

**MIDLAND CITY COUNCIL
MINUTES
November 20, 2018**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 20, 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, Assistant City Manager Robert Patrick, and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order: 1-13, 15, 19-27, 14, 16-17, 28-48, 50-51, 18, 49.

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

OPENING ITEMS

1. Invocation - Pastor Robert Pase, Grace Lutheran 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 Coach Farris Strambler Day.

SPECIAL CONSIDERATION

4. Consider a proposed ordinance 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 CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2019

Mayor Morales read the caption of Ordinance No. 9849.

Council Member Hotchkiss read a statement regarding the recent pedestrian and bicyclist deaths on Midland roads which is what prompted this ordinance for vulnerable road users. She emphasized that web cameras can be used to prosecute drivers who are in violation.

Interim Police Chief Seth Herman reported this is an ordinance that has needed to be adopted for some time and he hopes this will put it in the forefront of all drivers to be mindful of the safety of all road users.

Engineering Services Director Jose Ortiz noted staff has been working diligently with the biking community noting that the Hike and Bike Master Plan was adopted in 2015. He reviewed past projects that have added biking lanes to roads and reviewed upcoming projects. Staff will work on ways to continue to educate the public about the proper use of bicycle lanes.

David Ham shared an example of a helmet mounted camera that can be used and reviewed other safety gear that bicyclists can use to help keep themselves safe. He emphasized that the web cam both helmet mounted and rearview mounted can be used to positively identify vehicles and drivers who violate the ordinance. Everyone can work together to share the road to eliminate injuries.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9849 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.

Council Member Dufford recognized two scouts in the audience who are working on merit badges. Robbie May and A.J. May of Troop 152 were present with their father Arthur May who is the Assistant Scout Master.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 27 excluding 14, 16, 17, 18; 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.

5. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of November 6, 2018.
 - b. Special City Council Meeting of November 13, 2018.
6. Approved a resolution authorizing the City Manager to negotiate and execute a contract for Stop Loss Insurance for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 468

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE PURCHASE OF STOP LOSS INSURANCE FOR THE CITY OF MIDLAND'S GROUP HEALTH PLAN FROM FIDELITY SECURITY LIFE INSURANCE COMPANY THROUGH ARBOR BENEFIT GROUP, L.P. OF FARMINGTON, CONNECTICUT, EFFECTIVE FOR THE PLAN YEAR COMMENCING ON JANUARY 1, 2019

7. Approved a resolution rejecting the sole bid received and authorizing re-advertisement for bids for the Micro-surfacing and Slurry Seal Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2018 - 469

RESOLUTION REJECTING THE SOLE BID RECEIVED FOR THE FISCAL YEAR 2019 MICRO-SURFACING AND SLURRY SEAL PROJECT; AND AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT

8. Approved a resolution approving the purchase of one skid steer loader, two mini excavators and one articulated wheel loader for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 470

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) SKID STEER LOADER, TWO (2) MINI EXCAVATORS, AND ONE (1) ARTICULATED WHEEL LOADER FOR THE GARAGE DIVISION FROM WARREN POWER & MACHINERY, INC., DBA WARRENT CAT OF ODESSA, TEXAS, AT A TOTAL COST OF \$243,975.00

9. Approved a resolution approving the purchase of fall and spring seed from the sole bidder, Helena Agri-Enterprises, LLC for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 471

RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS AMOUNTS OF SPRING AND FALL SEED FOR THE PLANT FARM AND THE SPRABERRY FARM FROM HELENA AGR-ENTERPRISES, LLC, OF STANTON, TEXAS, AT A TOTAL COST OF \$280,855.00

10. Approved a resolution authorizing the execution of professional services agreement Amendment One (1) for construction administration services associated with the Spraberry Farm and Plant Farm Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 472

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND AND HDR ENGINEERING, INC., FOR CONSTRUCTION ADMINISTRATION SERVICES ASSOCIATED WITH THE SPRABERRY FARM AND PLANT FARM PROJECT; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$28,925.00 OVER AND ABOVE THE ORIGINAL NOT-TO-EXCEED AMOUNT OF \$72,625.00 FOR QUALITY ASSURANCE MATERIAL TESTING WORK

11. Approved a resolution authorizing the execution of a professional services agreement amendment for the Engineering Services Agreement with HDR Engineering, Inc. for permitting assistance for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 473

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND AND HDR ENGINEERING, INC., FOR PERMITTING ASSISTANCE SERVICES ASSOCIATED WITH THE WATER POLLUTION CONTROL PLANT REUSE CONSTRUCTION PROJECT

12. Approved a motion authorizing the City Manager to execute direct case rate practitioner agreements with Midland Memorial Hospital, Anesthesia Medical Group of Permian Basin, Hearts R Wild PA, Luke Y. Young, MD, PhD, PLLC, and Midland Emergency Physician and to execute any other documents and to take any other actions necessary to give effect to said agreements. (ADMINISTRATIVE SERVICES)
13. Approved a resolution authorizing the execution of a promotional agreement with City of Midland Aquatics, Inc., to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 474

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND CITY OF MIDLAND AQUATICS, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

15. Approved a resolution authorizing the execution of a promotional agreement with Hispanic Cultural Center of Midland, Inc., to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 476

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND HISPANIC CULTURAL CENTER OF MIDLAND, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

19. Approved a motion on request by Maverick Engineering, to defer water, wastewater, paving and sidewalk improvements for Dove Acres, Section 2, and to waive the corresponding financial security guarantee valued at \$653,404.00, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of North County Road 1150, approximately 1.5 miles north of Loop 250, outside the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
20. Approved a motion on request by Maverick Engineering, to defer wastewater, paving and sidewalk improvements for Crestgate Addition, Section 49, and to waive the corresponding financial security guarantee valued at \$109,428.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of Cardinal Lane, approximately 515 linear feet west of North Midkiff Road, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
21. Consider a resolution approving amendments to the permits issued to Diamondback E&P LLC (Operator), to drill four oil & gas wells generally located 407 feet north of Green Tree Boulevard extension and between 942 and 1,032 feet east of North Midland Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 480

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 942 FEET AND 1,032 FEET EAST OF NORTH MIDLAND DRIVE AND 407 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF A GREEN BIOTECHNOLOGY PIT CLOSURE TREATMENT

22. Consider a resolution approving amendments to the permits issued to Diamondback E&P LLC (Operator), to drill four oil & gas wells generally located 1,328 feet north of Briarwood Avenue and between 520 and 610 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 481

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 24, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 520 FEET AND 610 FEET EAST OF AVALON DRIVE AND 1,328 FEET NORTH OF BRIARWOOD AVENUE); SAID AMENDMENTS AUTHORIZING THE USE OF A GREEN BIOTECHNOLOGY PIT CLOSURE TREATMENT

23. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of six oil and gas wells generally located between 1,487 and 1,485 feet east of North Loop 250 West and between 230 and 155 feet north of Network Drive extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 482

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO FASKEN OIL AND RANCH, LTD ("OPERATOR") TO DRILL SIX OIL AND GAS WELLS LOCATED IN SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,485 FEET AND 1,487 FEET EAST OF NORTH LOOP 250 WEST AND BETWEEN 155 FEET AND 230 FEET NORTH OF THE NETWORK DRIVE EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

24. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of ten oil and gas wells generally located between 1,943 and 2,463 feet west of South Garfield and between 320 and 321 feet north of West County Road 111. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 483

RESOLUTION GRANTING VARIANCES FOR THREE OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL TEN OIL AND GAS WELLS, INCLUDING THE THREE ABOVE-REFERENCED WELLS, LOCATED IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,943 FEET AND 2,463 FEET

WEST OF SOUTH GARFIELD STREET AND BETWEEN 320 FEET AND 321 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

25. Approved a motion approving the proposed Preliminary Plat of Avalon Park Addition, being 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 1,020 feet west of Avalon Drive). (Planning Admin)
26. Approved a resolution authorizing the City Manager to execute a sub-surface easement agreement between the City of Midland and Endeavor Energy Resources, L.P., located north 750 feet of Tract 1 and Tract 2 in Section 44, Block 38, T-1-S, T&P RR Co. Survey, Midland County Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 484

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUB-SURFACE EASEMENT AGREEMENT GRANTING TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") A SUB-SURFACE EASEMENT LOCATED ON CITY-OWNED TRACTS OF LAND DESCRIBED AS (1) THE NORTH 750 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND (2) THE NORTH 750 FEET OF A 43.29-ACRE TRACT OF LAND OUT OF SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, REWORKING, COMPLETING, MAINTAINING, PRODUCING, OPERATING, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID TRACTS 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 THE NORTH HALF OF SECTION 44, ALL OF SECTION 41, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTH THREE QUARTERS OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 32, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

27. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Gulf Coast Express Pipeline. (UTILITIES)

RESOLUTION NO. 2018 - 485

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND GULF COAST EXPRESS PIPELINE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 18 AND 19, BLOCK 36, AND SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RY CO. SURVEY, ABSTRACTS 501, 954 AND 956, MIDLAND COUNTY, TEXAS

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

14. Consider a resolution authorizing the execution of a third amendment to the reimbursable Physician Recruitment Agreement between the Midland Development Corporation and the Midland County Hospital District DBA Midland Memorial Hospital. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 475

RESOLUTION APPROVING A THIRD AMENDMENT TO THE REIMBURSABLE PHYSICIAN RECRUITMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND COUNTY HOSPITAL DISTRICT D/B/A MIDLAND MEMORIAL HOSPITAL

Council Member Lacy moved to defer this item; 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. Consider a resolution approving an Economic Development Agreement with AST & Science, LLC. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 477

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND AST & SCIENCE, LLC, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Lacy moved to adopt Resolution No. 2018 - 477; 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.

17. Consider a resolution approving a commercial sublease agreement with AST & Science, LLC, regarding certain real property located at Midland International Air & Space Port. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 478

RESOLUTION APPROVING A COMMERCIAL SUBLEASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND AST & SCIENCE, LLC, REGARDING CERTAIN CITY-OWNED 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 adopt Resolution No. 2018 - 478; 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.

18. Consider a resolution canvassing the returns and declaring the results of the November 6, 2018 General Election for four City Officers. (CITY SECRETARY'S OFFICE)

Staff noted that they are waiting for final numbers and asked for this to be heard following Executive Session.

SECOND READINGS

28. Consider an ordinance on second reading on a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of alcohol for on-premises consumption, in a parking lot generally located southeast of the intersection of North Colorado Street and West Ohio Avenue. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9838

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 11 AND 12, BLOCK 26, ORIGINAL TOWN ADDITION, AND A PREVIOUSLY VACATED 0.032-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A PARKING LOT WITH SEATING 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. 9838.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9838 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

29. Consider an ordinance on seconding reading on a request by Carl Englestad for a Special Exception from the City of Midland Zoning Ordinance landscape design standards generally located south side of East New Jersey Avenue, approximately 300 feet west of South Lamesa Road. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9839

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1A, BLOCK, 19, SOUTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST NEW JERSEY AVENUE, APPROXIMATELY 300 FEET WEST OF SOUTH LAMESA ROAD), BY EXEMPTING SAID PROPERTY FROM THE REQUIREMENTS OF SECTION 11-9-3, "LANDSCAPE DESIGN STANDARDS" 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. 9839.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9839 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

30. Consider an ordinance on second reading on a request by Green Pasture Ventures (Dave Meaden) for annexation of a 9.75-acre tract generally located on the northwest intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9840

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, 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 (GENERALLY LOCATED AT THE NORTHWEST CORNER 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 Misty Cryer read the caption of Ordinance No. 9840.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9840 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.

31. Consider an ordinance on second reading on a request for annexation of a 16.386-acre tract of land generally located south of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9841

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 16.386-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, AND SECTION 1, BLOCK 40, T-2-S, T&P RR CO. SURVEY, AND A 4.487-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 (GENERALLY LOCATED AT 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 Misty Cryer read the caption of Ordinance No. 9841.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9841 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.

32. Consider an ordinance on second reading on a request by Maverick Engineering, for a zone change from a PD, Planned District for a Shopping Center, to PD, Planned District for a Housing Development, generally located on the northeast corner of South Loop 250 West and Leisure Drive. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9843

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 162, THE SOUTH 3.138 ACRES OUT OF LOT 1, BLOCK 163, AND THE PREVIOUSLY VACATED 0.51-ACRE PORTION OF EXECUTIVE DRIVE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 162,

AND LOT 1, BLOCK 163, ALL OUT OF WILSHIRE PARK ADDITION, SECTION 9, 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 AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE 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. 9843.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9843 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.

33. Consider an ordinance on a second reading on a request by Vandergriff Group Architects, 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 Whitmire Boulevard approximately 250 feet south of West Loop 250 North Frontage Road. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9844

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4A, BLOCK 8, WHITBURN ESTATES ADDITION, SECTION 6, 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 WHITMIRE BOULEVARD, APPROXIMATELY 250 FEET SOUTH OF WEST LOOP 250 NORTH FRONTAGE 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 Misty Cryer read the caption of Ordinance No. 9844.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9844 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.

34. Consider an ordinance on a second reading on a request by Landgraf, Crutcher & Associates Inc. for a vacation of the 0.10-acre portion of West Texas Avenue generally located on the south side of West Texas Avenue between North N Street and North M Street. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9845

AN ORDINANCE VACATING AND ABANDONING A 0.10-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1 THROUGH 6,

BLOCK 77, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST TEXAS AVENUE BETWEEN NORTH N STREET AND NORTH M STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$17,040.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9845.

Council Member Hotchkiss noted that council waived the cost for the land, but the caption of the Ordinance still had the appraisal value.

City Attorney John Ohnemiller reported that the value of the land is required to be appraised and assured Council that the fee had been waived.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9845 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

35. Consider an ordinance on second reading on a request by We Can't Believe It's Not, LLC dba Butter, 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 south side of Spring Park Drive, approximately 685 feet from North Big Spring Street. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9846

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,633-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, CORPORATE PLAZA ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING PARK DRIVE, APPROXIMATELY 685 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, 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. 9846.

Council Member Love moved to approve the second and final reading of Ordinance No. 9846 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.

36. Consider an ordinance on second reading amending Title II, Commissions and Boards, Chapter 6, "Building Code Review Committee" to rename the chapter, "Building and Fire Code Review Committee and to set forth the duties and representatives of the Committee. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.)

ORDINANCE NO. 9848

AN ORDINANCE AMENDING TITLE II, "COMMISSIONS AND BOARDS", CHAPTER 6, "BUILDING CODE REVIEW COMMITTEE", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO RENAME SAID CHAPTER "BUILDING AND FIRE CODES REVIEW COMMITTEE AND TO SET FORTH THE DUTIES AND REPRESENTATIVES OF SAID COMMITTEE AND OTHER MATTERS RELATED THERETO; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9848.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9848 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

37. Hold a public hearing and consider the annexation of a 123.28-acre tract generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason Drive. This is a public hearing only. (Planning Admin)

Development Services Director Chuck Harrington gave a brief overview of item noting the school district was requesting to annex the land to obtain public utilities. It is a voluntary annexation, is in compliance with the comprehensive plan and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

38. Hold a public hearing and consider an annexation of a 25.410-acre tract generally located approximately 896 feet south of State Highway 191 and 1,020 feet west of Avalon Drive. This is a public hearing only. (Planning Admin)

Development Services Director Chuck Harrington gave a brief overview of the item noting a petition was received asking Council for a public hearing process of a 25.410-acre tract of land to allow public utilities. The item is in compliance with the comprehensive plan and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:47 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

39. Hold a public hearing and consider an ordinance on a request by Green Pasture Ventures (Dave Meaden) for the initial zoning for a 9.75-acre tract 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 Misty Cryer read the caption of Ordinance No. 9850.

Development Services Director Chuck Harrington gave a brief overview of the item noting this property was just annexed and now the applicant is requesting zoning of MF-2. This is the future site of Green Pastures Apartment Complex. They are in the process of going through the required items. This is in compliance with the comprehensive plan and Planning & Zoning recommended approval. Staff recommends approval and no letters of objection have been received.

Mayor Morales opened the public hearing at 10:48 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. 9850 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.

40. Hold a public hearing and consider an ordinance 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-acre tract of land 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 Misty Cryer read the caption of Ordinance No. 9851.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a zone change for a housing development. The site plan shows 55 apartment buildings and 480 units of which 300 are affordable. The site has adequate parking and offers amenities to the residents. The item is in compliance with the comprehensive plan and staff recommends approval subject to conditions A-G. No letters of objection have been 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. 9851 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.

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, concerning the side yard setback requirements for property generally located on the northwest corner of the intersection of Blake Drive and Trennon Place. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9852

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 Misty Cryer read the caption of Ordinance No. 9852.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is unable to be present and asked to have this item deferred to a future meeting. Assistant City Manager Frank Salvato suggested still conducting the public hearing.

Mayor Morales opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to defer this item to a future meeting; 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.

42. Hold a public hearing and consider 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 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 Misty Cryer read the caption of Ordinance No. 9853.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for Midland Memorial Hospital. They are proposing to install a parking area for up to nine RVs on site on the west portion of the northeast corner of the parking lot. They have provided a conceptual plan. The purpose is to allow family members of patients to stay in town at a lower cost. Staff has reviewed the item and recommends approval. No letters of objection have been received. It was clarified that the hospital does not provide the RVs, it is simply access to parking with utilities. Council Member Hotchkiss said that others hospital districts have this feature.

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 Robnett moved approval of the first of two readings of Ordinance No. 9853 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.

43. Hold a public hearing and consider an ordinance 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 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 Misty Cryer read the caption of Ordinance No. 9854.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting MF-1 and LR-2 zoning. The item was reviewed by Planning & Zoning. Staff recommends approval subject to conditions A and B and no letters of objection have been received.

Council Member Love noted that the MPO and TxDot are doing a study at I-20 and 1250 noting he thought it was going to be a north-south corridor and asked if that was what was also in the comprehensive plan. Traffic Engineer Mike Pacelli reported that the right-of-way had been secured in the platting process for a north-south arterial.

Mayor Morales opened the public hearing at 11:00 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. 9854 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. Hold a public hearing and consider an ordinance request by Mike and Helen Bowden for a zone change from CE, Country Estate District to O1, Office District 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, COUNTY 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 Misty Cryer read the caption of Ordinance No. 9855.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a zone change for the development of two office buildings. There is adequate circulation and parking. The applicant will be required to comply with the site plan. The item was approved by Planning & Zoning. It does not meet the comprehensive plan which calls for urban residential on large lots. If Council wishes to proceed they should direct staff to revise the comprehensive plan to match.

Council Member Sparks noted the elevation looks like residential homes even though they will be used as offices. Mr. Harrington confirmed that no objections were received.

Mayor Morales opened the public hearing at 11:05 a.m.

Stephen Marcum, 3323 N. Midland Drive, reported he was available to answer any questions and appreciates the support. The office buildings will have a residential look and they plan to develop high end homes to the south and this project will be a buffer for those homes. He confirmed there will be vinyl fencing as shown in the elevations.

There being no one else wishing to speak, the public hearing was closed at 11:06 a.m.

Council Member Sparks moved approval of the first of two readings 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.

45. Hold a public hearing and consider a resolution granting a petition to annex certain sparsely populated property generally located approximately 688 feet south of State Highway 191 and 2,287 feet west of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 486

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 21.30-ACRE TRACT OF LAND AND A 6.975-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 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 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 the petition is requesting annexation of two tracts of land into the City. The law for annexation has been satisfied.

Mayor Morales opened the public hearing at 11:08 a.m.

Robert Rendall 6 Desta Drive, reported this site will be developed as multi-family housing. He clarified that it is not in the airport overlay zone.

There being no one else wishing to speak, the public hearing was closed at 11:08 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 486; 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. Hold a public hearing and consider a resolution granting a petition to annex certain sparsely populated property generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 487

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 28.84-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40) 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 petition for consideration of annexation. The proposed development is seeking City utilities. The item meets with State law.

Mayor Morales opened the public hearing at 11:10 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved to adopt Resolution No. 2018 - 487; 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.

MISCELLANEOUS

47. Consider an ordinance 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 Misty Cryer read the caption of Ordinance No. 9856.

City Attorney John Ohnemiller reported this a minor amendment to the dangerous dog ordinance. Currently only the Director of Animal Services can sign a sworn petition for filing at municipal court for a dangerous dog determination. The amendment will allow for other employees or police officers to sign a petition. The reason being sometimes the director is not available or is not the best person to sign the petition if they were not the first on site.

Council Member Love clarified this is the result of an incident of a citizen who was taking out her trash and her puppy followed her into the alley. Her puppy was attacked by three loose dogs, one dog was attacking her puppy and the other two dogs were playing guard and keeping her from getting to her puppy. Animal services found a rule that when an animal is off leash outside of their yard, then that dog is just as culpable which does not make sense in that situation. This provides another opportunity to declare a dog dangerous.

Council Member Love moved approval of the first of two readings of Ordinance No. 9856 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.

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

Council Member Lacy moved to appoint Sharla Hotchkiss to replace Jeff Sparks on Midland Spaceport Development 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.

PUBLIC COMMENT

50. 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

51. 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 11:15 a.m. He announced that the remaining two items, 18, and 49 would be heard downstairs immediately following Executive Session.

The Council completed Executive Session at 12:23 p.m. Mayor Morales reconvened the meeting in Regular Session at 12:24 p.m. with all Council Members present.

CONSENT CALENDAR (Continued)

18. Consider a resolution canvassing the returns and declaring the results of the November 6, 2018 General Election for four City Officers. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2018 - 479

RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE NOVEMBER 6, 2018 GENERAL ELECTION FOR FOUR CITY OFFICERS

Council Member Lacy moved to adopt Resolution No. 2018 - 479; 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.

MISCELLANEOUS (CONTINUED)

49. Consider a resolution awarding a contract for the demolition of the Building of the Southwest for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 488

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIDWEST WRECKING CO. OF TEXAS, INC., OF FORT WORTH, TEXAS, FOR THE DEMOLITION OF THE BUILDING OF THE SOUTHWEST AT A TOTAL COST OF

\$1,280,000.00; APPROVING \$128,000.00 FOR CONTINGENCIES; AND AUTHORIZING THE APPROPRIATION OF \$1,408,000.00 FOR THE BUILDING OF THE SOUTHWEST DEMOLITION PROJECT (900284)

Council Member Lacy moved to adopt Resolution No. 2018 - 488; 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.

All the business at hand having been completed, the meeting adjourned at 12:25 p.m.

PASSED AND APPROVED the 11th day of December 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary