

**MIDLAND CITY COUNCIL
MINUTES
November 19, 2019**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 19, 2019.

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

Staff members present at the annex table: City Attorney John Ohnemiller, Assistant City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order: 1-4, 6-8, 10, 12, 15, 19-20, 22-23, 5, 9, 11, 13-14, 16-18, 21, 24-37.

Mayor Morales called the meeting to order at 10:04 a.m.

Mayor Morales wished all a Happy Thanksgiving and asked all to keep City Manager Courtney Sharp and Stewart Doreen of the Midland Reporter Telegram in their prayers.

OPENING ITEMS

1. Invocation - Pastor Jon Slayden, Hope Community Church
2. Pledge of Allegiance

PRESENTATIONS

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

Mayor Morales announced this would be Council Member Lacy's last meeting. Mr. Lacy was presented with a gift and thanked for his service to the City.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 23 excluding 5, 9, 11, 13, 14, 16, 17, 18, 21; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of November 5, 2019.
 - b. Special City Council meeting of November 6, 2019.

6. Approved a resolution awarding the contract for Pilot Paving Project for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2019 - 347

RESOLUTION AWARDING A CONTRACT FOR THE PILOT AVENUE PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$485,036.65; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution approving the purchase of one (1) John Deere 410L Backhoe from Yellowhouse Machinery Company through Buyboard contract 515-16 for a cost of \$115,000.00. (PURCHASING)

RESOLUTION NO. 2019 - 348

RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE 410L BACKHOE FROM YELLOWHOUSE MACHINERY COMPANY AT A TOTAL COST OF \$115,000.00 THROUGH BUYBOARD

8. Approved a resolution approving the purchase of one (1) Spartan 4 door custom full tilt aluminum cab pumper from Metro Fire Apparatus Specialists, Inc. through Houston-Galveston Area Council (HGACBuy) for the cost of \$878,392.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 349

RESOLUTION APPROVING THE PURCHASE OF A SPARTAN FOUR-DOOR CUSTOM FULL-TILT ALUMINUM CAB 4X2 PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$878,392.00

10. Approved a resolution awarding a master agreement for two (2) years for employee uniforms for various City of Midland Departments and Divisions for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 351

RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT FOR THE PURCHASE OF UNIFORMS FOR CITY OF MIDLAND EMPLOYEES WITH CINTAS CORPORATION AT A TOTAL COST OF \$212,580.00

12. Approved a resolution amending Professional Services Agreement 19000898 with Parkhill Smith and Cooper Inc. for professional services for proposed scope and professional fees associated with Landfill Cell Five (5) and Six (6) expansion; Phase 2 for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2019 - 353

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., PROVIDING FOR ENGINEERING AND DESIGN SERVICES AND DEVELOPMENT OF BID DOCUMENTS FOR THE LANDFILL CELLS PROJECT; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$481,300.00 OVER AND ABOVE THE ORIGINAL TOTAL COST OF \$211,915.00 FOR THE PERFORMANCE OF ENGINEERING AND CONTRACT BIDDING SERVICES DURING THE

CONSTRUCTION PHASE OF THE LANDFILL CELLS PROJECT; AND APPROPRIATING FUNDS THEREFOR

15. Approved a resolution awarding the contract for the Hogan Park Cart Path Renovations to Duininck, Inc. for the cost of \$1,097,189.60 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 356

CONSIDER A RESOLUTION AWARDDING A CONTRACT FOR THE HOGAN PARK GOLF PATH IMPROVEMENT PROJECT TO DUINICK, INC. OF PRINSBURG, MINNESOTA FOR A TOTAL COST OF \$1,097,189.60; AND APPROPRIATING FUNDS FOR SAID PROJECT.

19. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Manor Park No. 7H and Manor Park No. 8H, generally located 1,484 feet east of North Loop 250 West and between 125 feet and 140 feet north of Network Drive extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 360

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL TWO 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 1,484 FEET EAST OF NORTH LOOP 250 WEST AND BETWEEN 125 FEET AND 140 FEET NORTH OF THE NETWORK DRIVE EXTENSION); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

20. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Manor Park No. 9H generally located 453 feet south of Andrews Highway and 272 feet east of North Loop 250 West. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 361

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 463 FEET FROM THE NORTH LINE AND 309 FEET FROM THE WEST LINE, SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 453 FEET SOUTH OF ANDREWS HIGHWAY AND 272 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 310 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

22. Approved a resolution authorizing and executing a new right-of-way license to replace expiring license number 2010-013, between the City of Midland and Atlas Pipeline Mid-Continent Westex L.L.C. (UTILITIES)

RESOLUTION NO. 2019 - 363

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 14, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

23. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Lilis Energy Inc. (UTILITIES)

RESOLUTION NO. 2019 - 364

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LILIS ENERGY, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13, 18, 19, 21, 22 AND 23, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

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

5. Consider a resolution awarding a professional services agreement for the Hogan and Reyes, Mashburn, Nelms Park Master Plan Development and Phase I construction documents and construction oversight for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 346

RESOLUTION AWARDED A PROFESSIONAL SERVICES AGREEMENT FOR THE DEVELOPMENT OF A MASTER PLAN FOR RENOVATIONS TO HOGAN PARK AND REYES-MASHBURN-NELMS PARK TO LUCK DESIGN TEAM, LLC, OF AUSTIN, TEXAS, FOR A TOTAL COST OF \$479,915.00; AND APPROPRIATING FUNDS THEREFOR

Council Member Trost asked why only Hogan Park was being funded but both parks were being designed. Parks & Recreation Manager Laurie Williams reported they fully expect the consultant to come back with a recommendation to do this in a phased implementation and they believe Hogan Park will be the first phase.

Council Member Love moved to adopt Resolution No. 2019 - 346; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

9. Consider a resolution approving the purchase of eight (8) administrative cars, seven (7) full size 1/2 ton regular cab pickups, one (1) full size 1/2 ton regular cab pickup with a spotlight, one (1) 3/4 ton cab pickup, one (1) 3/4 ton crew cab 4X4 pickup, three (3) 3/4 ton crew cab pickups, one (1) 1 ton extended cab and chassis, three (3) 1 ton regular cab and chassis, one (1) sport utility vehicle, and (1) mid-size all-wheel drive sport utility vehicle for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 350

RESOLUTION APPROVING THE PURCHASE OF EIGHT (8) ADMINISTRATIVE CARS FROM FOUR STARS DCJR OF HENRIETTA, TEXAS; THE PURCHASE OF SEVEN (7) FULL-SIZE ONE-HALF (1/2) TON REGULAR CAB PICKUP TRUCKS AND ONE (1)

FULL-SIZE ONE-HALF (1/2) TON REGULAR CAB PICKUP TRUCK WITH A SPOTLIGHT FROM GRAPEVINE DCJ, LLC, OF GRAPEVINE, TEXAS; THE PURCHASE OF ONE (1) THREE-QUARTER (3/4) TON CAB PICKUP TRUCK AND ONE (1) THREE-QUARTER (3/4) TON CREW CAB PICKUP TRUCK FROM ROGERS FORD SALES, INC., OF MIDLAND TEXAS; THE PURCHASE OF ONE (1) THREE-QUARTER (3/4) TON CREW CAB FOUR-WHEEL DRIVE PICKUP TRUCK, ONE (1) ONE (1) TON EXTENDED CAB AND CHASSIS, THREE (3) ONE (1) TON CREW CAB AND CHASSIS, AND ONE (1) MID-SIZE ALL-WHEEL DRIVE SPORT UTILITY VEHICLE FROM RANDALL REED'S PRESTIGE FORD, OF GARLAND, TEXAS; AND THE PURCHASE OF ONE (1) FULL-SIZE SPORT UTILITY VEHICLE FROM CALDWELL COUNTY CHEVROLET, OF CALDWELL, TEXAS

Council Member Lacy asked about the requirement for the first vehicle needing 280 horse power noting it threw out three of the four bidders. General Services Director Regina Stephenson reported the specifications were written that way to buy a specific vehicle to transport employees.

Council Member Lacy moved to adopt Resolution No. 2019 - 350; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

11. Consider a resolution approving the purchase of six (6) ambulances from Sterling McCall Ford through the Houston-Galveston Area Council (HGACBuy) for a total cost of \$1,883,574.04 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 352

RESOLUTION APPROVING THE PURCHASE OF SIX (6) AMBULANCES FROM STERLING MCCALL FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$1,883,574.04

Council Member Lacy asked if this was the ambulance that had to be replaced because the lady hit the ambulance. Chief Blumenauer reported that one had already been replaced and this was a second ambulance that was in an accident.

Council Member Trost moved to adopt Resolution No. 2019 - 352; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

13. Consider a resolution approving the purchase of one (1) new Cat 730 water truck with Klein water tank to be used at the Landfill from Warren Power & Machinery, Inc. dba Warren Cat through Buyboard Contract 515-16 for a cost of \$542,600.00 for the Garage Division of the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 354

RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR 730 WATER TRUCK WITH A KLEIN 6000 GALLON WATER TANK FROM WARREN POWER & MACHINERY, INC., AT A TOTAL COST OF \$542,600.00 THROUGH BUYBOARD; AND APPROPRIATING FUNDS THEREFOR

Council Member Lacy asked about the lease a few meetings ago that Council approved and wondered if this was the same vehicle and if the lease price would go toward the purchase price. General Services Director Regina Stephenson reported it is a different vehicle.

When asked if there was enough inventory for our growing needs, Solid Waste Director Jefferey Ahrllett reported it was.

Council Member Love moved to adopt Resolution No. 2019 - 354; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

14. Consider a resolution rejecting the incomplete proposal received and approving the re-issuance of the affordable housing request for proposals for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 355

RESOLUTION REJECTING ALL PROPOSALS AND AUTHORIZING THE RE-ISSUANCE OF A REQUEST FOR PROPOSALS FROM NONPROFIT ORGANIZATIONS FOR THE DEVELOPMENT OF CITY-OWNED PROPERTY DESCRIBED AS AN 11.72 ACRE TRACT LOCATED IN SECTION THIRTEEN (13), BLOCK THIRTY-NINE (39), TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, AS AUTHORIZED BY CHAPTER 253 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Robnett asked for an explanation of what happened with the previous proposal that was out for 30 days. General Service Manager Regina Stephenson reported the proposers had asked questions that they had to find the answers and it probably did not give them enough time to submit a complete proposal. Staff felt it would be better to go out again.

Council Member Robnett questioned if 30 days would be enough time and wondered if it should be extended longer, especially with the holidays. Council Member Love disagreed noting there were 3 submittals and he felt that all three of them would be ready to submit once it is opened again.

David Diaz, 208 S. Marienfeld, explained critical deadlines coming up for TDHCA tax credit housing, and that applications will be due the first week in January. The project needs to be awarded for the applicant to qualify.

Discussion briefly ensued about shortening the deadline to meet TDHCA deadlines, but staff pointed out they need a minimum of 14 days to advertise. The soonest Council could award on this would be the first meeting in January.

Joey Hopkins, Habitat for Humanity, 305 E. Texas, reported they did not submit the first round. They were close but they couldn't get the proposal together that quickly. They now have a consultant and are very close to a complete package. They are not using TDHCA tax credits.

Discussion ensued about how rarely Midland gets the TDHCA tax credits because of the school.

Staff was asked of the possibility of submitting proposals electronically. John Ohnemiller reported that they could check into that.

David Diaz added that they normally work together with Habitat and this bid is making them compete against each other. They used to both get some property and this process is putting them in an awkward situation. Council noted they could submit a joint proposal.

Kimberly Crisp, 3304 Douglass, asked if this was the same item between Princeton and Cuthbert. Staff reported this is not the Hillcrest item.

Council Member Robnett moved to adopt Resolution No. 2019 - 355 with amendment to extend RFP deadline to December 31, 2019; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Morales, Dufford, Lacy, Robnett. NAY: Love. ABSTAIN: None. ABSENT: None.

16. Consider a resolution authorizing the execution of a Professional Services Agreement for multiple projects with Freese and Nichols, Inc., for professional services related to one or more projects; and authorizing payment therefor in an amount not to exceed \$365,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 357

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND FREESE AND NICHOLS, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO MULTIPLE INFRASTRUCTURE IMPROVEMENT PROJECTS, AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103

Council Member Trost asked for clarification. Gary Law, Midland Development Corporation, reported the company will provide services for the City for the extension of Wadley and possible drainage issues. They will be on-call for these projects.

Kimberly Crisp, 3304 Douglas Avenue, asked if this was a new contract. Council replied it was. She spoke about MDC's effort to recruit a design engineer and wondered if this contract would not be needed if they were able to hire for that position. Council Member Lacy reported that person could handle some but there would still be a need for a design team for the larger projects that could not be handled by an individual.

Ms. Crisp noted she had the same questions for the next two items and did not need to speak on 17 or 18.

Council Member Trost asked if this would apply to the TxDOT projects. Engineering Services Director Jose Ortiz reported they will coordinate with the state and following all their criteria. This process will allow for the acceleration of projects by having plans ready to let. This will allow the City to receive funding more quickly and move their projects forward.

Gary Law reported the reason MDC is looking at Freese and Nichols for Wadley and drainage is because the City went through the process to select them for water and drainage.

Council Member Love moved to adopt Resolution No. 2019 - 357; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider a resolution authorizing the execution of a Professional Services Agreement for multiple projects with Kimley-Horn and Associates, Inc., for professional services related to one or more projects; and authorizing payment therefor in an amount not to exceed \$500,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 358

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KIMLEY-HORN AND ASSOCIATES, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO MULTIPLE INFRASTRUCTURE IMPROVEMENT PROJECTS, AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103

Council Member Trost had similar questions to this item. Gary Law, Midland Development Corporation, reported they are looking to Kimley Horn to provide assistance to develop TxDOT standard plans along corridor 158 between Briarwood and Wadley since the City has already gone to Kimley Horn to develop concepts for the same area.

Council Member Love moved to adopt Resolution No. 2019 - 358; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

18. Consider a resolution authorizing the execution of a Professional Services Agreement for multiple projects with Parkhill, Smith & Cooper, Inc., for professional services related to one or more projects; and authorizing payment therefor in an amount not to exceed \$1,000,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 359

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO MULTIPLE INFRASTRUCTURE IMPROVEMENT PROJECTS, AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103

Council Member Love moved to adopt Resolution No. 2019 - 359; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

21. Consider a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner of a 36.806-acre tract of land generally located on the northwest corner of the intersection of State Highway 158 and State

Highway 191 for the provision of services in the area, said owner having submitted a petition for annexation. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 362

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OWNER(S) OF A 36.806-ACRE TRACT OF LAND OUT SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 158 AND STATE HIGHWAY 191) FOR THE PROVISION OF SERVICES IN THE AREA, SAID OWNER(S) HAVING SUBMITTED A PETITION FOR ANNEXATION OF THE AREA; AUTHORIZING AND DIRECTING THE CITY SECRETARY'S OFFICE TO FILE SAID AGREEMENT WITH THE MIDLAND COUNTY CLERK FOR RECORDING IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS; AND CALLING A PUBLIC HEARING TO CONSIDER AN ORDINANCE ANNEXING THE AREA

Development Services Director Chuck Harrington gave a brief overview of the item noting this is following the new process established by state law where the applicant petitions to set up a service agreement. Council sets a public hearing authorizing the service agreement. Mayor Morales noted Michael Clark was available if there were any questions.

Council Member Lacy moved to adopt Resolution No. 2019 - 362; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

24. Consider an ordinance on second reading on a request by Ryan Tomblin for the vacation of the 0.06-acre portion of Scharbauer Drive right-of-way, generally located on the northeast corner of the intersection of North I Street and West Scharbauer Drive. (DEVELOPMENT SERVICES) (First reading held November 05, 2019.)

ORDINANCE NO. 10015

AN ORDINANCE VACATING AND ABANDONING A 0.06-ACRE PORTION OF SCHARBAUER DRIVE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, WINDSOR PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH I STREET AND WEST SCHARBAUER DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$6,534.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10015.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 10015 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

25. Consider an ordinance on second reading on a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Housing Development, in part; and 2F-Two-Family Dwelling District, in part; to SF-3, Single-Family Dwelling District, on a 22.75-acre tract of land generally located on the southeast corner of the intersection of Passage Way and North Midkiff Road. (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10016

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 22.75-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, AND 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF PASSAGE WAY AND NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10016.

Council Member Love moved to approve the second and final reading of Ordinance No. 10016 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

26. Consider an ordinance on second reading on a request by Don Clay for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District generally located on the southwest corner of the intersection of Houston Avenue and North Lee Street. (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10017

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 6, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HOUSTON AVENUE AND NORTH LEE 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 Jan Hamilton read the caption of Ordinance No. 10017.

Council Member Love moved to approve the second and final reading of Ordinance No. 10017 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

27. Consider an ordinance on second reading on a request by Brian Yates for a Special Exception from the City of Midland Zoning Ordinance Section 4.09, concerning the

minimum side yard and rear yard setbacks, and the minimum separation from the principal building, generally located on the north side of Sentinel Drive, approximately 173 feet west from Ward Street. (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10018

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 7.3 FEET OF LOT 15, ALL OF LOT 16, AND THE WEST 68 FEET OF LOT 17, BLOCK 3, MCCALL PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SENTINEL DRIVE, APPROXIMATELY 173 FEET WEST OF WARD STREET), BY PERMITTING (1) REDUCED SIDE YARD AND REAR YARD SETBACKS FOR AN ACCESSORY BUILDING AND (2) A REDUCED MINIMUM SEPARATION OF AN ACCESSORY BUILDING FROM THE PRINCIPAL BUILDING; 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 Jan Hamilton read the caption of Ordinance No. 10018.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 10018 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone a 13.620-acre tract of land generally located at the northwest corner of the intersection of South K Street and East Stokes Avenue. (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10019

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 13.620-ACRE TRACT OF LAND OUT OF SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TP, TECHNOLOGY PARK DISTRICT TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH K STREET AND EAST STOKES 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 Jan Hamilton read the caption of Ordinance No. 10019.

Council Member Love moved to approve the second and final reading of Ordinance No. 10019 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

29. Consider an ordinance on second reading on a request by T&S Builders for a Special Exception from the City of Midland Zoning Ordinance Section 5.05, concerning the side-yard setback generally located on the south side of Bluebird Lane, approximately 315 feet east of North Midkiff Road. (DEVELOPMENT SERVICES) (First reading held on November 5, 2019)

ORDINANCE NO. 10020

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2B, BLOCK 2, BENT TREE ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF BLUEBIRD LANE, APPROXIMATELY 315 FEET EAST OF NORTH MIDKIFF ROAD), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK FROM AN INTERIOR LOT LINE; 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 Jan Hamilton read the caption of Ordinance No. 10020.

Development Services Director Chuck Harrington reported that the site plan had been revised because the original survey was off by one minute. The new site plan is included in the packet. City Attorney John Ohnemiller reported that Council will need to include the updated site plan in the ordinance and to change the lot references.

Council Member Love moved to approve the second and final reading of Ordinance No. 10020 in accordance with the Charter of the City of Midland with the amendment to include the updated site plan and to reference the lots in the updated site plan.; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

30. Hold a public hearing and consider an ordinance on request by Bean & Grape 1, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, generally located on the south side of West Wadley Avenue, approximately 270 feet east of North Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10021

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,250-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 270 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A

SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10021.

Development Services Director Chuck Harrington gave a brief overview of item noting the subject property has an existing SUP for the sale of beer and wine in restaurant that was approved in 2017 with alcohol service hours of 10:00 a.m. to 10:00 p.m. Monday through Saturday and Sunday 11:00 a.m. to 10:00 p.m. They are requesting an amendment to allow the sale of all alcoholic beverages with hours of Monday through Saturday from 10:00 a.m. to 12:00 a.m. and Sunday from 10:00 a.m. to 2:00 p.m. The item has been reviewed by all departments and meets requirements. Staff recommended approval. Planning & Zoning approved this on November 5. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:03 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. 10021 in accordance with the Charter of the City of Midland with the change of alcohol service hours on Sunday from 11:00 a.m. to 2:00 p.m.; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Hold a public hearing and consider an ordinance on a request by Jose Costilla for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District generally located on the west side of North Madison Street, approximately 100 feet north of Houston Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10022

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 3, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MADISON STREET, APPROXIMATELY 100 FEET NORTH OF HOUSTON AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10022.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is similar to ones they have been doing for the last 90 days as result of changing the zoning. The item conforms with the existing characteristics of the area. It was approved by Planning & Zoning on November 4. Staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:05 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. 10022 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

32. Hold a public hearing and consider an ordinance on a request by Frank Aleman for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the southeast corner of the intersection of East Wall Street and South Madison Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10023

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 31, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST WALL STREET AND SOUTH MADISON STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10023.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is similar to the last item and is located at 101 S. Madison. Staff reviewed and found it in compliance with the comprehensive plan. Staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:07 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. 10023 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

33. Hold a public hearing and consider an ordinance on a request by Scott Yorkinson for a zone change from an SF-3, Single-Family Dwelling District to O-2, Office District, generally located on the south side of West Wolcott Avenue, approximately 244 feet west of South Baird Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10024

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 THROUGH 12, BLOCK 47, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WOLCOTT AVENUE, APPROXIMATELY 244 FEET WEST OF SOUTH BAIRD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY

OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10024.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting approval of a zone change to construct a hotel on the property. This will change the zoning from SF-3 to O-2 which will allow for the development of a hotel. Per the zoning code O-2 allows a maximum of 98 feet or 7 stories. They recognize that Mr. York is not planning to build a 7-story hotel, but the zoning allows for it and staff needs to protect the surrounding neighborhood. Staff recommends denial. No letters of objection have been received.

Council Member Love pointed out that something needs to be done about this procedural problem noting the City needs to work on solving this issue. Mr. Harrington noted that staff made some changes to solve other issues and is looking at some things and confirmed they would dig into that issue.

It was noted that this hotel is not out of character of the two adjacent hotels.

Mayor Morales opened the public hearing at 11:13 a.m.

Scott Yorkston, Los Angeles, reported they are a developer operator planning to build a 121-room 4-story hotel. They are working with several franchises but have not yet identified the final one. When they submitted the zone change, he went ahead and submitted a full package so staff could see their plans. When a hotel exceeds 4 stories the costs go up dramatically. They are willing to increase their landscape along Wolcott Drive and discussed having trees along that area to hide them from surrounding residential.

Council Member Hotchkiss reported she looked at the residence near the hotel and there are no windows on that side of the house which will allow the residence to be protected for line of site. Council Member Love added that when the lot is developed to the north, they can orient their design to the benefit of the residents.

When Mr. Yorkston was asked if they had a contingent offer on the property, Mr. Yorkston reported they are in escrow but won't close until February and they expect to begin construction in the second quarter. They have two other existing businesses in Midland. They are committed to the area and are not just focused on values of the land.

There being no one else wishing to speak, the public hearing was closed at 11:19 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 10024 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. Hold a public hearing and consider an ordinance on a request by Samuel Leyva for a Specific Use Designation with Term, for the sale of all alcohol beverages, for on-premises consumption, in a restaurant, generally located on the north side of East Interstate 20 Frontage Road, approximately 360 feet west of South Terrell Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10025

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,100-SQUARE FOOT PORTION OF LOT 6A, BLOCK 62, BELMONT ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20 FRONTAGE ROAD, APPROXIMATELY 360 FEET WEST OF SOUTH TERRELL STREET), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10025.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request for a Specific Use Designation for the sale of alcoholic beverages in a restaurant. They are not currently in operation but in the process of opening. Their alcohol service hours will be Sunday through Saturday from 11:00 a.m. to 9:00 p.m. The item has been reviewed by all departments and is in compliance with the comprehensive plan. The item was approved by Planning & Zoning on November 4. Staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 10025 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

35. Consider an ordinance on first reading amending Fiscal Year 2018-2019 Budgets for certain funds. (FINANCE)

ORDINANCE NO. 10026

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

Budget Manager Jamie Radcliff gave a brief overview of the item noting staff will close the end of the year above budget and needs Council to ratify expenditures made above the authorized budget during Fiscal Year 2018-2019. These were items that could not be anticipated when the budget was originally created. She provided a detailed memo for each individual fund that needed amendments and what the extra expenses were used for.

Council Member Love moved approval of the first of two readings of Ordinance No. 10026 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

36. Consider an ordinance amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", providing for a maximum penalty or fine of five hundred dollars (\$500.00). (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 10027

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); CONTINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDER PUBLICATION

Mayor Morales read the caption of Ordinance No. 10027.

City Attorney John Ohnemiller reported this is a housekeeping item that needed minor cleanup to be aligned with State law.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 10027 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

37. 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.)

Joel Damron, 4724 Princeton Avenue, reported he was representing his neighbors and other residents between Midland, Princeton and Cuthbert. All the residents in the neighborhood are completely against a development of apartments and felt it should be single family homes. Council already approved an apartment complex by Taco Villa and forced the traffic through their neighborhood. These apartments will pay zero dollars in property tax and Midland will not benefit in any way from this. Council Member Lacy asked if he didn't think first responders would benefit and Mr. Damron replied he is going to school to be a nurse and he bought his own property and they should too. They came to Planning & Zoning and requested speed bumps, but they refused to put them in. Mayor Morales noted that staff cannot respond to this item but invited Mr. Damron to reach out to him. It was noted that this item will have two readings before Council soon and Council can dialogue at that time.

Kimberly Crisp, 3304 Douglas, echoed the statements of the previous speaker. She reported about a poll she just posted on Facebook. She also noted that at yesterday's Planning & Zoning in reference to Hillcrest Village Apartment Complex there were many

people present wishing to speak and over 100 letters of objection which triggered a super majority. She suggested this item be deferred until January since Mr. Lacy will not be present in December that way Ms. Blong can be present to represent District 4.

EXECUTIVE SESSION

38. 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 Deliberation Regarding 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.

Mayor Morales recessed the meeting to go Executive Session at 11:36 a.m.

All the business at hand having been completed, the meeting adjourned at 12:15 p.m.

PASSED AND APPROVED the 10th day of December 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary