinance on a request by John Gannon, Inc., for a Specific Use Permit with Term for a Billboard on the southern portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas. (Generally located at the southwest corner of the intersection of West County Road 100 and South Farm-to Market 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9825

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 114.94-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FARM-TO-MARKET 1788, APPROXIMATELY 1,610 FEET NORTH OF LOOP 40), WHICH IS PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9825.

Development Services Director Chuck Harrinton gave a brief overview of the item noting requesting not electronic but standard meet all requirements and height and distance and spacing along road. Not in special zone, as such staff has to rec approval as meets requirements.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9825 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Hotchkiss ditto.

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

PUBLIC COMMENT

no citizens present wishing to ssepak.

Pastor Barrot Standford 108? Chestnut, heard discussion concerning housing developments multi family dwellings, is there any consideration or concern for escalating cost to renter? Rent is ridiculous. Fortunately he owns his home but not everybody in that position. Understand housing developments and land owners want to make their money but not everyone in oil industry and making oil money. If could be discussed among council not just getting out of control and nothing be considered. Driving people out of homes and apartments. Something needs to be said and done concerning escalating cost. Mayor appreciate comments and Council would love to share and tell of solutions they have.

adjourned 12:19 p.m.

81. 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