

**MIDLAND CITY COUNCIL
MINUTES
December 10, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on December 10, 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., December 10, 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 10:09 a.m.

wish all happy new year 2020 thanked for commitment and service to com. busy agenda keep holiday spirit in mind.

1. Invocation - Pastor Phillip Allman, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

a. Council Member Dufford presented Management Awards: Purchasing: #300 each improved org efficiency revising and updating purchasing policy not updated since 2013. Robert Janell \$1500 Utilities saved thousands idea TXU greenback program replaced conventional lighting inside and outside water poluttion control plant to led. rebate money back to city. one project parking lot utilities cost little over 17,000 to replace all lighting txu rebating almost 29,000. netted 11,000 because of Robert's ingenuity.

b. Rhotenberg planted trees. Mayor MOrales recognized.

c. Love recognized Morales and Hotchkiss on last official meeting.

Mayor congratulation Robnett on new baby. 9 lbs 6 pz girl everyone doing great.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of 2019 Management Awards
 - b. Recognition of Freudenberg Oil & Gas Technologies for their donation to the City of Midland Parks & Recreation Division.

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

a. Special City Council meeting of November 18, 2019

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

b. Regular City Council Meeting of November 19, 2019

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

5. Approved a resolution approving a Master Development Agreement between the City of Midland, the Midland Development Corporation, and Colorado Street Hotel Development, LLC, regarding the development of Lots Five (5), Six (6), Seven (7), and Eight (8), Block Thirty-Five (35), Original Town Addition, City and County of Midland, Texas. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2019 - 385

RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION, AND COLORADO STREET HOTEL DEVELOPMENT, LLC, REGARDING THE DEVELOPMENT OF LOTS FIVE (5), SIX (6), SEVEN (7), AND EIGHT (8), BLOCK THIRTY-FIVE (35), ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS

Presentation from Midway Gorup Don Quigley VP Midway Company joined, presented power presentation. build something different enduring investment. Believe in value in open green space makes them different then others. See value of hospitality component of their projects. Hotel Local midway approach creating sense of place, destinateion for community. Used by travelers as well as locals, approachble design. MDC already working on centennial park district and this will expand on that work and continue to transform into 24 hours destination. plan to redevelop into 200 key unit hotel vision creat world class destinatiion uniquely midland and allow for top business class travelers. , full service ground floor restaurant, meeting space stylish lobby bar, first class fitness adn relaxation amenities. Targetting Tribute portfolio a marriott international brand. Won't change much oof exterior except open up ground floor to make more inviting and 5,000 square foot ballroom. HEI Hoels and Resorts wilbe hootel operator. they are recognized for best in class operating platform. Usinng Mark Wellen of Rhotenberry Wellen Architects for design. economic impact Thhis will help create regioanl destiantiaon with restaurant and bar, bring people downtown, exppanding meeting opportunities, increase property tax value, create 125 jobs.

Trost several properties and one is 4 points hotel. Being torn down. Quigley yes being redeveloped planning to build another hotel there working on several options with Marriot and others. Trost Marriot brnd for this location approved? Quigley have not

signed that agreement yet. Quigley in active discussion but do not have the right at this time. Love financing in place. Quigley 2 financial lenders currently raising equity. Love been asking for letter of credit before close. Quigley yes will have in place before close. Love 15M construction 15M abatements. Why 30 million? Quigley 15M contribution from MDC paid over construction time period remaining capital of 50M identified debt and working to raise equity. It takes that much to build a quality hotel will have amenities not seen around Midland differentiate product. Trost what amenities. Quigley combination of a lot of things integrated meeting and event, relaxation and amenities from food and beverage not all together in one hotel in Midland. Love numbers wrong or not accurate 15M in construction and another 15 M in abatements not correct. Quigley construction 55M of total budget including all redevelopment cost and building next door that have to construct. Tax abatements are over a period of 10 years, he is only speaking to construction of building. Robnett 15M is cash incentive from MDC. Love understand what the 15 and 30 m helps them accomplish besides spa. Quigley quality of construction and long term ownership of hotel. Build to be lasting investment longer than what most hotels are built to endure. construction quality higher. Trost \$30M tax payers underwritten 47% of project. Their 50 plus our 15. Quigley construction budgeted 75M includes conference and all amenities. Marriott odessa similar. Up front cost to develop that project. Also talking about operating incentive paid out overtimes of HOT tax and partial rebate of taxes. Important to ride ebbs and flows of hotel market over time. Requiring more capital than most to keep moving. Love subsidizing your project with tax dollars because of tough times in future. Quigley if didn't have operating incentives would cut operations, degrade quality and committing to operate as first class hotel. Love don't have the brand. Quigley there are several brands that are softbrands. It is independent hotel associated with brand families. Not only brand can pursue. Love cost per room? Quigley \$300000 per hotel. Love still heard what said still don't understand why need \$30 M to have a quality hotel. Quigley in construction pricing is about 40% more expensive to build comparable quality labor shortages unemployment, bring materials other. 40% increase to similar hotel in other market. This will allow to go through premium. Not in operating reserve. 70% is being paid to other taxing authorities. still bringing a lot of value for Midland only asking for COM and DMMD. all other full tax value will be significantly increased. Trost what heard say not any money it is there tax payers money understating and backstopping. Not a hotelier in this community would love to have that deal. Not doing our local hoteliers any favors by saying we will give you 30 M and they get nothing. Quigley way structure is annual abatement assessed value of hotel. If no guests do not receive any dollars proportioning out. We are looking to continually operate as high class hotel which is main reason for abatement. HOT doesn't come if no one stays. Trost we have two local entrepreneurial hoteliers who do this full time don't understand how this come down to one particular hotel that chosen. Morales this project in discussion for 2 years. this project have been through several hotel discussions that didn't come to fruition took next proposal before us. Trost been approached by other hoteliers. Morales yes other proposals didn't need criteria. Dufford Council did 7 members of council been vetting for several years. Quigley one more point part of 15M voting as operating incentive package comes from value if it doesn't happen the property still sits at property level today. Love concern not sure why need \$15M for construction cost to have a spa or quality hotel. Is it construction cost and abatement is amenities. Upfront construction for quality and tax incentives for high end amenities. Robnett taking old building which is more expensive than building a new building. Dufford more expensive to go out and build something in downtown which is why every hotel is incentivized. other cities across Texas. Dufford gave

consideration to other folks to look at the property over there had 2 choices will be torn down two choices either take control and demolish or look to redevelop and chose to redevelop and vetted.

Jonathon Bresden CEO Midway, one about new york pricing today is \$1m a key for full service hotel. Hotel Allesandro in Houston that required tax rebates to make that hotel work. What proposing and asked to come to Midland is deliver a product that doesn't have in Midland. Stayed in Home2Suites all basically the exact same thing. Serve a need. 2 years ago based on seeing hotel george in college station could we come to Midland and create something in Midland. 2 years showed up trying to do in good faith. Has not had a time haven't shown up or shared info. Not a time when had a problem that couldn't figure out how to solve the problem. Trying to deliver does not exist in Midland. More expensive to deliver here more expensive to rehab existing building. Proud figured out how to redevelop. It is going to cost more money to develop. Differentiation is not just a spa it will be going into premium full service hotel does not exist in this market. One full service hotel in Midland every other hotel limited service. No valet, full restaurant no concierge, no room service. Sit on number of boards in Houston face same decisions. Question is how do you want to position. Sit on parks board and know how this will help transform. Not asking for things that are legitimately required to deliver what asked to deliver. Integrity number one value on list show up and do what we say we are going to do. Entrusted with 2b of capital development. Due diligence has been done. If want to deliver this quality of hotel this is what it will take. Trost called several months ago about parking and ballroom going to get back but never did, that bothers just a little bit. Honest conversation didn't happen. Caused him to think to question.

Kimberly Crisp, 3304 Douglas, reiterate couple points Midway does in fact own 31 5 hotels not a management company done by third party, brand not approved, something called impact whenever dealing with brand want to ensure not saturating market. People already own that flagship will be able to speak if viable. In terms of potential lenders, site plan already done, yes no letters of commitments of financiers that are solid. yes there are. Proof of financing is part of deal. Concern on her end not having the proof of financing already 2 projects come in and. They have to present proof of financing. John O went close on property without financing. John O in past when financing didn't come through deal dissolved. Kimberly in terms of ballroom beautiful convention center put something across street competitor for these events. Love in order to be eligible to HOT must have ballroom. Kimberly paying \$1 for structure refurbishment and getting very good deal on actual structure as it exists. Residents have not had nearly enough time to review.

Keith Dial, Odessa, question not related to primary part of project. Concerned about parking garage and bed tax 4m proposed Dufford 4m hotel motel other 4m from city. Keith request that postpone commitment until look again at tax code wasn't clear that park owned totally owned by city or is it conservancy. John O city owns property leased to conservancy. John O clarify expected 400 spot garage 200 spots paid for by unappropriated leased to Midway. other 200 spots not part of this deal will be paid for by HM designated for convention center which is authorized under tax code. Its been measured within 1000 feet. that related to tax. hotel motel can be spent for parking if in vicinity. Keith believe within 1000 feet. John O can meet with to review later.

Charles Dealy 4301 Homestead, thanks for opportunity to comment background on major

capital projects multi billion dollars. concerns is looking at hulk turned into 4 star hotel and how what dont know now may be surprise once get started. 75M in budget may not be enough to complete job. in case like that sometimes people walk off job unfinished that is his biggest concern about this project. Is there a performance bond considered? such as job must be completed what kind structure bad corrosion very concerned about trying to complete ultimate fixer upper on money talking about. Morales Quigly to address questions funds over 6m is not paid until finish project. initial 7 paid during construction paid in increments as start. Dealy been on project 10% at end didn't prevent people from walking off job. 75m estimate is good one for what you know now if find out something later. Trosst addressing question in reading agreement it allows for certain money to be if ran into problem that cost extra money that is addressed in agreement. John O have to hit milestones or don't get payments. Commitment is 15M during construction period doesn't account for any overages. Love question is what happens if it goes over budget. John O that is for midway. Quigley not start construction not receive dollar until have guaranteed max price from a contractor. city will not have committed any dollars signing completion guarantees with their lender and. Morales we stopped discussion not sure if building was sound you brought own engineers in to assess what already assessed please elaborate. Quigley brought in structural engineers outside and inside contractors and very thoroughly vetted and believe budget is sound. Moraales if not just demo building because doesn't do anybody any good. quigly purely for improvign the value of building already own.

Rachel Oberman coo comment simply we are a locally owned development and managment company recognized throughout united stated. proposed a lifestyle brand know make money and not require incentive. willing to put 30M incentive to do business in Midland and they can make it work without 30M in incentives. Love talka bout premium of construction cost here 40% premium. Rachel think its 20-25% premium. Your group could do a deal but could do lifestyle brand with full service bar without incentive in downtown. don't know about tha tlocation.

vp insignia own 22 hotels and all limited service lifestyle brand they own is limited service hotel not a full service. while appreciate comments talking about apples oranges not same as type requested. Love 15M in abatements could get all ? VP want to be clear when say life style hotel brand proposed is AC hotel which is limited service hotel. She has not studies building or done work they have done and they proposed limited service. requerements was full service and to address building in that locaiton which is what they are proposing. Morales talked about the level hotel. Trost did you tell them wanted ballroom and convention center hotel and guaranteed. Morales 3 presented that way one that didn't insignia not looking to compete. Could not reach ammenities seeking.

Shafia dejourney 4113 Radcliff court mging partner doubletree downtown midland 38 years. no problem with hotel problem incentivizing people to come downtown when groups would have done if asked to step up to plate and sy this is what willing to do. When they did their hotel they spent 12M renovating a property and to not be good stewards of moeny that want to give people when there is people that would have done a project maybe not to standard you want then you would have had bids. If you give me \$15M to renovate property guarantee will do without all rest of stuff. Pelase hand out to him. Not new york not houston and all companies and cities that incentive people to build their demand generators are very different. Lived here 38 years Midland is not going to bring any conventions of any consequence that they cannot handle today in

Midland. They have 5000 sq feet of meeting space this one same type of thing. Morales the only group insignia sat down made a proposal can do without any inventive 3 start and certain amenities this is what looking for and they could not do it. Shafiq people that don't look for free money to do projects. Only reason asked is because people told them. Trost how many hotel Shafique 15 across us. built from own pocket. Trost earlier these aren't same are what classified as 4 star they're limited service. Shafic has 3 full service and rest are limited service. Trost you know about full service hotels. hotel build in 1972.

Darwin Bakka, 6108 Homestead, respect company know a lot about it not here to bash that company, single biggest problem is illusion that it has taken place. insignia hospital sales 100 M, 25M payroll 2 m leadership roles, currently operate 22 hotels 70% marriott 7 projects in pipeline through TX OK and CA committed 30M in taxes since birth of company only in Midland not include generate nationally. reputable mgmt co. father came to America on student visa to get MBA. Grew up OK degree in taxation OK university. Discuss hotel project not against a hotel development project downtown. Love this community. very engrained in society kids born here go to school here. 5 years ago opportunity to move company and limited to 3 cities and decided to stay here. 4 hotels in Midland grateful for Morales to discuss talking to Midway several years June 5, 2018 June 9, 2018 were in discussions. One documents has 3 options that laid out talked about 3-5 hotel. did not go any further with serious discussions AC hotel is approved at stadium if had serious discussions with city this hotel would be in downtown 4 star full service retail in bottom space. Love your building a hotel at location that a 4 star that could have been downtown without incentives. AC is a limited service brand but when look at product nationally they are mixture of limited and full service. Using same interior designer. NOT here to talk about his project here to talk about discussions that didn't go forward. Understand yesterday Dufford and Robnett in charge of hotel. Morales Dufford and Robnett had relationship or knew somebody about Midway that is how that connection made visit that led to more. Dufford think have 380 agreement with continuum, they are part of incentive package for that site. As of this morning message from senior vp of marriott development top 1% developing partner. NOT aware of amount asked thought it would be much lower. He is developer 100M in pipeline understand what they do. For incentive to be approved have to seriously approval of bland and franchise agreement are needed. They are capable as well. Before approve 30M incentive package a true letter of commitment of financing is needed. would like to ask if drawing has been done. On project this size half M in architectural fees. if do incentivize project today really need to think of what impact will be in marriott system. there will be over 1000 marriott rooms if go ahead to do privately funded project with no incentives there will be . Major impact issue all owners will object once get a letter. They will have a right to oppose that project. Love construction cost Midway is saying that 15M in abatement 15 M for construction cost concern is 15m construction. You're saying can do without incentives can you comment about trying to understand 6% contingency. Bakke project according to newspaper 65M earning 70. 15 from city through incentives. Midland very difficult to build in however have to have right people. select service they have architect that is specialist in hotel his person done over 100 hotels including lifestyle and full service. Use one general contractor done 250M construction for them. 4 hotels in Houston building . contingency is normally 10-12%. vetted out process from day one.

Trost they did indicate others could go to when say possibilities if marriott doesn't do this in order for them to get that letter says yes can do hotel. How long take to vet that?

Bakka process is once select site have control of site plan incentivized deal goes to development committee full service and select service get comments back before committee meets growth and dev send out impact letters msot guys developers and then sell to instituions. if marriot says no they can go to hilton same process. can take 6 months to go through process. Dufford similar situation in college station. VP without control you cannot officially apply for brand. Cannot apply until approval until have contorl of property. For rleational standpoint. on full service one of biggest managers of hotel properties and approval process correct. developed marriot brand courtyards marriots residence inns. They tell you what carpet,t yile room design. That process tedious want to amek sure hit all requirements. Whats nice about what they are doing high level requirements for tribute brand given lattitude to design high level brand.A lot more more lattitude and anticiapte a shorter process. At point agreement signed will apply for brand and then have to go spend a lot of money at risk until ready to start construction at which point guaranteed max contract. They take risk before city of midland puts any money in project. To city's credit careful points negotiated to proeject COM. TrostCan't get without council saying ok.

Bakka correct on sit on national design committees for several brands prototypes, the question should ask everything upper enhancec custom customize lobby spaces. the AC brand 80% of brands have right to do customized designs. Love in regad to this project costing 300,000 a room at JFK any insign. Bakka one in new york TWA hotel close 300,000 door . union construction opened may of this year. this project acfording to what paper had equates to 325000 a door. Don;t see anyone willing to spend 300,000 a door here. 157000 a door here for select service. Want to make sure vetted out.

Jerry stay on subject for Midway. Love this project in his district any reason why did not speak with Love? Bakka several meetings with Morales and MDC did ask fi should talk with Love dealing with City leader left it at. Robnett baby name jCamille, mentioned meeting with Mayor and MDC. conversations were downtown hotel. Batke orig conversation is incentives conversation basic in his office wil former council member casual showed this that how had casul conversations today always in discussion while casually. Robnett eprsuing incentives. Batke 3 options. They can do downtown hotel without incentives. 3options on lettere at time what was needed hotel is not what downtown wants we did say not interested in that type of hotel. Robnett said weren't interested in full service hotel. Did say not interested in that.

Steven Lowery, 4210 Ferncliff want to maek sure avail to anser in any euqestions on proposal. Trost had meeting on 5th gave updated version pretty much what was in paper what are resort fees 1 and 2 150,000 beginning 22 and second one . Steven 150,000/year is hotel has reached part of agreement oot lease 200 spaces for parking garage. resort 2 is related also to parking an additional fee midway collect froom every guest minimum of \$2 to city per night per room. Steven did take into ramp up.

Love comment 15m construction. given upon ocmpletion and during construction. you rendered numbers confident that no deal can be built without incentives. Steve very confident hotel of this caliber cannot be built without incentives because doesnt' pencil out. typically when investor in hotel on capital rpeferred return of 7-9% return and additional rate of return trying to receive. 7-9 baseline. 10% return on project cost. out of pocket for their investors rate of return think 5m would be reasonable. Robnett would you concern the return midway is trying to achieve market, above market reasonable

investment or a deal city. Returns trying to achieve below market because not build and flip out of it.

Chris Ginsberg 2305 Shell as citizens and business owner. Excited about project going in a lot of business for people who attend conferences and these facilities are needed. When talk to people for rates paying don't live up to their standards. A lot of momentum and a lot of build up to what this city be and turn into with commitment to revitalize downtown with new convention center. Part of discussion is incentives go into this building will increase foot traffic downtown and increase likelihood that another developer will come in and do one of these other buildings. Another commit event center included with this there is not a whole lot of event space unless member of petroleum club or country club. In town of this size something available is worth the investment.

Shirley Howard, speak on behalf of Doubletree that is a place that they use a lot. a citizen and member of district 2. However would like to say to Council please take into consideration quite a few organizations bring in events. Would they be able to go to new coming hotel to hold even most organizations and groups don't have money that it will take. stayed in 4 and 5 star hotel rates 300 a night. in Midland would they as small groups have access. Please consider their organization to ensure not denied privilege. Be inclusive and considerate of what you do have. Love to know that when groups come to town Doubletree's tries to help lower their rate in high rate environment.

Doug Heck 2603 Lockheed, if understand need to meet and negotiate, as far as John Q public when was first date that non insiders. About 8 days. Heck gone for reveal to vote. mayor working on agreement for 2 years. Is public input irrelevant. Dufford that's why here today. Morales MDC is publicized and welcome to attend. If successful will be first success of its size. what if wrong what if spot is not highest and best use. Robnett great question and get question a lot. The answer is elections not only big project city or mdc has taken on. elected officials take on big decisions like this. that's why elected rep. Is this Council should be voting on it. Robnett seat change in a month. Why not wait for new council to take new ownership. Robnett one new council no knowledge of deal and with same attitude maybe shouldn't have Costco vote either. Dufford no council meets in december when elections. Heck more accountability attached to vote. almost changeover on Council new council should ratify. Trost to point had when doing Mr. Dufford and Morales doing big public hearing when talking about 10M on the needle downtown and had this many people show up to talk about what your suggesting. Point well taken.

Brent Hilliard, 4800 Island Drive, representing MDC, with respect to Mr. Batka started this process 2 years ago and started with 2 other deals. when mdc purchased Sara wrote public article in newspaper that announced interested to convert this building. Later on had public vote where no one showed up. Not a lot of public interest to this building. Dufford only time is when child fell down shaft. Brent just to be clear with respect to MDC as a whole not composed of non compis menaces. not idiots, corrupts don't subject selves to chronism never participated in it. When have someone from Mr. Heck come up insulting to organization and leadership of City and MDC to watch this. If Mr. sticks around will go over every project discussed or mentioned to every public citizen. with respect to Mr. Batka actually excited the day were asked to buy this building given a mandate to council to get this to a closing. Saw as good investment to City. First call was to good friend Mr. Batka. mdc voted on yesterday but because

property owner downtown but because of false and derogatory comments downtown in order to avoid any risk of having organization disparaged abstained from voting. Called Batka met with him and Marriott hotel people and then met with Mayor excited to have him as participant. Mr. Batka willing to put a hotel downtown with the condition that two buildings building of sw and western united life building were torn down. That has a price tag, that is an incentive. Here is what city council wants downtown 4 star hotel. wanted 10M if leave building standing. that's not free. brochures 225,000 a key for full service. Courtyard would have been 10M to tear down building. He wanted to save the City money. To go to AC hotel cost was another 10-15M and that would of given quasi full service hotel in sense 1500-2000 sq ft and would of been AC hotel. Lastly full service hotel was 20M numbers have not changed. numbers are what they were before closing building. this deal more money needed to make this deal work. Made his staff go re vet everyone submitted an offer to MDC just to be sure that this was the best deal. as chairman of MDC if you want full service hotel that has meeting space that rises to level of nice hotel 4 star this is best deal that mdc been able to produce for you. do you want a court yard marriot or full service hotel. Robnett mdc justify in a lot of ways health care in community and leverage additional investments. would you say this project looking at numbers at what tax payer spends and gets in return more thoroughly vetted then any other mdc. Brent equally vetted and every decision made vetted equally. Take all skills and talents and every decision vetted same way but this one in particular made guys share performance. We know everything about the deal looked at line by line. no one invest in 9% deals want 12-18%. That's polyan. Boils down to deal has every component negotiated in it for the City.

Love profit what is their profit. Brent i meant their returns. Trost this seen presentation this is about 30M of taxpayer money to underwrite this deal. Brent MDC perspective Wesley Bownds frustrated wasn't voted on center didn't give it to negotiate it would of already been put on agenda.

John VP Midway thank everybody for discussion fully vetted fully transparent have been fully transparent and understanding market understand o7g market and how it fluctuates. part of underwrite was sensitivity analysis of downside up side where risks. would not be standing here today if didn't thin it was what it took and couldn't deliver.

Council Member Dufford moved to adopt Resolution No. 2019 - 385; seconded by Council Member Robnett.

Trost offer amendment to 15M make. Robnett arbitrary reductions in incentives won't get building built.

dies lack of second.

Love did not support would not work.

Was in Council session advocating for 4 star downtown hotel. problem is told this is only deal there is no other deal been here several times this is only deal not privvy to negotiations may have been other deals council has its role and responsibility too. With all of this when talking about taxpayer money might not be fair to punt. but what would be appropriate to defer and let the Council vet it a little bit more concerns.

Hotchkiss to speak to that brought another deal company build a convention for a city

presented a proposal brought back 3 times and when final proposal came in higher than this once. Given every opportunity to compete it didn't work.

Robnett full support of project difficult to listen to heated discussion think difficult in job and comment made get paid big buck take into account decision based and takes into account of entire business and leadership of community. take existing investments and encourage growth and development and expand tax base. Mr. Ginsbach not proud of quality of hotel and did not meet standards of business he is doing.

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

Trost prepare comments for 15 yrs tireless advocate of downtown midland. supported efforts in 2010 by providing parking structure supportive law read into record. min incentives \$40 construction of new convention center. supported designated for future support 3m incentive request by developer to vaughn to build more apartments to have more affordable housing. this hotel does not address needs or exceptio less than over 15 m i can say i support downtown but cant supporting giving 30m to hotel ironic with exception all voted to eliminate one tool to fund projects as well. TIRZ funds meant downtown taxpayers paid downtown rather than homeowners. if not voted to eliminate TIRZ fund would of had 10-15 m. now to sit and ask taxpayers to spend 30m now 70M needed to build hotel that we dont own is astounding. insult to taxpayers and insult to HOT fund and hotel developers. hardest days as council member being back on council when vote is called clearly see not highests and geratst use of taxpayer dollars.

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

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

6. Approved a resolution approving and authorizing Publication of Notice of Intent to issue Certificates of Obligation. (FINANCE)

RESOLUTION NO. 2019 - 366

A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE SERIES 2020 CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$25,300,000.00)

Love pulled item for opportunity to hear rate ahead just auth .

Council Member Love moved to adopt Resolution No. 2019 - 366; seconded by Council Member Trost.

George Wolford Hilltop security just notice sale feb 10 for council auth.

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

7. Approved a resolution awarding the construction of a new Animal Shelter and demolition of the existing Animal Shelter to Henthorn Commercial Construction LLC for the cost of

\$8,144,000.00 plus \$814,400.00 in contingencies for a project cost of \$8,958,400.00 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 367

RESOLUTION AWARDING A CONTRACT FOR THE ANIMAL SHELTER DESIGN AND BUILD PROJECT TO HENTHORN COMMERCIAL CONSTRUCTION LLC IN THE AMOUNT OF \$8,144,000.00; AND APPROVING \$814,400.00 FOR CONTINGENCIES

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

8. Approved a resolution awarding a contract for a crematorium to B&L Cremation Systems, Inc. for the cost of \$123,650.00 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 368

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A CREMATORIUM FROM B&L CREMATION SYSTEMS, INC., OF LARGO, FLORIDA, FOR A TOTAL COST OF \$123,650.00; AND ALLOCATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

9. Approved a resolution awarding a sole source agreement for Neptune water meters with encoders and all associated parts from Core & Main LP for the Customer Service Division. (PURCHASING)

RESOLUTION NO. 2019 - 369

RESOLUTION APPROVING THE SOLE-SOURCE PURCHASE AGREEMENT FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT FROM CORE & MAIN, LP, AT A TOTAL COST NOT TO EXCEED \$1,999,231.70

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

10. Approved a resolution approving the purchase of equipment to outfit thirty-five (35) police tahoes from Cap Fleet Upfitters through Buyboard contract #524-17 for a total cost of \$1,161,495.51 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 370

RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF EQUIPMENT TO OUTFIT THIRTY-FIVE (35) POLICE VEHICLES FOR THE GARAGE DIVISION FROM CAP FLEET UPFITTERS, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$1,161,495.51

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

11. Approved a resolution approving the purchase of four (4) Kann refuse truck bodies on International cab and chassis' and one (1) Roll-off truck body on International cab and chassis' from Roberts Truck Center of Texas LLC dba Summit Truck Group through Sourcewell formerly National Joint Powers Alliance (NJPA) contract #081716-NVS for a cost of \$954,731.43 and the purchase of one (1) cab and chassis' cab over with automated refuse body from Autocar through Buyboard contract #521-16 for a cost of \$310,555.00 for a total cost of \$1,265,286.43 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 371

RESOLUTION APPROVING THE PURCHASE OF FOUR (4) KANN REFUSE TRUCK BODIES ON INTERNATIONAL CAB AND CHASSIS AND ONE (1) ROLL-OFF TRUCK BODY ON INTERNATIONAL CAB AND CHASSIS FROM ROBERTS TRUCK CENTER OF TEXAS LLC DBA SUMMIT TRUCK GROUP THROUGH SOURCEWELL AT A TOTAL COST OF \$954,731.43; AND APPROVING THE PURCHASE OF ONE (1) CAB AND CHASSIS WITH AUTOMATED REFUSE BODY FROM TEXAN WASTE EQUIPMENT DBA HEIL OF TEXAS THROUGH BUYBOARD AT A TOTAL COST OF \$310,555.00

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

12. Approved a resolution approving the purchase of Ammunition for the Police Department. (PURCHASING)

RESOLUTION NO. 2019 - 372

RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, GT DISTRIBUTORS, INC., KIESLER POLICE SUPPLY, AND PROFORCE LAW ENFORCEMENT, AT A TOTAL COST OF \$121,501.63

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

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

13. Approved a resolution authorizing the City Manager to advertise a Request for Qualifications to provide Professional Services for engineering planning and design services to develop an Development Design Manual for Engineering; authorizing the City Manager to negotiate professional services agreement for said services; and providing that said agreement shall not become effective until approved by the City Council. (PURCHASING)

RESOLUTION NO. 2019 - 373

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT WITH THE DEVELOPMENT OF A MANUAL FOR THE PLANNING AND DEVELOPMENT OF INFRASTRUCTURE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

Love pulled Jose and Matt really incredible and tell community about what doing and how it will streamline development and thank for hard work.

Jose knock out staff do tremendous job for city. To get back ot item trying to reevaluate code standards poicies in such a heavy growth mode haven't had opportunity to look at standards. Moving forward some stands fragmented that want to put doc together to consolidat einto one manual for easier for developers to work with and have standards in front of you to help guide thorough process. some codes are not old or applicable this iwll help staff as well. evaluate and see what are approp for comm. and enlighten devleopment community to know what are standards implementing to ensure if appropriate. for design manual.

Council Member Love moved to adopt Resolution No. 2019 - 373; seconded by Council Member Trost.

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

14. Approved a motion authorizing the City Manager to negotiate and execute an agreement with Priority Midland in an amount not to exceed \$1,000,000.00. (CITY MANAGER'S OFFICE)

Trost pulled for clarification \$1 m suggested than back to priority midland organizaiotn bakc for more money suggested then this isn't end. heres another \$1m of tapayer money. doesn't tell what its for to continue their work.

Morales at this pointexecutive committee formed working gorups now taking on internally at local level what need to identify is true strategic master plan of comp plan of all five taing entities. just liek compplna that helps city this strategic master plan \$1m along with county and oundaiton or 2 to form scope in addiiton to true administrative team. I believe made great strides in last 12 months. Trost done a reat job - dont; think what i expected. this was a study to see about getting all taxing entities together under

one umbrella. Mayor remove walls working on identifying issues affordable housing health care infrastructure. Been identified taking ownership and move it forward working with strategic partnership. asking today is this is not committing \$1M in next 6 months if able to put together strategic master plan allocate at that time. ask this to be budgeted in as line item. Dufford Priority midland unless achieve funding from other entities it will not be allocated. there has to be buy in from county hospital, college and foundations. until done this not funded.

Morales vote still saying believe in priority midland and will fund if other taxing entities move forward.

Council Member Dufford moved to adopt Resolution No. NUMBER>; seconded by Council Member Love.

Love priority midland difficult when made vote glad did make that vote. This is what expecting seed money to run non profit. Will say and advise this and future council is to listen to economic report that Perryman came out of priority midland. Definitely worth money to generate report midland one of most wealthiest city has room to increase its tax rate and debt ratio this city operates way to cheaply we've got to stop being cheap before end up like Detroit.

Trost we could utilize that kind of money for other priorities council has set regarding housing affordable housing.

Kimberly Crips question answered.

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

15. Approved a motion authorizing the City Manager to negotiate with the appropriate party or parties and execute an incentive agreement for the renovation of the Vaughn Building (CITY MANAGER'S OFFICE)

Hotchkiss pulled to comment think heard wonderful overview not enough info to move forward with any action. can't vote for adding to CM rather next council. Love his view light of previous item that took 3.5 hours to consider think that we let CM negotiate and comes back and tells entire council for all the deals. Feeling left out on pertinent information. In favor of CM negotiating coming back to Council as opposed to council Members. Hotchkiss let next city council make this decision.

Trost supposed to read city manager to negotiate with appropriate parties original had MDC. John O left open for to insert whoever other parties would be.

Council Member Hotchkiss approve a motion authorizing the City Manager to negotiate with the appropriate party or parties an incentive agreement for the renovation of the Vaughn Building and have discussions with next council before any agreement brought forward.; seconded by Council Member Love.

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

John James 100 N Main only answer specific question there is something affected by not taking any action today and that is contract on bond will go away. any action symbolic in nature that says any action interested even if interest and encourage next council to act on this. need some. HOtchkiss move to defer what other words. James something like consider motion auth with appropriate parties and have discussions with next council before any agreemnet brought forward.

Mayor MOrales recessed meeting at 1:12 pm. to reconvene at 2:00 p.m.

Reconvene at 2:00 with following members present: Morales, Love, Hotchkiss, Dufford, Trost

16. Approved a motion authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the following amounts for the following purposes: \$9,505.20 to assist the City of Midland Health and Senior Services Division (City) with delivery of Refugee Immunization Services; \$150,358.00 to assist the City with delivery of Immunizations Services; \$104,438.00 to assist the City with delivery of Public Health Emergency Preparedness Services; \$111,630.00 to assist the City with the delivery of Local Public Health Services; authorizing the City Manager or his designee to execute all necessary acceptance documents; and authorizing and directing the City Treasurer to deposit the funds into the General Fund (COMMUNITY SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

17. Approved a resolution approving the issuance of permits to Endeavor Energy Resources, L.P. for the drilling of oil and gas wells, being Elkins Atrelle 31-42 #132 located 1,837 feet from the north line and 1,675 feet from the east line, Elkins Atrelle 31-42 #233 located 1,837 feet from the north line and 1,700 feet from the east line and Elkins Atrelle 31-42 #244 located 1,839 feet from the north line and 1,775 feet from the east line, Section 31, Block 38, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells are generally located between 514 and 516 feet south of East Cynthia Drive extension and between 1,675 and 1,775 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 374

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 514 FEET AND 516 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,675 FEET AND 1,775 FEET WEST OF TODD DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL THREE OIL AND GAS

WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 514 FEET AND 516 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,675 FEET AND 1,775 FEET WEST OF TODD DRIVE); 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 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

18. Approved a resolution approving the issuance of permits to Endeavor Energy Resources, L.P. for the drilling of oil and gas wells, being Elkins Atrelle 31-42 #212 located 2,179 feet from the north line and 1,153 feet from the east line, Elkins Atrelle 31-42 #114 located 2,179 feet from the north line and 1,203 feet from the east line, Elkins Atrelle 31-42 #221 located 2,179 feet from the north line and 1,228 feet from the east line and Elkins Atrelle 31-42 #223 located 2,180 feet from the north line and 1,278 feet from the east line, Section 31, Block 38, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells are generally located between 850 and 851 feet south of East Cynthia Drive extension and between 1,153 and 1,278 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 375

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 850 FEET AND 851 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,153 FEET AND 1,278 FEET WEST OF TODD DRIVE); 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 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

19. Approved a motion authorizing the receiving and filing of the Consolidated Annual Performance and Evaluation Report for 2018/2019. (DEVELOPMENT SERVICES)

Love pulled to have Isaac opportunity to talk.

Isaac Garnett annual report due to HUD at end of month. In notes accomplishments served 387 seniors with meals, home cleaning, home construction. Spent money wisely

in grant improvements in greenwood district. approved sidewalks curb gutter retaining walls. Partnering with Jose Ortiz to get bigger bang for buck. Coming year about \$1m to spend work on gave overview of coming projects.

Dufford before Hailey, started paving program is it still ongoing in District 2. Yes its compass not cdbg funds because committee felt a higher purpose should be directed to housing infrastructure. Chuck Harrington credit couple years ago trouble spending money over last couple of year Isaac had tremendous effort have been given more as a result.

Council Member Love moved to approve Approved a motion authorizing the receiving and filing of the Consolidated Annual Performance and Evaluation Report for 2018/2019.; seconded by Council Member Hotchkiss.

Mayor Isaac representing COM on housing board done a tremendous job wealth of knowledge. Listening through Skype presents a project where everybody can understand where going through. Hotchkiss and leadership roll with Census.

Morales ask about Housing Authority still high performance moving toward getting in position leverage all tools to increase the amount of units hasn't been increased in 3040 years.

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

20. Approved a resolution authorizing the City Manager or the City Manager's Designee to negotiate and execute a written agreement for the provision of services in each area for which the owners of land in the area request annexation; and authorizing and directing the City Secretary to file each agreement with the County Clerk of the county in which the area identified in the agreement is located for recording in the official real property records of such county. (Planning Admin)

RESOLUTION NO. 2019 - 376

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE AND EXECUTE A WRITTEN AGREEMENT FOR THE PROVISION OF SERVICES IN EACH AREA FOR WHICH THE OWNERS OF LAND IN THE AREA REQUEST ANNEXATION; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO FILE EACH AGREEMENT WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE AREA IDENTIFIED IN THE AGREEMENT IS LOCATED FOR RECORDING IN THE OFFICIAL REAL PROPERTY RECORDS OF SUCH COUNTY

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

21. Consider an amendment to Resolution 2018-483 on a request from Permian Deep Rock Oil Co., LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Charger A #H130WB) located 2,280 feet from the west line and 108 feet from the south

line, (Charger A #H135WA) located 1,980 feet from the west line and 108 feet from the south line and (Charger A #H140WB) located 1,890 feet from the west line and 109 feet from the south line Section 3, Block 39, T-2-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Said well is generally located between 1,943 and 2343 feet west of South Garfield Street and between 320 and 321 feet north of West County Road 111. – District 2) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 377

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,943 FEET AND 2,343 FEET WEST OF SOUTH GARFIELD STREET AND BETWEEN 320 FEET AND 321 FEET NORTH OF WEST COUNTY ROAD 111); SAID AMENDMENTS AUTHORIZING CHANGES TO THE NAMES OF THE WELLS

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

22. Approved a resolution authorizing the execution of a Chapter 380 Economic Development Agreement between the City of Midland and Costco Wholesale Corporation, as authorized by Chapter 380 of the Texas Local Government Code. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 378

RESOLUTION AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND COSTCO WHOLESALE CORPORATION, AS AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

Trost had questions answered. Chuck Harrington big change but what requiring traffic improvements and signal lights think it wil improve what is already bad. Dufford improvements more than \$7m? Chuck yes. their building 183,000 sq ft. Courtney it would be improvements eventually have to make. Chuck is one that went to conference and got eye of costco recruiting and worked with developers thanked chuck.

Tracy Gearheart 6706 Mosswoof, her street backs up to 158 didn't know if anybody speaking from neighborhood. she is now on homeowners association board. Have beendiscussing and trying to make plan. Concern for noise. They are turning into 5 lanes its already 5 lane in front of house talking about 5 lands on? Love that is TxDot. Michael Pacelli City and MDC working on corridor plan from michael craddic to 191 with raised median. Costco will build starting ironwood down to 191. Island full access but median further down dont want full access driveways clsoe to interchange.

Bob Landgraff 1600 Country Club Drive, since on consent agenda assumed approval automatic. Scott mention \$7M in tax forgivenssss chumb change for company size of costco is council by approving saying Council would not come for tax incentive. Chuck

Harrington that might be the case. In competition with Odessa. What sales tax relief is for City improvements we would have had to extend utilities water streets. It would have been a cost burden on city this is reimbursing for public works. Love instead of writing check now we are using their sales tax to pay for that later by \$7 m. Trost will realize more than \$7m in value. Bob just seems like a Costco would be willing to come to Midland without. Trost one way to look at it won't have to look at in terms of budget when it comes to property tax coming out of future sales tax from them never collected by us. Otherwise to do those developmental needs then have to look in budget and add \$7m to bottom line of budget. Bob addressed main concern. In conservative Midland at federal level against any subsidy boil down to local level and give money away get a little hypocritical.

Council Member Love moved to adopt Resolution No. 2019 - 378; seconded by Council Member Hotchkiss.

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

23. Approved a motion authorizing the City Manager to execute, on behalf of the City of Midland, a Regulatory Agreement and Declaration of Covenants and Restrictions with DDC Merritt Sunset, LLC pertaining to a 2.254-acre tract of land out of Lot 1, Block 163, and a 2.607-acre tract of land out of Lot 1, less the south 20 feet of said lot, Block 104A, all out of Wilshire Park Addition, Section 9, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

24. Approved a motion on request by Newton Engineering, PC, to defer water, wastewater, paving, and sidewalk improvements for Entrada Estates Section 6, and to waive the corresponding financial security guarantee valued at \$1,497,747.00, an amount equal to the estimated cost of construction. The subject property is a 54.75-acre tract and is generally located near the intersection of West County Road 78 and North County Road 1271 and directly north of Mid-Cities Church and outside the corporate limits of the City of Midland. (ENGINEERING SERVICES)

Trost in ETJ. Matt Carr yes. Trost how much jurisdiction subject to subdivision regulations. John O. Trost what is all around it? Matt some large tracts to west very consistent with development pattern to the west. Too far from water, too far from sewer. Chuck health dept approves septic systems and has some standards they have to pass before they can get one. wouldn't normally be the case. Most of property to north is oil field and oil wells. and ag pit as well.

Council Member Love moved to approve Approved a motion on request by Newton Engineering, PC, to defer water, wastewater, paving, and sidewalk improvements for Entrada Estates Section 6, and to waive the corresponding financial security guarantee valued at \$1,497,747.00, an amount equal to the estimated cost of construction. The subject property is a 54.75-acre tract and is generally located near the intersection of

West County Road 78 and North County Road 1271 and directly north of Mid-Cities Church and outside the corporate limits of the City of Midland.; seconded by Council Member Dufford.

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

25. Approved a motion approving a proposed preliminary plat of Entrada Estates, Section 6 being a plat of 52.35-acre tract of land out of Section 32, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of North County Road 1271 and West County Road 78. (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

26. Approved a resolution authorizing a Public Improvement Development Agreement with StoneHawk Capital Partners, LLC, in the amount of \$558,399.09 for the design and construction of roadway improvements at the future intersection of State Highway 158 and Wadley Avenue; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 379

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH STONEHAWK CAPITAL PARTNERS, LLC FOR ROADWAY IMPROVEMENTS AT THE FUTURE INTERSECTION OF STATE HIGHWAY 158 AND WADLEY AVENUE TO SERVE GRASSLAND ESTATES WEST, SECTION 11; AND AUTHORIZING THE ALLOCATION OF FUNDS RECEIVED IN ACCORDANCE WITH SAID AGREEMENT; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

27. Approved a resolution to accept funds awarded through the EL-Emergency Law Enforcement Assistance Grant Program (POLICE)

RESOLUTION NO. 2019 - 380

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$43,249.65 FROM THE EL-EMERGENCY LAW ENFORCEMENT ASSISTANCE GRANT PROGRAM; PROVIDING THAT SAID GRANT SHALL BE USED TO REIMBURSE THE POLICE DEPARTMENT AND FIRE DEPARTMENT FOR OVERTIME, VEHICLE DAMAGE, AND SUPPLY COSTS ASSOCIATED WITH THE ACTIVE-SHOOTER EVENT ON AUGUST 31, 2019; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

28. Approved a resolution to accept and appropriate funds awarded through the FY2020 Edward Byrne Memorial Justice Assistance Grant Program (POLICE)

RESOLUTION NO. 2019 - 381

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$170,000.00 FROM THE FISCAL YEAR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE GOVERNOR'S OFFICE; SAID GRANT FUNDS SHALL BE USED TO PURCHASE AN ACCIDENT RECONSTRUCTION TECHNOLOGY SYSTEM AND ELECTRONIC TICKET WRITERS FOR THE POLICE DEPARTMENT

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

29. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., 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 one (1) temporary lay flat water line, pipeline will be located within City of Midland property, Sections 4, 5, 9 & 10, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 382

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 5, 9 AND 10, BLOCK 38, TOWNSHIP-2-SOUTH, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

30. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., 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 one ten inch (10") private water line. Pipeline will be located within City of Midland Plant Farm property, Section 44, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 383

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

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

31. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Centurion Pipeline, LP said Right-of-Way License is for entering the City of Midland's property for the purpose of boring and placing, installing, constructing, operating, repairing, maintaining and removing one privately owned oil pipeline, not to exceed fourteen (14) inches in diameter; the pipeline will be located under Kevin Road, a City of Midland owned road, located in Section 9 , Block 39 Township 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 384

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 39, TOWNSHIP-2-SOUTH, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 6, 13, 14, 15, 19, 22, 24; seconded by Council Member Robnett.

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

SECOND READINGS

32. Consider an ordinance on second reading on a 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, 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). (DEVELOPMENT SERVICES) (First Reading held November 19, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 10021.

Council Member Love moved to approve the second and final reading of Ordinance No. 10021 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

33. Consider an ordinance on second reading 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) (First reading held on November 19, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 10022.

Council Member Love moved to approve the second and final reading of Ordinance No. 10022 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

34. Consider an ordinance on second reading 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) (First reading held on November 19, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 10023.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 10023 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

35. Consider an ordinance on second reading 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) (First reading held on November 19, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 10024.

Council Member Love moved to approve the second and final reading of Ordinance No. 10024 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Adrian Uriquidi 3000 Virginia don't live in that area but daughter is 12 years old attending Midland Freshman that hotel is going in place there only 2 blocks away form Midland Freshman. Already 2 hotels oil field workers don't think we need another hotel there. NOt against development but another hotel doesn't benefit residents too close to school. Out at 4 p.m. talking to residents. They are all concerned they didnt' have first hand knowledge that type of hotel. Look to see if any other options but look at father's point of view. If looked at quality of hotels right now. they are not quality hotels. kind of stuff

goes on here can't talk about. urge to reconsider. Congestion and public safety. There right at 4 p.m saw dozens of little kids walking home. Daughter is fortunate to be picked up in 5 miles radius you have 7 hotels all of them range from \$100 to \$150 mostly out of town workers. Think look at other options. Morales any bad reports on other hotels? Adrian did talk to one of residents her husband part of Sheriff department didn't get enough time to get disturbance calls. oil field workers that stay there when hear some of the things doesn't make sense to put another hotel of that type.

Trost you put yourself on front how can we find out about calls from City to those hotels. Higher call for service due to transient populations.

Trost legitimate concern. Love it's hotel they are going to have calls we as City Council do not pick winners and losers this is not a planned district. This is applicant who has asked for zone change. Trost would like statistics from police.

Steven Villela everything west and two blocks north all homes. About 3 blocks west is where big spring will hit. everything can be homes and struggling to build more affordable homes. Existing leaving onto a neighborhood and due east everything from there annexed into city with promise of new roads sidewalks and new gutters and haven't had any of that. Dodging potholes. Behind walmart have 18 wheelers because of hotels, more traffic and more people parking on side of road even more congested. Asked not to replot at this time until further consideration. Love not a replot it is a zone change.

Luis Sanchez mentioned residents complain on congestion and safety not here now.

Dufford in your district. Love made motion voting for it. District 2 has a lot of problems. not job to tell somebody what to do with their property. We consider the zoning change application. I think a hotel helps and valorem does bring traffic. As far as Midland High and School developer is going to fence in 3 sides and trees along front to protect and insulate from neighborhood and sat there for years with nothing.

Steve Villela yes help on taxing but won't help that area nothing else commercial. on west side commercial they could put the hotel. NOT job what to do with property but responsible to consider community and what will affect them. Traffic doesn't affect unless have to dodge potholes. It will affect community negatively because more traffic because of hotel. Morales if zone change was to pass that roads will get improved. Steve doubt it there is a lot of commercial real estate that community promised 7 years ago would have roads sidewalks and gutters start with roads promised 7 years ago. Love it wasn't 7 years much longer than that. That issue is a whole lot more than city not doing improvements between neighborhood and city wasn't just city extenuating circumstances reason hasn't fully developed. Steven supposing should base decision on that specific road. Person who owns the property wants to sell the road. do have to consider what is going to affect those specific neighbors. Love if you say consider do you mean vote no. Steve his vote would be no. Morales property very scarce affordable housing is needed. vacant lots vacant forever and collecting trash, reason current property owner trying to get more bang for his buck until come in

Felipe Lara, speak on other subject of nice hotel on downtown. Against hotel being built there. Already have enough hotels there need more stores an HEB nice park don't need hotel in middle of neighborhood. Any other neighborhood would be up here

complaining. Students that have walk from Midland Freshman some familiar with area and go visit during that time see how many kids walk from Travis and Midland Freshman to their home. right in middle of neighborhood trailers and houses not going to look like that. Hotchkiss because voting on zoning the real appropriate time to block a hotel said to benefit fo community just doing commercail development if lbock hotel set up for type of development you would like same zoning which would be stores. chuck a lot of other uses high traffic generators not as high traffic. Busy in morning and busy at night. Staff concerns understand their concerns staff taken posisiton no more commercial further east and north there is need to get streets ndutilities in there. think area overall very ripe for residential redevelopment ot the east and north. Beent alking about this property for 4 years before apt complex and people were really upset about that. dont see it developing into residential.Chuck probalby right on that all commercial immediate to south one street over to south. Dufford this ismost least impact when comes to traffichthen any retail or dollar store or apt complex.

Trost realize what Mr. Love is aying and right. Understand staff as well. His conern is children around neighborhood that is a lot of possibilities for major problems for hotel. Love there is hotel is a lbock to the south.

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

36. Consider an ordinance on second reading 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) (First reading held on November 19, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 10025.

Council Member Love moved to approve the second and final reading of Ordinance No. 10025 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Dufford without looking at this 11 oclock is that in here. staff yes.

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

37. Consider an ordinance on second reading amending Fiscal Year 2018-2019 Budgets for certain funds. (FINANCE) (First reading held on November 19, 2019)

ORDINANCE NO. 10026

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10026.

Council Member Love moved to approve the second and final reading of Ordinance No. 10026 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

38. Consider an ordinance on second reading 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 (\$500.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (CITY ATTORNEY'S OFFICE) (First reading held on November 19, 2019)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10027.

Council Member Love moved to approve the second and final reading of Ordinance No. 10027 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

PUBLIC HEARINGS

39. Hold a public hearing and consider an ordinance on a request by Guadalupe and Mayra Zarate, for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, on Lots 15 and 16, Block 1, Eastover Addition, City and County of Midland, Texas. (Generally located on southeast corner of the intersection of E. Illinois Avenue and N. Adams Street. Council District 2). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10027

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 15 AND 16, BLOCK 1, EASTOVER 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 ILLINOIS AVENUE AND NORTH ADAMS STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10029.

Development Services Director Chuck Harrington gave a brief overview of the item noting rezoning mf22 to sf-3 ready to build can't until zoning straight . meets comp plan no loj 12/4 rec approval.

Mayor Morales oph 2:42 p.m. cph

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 10029 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

40. Hold a public hearing and consider an ordinance on a request by Arimathea, LLC., for a zone change from LR, Local Retail District to RR, Regional Retail District, on Lots 5 through 7, Block 4, Tanglewood Addition, Section 4; Lot 4, Block 4, Tanglewood Addition, Section 3; and Lot 1B, Block 4, Tanglewood Addition, Section 6, all out of City and County of Midland, Texas. (Generally located on northwest corner of the intersection of N. Lamesa Road and E. Wadley Avenue. Council District 2). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10029

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 4, TANGLEWOOD ADDITION, SECTION 3, LOTS 5 THROUGH 7, BLOCK 4, TANGLEWOOD ADDITION, SECTION 4, AND LOT 1B, BLOCK 4, TANGLEWOOD ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LR, LOCAL RETAIL DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10030.

Development Services Director Chuck Harrington gave a brief overview of the item noting rezone to regional retail to remodel existing building into funeral home. Could not do it with one lot had to have whole things goes all the way down to Wadley. Has all other owners to sign to be part of this this will be decent rezone. meet min lot requirements. been rev by all depts. future land use urban low unan approve 12/4 p7z staff rec approval. no loj.

Mayor MOrales opened the public hearing at 2:44 p.m.

Tim Hair Dunaway assoc assistated land owner self and reps of landowners avail for questions.

There being no one else wishing to speak, the public hearing was closed at 2:45 p.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 10030 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

41. Hold a public hearing and consider an ordinance on a request by Midland Park Anchor Parcel, LLC., for a Zone Change from a PD, Planned Development District for a Shopping Center, to an amended PD, Planned Development District for a Shopping Center on Lot 6, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas, (generally located on the south side of West Loop 250 North, approximately 389-feet east of Boulder Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10030

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 389 FEET EAST OF BOULDER DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10031.

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change amendment to exist pd for property to allow expansion of building old dillards store now location of Dicks sporting goods. Change parking still need parking requirements. in compl with comp plan. approved by p7z staff rec approval subj to cond a-d. no loj. MOrales improving drive resurface and stripe and extend building.

Mayor Morales opened the public hearing at 2:47 p.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. 10031 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

42. Hold a public hearing and consider an ordinance on a request by Sergio Arias for a

Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 7,700 square foot portion of Lot 7, less the west five feet, and Lots 8 through 10 , Block 20, Belmont Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of Rankin Highway and West Francis Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10031

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 7,700-SQUARE FOOT PORTION OF LOT 7, LESS THE WEST FIVE FEET, AND LOTS 8 THROUGH 10, BLOCK 20, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF RANKIN HIGHWAY AND WEST FRANCIS AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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 SueAnn Reyes read the caption of Ordinance No. 10032.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant requesting to amend current sup to include portion of patio for alcohol in area. currently not in operation but could cont to operate on existing permit and they are going to go to 6000 sq feet inside and 700 sq ft on patio. proposing ot amend time alcohol service 11 -2 a.m. now from 10 a.m.t o 2 a.m. no church schools in area. does meet comp plan was approved by p7z meets all requirement. staff rec approval. Love requesting 10 a.m. because current sup in 10 oclock they dont want to go . Their current is 10 a.m. and ask to keep it that way. Sunday as well.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 10032 in accordance with the Charter of the City of Midland with amendment to hours sunday 11 a.m. to 2 a.m. following day; seconded by Council Member Trost.

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

Mayor Morales opened the public hearing at 2:53 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

43. Hold a public hearing and consider an ordinance on a request by Lilly Terrazas for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 3, Block 6, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Lee Street, approximately 122-feet south of Houston Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10032

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, 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 LEE STREET, APPROXIMATELY 122 FEET SOUTH 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 SueAnn Reyes read the caption of Ordinance No. 10033.

Development Services Director Chuck Harrington gave a brief overview of the item noting much like previous deal zoning ord change to build on these lots currently vacant. stafaf reviewed and surrouding neighborhood would justify chane to sf does meet min req staff rec approval. p7z approved. staff rec approval. there is one letter of objection received recently. objection has business on in neighborhood doesn't want resdient to complain about noise.

Mayor Morales opened the public hearing at 2:55 p.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. 10033 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

44. Hold a public hearing and consider an ordinance on a request for an annexation 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 (Generally located on the northwest corner of the intersection of State Highway 158 and State Highway 191. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10033

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 36.806-ACRE TRACT OF LAND OUT SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 158 AND STATE HIGHWAY 191); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10034.

Development Services Director Chuck Harrington gave a brief overview of the item noting located at nw corner sh158 and sh191 applicant annex considered in nov approved service agreement conformed to all state requirements. it will conform to comp plan staff rec approval of annexation.

Mayor Morales opened the public hearing at 2:56 p.m.

Michael Clark winkelamn and asocation dallas, rep cumberland and western and austex

Ilc. Mean to sign up for both 44 and 45 here for ans questions.

There being no one else wishing to speak, the public hearing was closed at 2:57 p.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 10034 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

45. Hold a public hearing and consider an ordinance on a request by Cumberland and Western Resources, LLC and L & L Austex, LLC for the initial zoning of a 36.806-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of State Highway 158 and State Highway 191. Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10034

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 36.806-ACRE TRACT OF LAND OUT SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 158 AND STATE HIGHWAY 191; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10035.

Development Services Director Chuck Harrington gave a brief overview of the item noting site just saw relative to annexation first zoning fro property does include retail warehouse. no dev plan yet but whole area regional retail development. It meets comp plan call for high urban desnity. p7z rec approval. staff rec approval one loj.

Mayor Morales opened the public hearing at 2:59 p.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. 10035 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

46. Hold a public hearing and consider an ordinance on a request for annexation of a 64.52-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 733-feet west of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10035

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 64.52-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 733 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10036.

Development Services Director Chuck Harrington gave a brief overview of the item noting another traact of land to be annexed into COM for utilities. 64.5 acres previous approved reso auth exec of service agreemeent. does conf with comp plan and staff rec approval. no loj.

Mayor Morales opened the public hearing at 3:00 p.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. 10036 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

47. Hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", Chapter 1, "Zoning Ordinance", Section 9.02, "Zoning Text and Map Amendments" of the City Code of Midland, Texas, by adding Subsection G, "Limitation on Reapplication" so as to establish a limitation on reapplication for a zoning map amendment; 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)

ORDINANCE NO. 10036

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING ORDINANCE", SECTION 9.02, "ZONING TEXT AND MAP AMENDMENTS" OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SUBSECTION G, "LIMITATION ON REAPPLICATION" SO AS TO ESTABLISH A LIMITATION ON REAPPLICATION FOR A ZONING MAP AMENDMENT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10037.

Development Services Director Chuck Harrington gave a brief overview of the item noting during rewritng of zoning eliminated length of time for rezzone it fell out proposing ot amend ord to put back in palce and restrict people coming back with continuouss reoning. Dufford for one year? Chuck yes one year unless material change then 6 months.

Mayor Morales opened the public hearing at 3:02 p.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. 10037 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

48. Hold a public hearing and consider an ordinance on a request by Evangelina Montemayor for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 - Residential Zoning District Dimensional Regulations Chart, concerning the front yard setback on Lot 3, Block 1, Brookshire Village, City and County of Midland, Texas. (Generally located on the east side of Perry Street, approximately 182-feet north of West Wadley Avenue. Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10037

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 1, BROOKSHIRE VILLAGE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF PERRY STREET, APPROXIMATELY 182 FEET NORTH OF WEST WADLEY AVENUE), BY PERMITTING A REDUCED MINIMUM FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10038.

Development Services Director Chuck Harrington gave a brief overview of the item noting existing structure on property used as carport 5 feet acceptable extends into required front yard setback built without permit. weren't aware came in wanted to build garage in rear and could not issue because non conforming use bringing back to ask Council for approval to grant an exception. staff cannot rec approval. saw no hardship and recommend denial.

Love did visit and clarify she didn't build she had it built and asked builder to pull permit and did not. He put this up and this was found out that this was there but we have forgiven less intensive think like property of Wadley and Lamesa that's 20 feet into the encroachment. She not next to anybody but parking lot can see through that plus throwing herself on mercy of Council asking for waiver. Dufford planning on building rear entry garage is this temporary. If build rear entry garage will he take this down. Chuck understand know where council is but have to be consistent.

Mayor Morales opened the public hearing at 3:06 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Evangelina Montenegro 3304 Perry, trying to get permit guy hired to build garage in back there is encroachment on property came up to City Hall talked to people on thirds

floor guy built carport did not get a permit trusted him and he told me he had gotten one. Called code enforcement here he was going to start building that day they said dont worry im sure he got it. on previous project. Its not covering any view though was in compliance. reason built is because when sleets or snow the snow and ice pile up couldn't get out of garage. church parking lot next to house. please take into consideration thought in compliance. Dufford intent to build rear entry garage? Once built will you have issue with taking it down. Garage in back is for another want both need carport no matter what. Hotchkiss the problem isn't how far out its the side that goes over too far. chuck extends into required front yard. two pillars in the setback.

cph 3:10 p.m.

Council Member Trost moved approval of the first of two readings of Ordinance No. 10038 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. NAY: None. ABSTAIN: None. ABSENT: Lacy, Robnett.

49. Hold a public hearing and consider an ordinance on a request by Family Promise of Midland, for Site Plan Approval on the south half of Block 23, Gardens Addition, City and County of Midland, Texas. (G10039 generally located on the northwest corner of Ward Street and West Ohio Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10038

AN ORDINANCE ADOPTING A SITE PLAN FOR THE SOUTH HALF OF BLOCK 23, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF WARD STREET AND WEST OHIO AVENUE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10039.

Development Services Director Chuck Harrington gave a brief overview of the item noting amend what got when built planss restricted had to put in detnetion and had to make changes.

Mayor Morales opened the public hearing at 3:11 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 10039 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

MISCELLANEOUS

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

Council Member Love moved to appoint Joe Sanchez to MOTRAN appoint James Robert Franklin Zoning Board of Adjustments as an alternate; seconded by Council Member Hotchkiss.

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

51. Approved a motion appointing a Mayor Pro Tempore. (CITY MANAGER'S OFFICE)

Council Member Love moved to appoint Spencer Robnett as Mayor Pro Tempore; seconded by Council Member Trost.

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

PUBLIC COMMENT

52. 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.)

Brent Hilliard 4800 Island Drive, last time together as body and recognize that MDC has ridden through election period and remained silent out of character. election season is over election has consequences not all recognize that. After thorough investigation determined that no board member ever served on board member that is corrupt participated in chonism any mechanism givenen council can oversee mdc to serve on board any chance exist would be extinguished by Council . Dufford we do not have a shadow govt without pleasure of city council. appreciate all members. learned at least for hsort period of time thought employed by city not true. MR. Heck saying council has a hard job. Courtney and john hard job MR. heck walter pate told him stopped took in bathroom brent last person that walked on this palnet wwas jesus christ we all make mistakes to that point that mr heck asked and provided provided with sara's 20 minutes version quickly prepared mdc investment initiatives since inception of MDC. next one is City utility road and row project first total 39.8 next total should be 9.4 m and last ly as part of mdc posisiton over last 6 years mgmt structure low risk high risk but also looking at tax payer funds to manage for community so every citizen benefits from it. education healthcare workforce inceitve issues. when look at last 6 years willing to be held fully accountable when he led can point to a number of successful things done which was Mr. Hecks requests. doing because think public doesn't know what we do. even when asked to come on something as importnat as hotel invited didn't show up. only person who spoke was in support. Beenmission how do we communicate with public. Everything voted on in last 6 years is coming to fruition everything there transacted and iwill happen including city engineering office which was for fire dept things keep fire trucks from ahving crashes with opticom system. Took big hit creatin radio system to make employees more productive and safer in emergency runs. Not going to go over every one of thse but certainly as it related to public suffice to say that staff and office stand behind every decision made recognizing not everyone is perfect. Kel Siliger

taught at UTPB said doing good things thought coming Mr. Seliger don't hear that every day. MDC rock start staff one of best boards money can buy (if can get point) midland shiing example, we have done our job don't tell that enough. Also willing to run into the fire to answer for the things that were done incorrectly or wrong what defines human is how well address own personal problem. no corruption mdc is working can see dismantling putting away roads partners and brought in 300 +M dollars that city would not see if not for MDC leading in investments. All done board and staff reflection of leadership and because of Council you have allowed it. thak you. Love brother served on that board most incorruptable people I know. 39 M spentt on infrastructure is amazing with sales tax. thats with slaes tax. Dufford on Council when MDC 4a started evolving to get to where are tody and alot to do with Brent hilliards leadership.

meeting adjourn 3:26 p.m. Merry Christmas.

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