

**MIDLAND CITY COUNCIL  
MINUTES  
September 25, 2018**

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 25, 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).

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: 1-13, 15-42, 14, 43-58, and 56 (2<sup>nd</sup> time).

Mayor Morales called the meeting to order at 10:02 a.m.

**OPENING ITEMS**

1. Invocation - Pastor Jon Slaydon, Second Baptist Church
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

**CONSENT AGENDA**

Council Member Lacy moved to approve Consent Agenda items 4 - 42 excluding 14; 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.

4. Approved a motion approving the following minutes:
  - a. Regular meeting of September 11, 2018
5. Approved a resolution approving the purchase of Cisco switches from Johnston Technical Services, Inc. through Department of Information Resources (DIR) contract DIR-TSO-3965 for the City Traffic and Network Microwave Ring for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 360  
RESOLUTION APPROVING THE PURCHASE OF CISCO SWITCHES FROM  
JOHNSTON TECHNICAL SERVICES, INC., OF DALLAS, TEXAS, THROUGH THE

TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$91,020.42; AND AUTHORIZING PAYMENT THEREFOR

6. Approved a resolution ratifying the issuance of an emergency contract to clean Digester #2 at the Water Pollution Control Plant with Ace Pipe Cleaning for a total cost of \$135,891.94 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 361

RESOLUTION RATIFYING THE EXECUTION OF A CONTRACT WITH ACE PIPE CLEANING, INC. FOR THE EMERGENCY CLEANING OF DIGESTER #2 AT THE WATER POLLUTION CONTROL PLANT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$135,891.94

7. Approved a resolution approving an extension of the lease agreement with D.K. Boyd for grazing rights at the T Bar Ranch in Winkler and Loving counties for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 362

RESOLUTION AUTHORIZING THE EXECUTION OF A FIVE-YEAR LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND D.K. BOYD LAND AND CATTLE CO., FOR GRAZING RIGHTS AT THE T-BAR RANCH IN WINKLER AND LOVING COUNTIES

8. Approved a resolution awarding an agreement for the Parks Master Plan Update for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 363

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INC., FOR CONSULTING SERVICES TO PROVIDE AN ANALYSIS AND UPDATE OF THE PARKS, RECREATION, AND OPEN SPACE MASTER PLAN FOR THE COMMUNITY SERVICES DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$78,255.00

9. Approved a resolution ratifying the issuance of an emergency contract for emergency infrastructure repair work at the Vehicle Services Building with Blackmon Mooring of Texas, Inc. for a total cost of \$100,898.40 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 364

RESOLUTION RATIFYING AND APPROVING AN EMERGENCY CONTRACT WITH BLACKMON MOORING OF TEXAS, INC., FOR THE INFRASTRUCTURE REPAIR WORK AT THE VEHICLE SERVICES BUILDING FOR A TOTAL COST OF \$100,898.40

10. Approved a resolution approving the sale of a 0.035-acre tract located in Elmwood Addition, Section 2, City and County of Midland, Texas and being a portion of Block 15, Lot 2 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 365

RESOLUTION AUTHORIZING THE SALE OF A 0.035-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 15, ELMWOOD ADDITION, SECTION 2, CITY AND COUNTY OF

MIDLAND, TEXAS, TO THE ADJACENT PROPERTY OWNER; ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$3,811.00; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY FOR THE SALE OF SAID PROPERTY; AND ORDERING RECORDATION

11. Approved a resolution approving the purchase of an estimated annual supply of chemicals for the treatment of drinking water for Fiscal Year 2019 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 366

RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2019 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$1,649,710.90

12. Approved a resolution authorizing the issuance of a request for proposals for Agronomic Compliance Consulting Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 367

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR AGRONOMIC COMPLIANCE CONSULTING SERVICES FOR THE UTILITIES DEPARTMENT

13. Approved a resolution ratifying the cleaning of the secondary clarifiers at the Water Pollution Control Plant in preparation of the Pioneer Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 368

RESOLUTION RATIFYING THE PROCUREMENT OF CLEANING SERVICES FROM MEYER ENERGY SERVICES, LLC FOR THE CLEANING OF THE SECONDARY CLARIFIERS AT THE WATER POLLUTION CONTROL PLANT AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$100,125.00

15. Approved a resolution approving an amendment to the Ground Lease Agreement between the City of Midland and the Permian Basin Regional Planning Commission. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2018 - 370

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN GROUND LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE PERMIAN BASIN REGIONAL PLANNING COMMISSION REGARDING CERTAIN CITY-OWNED REAL PROPERTY DESCRIBED AS AN APPROXIMATE 0.22 ACRE TRACT OF LAND LOCATED IN SECTION 4, BLOCK 38, TOWNSHIP 2 SOUTH, MIDLAND COUNTY, TEXAS.

16. Approved a resolution approving the Midland Development Corporation's funding of the Avalon Drive right-of-way project. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 371

RESOLUTION AUTHORIZING THE FUNDING OF THE AVALON DRIVE RIGHT-OF-WAY PROJECT IN THE AMOUNT OF \$400,000.00, AS CONTEMPLATED BY THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF

MIDLAND AND THE MIDLAND DEVELOPMENT CORPORATION FOR THE PURPOSE OF COMBINING FUNDS TO PROVIDE FOR THE EXPANSION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS TO STATE AND LOCAL HIGHWAYS AND RELATED FACILITIES IN AND AROUND THE CORPORATE LIMITS OF THE CITY OF MIDLAND, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROVING THE APPROPRIATION OF FUNDS THEREFOR

17. Approved a resolution authorizing the City Manager to negotiate, acquire, and purchase on behalf of the City of Midland, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith along Avalon Drive from Business Interstate 20 to Thomason Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 372

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THERE WITH ALONG AVALON DRIVE FROM A POINT AT OR NEAR THE INTERSECTION OF AVALON DRIVE AND BUSINESS INTERSTATE 20 TO A POINT APPROXIMATELY AT OR NEAR THE INTERSECTION OF AVALON DRIVE AND THOMASON DRIVE; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY, INCLUDING PURCHASE AND SALE AGREEMENTS OR OTHER SUCH AGREEMENTS, TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, REAL PROPERTY INTERESTS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

18. Approved a resolution authorizing the execution of an Economic Development Agreement with Midland Development Corporation (MDC) for funding for right-of-way acquisition along Fairgrounds Road from Loop 250 to Arapaho. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 373

RESOLUTION AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE EXTENSION OF FAIRGROUNDS ROAD, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

19. Approved a resolution authorizing the City Manager to negotiate, acquire, and purchase on behalf of the City of Midland, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith along Fairgrounds Road from Loop 250 to Arapahoe. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 374

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH ALONG FAIRGROUNDS ROAD FROM A POINT AT OR NEAR THE INTERSECTION OF FAIRGROUNDS ROAD AND NORTH LOOP 250 TO A POINT APPROXIMATELY AT OR NEAR THE INTERSECTION OF FAIRGROUNDS ROAD AND ARAPAHOE ROAD; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY, INCLUDING PURCHASE AND SALE AGREEMENTS OR OTHER SUCH AGREEMENTS, TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; APPROPRIATING FUNDS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, REAL PROPERTY INTERESTS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS ALL INSTRUMENTS OF CONVEYANCE

20. Approved a motion approving a contract with Midland Tennis Center dba Bush Tennis Center in the amount of \$20,000.00 to promote tennis activities in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
21. Approved a motion approving a contract with I-20 Wildlife Preserve in the amount of \$8,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/None Departmental). (CITY SECRETARY'S OFFICE)
22. Approved a motion approving a contract with Mac's BBQ & Catering (Mac's Music Fest) in the amount of \$12,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
23. Approved a motion approving a contract with Midland Community Theatre in the amount of \$20,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
24. Approved a motion approving a contract with Midland County Fair in the amount of \$50,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
25. Approved a motion approving a contract with Midland United Girls Softball in the amount of \$54,299.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

26. Approved a motion approving a contract with Promising Projects, Inc. (Tall City Blues Fest) in the amount of \$12,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
27. Approved a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Inc. to promote tourism and the convention/hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2018 - 375

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROCK THE DESERT MINISTRIES, INC., AS AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; FINDING THAT SAID AGREEMENT IS FOR THE PROMOTION OF TOURISM AND THE HOTEL AND MOTEL INDUSTRY; FINDING THAT THE FUNDS PROVIDED UNDER SAID AGREEMENT SHALL BE EXPENDED IN A MANNER DIRECTLY ENHANCING AND PROMOTING TOURISM AND THE HOTEL AND MOTEL INDUSTRY; AND PROVIDING THAT APPROVAL OF THE AGREEMENT IS NOT TO BE CONSTRUED OR INTERPRETED AS ENDORSING THE MESSAGE OR ACTIVITIES PROMOTED BY ROCK THE DESERT MINISTRIES, INC.

28. Approved a motion approving a contract with Sibley Environmental Learning Center Foundation, Inc. dba Sibley Nature Center in the amount of \$5,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
29. Approved a motion approving a contract with Tall City Oilman's Basketball Tournament Association in the amount of \$12,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel/Non Departmental). (CITY SECRETARY'S OFFICE)
30. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Parker Place Apartments for HVAC replacements in the amount of \$70,000. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 376

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH MIDLAND PARKER PLACE, INC., FOR THE MIDLAND PARKER PLACE PROJECT IN THE AMOUNT OF \$70,000.00; THE PURPOSE OF THIS PROJECT IS TO UPGRADE THE CURRENT HVAC SYSTEMS; THE PROJECT WILL BEGIN ON OCTOBER 1, 2018, AND END ON SEPTEMBER 30, 2019

31. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Casa de Amigos for parking lot resurfacing in the amount of \$49,768.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 377

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS FOR THE CASE DE AMIGOS PARKING LOT PROJECT IN THE AMOUNT OF \$49,768.00; THE PURPOSE OF THIS PROJECT IS TO IMPROVE ACCESS TO THE FACILITY AND PHYSICAL HEALTH OF

SENIOR AND DISABLED PARTICIPANTS; THE PROJECT WILL BEGIN ON OCTOBER 1, 2018, AND END ON SEPTEMBER 30, 2019

32. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Midland Community Development Corporation for the Cuthbert and Main Ave infrastructure project to include sewer, gas, and water lines in the amount of \$150,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 378

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH THE MIDLAND COMMUNITY DEVELOPMENT CORPORATION FOR THE MIDLAND COMMUNITY DEVELOPMENT CORPORATION PROJECT IN THE AMOUNT OF \$150,000.00; THE PURPOSE OF THIS PROJECT IS TO PROVIDE INFRASTRUCTURE TO PROMOTE NEW AFFORDABLE SINGLE FAMILY HOUSING DEVELOPMENT; THE PROJECT WILL BEGIN ON OCTOBER 1, 2018, AND END ON SEPTEMBER 30, 2019

33. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Casa de Amigos for the Home Cleaning Program in the amount of \$33,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 379

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS FOR CASA DE AMIGOS HOME CLEANING PROJECT IN THE AMOUNT OF \$33,000.00; THE PURPOSE OF THIS PROJECT IS TO PROVIDE HOME CLEANING SERVICES TO PROMOTE THE ENVIRONMENTAL AND PHYSICAL HEALTH OF SENIOR CITIZENS AND INDIVIDUALS WITH DISABILITIES; THE PROJECT WILL BEGIN ON OCTOBER 1, 2018, AND END ON SEPTEMBER 30, 2019

34. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Mission Health Care, Inc. for the Take Home Terrific Meal Program in the amount of \$35,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 380

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH MISSION HEALTH CARE, INC., FOR THE MISSION CENTER TAKE HOME TERRIFIC PROJECT, IN THE AMOUNT OF \$35,000.00; THE PURPOSE OF THIS PROJECT IS TO PROVIDE DELIVERED EVENING MEALS TO SENIOR CITIZENS AND INDIVIDUALS WITH DISABILITIES; THE PROJECT WILL BEGIN ON OCTOBER 1, 2018, AND END ON SEPTEMBER 30, 2019

35. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Senior Link Midland for the Senior Nutrition Program in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 381

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH SENIOR LINK MIDLAND, FOR THE SENIOR LINK SE CENTER PROJECT IN THE AMOUNT OF \$75,000.00; THE SERVICE WILL BE

PROVIDED DAILY IN COORDINATION WITH OTHER ACTIVITIES; THE PURPOSE OF THIS PROJECT IS TO PROMOTE BETTER MENTAL AND PHYSICAL HEALTH FOR SENIORS THROUGH NUTRITIOUS MEALS AND SOCIALIZATION; THE PROJECT WILL BEGIN ON OCTOBER 1, 2018, AND END ON SEPTEMBER 30, 2019

36. Approved a resolution appropriating the sum of \$250,000.00 from the General Fund (001) Unappropriated Fund Balance Account (35650) to the Florida and Lamesa Signal Project (900275). (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 382

RESOLUTION APPROPRIATING THE SUM OF \$250,000.00 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE ACCOUNT (35650) TO THE FLORIDA AND LAMESA SIGNAL PROJECT (900275)

37. Approved a resolution on request by Cary Patterson, owner, 4C Stables, Inc., to terminate a Public Improvement Development Agreement for water improvements dated January 15, 2014, as authorized by the City Council in Resolution No. 2014-011. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 383

RESOLUTION AUTHORIZING THE EXECUTION OF AN INSTRUMENT TERMINATING THE PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH 4C STABLES, INC. FOR PAVING IMPROVEMENTS TO PASSAGE WAY AND WATER DISTRIBUTION IMPROVEMENTS TO LOST MOUNTAIN ADDITION, SECTION 4, MIDLAND COUNTY, TEXAS

38. Approved a resolution accepting a Utility Easement from Transtelco Inc. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 384

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.139-ACRE UTILITY EASEMENT LOCATED IN SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

39. Approved a resolution accepting a Utility Easement from Arun Chopra and Sneha Chopra and authorizing the execution of said Utility Easement. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 385

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.011-ACRE UTILITY EASEMENT LOCATED IN SECTION 31, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

40. Approved a resolution accepting a drainage easement from the Midland Independent School District (MISD) for the purpose of public utilities associated with the Briarwood Road widening project. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 386

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.596-ACRE DRAINAGE EASEMENT LOCATED IN SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY,



MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

41. Approved a resolution accepting a right-of-way dedication from the Midland Independent School District (MISD) for the purpose of public utilities associated with the Avalon Drive Road Widening Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 387

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 6.624-ACRE RIGHT-OF-WAY LOCATED IN SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

42. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Buchanan Oilfield Services LLC. (UTILITIES)

RESOLUTION NO. 2018 - 388

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND BUCHANAN OILFIELD SERVICES, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 15, BLOCK 37 AND SECTION 47, BLOCK 38, TOWNSHIP 1 SOUTH, PUBLIC LAND SURVEY, MIDLAND COUNTY, TEXAS

The following item was pulled from Consent Agenda and considered individually.

14. Consider a resolution approving a contract between the City of Midland, Texas and SilverWing Enterprises (SWE). (AIRPORTS)

RESOLUTION NO. 2018 - 369

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SILVERWING ENTERPRISES, LLC, TO PROVIDE PROFESSIONAL SERVICES IN SUPPORT OF THE OPERATION OF THE SPACEPORT LOCATED AT MIDLAND INTERNATIONAL AIR AND SPACE PORT; AND APPROPRIATING FUNDS THEREFOR

Council Member Lacy moved to adopt Resolution No. 2018 - 369; seconded by Council Member Love.

Council Member Robnett reported that a lot of time and money has been spent chasing a spaceport and although the cost to renew is nominal, he felt it is not necessary and Council should put it behind them and look for other projects. Other Council Members disagreed.

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

**SECOND READINGS**

43. Consider an ordinance on second reading on a request by Nicholas P. Leschke for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center generally located on the west side of North Midkiff Road, approximately 1,030 feet south of Loop 250 North. (DEVELOPMENT SERVICES) (First reading held September 11, 2018)

ORDINANCE NO. 9818

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 1,030 FEET SOUTH OF LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9818.

Council Member Love moved to approve the second and final reading of Ordinance No. 9818 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.

44. Consider an ordinance on second reading on a request by Kimley-Horn and Associates, Inc. for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on a 17.84-acre tract of land generally located on the north side of Briarwood Avenue, approximately 737 feet east of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held September 11, 2018)

ORDINANCE NO. 9819

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

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9819.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9819 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. Consider an ordinance on second reading on a request by Midland Community College District for a Special Exception to the Site Plan Review Standards concerning the building material requirements on a 215.22-acre tract of land generally located on the east side of North Garfield Street, approximately 580 feet north of West Wadley Avenue. (DEVELOPMENT SERVICES) (First reading held September 11, 2018)

ORDINANCE NO. 9822

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR AN APPROXIMATE 215.22-ACRE TRACT OF LAND OUT OF SECTION 15, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH GARFIELD STREET, APPROXIMATELY 580 FEET NORTH OF WEST WADLEY AVENUE), BY PERMITTING A BUILDING CONSTRUCTED OF PRE-ENGINEERED METAL (R-PANEL OR SIMILAR STYLE) WITH LESS THAN 75 PERCENT OF THE PRIMARY AND SECONDARY ELEVATIONS, EXCLUDING DOORS AND WINDOWS, FINISHED IN ONE OR MORE OF THE MATERIALS LISTED IN SECTION 11-10-2.B.2.(C) OF THE CITY CODE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9822.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9822 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

46. Consider an ordinance on second reading on a request by Family Promise of Midland, for a zone change from 2F, Two-Family Dwelling District, to MF-1, Multiple-Family Dwelling District generally located on the northwest corner of Ward Street and West Ohio Street. (DEVELOPMENT SERVICES) (First reading held September 11, 2018)

ORDINANCE NO. 9823

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE SOUTH HALF OF BLOCK 23, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WARD STREET AND WEST OHIO AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9823.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9823 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.

## PUBLIC HEARINGS

47. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for approval of a site plan on a 10.18-acre tract of land generally located on the north side of Andrews Highway, approximately 930 feet west of North Midland Drive. (DEVELOPMENT SERVICES)

### ORDINANCE NO. 9826

AN ORDINANCE ADOPTING A SITE PLAN FOR A 10.18-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 930 FEET WEST OF NORTH MIDLAND DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9826.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a site plan approval for the northern portion of Mariposa Garden Apartments located on the north side of Andrews Highway. The site plan has been reviewed by all City departments. Transportation may require a traffic impact analysis prior to approval of construction. The site has adequate parking, the materials meet code and it is within the maximum height allowed. One letter of objection was received, and the others referred to the south side portion. Staff recommends approval subject to conditions A and B.

Mayor Morales opened the public hearing at 10:19 a.m.

Richard Case, 4602 Andrews Highway, has a property located near the subject development. He expressed concern for traffic issues, trash, and the loss of his ability to enjoy the grass on that site. He does not want to see anything change.

There being no one else wishing to speak, the public hearing was closed at 10:22 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9826 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.

48. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from O-1, Office District, in part, and PD, Planned District for a Housing Development, in part, to PD, Planned District for a Housing Development, generally located on the northeast corner of South Tradewinds Boulevard and Starboard Drive. (DEVELOPMENT SERVICES)

### ORDINANCE NO. 9827

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 8, BLOCK 3, GATEWAY PLAZA, SECTION 2, AND LOT 7B,

BLOCK 3, GATEWAY PLAZA, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND STARBOARD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9827.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a housing development of seven three-story apartment buildings with 204 units. The site plan meets the requirements of the City Code and is currently in the preliminary plat stage. They will be submitting to the Texas Department of Housing Community Affairs for tax financing. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:26 a.m.

Andrew Mellen, Maverick Engineering, 1909 W. Wall, reported there will be 36 one-bedroom units, 84 two-bedroom units and 84 three-bedroom units and the property will have many amenities. The total construction cost is \$27 million and will be a nice addition to the area. Mayor Morales noted that other apartment complexes have introduced a wristband system to ensure that only those who live there are accessing the amenities. Council Member Love complimented the owner for a nice complex.

There being no one else wishing to speak, the public hearing was closed at 10:28 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9827 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.

49. Hold a public hearing and consider a resolution on a request by The Bar for approval of a Temporary Land Use for an outdoor concert generally located on the north side of West Missouri Avenue, approximately 20 feet east of South A Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 389

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR CONCERT ON LOTS 7-9, BLOCK 61, AND A 0.21-ACRE PORTION OF SOUTH CARRIZO STREET RIGHT-OF-WAY ADJACENT TO SAID LOTS AND LOT 4, BLOCK 60 1/2, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MISSOURI AVENUE, APPROXIMATELY 20 FEET EAST OF SOUTH A 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 it is a Temporary Land Use Permit for a concert on October 16. They will have live music and alcohol is proposed for on premises consumption. They will have 15 restrooms and 10-12 security guards on duty. Staff has reviewed the item and found it

in compliance with the regulations and recommends conditions A-J as requirements. One letter of objection was received. Staff recommends approval. Council Member Dufford noted that complaints were received about trash in the past and recommended that when they clean up, they also police the neighborhood for trash.

Mayor Morales opened the public hearing at 10:32 a.m.

David Diaz, 208 S. Marienfeld, supports downtown events but does share the concern about trash. His office is one block from their location and trash can sometimes be a problem.

There being no one else wishing to speak, the public hearing was closed at 10:33 a.m.

Council Member Robnett moved to adopt Resolution No. 2018 - 389 with the amendment to require the applicant to pick up trash and to require two officers to patrol outside of the event; 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 on a request by Serenity Hotels, LLC for a Special Exception to Section 11-1-6 of the Zoning Code concerning the height regulations, generally located on the southwest corner of Windhaven Drive and Tradewinds Boulevard. (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 9828

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 13, BLOCK 8, CORRECTION PLAT OF WESTRIDGE PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WINDHAVEN DRIVE AND TRADEWINDS BOULEVARD), BY PERMITTING AN INCREASED BUILDING HEIGHT; 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 Misty Cryer read the caption of Ordinance No. 9828.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a hotel with a special exception to height regulations. They are requesting a height of 45 feet which matches existing buildings in the area. There is no hardship, but a special situation has been exhibited due to the height of surrounding buildings. This area will end up in the Regional Retail zoning in the new code which allows for a 50-foot height.

Mayor Morales opened the public hearing at 10:43 a.m.

Robert Rendall, 6 Desta Drive, reported they consulted with staff and jointly came up with this plan to address zoning. He feels this is a good buffer for the residences to the south.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9828 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, Morales, Dufford, Lacy, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

51. Hold a public hearing and consider an ordinance on a request by Skyline Civil Group, for a zone change from PD, Planned District for Office Center, to IP-3, Industrial Park District generally located on the west side of Earhart Drive, approximately 634 feet south of Banks Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9829

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 2, INDUSTRIAL PARK REGIONAL AIR TERMINAL ADDITION, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN IP-3, INDUSTRIAL PARK DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF EARHART DRIVE, APPROXIMATELY 634 FEET SOUTH OF BANKS DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9829.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a vacant property and they wish to develop a one-story building with office and warehouse space. They will be required to meet area regulations and materials. Staff reviewed the item and recommends approval. No letters of objection were received.

Mayor Morales opened the public hearing at 10:50 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. 9829 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.

52. Hold a public hearing and consider an ordinance on a request by Family Promise of Midland, TX Inc., for a site plan approval generally located on the northwest corner of Ward Street and West Ohio Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9830

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 THE INTERSECTION 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 Misty Cryer read the caption of Ordinance No. 9830.

Development Services Director Chuck Harrington gave a brief overview of the item noting the zoning was just changed for this site and now this item is to approve the site plan. They are building five duplex buildings with adequate access and circulation. There are 22 parking spaces which is adequate for their clientele that typically has only one vehicle per household. The applicant will be required to adhere to standards. This is in compliance with the comprehensive plan and was approved by Planning and Zoning. Staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:52 a.m.

Tom Miller, 4311 Valley, Executive Director of Family Promise, reported they are excited to bring this transitional housing to Midland including transitional case management which teaches their clients how to prosper. He believes this development will give a lift to the area.

There being no one else wishing to speak, the public hearing was closed at 10:54 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9830 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.

53. Hold a public hearing and consider an ordinance on a request by Furniture Row USA for a vacation of the 0.17-acre portion of Faulkner Drive generally located west of Whitman Drive, approximately 356 feet north of West Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9831

AN ORDINANCE VACATING AND ABANDONING A 0.17-ACRE PORTION OF FAULKNER DRIVE RIGHT-OF-WAY LOCATED IN SECTION 4, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WHITMAN DRIVE, APPROXIMATELY 356 FEET NORTH OF WEST LOOP 250 NORTH); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,067.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9831.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting vacation of the right-of-way that has never been used. They plan to develop the property for more retail uses. The property is appraised at \$3.25 per square foot. Staff reviewed the item and recommends approval of the vacation subject to conditions A and B. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:56 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. 9831 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.

## MISCELLANEOUS

54. Consider a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), generally located northeast of the intersection of Briarwood Avenue and North County Road 1250, by permitting construction of permanent buildings where no portion of any structure is closer than 278 feet of an existing oil and gas well (Pecan Acres #23). (DEVELOPMENT SERVICES)

### RESOLUTION NO. 2018 - 390

RESOLUTION GRANTING A VARIANCE FOR AN 18.435-ACRE TRACT OF LAND OUT OF SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF BRIARWOOD AVENUE AND NORTH COUNTY ROAD 1250), BY PERMITTING CONSTRUCTION OF PERMANENT BUILDINGS WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 278 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Building Official Steve Thorpe gave a brief overview of the item noting it is a request from the owner of 18 plus acres for a variance to a previously permitted well owned and operated by Callon. There is no agreement between the operator and land owner. Callon is aware of the request and no formal site plan has been submitted.

Council Member Sparks asked if there would still be a way to ingress and egress the well site. Oil & Gas Compliance Officer Ron Jenkins reported that he contacted the Callon representative and they were mulling it over. He has not had a response at this time.

Council Member Love moved to adopt Resolution No. 2018 - 390; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: Lacy. ABSENT: None.

55. Consider a resolution of No Objection of the City Council of the City of Midland for the Texas Housing Foundation's application to the Texas Department of Housing and Community Affairs for Housing Tax Credits, generally located near the northwest corner of Business I-20 and Loop 250. (DEVELOPMENT SERVICES)

### RESOLUTION NO. 2018 - 391

RESOLUTION OF NO OBJECTION TO THE TEXAS HOUSING FOUNDATION'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOUSING TAX CREDITS IN THE NAME OF THE MIDLAND LEASED HOUSING ASSOCIATES I, LP, A TEXAS LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF TWO HUNDRED FOUR UNITS OF MULTIFAMILY HOUSING NEAR THE NORTHWEST CORNER OF BUSINESS I-20 AND LOOP 250 IN MIDLAND, TEXAS, TO BE NAMED VENTURA AT TRADEWINDS APARTMENTS

Development Services Director Chuck Harrington gave a brief overview of the item noting that the City has no objection to the request.

Council Member Lacy moved to adopt Resolution No. 2018 - 391; 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.

56. Consider a motion making appointments to various boards and commissions.

Dennis Bade, 2610 Cimarron Avenue, Chair of the Midland Housing Authority, asked Council to appoint Jim Blishke to the vacancy on their board because he has experience and the expertise to serve on this board.

Mayor Morales noted appointments would be made during lunch.

## **PUBLIC COMMENT**

57. 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.)

There were no citizens present wishing to speak.

Mayor Morales recessed the meeting to reconvene downstairs in the Basement Conference Room.

At 11:19 a.m. Mayor Morales reconvened the meeting in Regular Session with all Council Members present.

56. Consider a motion making appointments to various boards and commissions.

Council Member Lacy moved to appoint Armand “Chip” Smith to replace Jerry Walton and reappoint Nick Hood to the **Airport Planning & Development Board** and to appoint Alyson Dial to replace Emily English and reappoint Dr. Laura Lee and Luann Morgan to the **Animal Services Advisory Commission**; 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.

Council Member Lacy moved to direct staff to merge the Hotel/Motel Tax Advisory Board and City Development Advisory Board; 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.

Council Member Robnett moved to reappoint Joey Hopkins, appoint Ashlee Nelson to replace John Klassen and appoint David Blackketter to the vacancy on the **Hotel/Motel Tax Advisory Board**; 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.

Council Member Love moved to reappoint Dennis Bade, Marjorie McQuerry and Carolyn Jackson and to appoint Sylvester Cantu to replace LeBecca Buselli on the **Midland Housing Authority Commission**; 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.

Council Member Hotchkiss moved to reappoint Jody Sneed and Willie Barber to the **Midland-Odessa Urban Transit Board**; 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.

Council Member Dufford moved to appoint Bill Lanier to replace Perry Dan Taylor and to reappoint Stephen Brumley to the **Oil and Gas Advisory Committee**; 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.

Council Member Lacy moved to appoint Jack Ladd to replace Edward Mayberry and to reappoint Shirley Howard to the **Parks & Recreation Commission**; 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.

Council Member Hotchkiss moved to reappoint Reggie Lawrence to the **Planning & Zoning Commission**; 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.

Council Member Lacy moved to reappoint Stacy Grosse and Matthew Wallace to the **Zoning Board of Adjustment and Airport Zoning Board of Adjustment**; 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.

Council Member Dufford moved to reappoint Keith Stretcher and to appoint Barry Simpson to replace Gary Douglas when his term expires on the **Midland Development Corporation**; 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.

Mayor Morales recessed the meeting to Executive Session at 11:39 a.m.

## EXECUTIVE SESSION

58. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
  - a. Section 551.087, Deliberate Economic Development Negotiations
    - a.1. Discuss business prospects that the City seeks to have locate, stay, or

expand in or near the City of Midland, Texas, and discuss possible incentives.

b. Section 551.072, Deliberation Regarding Real Property

- b.1. Discuss the purchase, exchange, lease, or value of real property described as Sections 1-4, Block C-24, Sections 10-14 and 17-27, Block C-23, and Sections 8-11 and 27, Block 74, in Winkler and Loving Counties, Texas.

All the business at hand having been completed, the meeting adjourned at 12:17 p.m.

PASSED AND APPROVED the 9th day of October 2018.

---

Jerry F. Morales, Mayor

ATTEST:

---

Amy M. Turner, City Secretary