MIDLAND CITY COUNCIL
MINUTES
October 23, 2018

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on October 23, 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., October 23, 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

cto 10:01

1. Invocation - Pastor Dr. John Gerlach, Crestview Baptist Church

2. Pledge of Allegiance

PRESENTATIONS

Mayor presented polio

Mayor recorgnize Council Member John Love who iss elected to serve as PResident of Texas Municipal League. congratulatioed him for serving Midland and all cities across Texas.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

   a. Presentation of a proclamation for Polio Eradication Day

CONSENT AGENDA

4. Approved a motion approving the following minutes:

   Council Member Robnett moved to approve Approved a motion approving the following minutes:; seconded by Council Member Lacy.

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

   a. Regular City Council meeting of October 9, 2018.

   Council Member Robnett moved to approve Approved a motion approving the following minutes:; seconded by Council Member Lacy.

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

   b. Special City Council Meeting of October 16, 2018.

   Council Member Robnett moved to approve Approved a motion approving the following minutes:; seconded by Council Member Lacy.

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

5. Approved a resolution awarding a professional services agreement for architectural and

engineering services for the Hogan Park Golf Course Driving Range Improvements Project for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2018 - 434

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH JEFFREY D. BLUME, LIMITED, FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR RENOVATIONS AND IMPROVEMENTS TO THE DRIVING RANGE AT HOGAN PARK GOLF COURSE IN AN AMOUNT NOT TO EXCEED $43,000.00; AND APPROPRIATING FUNDING IN THE AMOUNT OF $500,000.00 FOR THE HOGAN PARK GOLF COURSE DRIVING RANGE PROJECT (900279)

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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. Approved a resolution approving the purchase of Luminaire Heads for street lights from Trastar, Inc. through TxSmartBuy Contract 1677 for a total cost of $220,440.00 for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2018 - 435

RESOLUTION APPROVING THE PURCHASE OF VARIOUS TYPES AND QUANTITIES OF LED STREET-LIGHT FIXTURES FOR THE TRAFFIC OPERATIONS DIVISION FROM TRASTAR, INC., OF RICHARDSON, TEXAS, THROUGH TXSMARTBUY AT A TOTAL COST OF $220,440.00

Mayor asked comments we maintain 600 light fixturres one on state highways do we get funding back on state highways? Joose not sure maintian signals on loop its loop and we are responsible for maintaining fixtures on loop. mayor only on loop or all state hgiways. Jose state highways in city limits but onccor maintains some. Mayor need to work on local agreement to get something inr eturn. Jose will have pacelli look at agreement. Dufford potholes form last rain on Big Spring did we fill? Jose we did some of work they did big spring we did some on Andrews highway. Questions were asked about other streets maintennace.

Mayor if paying for lets have more control if investing that much money, potholes striping. Look at agreement.

Hotchkiss thanked Gabe for all work pushed stretched in all directions great job. Love lumens previous lights didn't seem to light up much at night. will these light lumens be different or better. Frank LED so more llight with less electricity. white not yellow.j light up better. Moorales at TML TXU rep said not using greenback buck to do lighting HBAC give us those funds.

Council Member Lacy moved to adopt Resolution No. 2018 - 435; 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.

7. Approved a resolution awarding a professional services agreement for architectural and engineering services for the demolition and redesign of Fire Station Five (5) and the design and construction of Fire Station Eleven (11) for the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2018 - 436

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT TO MARTINEZ ARCHITECTS, LP, IN AN AMOUNT NOT TO EXCEED $805,375.00 FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEMOLITION AND REDESIGN OF FIRE STATION FIVE AND THE DESIGN OF FIRE STATION ELEVEN; APPROVING $40,269.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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.

8. Approved a resolution approving the issuance of a request for qualifications for On-Call Architectural services for the General Services Department (PURCHASING)

RESOLUTION NO. 2018 - 437

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR ON-CALL ARCHITECTURAL SERVICES FOR THE GENERAL SERVICES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

Council Member Robnett moved to adopt Resolution No. 2018 - 437; seconded by Council Member Hotchkiss.

Mayor similar to what doing in past spend same amount of moeny. Fred focuseing on smaller projects. don't have oncall for archiectural this allows to look at funds to hire for smaller proejcts such as restrooms at Central Fire. Morales how many firms? Fred 3 is sufficient to meet needs. Morales today how long taking for engineering to process applications? Fred don't know time . mayor will this expedite. Courtney this is City initated proejcts such as retro on this building. Laccy such as repair to garage after fire. fred eys. mayor we do have oncall already for other projects. fred yes. Dufford state wide search or mostly likely. Fred consider all. Love plan for assigning work rortate? Fred rotate and similaar work done in past some firms more experience in certain areas. jFed work will be distributed. Love more concerned about liability of if one firm geets business when have 3 on call. Are we circumventing bidding process. John remember talking about professional services in theory could select one if it turns out one or two does better joob they will get more job not in trouble.

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 approving the purchase of a Closed Circuit Television (CCTV) Inspection Camera System from Kinloch Equipment & Supply, Inc. through Buyboard contract 513-16 for a total cost of $119,813.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 438

RESOLUTION APPROVING THE PURCHASE OF A CLOSED-CIRCUIT TELEVISION INSPECTION CAMERA SYSTEM FOR THE GENERAL SERVICES DEPARTMENT FROM KINLOCH EQUIPMENT & SUPPLY, INC., OF PASADENA, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF $119,813.00

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 approving plans and specifications and authorizing advertisement for competitive sealed proposals for the Spaceport Business Park Landscape Project at the Midland International Air & Space Port for the Midland Development Corporation. (PURCHASING)

RESOLUTION NO. 2018 - 439

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE SPACEPORT BUSINESS PARK LANDSCAPE PROJECT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT

Robnett indivuedal vote.

Council Member Lacy moved to adopt Resolution No. 2018 - 439; seconded by Council Member Love.

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

11. Approved a resolution approving the renewal of the Incode Court Case Management annual software maintenance in the amount of $55,112.24 from Tyler Technologies, Inc. for the Municipal Court. (PURCHASING)

RESOLUTION NO. 2018 - 440

RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF $55,112.24 FOR THE ANNUAL MAINTENANCE COST OF THE MUNICIPAL COURT'S CASE MANAGEMENT SOFTWARE TO TYLER TECHNOLOGIES, INC.

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 awarding a service contract for supervisory control and data acquisition (SCADA) software maintenance services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 441

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH SIGNATURE AUTOMATION, LLC FOR SUPERVISORY CONTROL AND DATA ACQUISITION SOFTWARE MAINTENANCE SERVICES FOR THE WATER PURIFICATION PLANT AND FOR THE WATER POLLUTION CONTROL PLANT FOR THE UTILITIES DEPARTMENT, IN THE AMOUNT OF $500,000.00

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 awarding a contract for the Louisiana Avenue Water Main Replacement Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 442

RESOLUTION AWARDING A CONTRACT FOR THE LOUISIANA AVENUE WATER MAIN REPLACEMENT PROJECT TO TEC EXCAVATION, INC. IN THE AMOUNT OF $1,231,500.00; APPROVING $184,725.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 authorizing the execution of a 2019 Routine Airport Maintenance Program (RAMP) Agreement between the City of Midland, Texas and Texas Department of Transportation (TXDOT), and appropriate funds. (AIRPORTS)

RESOLUTION NO. 2018 - 443

RESOLUTION AUTHORIZING THE EXECUTION OF A 2019 ROUTINE AIRPORT MAINTENANCE PROGRAM AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR GENERAL AIRPORT MAINTENANCE COSTS OF ELIGIBLE PROJECTS AT MIDLAND AIRPARK; AND APPROPRIATING FUNDS THEREFOR

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 authorizing the appropriation of additional funds to the project known as Passenger Facility Charge (PFC) Administration Project. (AIRPORTS)

RESOLUTION NO. 2018 - 444

RESOLUTION AUTHORIZING THE APPROPRIATION OF $75,000.00 FROM THE AIRPORT PASSENGER FACILITY CHARGE FUND (501) UNAPPROPRIATED FUND BALANCE (35650) TO THE PASSENGER FACILITY CHARGE ADMINISTRATION PROJECT (900282-506)

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 authorizing a second amendment to that certain Commercial Hangar Lease Agreement with the City of Midland regarding certain real property located at Midland International Air & Space Port and described as Hangars S-11A and S-11B, and Tracts 4-A and 4-B, located in Lot 1, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 445

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN COMMERCIAL HANGAR LEASE AGREEMENT WITH THE CITY OF MIDLAND REGARDING CERTAIN REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND DESCRIBED AS HANGARS S-11A AND S-11B, AND TRACTS 4-A AND 4-B, LOCATED IN LOT 1, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to defer to future meeting; 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.

17. Approved a resolution authorizing the City Manager to receive donations from Midland Neighborhood Housing Service of Midland in the amount of $6,591.71 dollars. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 446

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF $6,591.71 FROM MIDLAND NEIGHBORHOOD HOUSING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT'S MINOR REPAIRS PROGRAM

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 City Manager to execute a sub-surface easement agreement between the City of Midland and Parsley Energy, L.P., located on a 1.3 acre tract in Sections 25 and 36, Block 39, T-1-S, T & P RR Co. Survey, Midland County Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 447

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUB-SURFACE EASEMENT AGREEMENT GRANTING TO PARSLEY ENERGY, L.P. ("OPERATOR") A SUB-SURFACE EASEMENT LOCATED ON A CITY-OWNED 1.3-ACRE TRACT OF LAND OUT OF SECTIONS 25 AND 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, REWORKING, RE-DRILLING, COMPLETING, MAINTAINING, RE-ENTERING, PRODUCING, OPERATING, TRANSPORTING PRODUCTION THROUGH, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID TRACT OF LAND TO BENEFIT THE OIL, GAS AND OTHER MINERAL PRODUCTION FROM WELLS DRILLED OR TO BE DRILLED BY OPERATOR, ITS SUCCESSORS OR ASSIGNS ON LANDS LOCATED IN SECTIONS 24, 25 AND 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 to accept and appropriate funds for the FY 2018 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2018 - 448

RESOLUTION AUTHORIZING THE CITY OF MIDLAND IN CONJUNCTION WITH MIDLAND COUNTY TO ACCEPT THE FISCAL YEAR 2018 JUSTICE ASSISTANCE GRANT FUNDS TOTALING $31,185.00; THE CITY OF MIDLAND WILL RECEIVE $18,711.00 (60%) AND MIDLAND COUNTY WILL RECEIVE $12,474.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 resolution to approve and appoint Volunteer Candidates from the Citizens Police Academy Alumni as Volunteers Enforcing Parking Restrictions. (POLICE)

RESOLUTION NO. 2018 - 449

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS TO

ENFORCE PARKING RESTRICTIONS AS AUTHORIZED BY CHAPTER 681 OF THE TEXAS TRANSPORTATION CODE

Hotchkiss recognize wonderful group reappointing 3 volunteer candidaates and wanted to recognize them. Interim Chief Herman tthose specially deal with parking enforcement diligent ooutstanding job.

Council Member Hotchkiss moved to adopt Resolution No. 2018 - 449; 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.

21. Approved a resolution approving an amendment to the Municipal Water Contract with University Lands for water at the Paul Davis well field. (UTILITIES)

RESOLUTION NO. 2018 - 450

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN MUNICIPAL WATER CONTRACT BETWEEN THE CITY OF MIDLAND AND THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS FOR WATER AT THE PAUL DAVIS WELL FIELD

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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 resolution approving a contract for Sale of Non-Potable Water. (UTILITIES)

RESOLUTION NO. 2018 - 451

RESOLUTION AUTHORIZING THE EXECUTION OF A NON-POTABLE WATER SUPPLY AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND MABEE WATER RESOURCES LLC

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4, a, b, 6, 8, 10, 16, 20; 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.

SECOND READINGS

23. Consider an ordinance on second reading on a request by Kimley-Horn and Associates, Inc., 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 1A, Block 6, Pavilion Park, Section 10, City and County of Midland, Texas, (generally located on the on the southeast corner of the intersection of Mockingbird Lane and Stonebridge Drive). (DEVELOPMENT SERVICES) (First reading held October 9, 2018)

ORDINANCE NO. 9832

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 6, PAVILION PARK, SECTION 10, 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 MOCKINGBIRD LANE AND STONEBRIDGE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9832.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9832 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.

24. Consider an ordinance on second reading on a request by Maverick Engineering, for a Zone Change from a O-2, Office District, to an LR-2, Local Retail District on Lot 2, Block 4, Corporate Plaza, Section 5, City and County of Midland, Texas, (generally located on east side of North Big Spring, approximately 889-feet north of Corporate Drive.) (DEVELOPMENT SERVICES) (First reading held October 9, 2018)

ORDINANCE NO. 9833

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 4, CORPORATE PLAZA, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-2, OFFICE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 889 FEET NORTH OF CORPORATE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9833.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9833 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.

25. Consider an ordinance on second reading 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) (First reading held October 9, 2018)

ORDINANCE NO. 9834

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

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9834.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9834 in accordance with the Charter of the City of Midland with amendment to include the amended site plan; 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.

PUBLIC HEARINGS

26. Hold a public hearing and consider an ordinance on a request by Tkilaz Mexican Restaurant Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 10,250 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9835

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9835.

Development Services Director Chuck Harrington gave a brief overview of the item noting old SUP on whole property. staff as asked is to go back in and revise their permits specifaclly for ttheir site. In 1992 included every building in the lot. dining 7750 sq fet bar area 1550 sq feet. serv hourss 11-12 mon sat sunday 12 noon 11 p.m. no structures or schools 300 feet. reviewed bya ll staff, staaff rrec approval.

Mayor exiisting site there is SUP. Chuck yes coveered the whole property and gradually one by one have ccleaned up for each indivvidual business. Love mens warehousee could have sold drinks? chuck yess.

Mayor Morales oph 10:29 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9835 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.

27. Hold a public hearing and consider an ordinance on a request by Maverick Engineering to vacate a 0.31-acre tract of right-of-way located in the NE/4 of Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located south of Andrews Highway, approximately 804-feet west of Midland Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9836

AN ORDINANCE VACATING AND ABANDONING A 0.31-ACRE PORTION OF RIGHT-OF-WAY OUT OF HILLCREST ACRES LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 610 FEET SOUTH OF ANDREWS HIGHWAY AND APPROXIMATELY 804 FEET WEST OF MIDLAND DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $4,650.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9836.

Development Services Director Chuck Harrington gave a brief overview of the item noting Maverick Engineer for Marisposa South old row in there proposed be removed, it came in appraised value 4650$ been reviewed by all depts and franchise utilities. staff rec approval subj tto paymeent of 4650. no loj as of 10/19.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9836 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.

28. 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

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

RESOLUTION NO. 2018 - 452

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 25.410-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED APPROXIMATELY 896 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST OF AVALON DRIVE) PURSUANT TO SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting petition fr aannexation of 25.410 asking council to maaking determin if would liek to move forward. aannex would allow city services ffor proposed retail.

Mayor Morales opened the public hearing at 10:34 a.m.

Andrew Mellen Maverick Engineering on corner multi family planned 390 units typee A multi family and several lots on ne and nw sites that will be open for commercial. buidling 5 line road from deauville tto tie in and water and sewer line to open up everything else in the area. it will expand that area.

There being no one else wishing to speak, the public hearing was closed at 10:35 a.m.

Council Member Lacy moved to adopt Resolution No. 2018 - 452; 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. 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 123.28-acre tract located in Sections 37 and 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located approximately 703-feet west of the intersection of Tradewinds Boulevard and Thomason Drive). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 453

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 123.28-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED APPROXIMATELY 703 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE) PURSUANT TO SECTION 43.028 OF THE TEXAS LOCAL

GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting by school district for a school on west site of town. Will allow to annex for scchool for acess for public utilities. Lacy will come back for site plan? Lacy don't want city of midland to be oon ho0ok to build on the roads odn't want financial burden on City. Needs to be looked at when goes thorugh platting process.

Mayor Morales opened the public hearing at 10:37 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved to adopt Resolution No. 2018 - 453; 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.

30. Hold a public hearing and consider an ordinance designating Lots 5 through 8, Block 35; and the 0.05-acre portion of alley right-of-way, the 0.02-acre portion of North Colorado Street right-of-way, the 0.02-acre portion of North Big Spring right-of-way, and the 0.058-acre portion of West Texas Avenue right-of-way, all adjacent to said lots; all out of Original Town Addition, City and County of Midland, Texas, as Tax Abatement Reinvestment Zone Number 2018-01, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; providing a savings and severability clause, and providing an effective date, (generally located at the northeast corner of the intersection of North Big Spring Street and West Texas Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9837

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 0.79-ACRE TRACT OF LAND OUT OF LOTS 5, 6, 7 AND 8 AND THE RIGHTS-OF-WAY ADJACENT THERETO, BLOCK 35, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST TEXAS AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-01, FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF DECEMBER 1, 2018

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9837.

Development Services Director Chuck Harrington gave a brief overview of the item noting designate western united life building and building of southwest as tax abatement zoone owners then can enter into agreement for develoopmeent of these properties.

Any future tax abatement agrement adhere to guideliens and criteria of resolution. Sparks under zone what is max number. 10 years. Sparks by approving this not approving tax abatement just allowing it to be a zone. correct. Love irony.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9837 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

31. 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.)

no citiziens present wihsing to speak.

EXECUTIVE SESSION

recess to Executive Session at 10:41 a.m.

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

a. Section 551.087, Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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