

**MIDLAND CITY COUNCIL  
MINUTES  
October 23, 2018**

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 23, 2018.

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

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: 1-3, 5, 7, 9, 11-15,17-19, 21-22, 4a, 4b, 6, 8, 10, 16, 20, 23-32.

Mayor Morales called the meeting to order at 10:01 a.m.

**OPENING ITEMS**

1. Invocation - Pastor Dr. John Gerlach, Crestview Baptist Church
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Mayor Morales presented a proclamation for Polio Eradication Day.

**CONSENT AGENDA**

Council Member Lacy moved to approve Consent Agenda items 5 - 22 excluding 4a, 4b, 6, 8, 10, 16, and 20; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

5. Approved a resolution awarding a professional services agreement for architectural and engineering services for the Hogan Park Golf Course Driving Range Improvements Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 434  
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES  
AGREEMENT WITH JEFFREY D. BLUME, LIMITED, FOR PROFESSIONAL

ARCHITECTURAL AND ENGINEERING SERVICES FOR RENOVATIONS AND IMPROVEMENTS TO THE DRIVING RANGE AT HOGAN PARK GOLF COURSE IN AN AMOUNT NOT TO EXCEED \$43,000.00; AND APPROPRIATING FUNDING IN THE AMOUNT OF \$500,000.00 FOR THE HOGAN PARK GOLF COURSE DRIVING RANGE PROJECT (900279)

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

RESOLUTION NO. 2018 - 436

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

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

RESOLUTION NO. 2018 - 438

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

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

RESOLUTION NO. 2018 - 440

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

12. Approved a resolution awarding a service contract for supervisory control and data acquisition (SCADA) software maintenance services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 441

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

13. Approved a resolution awarding a contract for the Louisiana Avenue Water Main Replacement Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 442

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

14. Approved a resolution authorizing the execution of a 2019 Routine Airport Maintenance Program (RAMP) Agreement between the City of Midland, Texas and Texas Department of Transportation (TXDOT). (AIRPORTS)

RESOLUTION NO. 2018 - 443

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

15. Approved a resolution authorizing the appropriation of additional funds to the project known as Passenger Facility Charge (PFC) Administration Project. (AIRPORTS)

RESOLUTION NO. 2018 - 444

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

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

RESOLUTION NO. 2018 - 446

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

18. Approved a resolution authorizing the City Manager to execute a sub-surface easement agreement between the City of Midland and Parsley Energy, L.P. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 447

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

19. Approved a resolution accepting and appropriating funds for the FY 2018 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2018 - 448

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

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

RESOLUTION NO. 2018 - 450

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

22. Approved a resolution approving a contract for sale of non-potable water. (UTILITIES)

RESOLUTION NO. 2018 - 451

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

The following items were pulled from Consent Agenda and considered individually.

4. Consider a motion approving the following minutes:
  - a. Regular City Council meeting of October 9, 2018.
  - b. Special City Council Meeting of October 16, 2018.

Council Member Robnett moved to approve the minutes of October 9, 2018 and October 16, 2018; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Love. ABSENT: None.

6. Consider a resolution approving the purchase of luminaire heads for street lights from Trastar, Inc. through TxSmartBuy Contract 1677 for a total cost of \$220,440.00 for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2018 - 435

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

Mayor Morales asked who pays for lighting on the loop and state highways. City Engineer Jose Ortiz reported that the City maintains the lights on the loops and all highways within the City limits and Oncor also maintains some. Mayor Morales suggested reviewing the contract and then working on an interlocal agreement to get something in return such as striping or pothole repairs. Questions were asked and answered about street maintenance at other locations and the brightness of the new lights.

Council Member Lacy moved to adopt Resolution No. 2018 - 435; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

8. Consider a resolution approving the issuance of a request for qualifications for on-call architectural services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 437

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

Mayor Morales asked if this was similar to what has been done in the past. General Services Director Fred Reyes reported they are working on smaller projects and the City does not currently have on-call engineering for City initiated projects such as restrooms at Central Fire. They expect that 3 firms would be sufficient for their needs and the work will be awarded based on expertise in specific areas.

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

10. Consider a resolution approving plans and specifications and authorizing advertisement for competitive sealed proposals for the Spaceport Business Park Landscape Project at the Midland International Air & Space Port for the Midland Development Corporation. (PURCHASING)

RESOLUTION NO. 2018 - 439

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

Council Member Lacy moved to adopt Resolution No. 2018 - 439; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: Robnett. ABSTAIN: None. ABSENT: None.

16. Consider a resolution authorizing a second amendment to that certain Commercial Hangar Lease Agreement with the City of Midland regarding certain real property located at Midland International Air & Space Port and described as Hangars S-11A and

S-11B, and Tracts 4-A and 4-B, located in Lot 1, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 445

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

Council Member Lacy moved to defer this item to a future meeting; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

20. Consider a resolution approving and appointing Volunteer Candidates from the Citizens Police Academy Alumni as Volunteers Enforcing Parking Restrictions. (POLICE)

RESOLUTION NO. 2018 - 449

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS TO ENFORCE PARKING RESTRICTIONS AS AUTHORIZED BY CHAPTER 681 OF THE TEXAS TRANSPORTATION CODE

Council Member Hotchkiss recognized and thanked the group of volunteers for their diligent work.

Council Member Hotchkiss moved to adopt Resolution No. 2018 - 449; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

**SECOND READINGS**

23. Consider an ordinance on second reading on a request by Kimley-Horn and Associates, Inc., for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development generally located on the on the southeast corner of the intersection of Mockingbird Lane and Stonebridge Drive. (DEVELOPMENT SERVICES) (First reading held October 9, 2018)

ORDINANCE NO. 9832

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 6, PAVILION PARK, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9832 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

ORDINANCE NO. 9833

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

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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9833 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

25. Consider an ordinance on second reading on a request by Maverick Engineering for approval of a site plan on an 8.03-acre tract of land located generally located on the south side of Andrews Highway, approximately 670 feet west of North Midland Drive. (DEVELOPMENT SERVICES) (First reading held October 9, 2018)

ORDINANCE NO. 9834

AN ORDINANCE ADOPTING A SITE PLAN FOR AN 8.03-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH MIDLAND DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9834 in accordance with the Charter of the City of Midland with the amendment to include the amended site plan; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

## **PUBLIC HEARINGS**

26. Hold a public hearing and consider an ordinance on a request by Tkilaz Mexican Restaurant Bar and Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North. (DEVELOPMENT SERVICES)

### **ORDINANCE NO. 9835**

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

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

Development Services Director Chuck Harrington gave a brief overview of the item noting the old SUP covered the entire property and staff is cleaning up the area by making the permits specific to each individual site. Their service hours will be from 11:00 a.m. to 12:00 a.m. Monday through Saturday and Sunday from 12:00 noon to 11:00 p.m. There are no churches or schools within 300 feet. The item has been reviewed by all departments and staff recommends 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. 9835 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

27. Hold a public hearing and consider an ordinance on a request by Maverick Engineering to vacate a 0.31-acre tract of right-of-way generally located south of Andrews Highway, approximately 804 feet west of Midland Drive. (DEVELOPMENT SERVICES)



ORDINANCE NO. 9836

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

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

Development Services Director Chuck Harrington gave a brief overview of the item noting that Mariposa South is proposing to remove some old right-of-way. The property is appraised at \$4,650.00. The item was reviewed by all departments and franchise utilities. Staff recommends approval subject to payment of \$4,650.00. No letters of objection have been received as of October 19, 2018.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9836 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Hold a public hearing and consider a resolution granting a petition to annex a 25.410-acre tract of land generally located approximately 896 feet south of State Highway 191 and 1,020 feet west of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 452

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

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for annexation of land that is proposed for retail and would allow for City services to the area.

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

Andrew Mellen Maverick Engineering reported the southwest corner of the property is proposed for a 390-unit multi-family development and the northwest corner will be developed for commercial use. They are extending water and sewer from Deauville to the property. He expects the other properties in that area to follow with development.

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

Council Member Lacy moved to adopt Resolution No. 2018 - 452; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

29. Hold a public hearing and consider a resolution granting a petition to annex a 123.28-acre tract of land generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 453

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 123.28-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED APPROXIMATELY 703 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE) PURSUANT TO SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request by the school district for a future school on the site. Annexation will allow for public utilities. Council Member Lacy noted he did not want the City to be on the hook to build roads for this site and asked that this issue be addressed as it goes through the platting process.

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

Council Member Hotchkiss moved to adopt Resolution No. 2018 - 453; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

30. Hold a public hearing and consider an ordinance designating land generally located at the northeast corner of the intersection of North Big Spring Street and West Texas Avenue as Tax Abatement Reinvestment Zone Number 2018-01, for commercial-industrial tax abatement as authorized by Chapter 312 of the Texas Tax Code. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9837

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 0.79-ACRE TRACT OF LAND OUT OF LOTS 5, 6, 7 AND 8 AND THE RIGHTS-OF-WAY ADJACENT THERETO, BLOCK 35, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST TEXAS AVENUE), AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-01,

FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT, AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF DECEMBER 1, 2018

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

Development Services Director Chuck Harrington gave a brief overview of the item noting they are designating the Western United Life Building and the Building of the Southwest as a tax abatement zone, so the owners can enter into an agreement for development of these properties. Any future tax abatement agreement would adhere to the guidelines and criteria of the resolution. Council Member Sparks asked how long it would be in effect. Staff noted the maximum time allowed is 10 years. Council Member Love noted for that record, "Irony".

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9837 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

## **PUBLIC COMMENT**

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

There were no citizens present wishing to speak.

## **EXECUTIVE SESSION**

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

Mayor Morales recessed the meeting to go to Executive Session at 10:41 a.m.

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

PASSED AND APPROVED the 6th day of November 2018.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary