MIDLAND CITY COUNCIL
MINUTES
December 11, 2018

BRIEFING SESSION

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

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director __, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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

REGULAR SESSION

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

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

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

OPENING ITEMS

cto 10 a.m.

Mayor wishes all Merry Christmas and Happy New YEar.

1. Invocation - Pastor Brent Johnson, Cornerstone Christian Fellowship

2. Pledge of Allegiance

PRESENTATIONS

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

   a. Presentation recognizing XTO Energy, Inc. for their $500,000 donation to the Dennis the Menace Park renovation project.

CONSENT AGENDA

4. Approved a motion approving the following minutes:

   Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

   a. Regular meeting of November 20, 2018.

   Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

5. Approved a resolution approving the City of Midland Fiscal Year 2019 Investment Policy. (FINANCE)

   RESOLUTION NO. 2018 - 489

   RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2019 INVESTMENT POLICY

   Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

6. Approved a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for emergency medical services and Health Department receivables. (FINANCE)

RESOLUTION NO. 2018 - 490
RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR EMERGENCY MEDICAL SERVICES RECEIVABLES AND HEALTH DEPARTMENT RECEIVABLES

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

7. Approved a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for misc receivables and insufficient fund checks (FINANCE)

RESOLUTION NO. 2018 - 491
RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR MISCELLANEOUS ACCOUNTS RECEIVABLE AND INSUFFICIENT FUNDS CHECKS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

8. Approved a resolution declaring expectation to reimburse expenditures with proceeds of future debt. (FINANCE)

RESOLUTION NO. NUMBER>
A resolution declaring expectation to reimburse expenditures with proceeds of future debt.

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

9. Approved a resolution awarding a contract for the Crack Fill Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 493
RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2019 CRACK FILL PROJECT TO CRACKSEAL OF TEXAS, LLC OF MATHIS, TEXAS, AT A TOTAL COST OF $636,120.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

10. Approved a resolution awarding a contract for the Hot in Place Asphalt Recycling Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 494

RESOLUTION AWARDING A CONTRACT FOR THE HOT-IN-PLACE RECYCLE PROGRAM PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF $5,399,969.60; AND AUTHORIZING PAYMENT THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

11. Approved a resolution authorizing the City Manager to approve the plans and specifications and advertise for bids for eight projects that will provide road, sidewalk, pedestrian ramp, and public utilities improvements at the following locations: (1) Cuthbert Avenue, from Ward Street to Garfield Street; (2) Wood Drive, from Midland Drive to Oriole Drive, and Oriole Drive, from Mockingbird Lane to Teakwood Trace; (3) Carter Avenue, from Garfield Street to Big Spring Street; (4) Bluebird Lane, from Midland Drive to a point east of Butler Park; (5) Bankhead Highway, from Front Street to Midkiff Road; (6) Michigan Avenue, from Garfield Street to A Street; (7) Louisiana Avenue, from Garfield Street to A street; and (8) Texas Avenue, from Andrews Highway to A Street; said projects being year two (2) bond projects for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 495

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR EIGHT PROJECTS THAT WILL PROVIDE ROAD, SIDEWALK, PEDESTRIAN RAMP, AND PUBLIC UTILITIES IMPROVEMENTS AT THE FOLLOWING LOCATIONS: (1) CUTHBERT AVENUE, FROM WARD STREET TO GARFIELD STREET; (2) WOOD DRIVE, FROM MIDLAND DRIVE TO ORIOLE DRIVE, AND ORIOLE DRIVE, FROM MOCKINGBIRD LANE TO TEAKWOOD TRACE; (3) CARTER AVENUE, FROM GARFIELD STREET TO BIG SPRING STREET; (4) BLUEBIRD LANE, FROM MIDLAND DRIVE TO A POINT EAST OF BUTLER PARK; (5) BANKHEAD HIGHWAY, FROM FRONT STREET TO MIDKIFF ROAD; (6) MICHIGAN AVENUE, FROM GARFIELD STREET TO A STREET; (7) LOUISIANA AVENUE, FROM GARFIELD STREET TO A STREET; AND (8) TEXAS AVENUE, FROM ANDREWS HIGHWAY TO A STREET; SAID PROJECTS BEING YEAR TWO BOND PROJECTS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

12. Approved a resolution approving the purchase of an Asphalt Recycler from Crafco, Inc. through the Houston-Galveston Area Council (H-GAC) for a cost of $76,575.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 496
RESOLUTION APPROVING THE PURCHASE OF A KMT2 ASPHALT RECYCLER FROM CRAFCO, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF $76,575.00

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

13. Approved a resolution approving the purchase of a Street Sweeper from TYMCO, Inc. through Buyboard contract 515-16 for a cost of $215,383.50 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 497
RESOLUTION APPROVING THE PURCHASE OF TYMCO MODEL 600 STREET SWEEPER FROM TYMCO, INC., THROUGH BUYBOARD AT A TOTAL COST OF $215,383.50

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

14. Approved a resolution approving the purchase of an Aerial Bucket Truck from Grande Truck Center through Buyboard contract 521-16 for a cost of $135,124.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 498
RESOLUTION APPROVING THE PURCHASE OF AN AERIAL BUCKET TRUCK FROM GRANDE TRUCK CENTER THROUGH BUYBOARD AT A TOTAL COST OF $135,124.00

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

15. Approved a resolution approving the purchase of three (3) administrative cars, ten (10) full size 1/2 ton regular cab pickups, four (4) full size 1/2 ton extended cab pickups, one (1) full size 1/2 ton crew cab pickup, three (3) full size 3/4 ton extended cab pickups, one (1) full size 3/4 ton extended cab diesel 4X4 pickup, one (1) full size 3/4 ton crew cab diesel 4X4 pickup, one (1) full size 1 ton regular cab diesel pickup, one (1) full size 3/4 ton regular cab and chassis, three (3) full size 1 ton regular cab and chassis, two (2) full size sport utility vehicles, one (1) mid-size front wheel drive sport utility vehicle and one (1) mid-size all-wheel drive sport utility vehicle for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 499

RESOLUTION APPROVING THE PURCHASE OF THREE (3) ADMINISTRATIVE CARS, ONE (1) FULL-SIZE THREE-QUARTER (3/4) TON EXTENDED CAB FOUR-WHEEL DRIVE DIESEL PICKUP TRUCK, ONE (1) FULL-SIZE THREE-QUARTER (3/4) TON CREW CAB FOUR-WHEEL DRIVE DIESEL PICKUP TRUCK, ONE (1) FULL-SIZE ONE (1) TON REGULAR CAB DIESEL PICKUP TRUCK, ONE (1) FULL-SIZE THREE-QUARTER (3/4) TON CAB AND CHASSIS, THREE (3) FULL-SIZE ONE (1) TON CAB AND CHASSIS, ONE (1) MID-SIZE FRONT-WHEEL DRIVE SPORT UTILITY VEHICLE, AND ONE (1) MID-SIZE ALL-WHEEL DRIVE SPORT UTILITY VEHICLE FROM RANDALL REED'S PRESTIGE FORD, OF GARLAND, TEXAS; THE PURCHASE OF TEN (10) FULL-SIZE ONE-HALF (½) TON REGULAR CAB PICKUP TRUCKS AND ONE (1) FULL-SIZE ONE-HALF (½) TON CREW CAB PICKUP TRUCK FROM GRAPEVINE DCJ, LLC, OF GRAPEVINE, TEXAS; THE PURCHASE OF FOUR (4) FULL-SIZE ONE-HALF (½) TON EXTENDED CAB PICKUP TRUCKS FROM FOUR STAR FORD OF JACKSBORO, TEXAS; AND THE PURCHASE OF ONE (1) FULL-SIZE ONE-HALF (½) TON CREW CAB PICKUP TRUCK AND TWO (2) FULL-SIZE FOUR-WHEEL DRIVE SPORT UTILITY VEHICLES FROM CALDWELL COUNTY CHEVROLET, OF CALDWELL, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

16. Approved a resolution awarding a contract for the Spaceport Business Park Landscape Improvements Project for the Midland Development Corporation at the Midland International Air & Space Port. (PURCHASING)

RESOLUTION NO. 2018 - 500

RESOLUTION APPROVING A LANDSCAPE IMPROVEMENTS CONTRACT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND A RENDON RAMIREZ CORPORATION DBA RRC CONSTRUCTION FOR THE SPACEPORT BUSINESS PARK LANDSCAPE IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

Council Member Lacy moved to adopt Resolution No. 2018 - 500; seconded by Council Member Love.

Robnett defer ample fund balance and annual maintenance for landscape MDC is $20

M plus into dev of business park through alittle more time airport system can take burden of those investments. Lacy time is of essence with planting some can't be airport funds can't use city fund rec moving forward and do reimbursement for what can fund for those appropriate. Instead of stalling this and enant in hangars need to move forward. John O MDC has leased property from city andunder lease agreement MDC will pay for maint upkeep and landscape. Wher ecouncil and MDC can be amended. Robnett lease can be renogiated to pay for landscape and maintenance. Frank O airport quite a few leases at airport all require leasess to maintain property woulld be change for airport to start changing. Robnett leased to MDC not to private property. Don't think delaying to renogiate lease between airport and MDC may have to go back out to bid. Gary Law engineer with MDC project being discussed rec contractor has 150 days. Minimum start date. Gary area F has to be completed by end of April. Robnet unique opportunity to have airport pay when they ahve plenty of money. delay and take another look. Dufford agree with lacy have no problem funding to get moving and if airport can pay do resolution to reimburse.

Morales if airport was to fund they would take over mmaintenance challenged today taking care of landscape have few guys in front of terminal and mow grass on vacant lots and equipment and personnel or contractor. Sparks Robnett has good point could help extend funds of MDC. Agree with J.Ross need to continue down this road but a ddiscussion should look into. Appreciate robnett looking into.

Lacy although airport has ample funds they may already be accounted for for other proejcts.

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

17. Approved a resolution approving an agreement with Parkhill Smith & Cooper, Inc. (PSC) to provide professional engineering services for the Northeast Sewer System Improvements Project for the Utilities Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2018 - 501

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE NORTHEAST SEWER SYSTEM IMPROVEMENTS PROJECT AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

18. Approved a resolution authorizing the issuance of a request for proposals for Apparent Water Loss Detection Software Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 502

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR APPARENT WATER LOSS DETECTION SOFTWARE SERVICES FOR THE

UTILITIES DEPARTMENT

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

19. Approved a resolution approving the purchase and upfitting of thirty (30) police vehicles from Caldwell Country Chevrolet through Buyboard contract 521-16 for a cost of $1,618,912.00 and the purchase and upfitting of three (3) police trucks from Rockdale Country Ford for a cost of $173,904.00 for a total cost of $1,792,816.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 503

RESOLUTION APPROVING THE PURCHASE AND UPFITTING OF THIRTY (30) POLICE VEHICLES FOR THE GARAGE DIVISION FROM CALDWELL COUNTY CHEVROLET THROUGH BUYBOARD AT A TOTALCOST OF $1,618,912.00; AND APPROVING THE PURCHASE AND UPFITTING OF THREE (3) POLICE TRUCKS FOR THE GARAGE DIVISION FROM ROCKDALE COUNTY FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF $173,904.00

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

20. Approved a resolution approving the purchase of a Hostage Negotiator Vehicle from The Armored Group, LLC through General Services Administration (GSA) contract GS-30F-0020W for a cost of $179,826.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 504

RESOLUTION APPROVING THE PURCHASE OF A HOSTAGE NEGOTIATOR VEHICLE THROUGH THE FEDERAL GOVERNMENT SERVICES ADMINISTRATION AT A TOTAL COST OF $179,826.00

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

21. Approved a resolution approving a professional services agreement with Parkhill, Smith & Cooper, Inc. to provide design and bid services for the Landfill Cell Six (6) Project for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2018 - 505

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., PROVIDING FOR DESIGN

AND ENGINEERING SERVICES AND DEVELOPMENT OF BID DOCUMENTS FOR THE LANDFILL CELL SIX PROJECT FOR THE SOLID WASTE DEPARTMENT AT AN AMOUNT NOT TO EXCEED $211,915.00

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

22. Approved a resolution authorizing the execution of Amendment #11 to Parkhil, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 506

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROVIDING SERVICES RELATED TO THE PREPARATION OF DISADVANTAGED BUSINESS ENTERPRISE AND AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM GOALS FOR MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

23. Approved a resolution authorizing the advertisement for Request for Proposals for Lots D & E Hangar Development at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 507

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF A REQUEST FOR PROPOSALS TO LEASE ALL OR A PORTION OF CITY-OWNED PROPERTY DESCRIBED AS LOTS D AND E, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DEVELOPING A PRIVATE AIRCRAFT HANGAR AT MIDLAND INTERNATIONAL AIR & SPACE PORT

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

24. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreement issued to Endeavor Energy Resources, L.P. (Current Operator) located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (District 1) (Planning Admin)

RESOLUTION NO. 2018 - 508

RESOLUTION APPROVING THE TRANSFER OF FIVE OIL AND GAS WELL PERMITS FROM ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO PARSLEY ENERGY OPERATIONS, LLC ("TRANSFEREE"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFEREE; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

25. Approved a resolution authorizing the transfer of Right-of-Way Crossing License 2013-013 between the City of Midland and Endeavor Energy Resources LP. Said Right-of-Way Crossing License transfer has been requested as part of the Endeavor Energy Resources and Parsely DE Lone Star LLC Exchange Agreement dated 8/16/2018 transferring all right, title and interest in this right of way. Said right of way is for entering the City of Midland's property for the purpose of placement, operation and maintenance of one 3" production water poly pipeline and one 4" fresh water poly pipeline contained in a 8 1/2" steel casing. The pipelines are located on City of Midland property located in the north half of Section 9, BLK X HP Hilliard Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 509

RESOLUTION APPROVING THE TRANSFER OF ARIGHT-OF-WAY LICENSE FROM ENDEAVORENERGY RESOURCES L.P. ("OPERATOR") TOPARSLEY DE LONE STAR LLC ("TRANSFEREE");SAID RIGHT-OF-WAY LICENSE BEING LOCATED INTHE NORTHERN HALF OF SECTION 9, BLOCK X, H.P.HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

26. Approved a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Dahlia Estates Addition, City and County of Midland, Texas, (generally located on the west-side of the North Garfield Street extension, approximately 1960 feet north of Mockingbird Lane), by permitting construction of residential buildings where no portion of any structure is closer than 135 feet of an existing permitted oil and gas wells (Smith-Hughes "9" #1 and #2; Moss Partnership "9" #1 and #2). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 510

RESOLUTION GRANTING A VARIANCE FOR DAHLIA ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE NORTH GARFIELD STREET EXTENSION, APPROXIMATELY 1,960 FEET NORTH OF MOCKINGBIRD LANE), BY PERMITTING CONSTRUCTION OF

RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

27. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and WPX Energy Permian, LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a private salt water disposal pipeline, not to exceed eight (8) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland real property, Section 12, Block C-24, A-1028, PSL, Loving County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 511

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WPX ENERGY PERMIAN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 12, BLOCK C-24, A-1028, PSL SURVEY, LOVING COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

28. Approved a motion to receive and file the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2017/2018. (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

29. Approved a resolution approving amendment to the permit issued to Permian Deep Rock Oil Co., LLC, for the drilling of oil an gas well, being Charger A #H120WB located 240 feet from the north line and 2,380 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Generally located 2,380 feet west of Rankin Highway and 620 feet north of Dayton Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 512

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 240 FEET FROM THE NORTH LINE AND

2,380 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS; SAID AMENDMENT CHANGING THE NAME OF THE WELL

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

30. Approved a motion approving a proposed Preliminary Plat of Central Park Addition, Section 2, being a plat of 30.52-acre tract of land located in Section 7 and 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of Loop 40 and South Farm-to-Market Road 1788). (DEVELOPMENT SERVICES)

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

31. Approved a resolution authorizing the City Manager to execute a surface use agreement between the City of Midland and Felix Energy Holdings II, LLC, Sections 8, 9, 10, 11 and 27, Block 74, PSL Survey, Winkler County Texas; and Sections 13, 18, 19, 21, 24, 25, 26 and 27, Block C-23, PSL Survey, Winkler County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 513

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND FELIX ENERGY HOLDINGS II, LLC FOR OIL AND GAS EXPLORATION, DEVELOPMENT AND PRODUCTION REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 8, 9, 10, 11, AND 27, BLOCK 74, PSL SURVEY, WINKLER COUNTY, TEXAS AND SECTIONS 13, 18, 19, 21, 24, 25, 26 AND 27, BLOCK C-23, PSL SURVEY, WINKLER COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

32. Approved a resolution authorizing the City Manager to execute a produced water disposal site lease agreement between the City of Midland and Felix Water, LLC, located Section 27, Block C-23, PSL Survey, Winkler County, Texas; and Section 10, Block 74, PSL Survey, Winkler County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 514

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND FELIX ENERGY HOLDINGS

II, LLC FOR A PRODUCED WATER DISPOSAL SITE LOCATED ON CITY-OWNED PROPERTY DESCRIBED AS SECTION 27, BLOCK C-23, PSL SURVEY, WINKLER COUNTY, TEXAS AND SECTION 10, BLOCK 74, PSL SURVEY, WINKLER COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 16; seconded by Council Member Dufford.

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

SECOND READINGS

33. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter 9, "Miscellaneous Driving Rules", of the City Code of Midland, Texas, by establishing Section 16, "Vulnerable Road Users". (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9849

AN ORDINANCE AMENDING TITLE X, “TRAFFIC REGULATIONS”, CHAPTER 9, “MISCELLANEOUS DRIVING RULES”, OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SECTION 16, “VULNERABLE ROAD USERS”, SO AS TO REGULATE THE OPERATION OF A MOTOR VEHICLE NEAR VULNERABLE ROAD USERS WITHIN THE TERRITORIAL LIMITS OF THE CITY OF MIDLAND; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); CONTAINING A CUMULATIVECLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OFJANUARY 1, 2019

sue read ord 9849

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9849 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

34. Consider an ordinance on second reading on a request by Green Pasture Ventures (Dave Meaden) for the initial zoning for a 9.75-acre tract located in the NE/4 of Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9850

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.75-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE

INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON 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. 9850.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9850 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

35. Consider an ordinance on second reading on a request by Newton Engineering, for a zone change from LR-1, Local Retail District, in part, and AE, Agricultural Estate District, in part to PD, Planned District for a Housing Development on a 26.15-acres tract of land out of the Southwest/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the east side of North Fairgrounds Road, approximately 715-feet south of East Pecan Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9851

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 26.15-ACRE TRACT OF LAND OUT OF THE SOUTHWEST QUARTER OF SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, IN PART, AND AE, AGRICULTURE ESTATE DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 715 FEET SOUTH OF EAST PECAN 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. 9851.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9851 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

36. Consider an ordinance on second reading on a request by Parkhill, Smith, and Cooper for a zone change from PD, Planned District for a Medical Center to an Amended PD, Planned District for a Medical Center on Lot 1A, Block 1, Midland Memorial Hospital, Section 2, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of West Michigan Avenue and North "N" Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9853

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 1, MIDLAND MEMORIAL HOSPITAL, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A MEDICAL CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST MICHIGAN AVENUE AND NORTH N 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. 9853.

Council Member Love moved to approve the second and final reading of Ordinance No. 9853 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

37. Consider an ordinance on second reading on a request by BP Land Development, LLC for a zone change from FD, Future Development to a MF-1, Multiple Family Dwelling District and LR-2, Local Retail District, for an 18.43 Acre Tract of Land out of the N/PART & SW/4 of Section 23, Block 40, T-1-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the northeast corner of Briarwood Avenue and North County Road 1250.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9854

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 14.00-ACRE TRACT OF LAND, A 2.497-ACRE TRACT OF LAND, AND A 1.937-ACRE TRACT OF LAND OUT OF SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND AS AN LR-2, LOCAL RETAIL DISTRICT, IN PART, (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND NORTH COUNTY ROAD 1250); 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. 9854.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9854 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

38. Consider an ordinance on second reading on a request by Mike and Helen Bowden for a zone change from CE, Country Estate District to O1, Office District on Lot 1A, Block 3, Country Sky Addition, Section 24, City and County of Midland, Texas. (Generally located on the southeast corner of Briarwood Avenue and Roadrunner Trail.) (DOWNTOWN DEVELOPMENT)

ORDINANCE NO. 9855

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 3, COUNTRY SKY ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND ROADRUNNER TRAIL); 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. 9855.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9855 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

39. Consider an ordinance on second reading amending Title X, “Police Regulations,” Chapter 10, “Dangerous Dogs,” of the Midland City Code. (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9856

AN ORDINANCE AMENDING TITLE VI, “POLICE REGULATIONS”, CHAPTER 10, “DANGEROUS DOGS”, OF THE CITY CODE OF MIDLAND, TEXAS; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS ($500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2019

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9856.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9856 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

PUBLIC HEARINGS

40. Hold a public hearing and consider an ordinance on a request by Caiti Kincaid dba Strategic Restaurant Concepts, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 220-feet west of North Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9857

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9857.

Development Services Director Chuck Harrington gave a brief overview of the item noting zonce change to amended PD Midland park mall. currently reg 9554. current building add roof over patio area. will requiree to adhere site plan outlines in compl with comp plaan staff rec approval no loj.

Mayor MOrales oph 10:19 a.m.

Elana 5500 Planto to answer any questions on behalf of applicant in support. just roof sidewalls open.

There being no one else wishing to speak, the public hearing was closed at 10:20 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9857 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

41. Hold a public hearing and consider an ordinance on a request by Tareq Hulali for a Special Exception to the City of Midland Zoning Code, Section 11-1-7 -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning the side yard setback requirements on Lot 12, Block 1, Grandridge Estates Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Blake Drive and Trennon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9858

AN ORDINANCE GRANTING A SPECIAL EXCEPTION

FOR LOT 12, BLOCK, 1, GRANDRIDGE ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BLAKE DRIVE AND TRENNON PLACE), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO BLAKE 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); 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. 9859.

Development Services Director Chuck Harrington gave a brief overview of the item noting deferred from last meeting so applicant could be in attendnace. That particular property has side yet of 10 feet. applicant instlaling poo with 5 yard set back. no objectioon from staff. from planningd stand point no hardship staff rec denail. Should council approval asked to approve the conditions in ord.

Lacy in support applicant present please support.

Mayor Morales opened the public hearing at 10:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9858 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

42. Hold a public hearing and consider an ordinance on a request by Younger Partners, Ltd., for a Zone Change from IP, Industrial Park District to LR-2, Local Retail District 1.03-acre tract of land located in Section 8, Block 40, T-2-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of South Farm-to-Market 1788 Road, approximately 2,410-feet north of State Highway 80.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9859

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.03-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED IP, INDUSTRIAL PARK DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH FARM-TO-MARKET ROAD 1788, APPROXIMATELY 2,410 FEET NORTH OF STATE HIGHWAY 80); 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. 9859.

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change from IP to LR2 located ease side fm1788 2400 feet north of sh80. app wants to change zone cchange for retial uses. require to plat and adhere to plating proc. including site plan review standards. req in compl with comp plan staff rec approval. p7z rec approval no loj.

Mayor Morales opened the public hearing at 10:24 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9859 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

43. Hold a public hearing and consider an ordinance on a request by Younger Partners, Ltd., for a Zone Change from FD, Future Development District to LR-2, Local Retail District and IP, Industrial Park District on a 14.18-acre tract of land located in Sections 7 and 8, Block 40, T-2-S, T&P. RR. Co Survey and a 15.81-acre tract of land located in Section 8, Block 40, T-2-S, T&P. RR. Co Survey, all out of the City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Loop 40 and South Farm-to-Market Road 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9860

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 14.18-ACRE TRACT OF LAND OUT OF SECTIONS 7 AND 8, AND A 15.81-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT, IN PART, AND AS AN IP, INDUSTRIAL PARK DISTRICT, IN PART, (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOOP 40 AND SOUTH FARM-TO-MARKET ROAD 1788); 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. 9860.

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting zone change for future dev close to airport loop 40 1788. req to plat property and ahere to all site plan review standards staff rec approval. in compl with coomp plan rec for approval by p7z. staff rec approval. no loj as 11/30. Love since staff is rec approval staff doesnt ahve any concerns about two zoning classifications and lack of buffer between. Chuck one offers buffer to other. lr2 will offer another type of dev in front for improvement.

Mayor Morales opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9860 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

44. Hold a public hearing and consider an ordinance on a request for annexation of a 123.28-acre tract located in Sections 37 and 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas. (Generally located approximately 703-feet west of the intersection of Tradewinds Boulevard and Thomason Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9861

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 123.28-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 703 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9861.

Development Services Director Chuck Harrington gave a brief overview of the item noting final ph of annexation ready to move forward for adoptin. midland schoo district requesting voluntary no loj rec approval.

Mayor Morales opened the public hearing at 10:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9861 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

45. Hold a public hearing and consider an ordinance on a request for annexation of a 25.410-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas. (Generally located approximately 896-feet south of State Highway 191 and 1,020-feet west of Avalon Drive.). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9862

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND,

TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 25.410-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 896 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST OF AVALON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9862.

Development Services Director Chuck Harrington gave a brief overview of the item noting last year prop wish to have city services .

Mayor Morales opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9862 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

46. Hold a public hearing and consider an annexation of a 28.84-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas, (generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40 - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES)

chuck consider vol application 28.84 acres located se int of fm 1788 and loop 40. this will allow for city services to property for future dev no loj.

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

47. Hold a public hearing and consider an annexation of a 21.30-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, and a 6.975-acre right-of-way out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located approximately 688 feet south of State Highway 191 and 2,287 feet west of Avalon Drive - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES)

Deve Chuck Harrington gave a brie oververview of the item noting next step in process cumberland and western resources annex 21.3 acre tract adn annex roadways for extention of deaville and arlington considered voluntary no loj.

Love the area to right and below aythign come pretty quickly. Chuck already finished it at lasat meeting.

Mayor Morales opened the public hearing at 10:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

48. Hold a public hearing and consider a resolution on a request by Opal's Table for a Temporary Land Use Permit for a Wedding, on the west 24.25 feet of Lot 9, and all of Lots 10 through 12, Block 65, and a .03-acre portion of S. Colorado Street adjacent to Lot 12, Block 65, all out of Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of W. Wall Street and S. Colorado Street. Council District 2.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 515
RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A WEDDING RECEPTION ON THE WEST 24.25 FEET OF LOT 9, ALL OF LOTS 10 THROUGH 12, AND A 0.03-ACRE PORTION OF SOUTH COLORADO STREET ADJACENT TO LOT 12, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH COLORADO STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting asking to use sidewalk portion opals table to host a wedding and 49 office christmas party proposed hour sat jan 5 4:30 12:00 a.m. closing portion of sidewalk. no sale of alco bev on sidewalk allow additional attneding for attendees room. staff rev in compl witih comp plan nad rec approval subj cond A-H . no loj.

Mayor Morales opened the public hearing at 10:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2018 - 515; seconded by Council Member Hotchkiss.

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

49. Hold a public hearing and consider a resolution on a request by Opal's Table for a Temporary Land Use Permit for a Christmas Party, on the west 24.25 feet of Lot 9, and all of Lots 10 through 12, Block 65, and a .03-acre portion of South Colorado Street adjacent to Lot 12, Block 65, all out of Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of West Wall Street and South Colorado Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 516
RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHRISTMAS PARTY ON THE WEST 24.25 FEET OF LOT 9, ALL OF LOTS 10 THROUGH 12, AND A 0.03-ACRE PORTION OF SOUTH COLORADO STREET ADJACENT TO LOT 12, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH COLORADO STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting a lot like prev for xmas party hours thur dec 20 6 p.m. to midnight. staff reviewed no objection, rec approvla cond A-I. no loj.

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

Council Member Sparks moved to adopt Resolution No. 2018 - 516; seconded by Council Member Lacy.

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

50. Hold a public hearing and consider an ordinance designating Lots 4 through 6, Block 34; and the 0.07-acre portion of alley right of way, the 0.16-acre portion of N. Big Spring Street right-of-way, and the 0.16-acre portion of W. Texas Avenue right-of-way, all adjacent to said lots; all out of Original Town Addition, City and County of Midland, Texas, as Tax Abatement Reinvestment Zone Number 2018-02, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; providing a savings and severability clause, and providing an effective date. (Generally located at the northwest corner of the intersection of North Big Spring Street and West Texas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9863

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 0.87-ACRE TRACT OF LAND OUT OF LOTS 4, 5 AND 6 AND THE RIGHTS-OF-WAY ADJACENT THERETO, BLOCK 34, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST TEXAS AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-02, FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9863.

Development Services Director Chuck Harrington gave a brief overview of the item noting designate Von building and row adj of big spriing as row to centerline as tax abatement reinvestment zone so city enter in agreement with proeprty owner for revitalizaiton of building. period of 5 years ca be renewed successive periods up to 5 years. staff rec approval.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9863 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks support but don't think have to use it if we get an arrow in quiver use for negotiating but remember who youre negotiated for and what negotign use it wisely.

Love know council sick of saying how ironic that passing a tax abatement reinvestment zone how wonderufl it would be now have 2 possible hotels downtown and continue to comment on irony of it.

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

motion unanimous.

51. Hold a public hearing and consider an ordinance designating Blocks 88 and 93; and the 0.56-acre portion of West Indiana Avenue right-of-way, the 0.31-acre portion of West Missouri Avenue right-of-way, the 0.82-acre portion of South Big Spring right-of-way, and the 0.62-acre portion of South Marienfeld Street right-of-way, all adjacent to said blocks; all out of Original Town Addition, City and County of Midland, Texas, as Tax Abatement Reinvestment Zone Number 2018-03, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; providing a savings and severability clause, and providing an effective date. (Generally located at the southwest corner of the intersection of South Big Spring Street and West Missouri Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9864

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 6.11-ACRE TRACT OF LAND OUT OF BLOCKS 88 AND 93 AND THE RIGHTS-OF-WAY ADJACENT THERETO, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST MISSOURI AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-03, FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9864.

Development Services Director Chuck Harrington gave a brief overview of the item noting similar designation as to rpevious for hotel dev on block 88 and 93 and row adjacent to that to provide tax abatemeent reinvestment zone. if approved 5 years could be renewed for sucesive periods of 5 years.

Mayor Morales opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9864 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

Love ditto and glad doing because tx legislature allowing cities to do tax abatement expire 2019 unless leg approves for another 10 years. happy getting done.

MISCELLANEOUS

52. Consider an Ordinance on first reading amending fiscal year 2017-2018 budgets for certain funds (FINANCE)

ORDINANCE NO. 9865

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2017-2018 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9865 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

love thanked to pam for doing incredible job and jamie.

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

Council Member Lacy moved to appoint members to Board; seconded by Council Member Robnett.

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

PUBLIC COMMENT

no comments.

Meeting adjourned 10:46 a.m.

54. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.(Please limit comments to three minutes or less.)

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

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary