

**MIDLAND CITY COUNCIL
MINUTES
November 19, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on November 19, 2019.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, Assistant to the City Manager Marcia Bentley-German, City Secretary Amy Turner, Police Chief Seth Herman, Fire Chief Chuck Blumenauer, Utilities Director Carl Craigo, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Jennifer Frescaz, Solid Waste Director Jeffery Ahrlett, Planning Division Manager Cristina Odenborg, Building Official Steve Thorpe, and Public Information Officer Erin Bailey.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 19, 2019.

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

Council Members absent: None.

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

City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order:

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

OPENING ITEMS

cto 10:04 a.m.

Happy thanksgiving to all. Keep prayers for CM Courtney Sharp and Stuart Doreen of MRT ill in hospital.

1. Invocation - Pastor Jon Slayden, Hope Community Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor Morales presented Council Member Lacy with a gift and thanked him for his service to the City.

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

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

- a. Regular City Council meeting of November 5, 2019.

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

- b. Special City Council meeting of November 6, 2019.

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

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

5. Approved a resolution awarding a professional services agreement for the Hogan and Reyes, Mashburn, Nelms Park Master Plan Development and Phase I Construction Documents and Construction oversight for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 346

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE DEVELOPMENT OF A MASTER PLAN FOR RENOVATIONS TO HOGAN PARK AND REYES-MASHBURN-NELMS PARK TO LUCK DESIGN TEAM, LLC, OF AUSTIN, TEXAS, FOR A TOTAL COST OF \$479,915.00; AND APPROPRIATING FUNDS THEREFOR

Trost ref for design for both parks, construction only at Hogan, why? Laurie Master Plan will come back with rec for phased implementation. Believe hogan will be first phase.

Council Member Love moved to adopt Resolution No. 2019 - 346; seconded by Council Member Hotchkiss.

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

6. Approved a resolution awarding the contract for Pilot Paving Project for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2019 - 347

RESOLUTION AWARDING A CONTRACT FOR THE PILOT AVENUE PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$485,036.65; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

7. Approved a resolution approving the purchase of one (1) John Deere 410L Backhoe from Yellowhouse Machinery Company through Buyboard contract 515-16 for a cost of \$115,000.00. (PURCHASING)

RESOLUTION NO. 2019 - 348

RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE 410L BACKHOE FROM YELLOWHOUSE MACHINERY COMPANY AT A TOTAL COST OF \$115,000.00 THROUGH BUYBOARD

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

8. Approved a resolution approving the purchase of one (1) Spartan 4 door custom full tilt aluminum cab pumper from Metro Fire Apparatus Specialists, Inc. through Houston-Galveston Area Council (HGACBuy) for the cost of \$878,392.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 349

RESOLUTION APPROVING THE PURCHASE OF A SPARTAN FOUR-DOOR CUSTOM FULL-TILT ALUMINUM CAB 4X2 PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$878,392.00

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

9. Approved a resolution approving the purchase of eight (8) administrative cars, seven (7) full size 1/2 ton regular cab pickups, one (1) full size 1/2 ton regular cab pickup with a spotlight, one (1) 3/4 ton cab pickup, one (1) 3/4 ton crew cab 4X4 pickup, three (3) 3/4 ton crew cab pickups, one (1) 1 ton extended cab and chassis, three (3) 1 ton regular cab and chassis, one (1) sport utility vehicle, and (1) mid-size all-wheel drive sport utility vehicle for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 350

RESOLUTION APPROVING THE PURCHASE OF EIGHT (8) ADMINISTRATIVE CARS FROM FOUR STARS DCJR OF HENRIETTA, TEXAS; THE PURCHASE OF SEVEN (7) FULL-SIZE ONE-HALF (1/2) TON REGULAR CAB PICKUP TRUCKS AND ONE (1) FULL-SIZE ONE-HALF (1/2) TON REGULAR CAB PICKUP TRUCK WITH A SPOTLIGHT FROM GRAPEVINE DCJ, LLC, OF GRAPEVINE, TEXAS; THE PURCHASE OF ONE (1) THREE-QUARTER (3/4) TON CAB PICKUP TRUCK AND ONE (1) THREE-QUARTER (3/4) TON CREW CAB PICKUP TRUCK FROM ROGERS FORD SALES, INC., OF MIDLAND TEXAS; THE PURCHASE OF ONE (1) THREE-QUARTER (3/4) TON CREW CAB FOUR-WHEEL DRIVE PICKUP TRUCK, ONE (1) ONE (1) TON EXTENDED CAB AND CHASSIS, THREE (3) ONE (1) TON CREW CAB AND CHASSIS, AND ONE (1) MID-SIZE ALL-WHEEL DRIVE SPORT UTILITY VEHICLE FROM RANDALL REED'S PRESTIGE FORD, OF GARLAND, TEXAS; AND THE PURCHASE OF ONE (1) FULL-SIZE SPORT UTILITY VEHICLE FROM CALDWELL COUNTY CHEVROLET, OF CALDWELL, TEXAS

Lacy on first vehicle 280 hp requirement specification threw out 3 or 4 bidders. how do we set those specifications. Regina reason do that is need a certain size vehicle to transport employees.

Council Member Lacy moved to adopt Resolution No. 2019 - 350; seconded by Council Member Dufford.

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

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

10. Approved a resolution awarding a master agreement for two (2) years for employee uniforms for various City of Midland Departments and Divisions for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 351

RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT FOR THE PURCHASE OF UNIFORMS FOR CITY OF MIDLAND EMPLOYEES WITH CINTAS CORPORATION AT A TOTAL COST OF \$212,580.00

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

11. Approved a resolution approving the purchase of six (6) ambulances from Sterling McCall Ford through the Houston-Galveston Area Council (HGACBuy) for a total cost of \$1,883,574.04 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 352

RESOLUTION APPROVING THE PURCHASE OF SIX (6) AMBULANCES FROM STERLING McCALL FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$1,883,574.04

Lacy curious one replacing with accident one where lady hit us. Chif already replaced. One hasn't been replaced also in an accident. Lacy ggo after max limits of individual?

Council Member Trost moved to adopt Resolution No. 2019 - 352; seconded by Council Member Dufford.

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

12. Approved a resolution amending Professional Services Agreement 19000898 with Parkhill Smith and Cooper Inc. for professional services for proposed scope and professional fees associated with Landfill Cell Five (5) and Six (6) expansion; Phase 2 for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2019 - 353

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., PROVIDING FOR ENGINEERING AND DESIGN SERVICES AND DEVELOPMENT OF BID DOCUMENTS FOR THE LANDFILL CELLS PROJECT; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$481,300.00 OVER AND ABOVE THE ORIGINAL TOTAL COST OF \$211,915.00 FOR THE PERFORMANCE OF ENGINEERING AND CONTRACT BIDDING SERVICES DURING THE CONSTRUCTION PHASE OF THE LANDFILL CELLS PROJECT; AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

13. Approved a resolution approving the purchase of one (1) new Cat 730 water truck with Klein water tank to be used at the Landfill from Warren Power & Machinery, Inc. dba Warren Cat through Buyboard Contract 515-16 for a cost of \$542,600.00 for the Garage Division of the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 354

RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR 730 WATER TRUCK WITH A KLEIN 6000 GALLON WATER TANK FROM WARREN POWER & MACHINERY, INC., AT A TOTAL COST OF \$542,600.00 THROUGH BUYBOARD; AND APPROPRIATING FUNDS THEREFOR

Lacy question couple meeetins aago approved 100,000 lease exercise money in lease go toward this? Regina totally different truck. JEffrey what have now is articulated water truck.

Morales inventory wise growing so fast does this satisfy needs. Jeffrey satsfy for now. Trost what does for now me. Jeffrey as cont to grow need more equipment.

Council Member Love moved to adopt Resolution No. 2019 - 354; seconded by Council Member Hotchkiss.

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

14. Approved a resolution rejecting the incomplete proposal received and approving the re-issuance of the affordable housing request for proposals for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 355

RESOLUTION REJECTING ALL PROPOSALS AND AUTHORIZING THE RE-ISSUANCE OF A REQUEST FOR PROPOSALS FROM NONPROFIT ORGANIZATIONS FOR THE DEVELOPMENT OF CITY-OWNED PROPERTY DESCRIBED AS AN 11.72 ACRE TRACT LOCATED IN SECTION THIRTEEN (13), BLOCK THIRTY-NINE (39), TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, AS AUTHORIZED BY CHAPTER 253 OF THE TEXAS LOCAL GOVERNMENT CODE

Robnett explantion of what happened going back out for prop for another 30 days. what happened last 30 days? Regina had to do find information that proposers had asked questions. Probably didn't have neought time after got info to submit complete prop felt better to go out again. Robnett iis Dec 18 enough time with holidays? Regina can change at Council. Love think current date is enough time 3 applicants all 3 had challenges but extra 30 days imagine will submit immediately. Lacy who do we reach out to? Love 3 apps done busienss wwith city in past who are submitting. Morales

housing, residential commercial. Regina 3 different ways low income, seniors and ? Robert existing utilities that crisscross challenging property. Robnett I think proposal requested site plan architectural deadline dont think enough time. Trost what about new people who did not have opportunity dont think neoughttime to get together. Morales already had first 30 days.

David Diaz, 208 S Marienfeld, property made available for housing in March of this year, working with City Staff explained the critical deadlines coming up for housing tax credits. City staff that was working on this left the City but didn't move as fast as thought it could move. City staff put together we submitted our application and they based app and rfp on scoring criteria. Any apps that did meet criteria. Did submit on time before deadline and to put it out again what is going to happen is any developer that had interest will not meet deadline that is in January. One criteria was to make available for multi family and targeted residents below 60% and 80% and single family above 80% for workforce housing. Delaying another 30 days will miss this years tdhc application deadline. Robnett don't think all applicants were applying for tdhc. Love at least 2 out of 3 is and maybe third. Robnett if miss that applicaiton you can't apply. TDHCA makes their awards in July of 2020 if submitted in January of this year. His application had multi and single would be able to start construction within requested deadlines. Lacy when put together did we take into account TDHCA. Robnett trying to cram in at end of year not sure its going to work. Morales finally made decision wanted to use this property for a non-profit. Lacy to do non-jprofit dont have to get fair market value of land. Robnett reissue with deadline of December 18 won't be approved until after first of year. Love if deadline of December 18 will that meet you submission date would be a month from today which is behind last council meeting for year would not be able to award land to anyone. preapplication is first week of January. John O award of close? David award. Dufford talking about Dec 10 meeting why don't we just have it for Dec 10 meeting. Morales not understand reason for delaying. Love talked to one of person who submitted they were waiting for technical information came back delayed when got it rushed to get it out. It will suffice might miss out on unknowns two on time one required to add additional information to their submitted. this delay will allow those 3 to dot their is three quality bids. Non-profits have known since March. Nothing is going to change. Lacy can't delay until December 10 have to be Dec 3 to get on Dec 10 agenda.

Joey Hopkins 305 E Texas Habitat for Humanity did not submit first round notified Nov looked at consultants tried to do everything could to put proposal together. in 3 weeks no realistic. Morales did have app completed. Joey found consultant and really close to it. This would affect them directly don't use TDHC develop private single family homes looks different then others. Believe homeownership more impactful. Robnett giving additional 2 weeks to award on Dec 10 is that enough time. Joey think so, ideal to have time to sit down with City and hash through details not realistic in that amount of time. Given that proposal may not match exactly what gets built. Robnett Thanksgiving is next week. Lacy stat date of 180 dates some type of housing assistance rarely get awarded any of those credits. point scale and majority of point scale goes to school district so at a disadvantage. Open up to all groups instead of rush through great organization. Robnett still don't know what deadline is. Put off until first meeting in January. Love have to be fair not everybody is using funding still support of deadline of December 3rd and move forward. Regina have to have time to advertise need at least 14 days. Love is there statutory requirement for bids to be submitted in paper format? Why requiring 7 multiple copies or can it be submitted digitally. Regina would have to get a change in charter to be allowed to accept electronic bids part of munis pkg

supposed to be able to allow to do that but have to work on getting revised. Love can it be an option if have everything digitally can send digitally. John Ohnemiller can check on that.

David Diaz want to know MCDC and Habitat have always worked wlel together and now making compete against eachother. It used to be we both got property putting in awkward situation competing against eachother. Morales if you want to utilize that property together. Robnett if awarded tdhca credits confident build project. Believe 33% chance of awarding. Dufford been awarded? David applied 2 aand got credits twice. Robnett 14 additional days to advertise, we're going to have to do that if issue RFP. Dufford start proejct irregardless whether yooou got the credits. David still fully develop the property and move forward with Habitat to the degre possible and could apply next year to do credits.

Kimberly Crisp, 407 Douglass, 11.72 acre lot between princeton and cuthbert? no. Hogan park loop 250 prairie dogs town. That piece of land is also in Block 39 confused as how 2 pieces of land not hillcrest. no

Council Member Robnett moved to adopt Resolution No. 2019 - 355 with amendment to extend RFP deadline to December 31, 2019; seconded by Council Member Trost.

Lacy talked about utility complex has that been taken into consideration ahve we identified utilities? Patrick over utilities and pre-bid meeting and went over that with applicants on existing utilities to visit. Lacy staff recommend relocation ot have to? Patrick gas and water tower. ahve to work around.

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

15. Approved a resolution awarding the contract for the Hogan Park Cart Path Renovations to Duininck, Inc. for the cost of \$1,097,189.60 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 356

CONSIDER A RESOLUTION AWARDDING A CONTRACT FOR THE HOGAN PARK GOLF PATH IMPROVEMENT PROJECT TO DUINICK, INC. OF PRINSBURG, MINNESOTA FOR A TOTAL COST OF \$1,097,189.60; AND APPROPRIATING FUNDS FOR SAID PROJECT.

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

16. Approved a resolution authorizing the execution of a Professional Services Agreement for multiple projects with Freese and Nichols, Inc., for professional services related to one or more projects; and authorizing payment therefor in an amount not to exceed \$365,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 357

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND FREESE AND NICHOLS, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO MULTIPLE INFRASTRUCTURE IMPROVEMENT PROJECTS, AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103

Trost clarification 365000 could someone from MDC please clarify or Jose. Gary Law MDC. Trost basically like a hold we want to have them on wwhen we need them. Gary master service agreement looking to provide assistant to City MDC for Wadley ext and possible drainae in support of City develop. On call project for those projects.

Kimberly Crisp, 3204 Douglas Avenue, this is a new contract? yes. Is it necessary know recruitment for senior design engineer for 87,000. Dont believe senior design engineer was hired. Gary Law sr engineer has not been hired. Wondering if someone was hired would thsee projects would outside design consultant had been able to retain senior design engineer. Lacy probably some but larger proejects cannot be done by one person which is why hire tams of engineers. Just like engineering covered up with project mqanagement. Mayor several months ago saw hire. Kimberly questions for 16 17 and 18.

Council Member Love moved to adopt Resolution No. 2019 - 357; seconded by Council Member Lacy.

Trost questions about TxDot did those apply toa ll proejct. Jose will coordinate with State following all criteria state is mandating. Process is effort to accelerate proejects can partner with Staate. IN past when waiting on TxDot to produce document slows process down. Trying to acceleraate proejct to get funding sooner. Trost question saying yes need to have follow-up with TxDot which eliminate several types of engineering firms. Lacy TxDot specications are all on a manual. trying to get ahead of. Jose do go through RFP process have to be qualified look at each consultant qualification in terms of evaulation if have young eng team with no TxDot experience probably wouldn't select them. Jose if project strictly City road will hire on skill set. Trost you are requiring must have TxDot qualifications to be able to bid on project. Gary Law the reason MDC is looking at Freese and Nicols for Wadley and drainage City went through process to select them for water and drainage. Selected company city had already gone through a process for.

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

17. Approved a resolution authorizing the execution of a Professional Services Agreement for multiple projects with Kimley-Horn and Associates, Inc., for professional services related to one or more projects; and authorizing payment therefor in an amount not to exceed \$500,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 358

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KIMLEY-HORN AND ASSOCIATES, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO MULTIPLE INFRASTRUCTURE IMPROVEMENT PROJECTS, AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103

Trost same questions so what is. Gary Law MDC quesstion about what proejects looking for Kimlley Horn provide assistant to develop TxDot standard plans for allong corrdior 158 Briarwood and Wadley. Why go to Kimley City already gone to Kimley corn to dev concerpt.

kc no speak.

Council Member Love moved to adopt Resolution No. 2019 - 358; seconded by Council Member Dufford.

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

18. Approved a resolution authorizing the execution of a Professional Services Agreement for multiple projects with Parkhill, Smith & Cooper, Inc., for professional services related to one or more projects; and authorizing payment therefor in an amount not to exceed \$1,000,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 359

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO MULTIPLE INFRASTRUCTURE IMPROVEMENT PROJECTS, AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103

Council Member Love moved to adopt Resolution No. 2019 - 359; seconded by Council Member Robnett.

kc no speak.

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

19. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Manor Park No. 7H located 1,775 feet from the south line and 1,484 feet from the west line and Manor Park No. 8H located 1,760 feet from the south line and 1,484 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas, (said wells are generally located 1,484 feet east of North Loop 250 West and between 125 feet and 140 feet north of Network Drive extension). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 360

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 1,484 FEET EAST OF NORTH LOOP 250 WEST AND BETWEEN 125 FEET AND 140 FEET NORTH OF THE NETWORK DRIVE EXTENSION); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

20. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Manor Park No. 9H located 463 feet from the north line and 309 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas, (said wells are generally located 453 feet south of Andrews Highway and 272 feet east of North Loop 250 West). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 361

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 463 FEET FROM THE NORTH LINE AND 309 FEET FROM THE WEST LINE, SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 453 FEET SOUTH OF ANDREWS HIGHWAY AND 272 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 310 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

21. Approved a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner of a 36.806-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (the "Area") (generally located on the northwest corner of the intersection of State Highway 158 and State Highway 191) for the provision of services in the Area, said owner having submitted a petition for annexation of the Area; authorizing and directing the City Secretary's Office to file said agreement with the Midland County Clerk for recording in the official real property records of Midland County, Texas; and calling a public hearing to consider an ordinance annexing the Area (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 362

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OWNER(S) OF A 36.806-ACRE TRACT OF LAND OUT SECTION 35, 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 STATE HIGHWAY 158 AND STATE HIGHWAY 191) FOR THE PROVISION OF SERVICES IN THE AREA, SAID OWNER(S) HAVING SUBMITTED A PETITION FOR ANNEXATION OF THE

AREA; AUTHORIZING AND DIRECTING THE CITY SECRETARY'S OFFICE TO FILE SAID AGREEMENT WITH THE MIDLAND COUNTY CLERK FOR RECORDING IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS; AND CALLING A PUBLIC HEARING TO CONSIDER AN ORDINANCE ANNEXING THE AREA

chuck Harrington new process established by state law applicant petitions set up service agreement council sets public hearing this uathorizing service agreement. no quesitons for michael clark.

Council Member Lacy moved to adopt Resolution No. 2019 - 362; seconded by Council Member Robnett.

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

22. Approved a resolution authorizing and executing a new right-of-way license to replace expiring license number 2010-013, between the City of Midland and Atlas Pipeline Mid-Continent Westex L.L.C., now known as Targa Pipeline Mid-Continent Westex L.L.C. Said right-of-way license is for the continued safe operation and maintenance of a four (4) inch in diameter natural gas pipeline on City of Midland's property and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located in section 14, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 363

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 14, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

23. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Lilis Energy Inc., 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 water pipeline, not to exceed fourteen (14) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Sections 13,18,19,21,22, and 23 Block C23, Public School Land Survey, Winkler County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 364

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LILIS ENERGY, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13, 18, 19, 21, 22 AND 23, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy.

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

SECOND READINGS

24. Consider an ordinance on second reading on a request by Ryan Tomblin for the vacation of the 0.06-acre portion of Scharbauer Drive right-of-way, located adjacent to Lot 1, Windsor Place, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of North I Street and West Scharbauer Drive). (DEVELOPMENT SERVICES) (First reading held November 05, 2019.)

ORDINANCE NO. 10015

AN ORDINANCE VACATING AND ABANDONING A 0.06-ACRE PORTION OF SCHARBAUER DRIVE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, WINDSOR PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH I STREET AND WEST SCHARBAUER DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$6,534.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10015.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 10015 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

25. Consider an ordinance on second reading on a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Housing Development, in part; and 2F-Two-Family Dwelling District, in part; to SF-3, Single-Family Dwelling District, on a 22.75-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road). (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10016

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 22.75-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, AND 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF PASSAGE WAY AND NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF

TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10016.

Council Member Love moved to approve the second and final reading of Ordinance No. 10016 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

26. Consider an ordinance on second reading on a request by Don Clay for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lots 1 and 2, Block 6, Moody Addition, City and County of Midland, Texas, (generally located on the southwest corner of the intersection of Houston Avenue and North Lee Street). (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10017

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 6, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HOUSTON AVENUE AND NORTH LEE STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10017.

Council Member Love moved to approve the second and final reading of Ordinance No. 10017 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

27. Consider an ordinance on second reading on a request by Brian Yates for a Special Exception from the City of Midland Zoning Ordinance Section 4.09, Accessory Buildings and Uses, concerning the minimum side yard and rear yard setbacks, and the minimum separation from the principal building, on the east 7.3 feet of Lot 15, all of Lot 16, and the west 68 feet of Lot 17, Block 3, McCall Place, City and County of Midland, Texas, (generally located on the north side of Sentinel Dr., approximately 173 feet west from Ward Street). (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10018

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 7.3 FEET OF LOT 15, ALL OF LOT 16, AND THE WEST 68 FEET OF LOT 17, BLOCK 3, MCCALL PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SENTINEL DRIVE, APPROXIMATELY 173 FEET WEST OF WARD

STREET), BY PERMITTING (1) REDUCED SIDE YARD AND REAR YARD SETBACKS FOR AN ACCESSORY BUILDING AND (2) A REDUCED MINIMUM SEPARATION OF AN ACCESSORY BUILDING FROM THE PRINCIPAL BUILDING; 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 Jan Hamilton read the caption of Ordinance No. 10018.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10018 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

28. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone a 13.620-acre tract of land out of Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, from TP, Technology Park District to MF-22, Multiple-Family Dwelling District (generally located at the northwest corner of the intersection of South K Street and East Stokes 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. (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10019

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 13.620-ACRE TRACT OF LAND OUT OF SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TP, TECHNOLOGY PARK DISTRICT TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH K STREET AND EAST STOKES 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 Jan Hamilton read the caption of Ordinance No. 10019.

Council Member Love moved to approve the second and final reading of Ordinance No. 10019 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

29. Consider an ordinance on second reading on a request by T&S Builders for a Special Exception from the City of Midland Zoning Ordinance Section 5.05, Non-residential Zoning District Dimensional Regulations Chart, concerning the side-yard setback on Lot 2B, Block 2, Bent Tree Addition, Section 8, City and County of Midland, Texas,

(generally located on the south side of Bluebird Lane, approximately 315 feet east of North Midkiff Road). (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10020

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2B, BLOCK 2, BENT TREE ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF BLUEBIRD LANE, APPROXIMATELY 315 FEET EAST OF NORTH MIDKIFF ROAD), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK FROM AN INTERIOR LOT LINE; 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 Jan Hamilton read the caption of Ordinance No. 10020.

Council Member Love moved to approve the second and final reading of Ordinance No. 10020 in accordance with the Charter of the City of Midland with amendment to include the updated site plan and to reference the lots in the updated site plan.; seconded by Council Member Hotchkiss.

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

Harrington note revised site plan orig survey off by one minutes revised site plan is in part of the packet. John O Council amend to include the updated site plan and site plan changes the lot references. John O ord also reference the lot need to change ord to include updated lot ref. approve to include updated site plan and to reference the lots in the updated site plan.

second reading ahve to come again. no.

PUBLIC HEARINGS

30. Hold a public hearing and consider an ordinance on request by Bean & Grape 1, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,250-square foot portion of Block 1, less the 250-foot by 150-foot northwest corner and less the 224-foot by 150-foot southwest corner, Re-plat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas, (generally located on the south side of West Wadley Avenue, approximately 270 feet east of North Midkiff Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10021

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,250-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF

WEST WADLEY AVENUE, APPROXIMATELY 270 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 Jan Hamilton read the caption of Ordinance No. 10021.

Dev Svcs Direct Chuck Harrington gave a brief overview of item noting. subject prop existing sup for sale beer and wine in rest approved 2017 hours sat 10-10 sun 11-10. NOw request amendment allow to sell all alco bev and new mon sat 10-12 sunday 10-2 p.m. reviewed by all depts meets requirements. staff rec approval p7z 11/5 staf rec approval no loj.

Mayor Morales opened the public hearing at 11:03 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. 10021 in accordance with the Charter of the City of Midland change hours on Sunday 11 a.m. to 2 p.m.; seconded by Council Member Love.

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

31. Hold a public hearing and consider an ordinance on a request by Jose Costilla for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 4, Block 3, Moody Addition, City and County of Midland, Texas, (generally located on the west side of North Madison Street, approximately 100-feet north of Houston Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10022

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 3, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MADISON STREET, APPROXIMATELY 100 FEET NORTH OF HOUSTON 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 Jan Hamilton read the caption of Ordinance No. 10022.

Development Services Director Chuck Harrington gave a brief overview of the item noting similar to ones doing for last 90 days getting some back in shape after changed zoning or din july. wil conf with exist char of area. approved p7z 11/4. staff rec approval no loj.

Mayor Morales opened the public hearing at 11:05 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 10022 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

app no pay fee.

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

32. Hold a public hearing and consider an ordinance on a request by Frank Aleman for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 12, Block 31, Moody Addition, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of East Wall Street and South Madison Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10023

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 31, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST WALL STREET AND SOUTH MADISON STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10023.

Development Services Director Chuck Harrington gave a brief overview of the item noting as in prev case ismilar sit located 101 s madison staff reviewed and res surround neighborhood found approp in compl with land use plan rec approval no loj. Love what is sf3 is lot size chuck. min 50 feet and 5000. comaprable to 1f3.

Mayor Morales opened the public hearing at 11:07 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 10023 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

33. Hold a public hearing and consider an ordinance on a request by Scott Yorkinson for a zone change from an SF-3, Single-Family Dwelling District to O-2, Office District, on Lots 1 through 12, Block 47, Belmont Addition, City and County of Midland, Texas, (generally located on the south side of West Wolcott Avenue, approximately 244-feet west of South Baird Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10024

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 THROUGH 12, BLOCK 47, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WOLCOTT AVENUE, APPROXIMATELY 244 FEET WEST OF SOUTH BAIRD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10024.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant req approval zone change to construct hotel on property. go from sf3 to o2 which allow dev of hotel. per zoning o2 allows this use however max allowed height 98 feet. 7 stories recognize mr york not requesting if zone o2 someone else could build 7 stories and need to protect and 98 feet obtrusive in this neighborhood. staff rec denial of request. approved unanimously 11/4 p7z as of 11/13 no loj. Love procedural question. you have to do something about this where hotels trying to go and staff say scared don't want 90 feet. what can city do outside scope of this app to solve this problem. Chuck no quick or simple answer looking at whole area as part of comp plan don't think anticipated that much push from int 20 back that far. did change o-2 district to make them all fit and doesn't completely take care of it. Looking at things need to make changes to ord and need to dig into it. Love only say because visit with applicant quality hotel 4 stories economically for their model. support this hotel right north of another hotel so makes sense. two south of it. Understand why p7z approved because doesn't make sense. chuck during testimony applicant said not going to do that not our plan. zone change can't put restrictions on zone change. Staff handcuffed by statutory requirement. Dufford put site plan requirements. chuck only thing is ded restriction on property and staff doesn't have control. Lacy what is height of two adjacent hotels. Not out of character. lacy when last time 7 story hotel all 4 stories. Harrington agree not build 7 story hotel its not restricted to hotel have to be careful from staff standpoint. Love not owned by applicant yet trying to secure zoning and then close deal does present problem if doesn't close and somebody could put in energy tower.

Mayor Morales opened the public hearing at 11:13 a.m.

Scott Yorkersson Los Angeles, developer operator project is proposed 121 room 4 story hotel working with several franchise haven't yet identified final one. this type hotel similar to this area. For many reasons one reason got in and spoke with staff is condition to not exceed and as everybody just discussed don't have mechanism to do that right now that is why i submitted for zone change full package to see what plan to do to be out in front. many reasons for operator self 121 rooms financially the economic model. once exceed 4 stories cost goes up extremely. certainly feel like fit within other hotels there. front entrance facing residence on other side of wolcott looking at nicely landscaped from. Willing to increase landscape as go through process along Wolcott drive. Love did visit about having trees to to hide if residential development in area. Hotchkiss looked at where Residence is the housing on the side there aren't even windows on the sides so if someone walking through very protected. Love that lot to

north if develop residential they will know hotel is sitting to south and orient their design to benefit of resident. Dufford contingent offer on property york in escrow but dont close until February. Dufford going frward with hotel what date start construction. York probably June ballpark. Love oeprator has 2 other existing businesses herre in Midland Texas. Currently working on one other project in Miidland as well. Morales can you announce brand. York down tto 3. Trost intent in future get going and sell heard say oeprators. York yes operate as franchisee if right buyer comes along might sell in future? Intent and business model is to develop and operate. Trost seen in past come iin with brand not well known. york well known brand. future what happens nnew buyer come in goet good deal and property deteriate over time. YOrk committed to area and one of values of being operator not just focused on valuation of land.

There being no one else wishing to speak, the public hearing was closed at 11:19 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 10024 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

Diufford relaying on devlopers word that getting a 4 story. We really need to fix this.

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

34. Hold a public hearing and consider an ordinance on a request by Samuel Leyva for a Specific Use Designation with Term, for the sale of all alcohol beverages, for on-premises consumption, in a restaurant, on a 4,100 square foot portion of Lot 6A, Block 62, Belmont Addition, Section 23, City and County of Midland, Texas, (generally located on the north side of East Interstate-20 Frontage Road, approximately 360-feet west of South Terrell Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10025

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,100-SQUARE FOOT PORTION OF LOT 6A, BLOCK 62, BELMONT ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20 FRONTAGE ROAD, APPROXIMATELY 360 FEET WEST OF SOUTH TERRELL STREET), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 Jan Hamilton read the caption of Ordinance No. 10025.

Development Services Director Chuck Harrington gave a brief overview of the item noting requesint sud for slae of alcoholic bev in restaurant property zoned busienss park allows for this use. rest is not in operation in process of opening. hours sun sat 11-9.

rev by all depts in compl with comp plan. unanim approved puz 11/4 meets all req staff rec approval. no loj.

Mayor Morales opened the public hearing at 11:22 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. 10025 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

MISCELLANEOUS

35. Consider an ordinance on first reading amending Fiscal Year 2018-2019 Budgets for certain funds. (FINANCE)

ORDINANCE NO. 10026

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2018-2019 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Jamie Radcliff, will close end of year ratify exp above auth budget during 18/19 fy. items that staff could not anticipate when budgets orig created. 7,775,976. Did provide detailed memo on each individual fund that needed amendments and what extra expenses used for. Love no problem with amounts question is dont usually do sooner. Jamie last year started in Dec trying to get ahead. One of those things start earlier. Morales 225 from TIRZ 1? Jamie reso 2019-012 for basin PBS. Dufford any more money left in TIRZ? Love money goes back sits there and if applicants come through with projects its in category in GF. Jamie 407,000 in TIRZ. Love earmarked for food truck park potential on supperblock but never materialized. Dufford has contract expired? Staff can look into.

Council Member Love moved approval of the first of two readings of Ordinance No. 10026 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

36. Consider an ordinance amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", of the City Code of Midland, Texas; providing for a maximum penalty or fine of five hundred dollars (\$500.0100270); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (CITY ATTORNEY'S OFFICE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. read by Mayor Morales.

John O housekeeping minor cleanup items to get aligned with state law.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 10027 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC COMMENT

37. 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.)

Joel Dameron, 4724 Princeton Avenue, represent neighbors and residents between Midland between Princeton Cuthbert development in works 100% of residents are completely against development of apartments not single family. come before about taco villa apt complex. personally not against apt complex but should have entered in Andrews Highway. approved against will. represent neighborhood. dont understand why allowed first apt complex to be put in. deliniating if had been kept on andrews it is coming to neighborhood. Main points of discussion west of midland south of princeton. appreciate entrepreneurship. dont know why cant invest in sf homess. they will be zero dollars in proeprty tax midland will not benefit in any way from this. Lacy do you not think first responders will benefit. Joel he is nursing student and he bought his own home. He doesn't want apts work in o7g dont want to come home to apts when lived next to. If wont pay property tax none of the ocmunity wants it. Dufford not community as whole just the affected neighborhood. Joel why cant apts in general be on major roads. Personally come to p7z about speed bumps they refuse to do streeet. if force to do why can't we do speed bumps multiple stop sigs. against this and want sf homes. Morales reach out and will share view can't respond. Robnett two readings before city council will ahve change to have two readings.

Kimberly Crisp, 3304 Douglas echnoing those statements. out of exec from 7:30j ot 951 used sales tax rev of community members on face book not less valid. opposed to sales tax for hotel. Yester day at p7z to approve reoning of hilcarest village apt complex people waiting in foyer there are more than 100 letters of opposition super majority was triggered written let of op. because based on acerage in affected zone more than that one lot is 5 acres. that was divided 40 letters of opposiiton as opposed to 2. 26% seems smaller then actual for hwomany opposed. understand 2 opprot to vote. as Lacy last meeting that any cons of bring to council prior to MsBlong take office be deferred. If come before that defer until after Dist 4 does have rep on Council. need someonee to advocate to those residents.

EXECUTIVE SESSION

recess meeting to executive session at 11:36 a.m.

38. 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 Deliberation Regarding Economic Development Negotiations.
 - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- b. Section 551.072, Deliberation Regarding Real Property
 - b.1. Discuss the purchase, exchange, lease, or value of real property.

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

PASSED AND APPROVED the __ day of ____, 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary