

**MIDLAND CITY COUNCIL  
MINUTES  
February 12, 2019**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on February 12, 2019.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem John B. Love III (District 2), Council Member Spencer Robnett (At-Large), and Council Member Michael Trost (At-Large).

Council Members absent: Council Member Scott Dufford (District 1), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, City Secretary Amy Turner, Utilities Director Laura Wilson, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Engineering Services Director Jose Ortiz, Chief Information Officer Willie Resto, City Engineer Matt Carr, Traffic Engineer Mike Pacelli, Assistant Utilities Director Carl Craigo, and Public Information Officer Elana Ladd.

Mayor Morales called the meeting to order at 9:34 a.m.

1. Receive a presentation from Engineering Services regarding the schematic alignment for the proposed Fairgrounds Road extension from Loop 250 to the county line.

Engineering Services Director Jose Ortiz provided a brief history of the project noting it was originally presented in 2014 with the intention of getting traffic from the northwest side of town to downtown more efficiently. They intended to create an expressway like condition to connect to an outer loop, but they discovered too many problems. The concept was then developed to have more of a parkway system with minimal signals to alleviate congestion. The Northeast Midland Feasibility Study looked at the entire region and laid out where corridors could go. The focus is being placed on commuters not trucks with the concept that Fairgrounds could be for commuters and in the future truck traffic would be pushed further out such as on Elkins Road. They have been talking with landowners along Fairgrounds to acquire a corridor and Jones Brothers has dedicated two sections of right-of-way where Fairgrounds could connect to Occidental. They will be looking to connect to Craddick Highway in the long term.

MDC has provided financial backing to secure the right-of-way. They still have many issues including berms and flow lines, so overpasses will need to be constructed over Occidental Parkway and Mockingbird.

The next step is to begin development. They are working with Betenbough who has plans to begin their next phase of development. Staff will bring three development agreements to City Council for approval for paving, drainage and water at a total cost of \$7 million. The

City will need to contribute about \$2.6 million for the road and extension of water from Mockingbird to Fairgrounds and then north to Occidental. This will open opportunity for future development on the east side of Fairgrounds and North of Mockingbird. Phase I is Loop 250 to Mockingbird and Phase II is Fairgrounds from Mockingbird to Occidental. Phase II will happen first due to a push from developers.

A suggestion was made to include Martin County in on conversations especially as we move closer to their area.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:56 a.m.

### **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 12, 2019.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem John B. Love III (District 2), Council Member Spencer Robnett (At-Large), and Council Member Michael Trost (At-Large).

Council Members absent: 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 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: 1-5, 7-17, 19-28, 31-32, 6, 18, 29-30, 33-51.

Mayor Morales called the meeting to order at 10:03 a.m.

### **OPENING ITEMS**

1. Invocation - Brad Smith, Calvary Assembly of God - Midland
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 Willie A. Goudeau Day.
  - b. Mayor Morales presented a proclamation for Eva Luna Day.

## CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 32 excluding 6, 18, 29, 30; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

4. Approved a motion approving the following minutes:
  - a. Regular meeting of January 22, 2019.
  - b. Special meeting of January 29, 2019.
5. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Hogan Park Golf Course Driving Range Renovation Project for the Community Services Department. (PURCHASING)

### RESOLUTION NO. 2019 - 031

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE HOGAN PARK GOLF COURSE DRIVING RANGE PROJECT

7. Approved a resolution approving the purchase of a Runway De-Icer Trailer for the Garage Division. (PURCHASING)

### RESOLUTION NO. 2019 - 033

RESOLUTION APPROVING THE PURCHASE OF A RUNWAY DE-ICER TRAILER FOR THE GARAGE DIVISION FROM THE SOLE BIDDER, BATTS, INC., OF ADVANCE, INDIANA, AT A TOTAL COST OF \$50,100.00

8. Approved a resolution awarding the project described as Terminal Building Ramp and Side Exit Stairs Demolition Project at Midland International Air & Space Port to Mid-Tex of Midland, and appropriate necessary funds. (AIRPORTS)

### RESOLUTION NO. 2019 - 034

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MID-TEX OF MIDLAND IN AN AMOUNT NOT TO EXCEED \$375,000.00 FOR THE TERMINAL BUILDING RAMP AND SIDE EXIT STAIRS DEMOLITION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; APPROVING THE AMOUNT OF \$37,500.00 FOR CONTINGENCIES; AND APPROPRIATING \$691,100.00 IN FUNDING FOR SAID PROJECT

9. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Ovation Services, LLC V. Miguel Hines, in the 142nd Judicial District Court, Midland County, Texas, Cause No. CV55245. (CITY ATTORNEY'S OFFICE)

### RESOLUTION NO. 2019 - 035

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED OVATION SERVICES, LLC V. MIGUEL HINES, IN THE 142ND JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. CV55245.

10. Approved a motion authorizing the execution of a sports agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)
11. Approved a motion authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES)
12. Approved a motion authorizing the execution of a sports agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES)
13. Approved a motion authorizing the execution of a sports agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger. (COMMUNITY SERVICES)
14. Approved a motion authorizing the execution of a sports agreement with Midland Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older. (COMMUNITY SERVICES)
15. Approved a motion authorizing the execution of a sports agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES)
16. Approved a motion authorizing the execution of a sports agreement with Stonegate Fellowship to administer services related to flag football for youth and adults. (COMMUNITY SERVICES)
17. Approved a motion authorizing the execution of a sports agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket. (COMMUNITY SERVICES)
19. Approved a motion authorizing the execution of a sports agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES)
20. Approved a motion authorizing the execution of a sports agreement with the YMCA of Midland, to administer programs, special events, and services related to various sports activities for youth and adults. (COMMUNITY SERVICES)
21. Approved a motion approving a proposed Preliminary Plat of Venky Addition being a plat of a 26.36-acre tract of land out of Section 18, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the southeast corner of West County Road 120 and South County Road 1230). (Planning Admin)
22. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of ten oil and gas wells, within the city limits, generally located between 230 and 1,371 feet west of South Lamesa Road and 170 feet South of I-20. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 036

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL TEN OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 170 FEET SOUTH OF INTERSTATE 20 AND BETWEEN 230 FEET AND 1,371 FEET WEST OF SOUTH LAMESA ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

23. Approved a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC, for the drilling of two oil and gas wells, within the city limits generally located between 2,306 and 2,336 feet east of Rankin Highway and 170 feet south of I-20. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 037

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 170 FEET SOUTH OF INTERSTATE 20 AND BETWEEN 2,306 FEET AND 2,336 FEET EAST OF RANKIN HIGHWAY); 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 five oil and gas wells, within the city limits, generally located between 1,762 and 2,452 feet west of South Lamesa Road and 170 feet south of I-20. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 038

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 170 FEET SOUTH OF INTERSTATE 20 AND BETWEEN 1,762 FEET AND 2,452 FEET WEST OF SOUTH LAMESA ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

25. Approved a motion on request by Maverick Engineering, to defer water, wastewater, paving and sidewalk improvements for Midkiff Industrial Center, Section 26, and to waive the corresponding financial security guarantee valued at \$194,831.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southeast corner of East Industrial Loop and West Gist Avenue, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)
26. Approved a motion on request by Landgraf, Crutcher & Associates, to defer water, wastewater, paving and sidewalk improvements for West Terminal Addition, Section 7, and to waive the corresponding financial security guarantee valued at \$505,566.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of West County Road 100, approximately 2,000 feet west of Farm-to-Market Road 1788, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)

27. Approved a resolution authorizing the execution of a public improvement development agreement with Chevron North America Exploration and Production Company for pedestrian crossing improvements at the intersection of Deauville Boulevard and Griffith Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 039

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH CHEVRON U.S.A. INC. FOR PEDESTRIAN CROSSING IMPROVEMENTS TO THE INTERSECTION OF DEAUVILLE BOULEVARD AND GRIFFITH DRIVE; AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

28. Approved a motion on request by Maverick Engineering, to defer water, wastewater and sidewalk improvements for Pinric Addition, and to waive the corresponding financial security guarantee valued at \$83,368.00, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of Farm-to-Market Road 1788, approximately 800 feet south of West County Road 60, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)
31. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Collegiate Midstream, LLC. (UTILITIES)

RESOLUTION NO. 2019 - 042

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND COLLEGIATE MIDSTREAM, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 AND 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

32. Approved a resolution authorizing and executing an amendment to Right-of-Way License / Resolution 2018-429 between the City of Midland and Endeavor Energy Resources, L.P. (UTILITIES)

RESOLUTION NO. 2019 - 043

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

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

6. Consider a resolution ratifying the emergency repair of the breakroom and men's and women's restrooms in the basement of the Police and Communications building for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 032

RESOLUTION RATIFYING AND APPROVING AN EMERGENCY CONTRACT WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE RENOVATION OF THE

BASEMENT BREAKROOM AND RESTROOMS IN THE POLICE AND COMMUNICATIONS BUILDING FOR A TOTAL COST OF \$92,658.24

Council Member Love questioned why this item is considered an emergency when it happened several months ago. Director of General Services Fred Reyes noted there was flooding that happened that required immediate need to move forward. The work wasn't finished until the end of January.

Council Member Love moved to adopt Resolution No. 2019 - 032; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

18. Consider a motion authorizing the execution of a sports agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES)

Mayor Morales asked if this was a new group and if the funding was the same. Parks & Recreation Manager Laurie William reported this is the second year for this group and this does not involve funding but is a use of field agreement.

Council Member Love moved to approve authorizing the execution of a sports agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

29. Consider a resolution authorizing the City Council to establish a public hearing to consider Land Use Assumptions and Capital Improvements Plan for the City of Midland. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 040

RESOLUTION ESTABLISHING THE DATE, TIME, AND LOCATION OF A PUBLIC HEARING TO CONSIDER THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN FOR THE DESIGNATED SERVICE AREA OF THE CITY OF MIDLAND

Council Member Love moved to adopt Resolution No. 2019 - 040; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

30. Consider a resolution authorizing the City of Midland to submit a grant application for the FY 2020 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2019 - 041

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE AN ELECTRONIC TICKET-WRITING SYSTEM FOR THE POLICE DEPARTMENT

Mayor Morales asked what we are getting with this grant. Police Chief Seth Herman reported we are getting an additional 53 ticket writing units which is an expansion of current capabilities. These will be pushed out to patrol.

Council Member Love moved to adopt Resolution No. 2019 - 041; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

## **SECOND READINGS**

33. Consider an ordinance on second reading on a request by John Peterson, Jaime Ramos, Brian Taylor and John Overton for a Vacation of the 0.71-acre portion of a public access easement, generally located approximately 153 feet south of Widener Strip, between Keenland Drive and Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

### **ORDINANCE NO. 9866**

AN ORDINANCE VACATING AND ABANDONING A 0.71-ACRE PORTION OF A PUBLIC ACCESS EASEMENT LOCATED ADJACENT TO LOTS 13, 17 AND 18, BLOCK 2, GREEN HILL TERRACE, AND LOT 14A, BLOCK 2, GREEN HILL TERRACE, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 153 FEET SOUTH OF WIDENER STRIP, BETWEEN KEENLAND DRIVE AND HOLIDAY HILL ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,200.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9866.

Council Member Robnett reported he talked with Oncor and they are okay with the removal of the 5-foot setback from their poles.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9866 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

34. Consider an ordinance on a second reading on a request by Strategic Restaurant Concepts, LLC, 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 West Loop 250 North, approximately 220 feet west of North Midkiff Road. (DEVELOPMENT SERVICES) (First reading held January 22, 2019.)

### **ORDINANCE NO. 9878**

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING



SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9878.

Council Member Love moved to approve the second and final reading of Ordinance No. 9878 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

35. Consider an ordinance on second reading on a request by Cumberland & Western Resources, LLC, for the initial zoning of a 21.30-acre tract generally located approximately 688 feet south of State Highway 191 and 2,287 feet west of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held January 22, 2019.)

ORDINANCE NO. 9879

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING 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, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9879.

Council Member Trost moved to approve the second and final reading of Ordinance No. 9879 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

36. Consider an ordinance on second reading on a request by Younger Partners, Ltd., for the initial zoning of a 28.84-acre tract generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40. (DEVELOPMENT SERVICES) (First reading held January 22, 2019.)

ORDINANCE NO. 9880

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 14.97-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 13.87-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40; 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. 9880.

Council Member Love moved to approve the second and final reading of Ordinance No. 9880 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

37. Consider an ordinance on second reading on request by First Basin Credit Union for a zone change from LR-2, Local Retail District to O-2, Office District on a 2.004-acre tract of land generally located on the east side of North Big Spring Street, approximately 1,605 feet south of East Loop 250 North. (DEVELOPMENT SERVICES) (First reading held January 22, 2019.)

ORDINANCE NO. 9881

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.004-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, CORPORATE PLAZA, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 1,605 FEET SOUTH OF EAST LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9881.

Council Member Love moved to approve the second and final reading of Ordinance No. 9881 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

38. Consider an ordinance on second reading on a request by Jara Hotels, LLC 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 north side of Starboard Drive, approximately 1,167 feet east of South Tradewinds Boulevard. (DEVELOPMENT SERVICES) (First reading held January 22, 2019.)

ORDINANCE NO. 9882

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2A, BLOCK 3, GATEWAY PLAZA, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 1,167 FEET EAST OF SOUTH TRADEWINDS BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES

CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9882.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9882 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

39. Consider an ordinance on second reading on a request by Blue Beacon International, Inc. for a zone change from LR-2, Local Retail District, to BP, I-20 Business Park District, on a 6.82-acre tract of land generally located on the northwest corner of the intersection of South Fairgrounds Road and East Interstate Highway 20 Frontage Road. (DEVELOPMENT SERVICES) (First reading held January 22, 2019)

ORDINANCE NO. 9883

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.823-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH FAIRGROUNDS ROAD AND EAST INTERSTATE HIGHWAY 20 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. 9883.

Council Member Love moved to approve the second and final reading of Ordinance No. 9883 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

**PUBLIC HEARINGS**

40. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Housing Development, to an Amended PD, Planned District for a Housing Development, generally located on the northeast corner of the intersection of East Mockingbird Lane and North Big Spring Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9884

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 15, BLOCK 2, LOT 1, BLOCK 3, AND THE PREVIOUSLY-

VACATED 0.566-ACRE PORTION OF GUADALUPE STREET RIGHT-OF-WAY ADJACENT TO BLOCKS 2 AND 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF EAST MOCKINGBIRD LANE AND NORTH BIG SPRING 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. 9884.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to amend the existing Planned District. It originally had one roof style and is now showing a different roof style and it changes the building height. This request is fairly minor in nature. It is in compliance with the comprehensive plan and was approved by Planning & Zoning. Staff recommends approval. As of January 2, no letters of objection have been received.

Mayor Morales opened the public hearing at 10:28 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. 9884 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

41. Hold a public hearing and consider an ordinance on a request by Midland Ambulatory Surgery Center, LLC for a zone change from PD, Planned District for an Office Center to an Amended PD, Planned District for an Office Center generally located on the southeast corner of the intersection of North Midland Drive and Gulf Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9885

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 2, HARRISON TRACT, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND GULF 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. 9885.

Development Services Director Chuck Harrington gave a brief overview of the item noting the property previously had a Planned Development for an office center, but it needed to be amended. It is for a 22,000 square-foot medical office development. The item has been reviewed by all departments. It is in compliance with the comprehensive plan, was approved by Planning & Zoning and staff recommends approval. As of

February 8, no letters of objection have been received. He confirmed this is a single-story building and that access will be off Midland Drive. They will be required to have a 6-foot fence and landscaping.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9885 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

42. Hold a public hearing and consider an ordinance on a request by Knights of Columbus for a zone change from 1F-1, One Family Dwelling District, to O-1, Office District generally located on the northeast corner of the intersection of Bates Street and Andrews Highway. (DEVELOPMENT SERVICES) (Pulled from January 8, 2019)

#### ORDINANCE NO. 9874

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, TRACT 4, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF BATES STREET AND ANDREWS HIGHWAY); 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. 9874.

Development Services Director Chuck Harrington gave a brief overview of the item noting the Knights of Columbus is proposing to develop this property as their meeting facility. The property is zoned 1F-1 which is not a good buffer for single family housing. The proposed zoning of O-1 is a better buffer. This item complies with the comprehensive plan. Staff has reviewed, Planning & Zoning recommended approval, and no letters of objection have been received.

Mayor Morales opened the public hearing at 10:36 a.m.

Bob Weidner, 4516 Bent Tree Trail, reported they will be building a 5,000 square foot facility with a parking lot and fencing. The concept they have is from an architect to be used for their fundraising portion of the campaign. They sold their previous facility that was in the county. They will not be getting an alcohol permit because they will not be renting out the facility to other parties.

There being no one else wishing to speak, the public hearing was closed at 10:38 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9874 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

43. Hold a public hearing and consider a resolution to petition the City Council of the City of Midland, Texas, providing for the annexation of certain sparsely populated property. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019-044

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 17.55-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE) PURSUANT TO SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting a petition is required for the City to annex a parcel of land less than ½ mile in width. Staff received a petition for this 17.55-acre tract just south of a recently annexed 9.75-acre tract of Tradewinds and Thomason. Staff recommends acceptance and to move forward with the process.

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

Council Member Love moved to adopt Resolution No. 2019 - 044; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

44. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Charger #H120LS located 240 feet from the north line and 2,350 feet from the east line and Charger #H120MS located 240 feet from the north line and 2,320 feet from the east line, and Charger #H120WB located 240 feet from the north line and 2,410 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 2,320 and 2,410 feet east of Rankin Highway and 515 feet south of West Interstate 20.) This is a public hearing only. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the wells are in the same area as previously permitted wells and will be using the existing tank battery located outside of the City limits by the Petroleum Museum. There will be a 16-foot sound wall on the south side. They are asking for the same variances as in the past including structures within 265 feet and 269 feet, landscape and irrigation, one large drill pad site for all wells and 24-hour fracing. Staff has received two notice of objections one notice for two different wells. The objection comes from a resident on the other side of I-20. Ingress and egress will be off the I-20 service road, no City streets will be used.

Mayor Morales opened the public hearing at 10:44 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

45. Hold a public hearing and consider an ordinance on a request by Christopher Liles for approval of a Special Exception to the City of Midland Zoning Ordinance concerning front yard setbacks on the west 5.2 feet of land generally located on the northeast corner of the intersection of J Street and Douglas Avenue. (Planning Admin)

ORDINANCE NO. 9866

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 5.2 FEET OF LOT 6 AND LOT 7, BLOCK 5, URBANDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH J STREET AND DOUGLAS AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK; 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. 9886.

Development Services Director Chuck Harrington gave a brief overview of the item noting in 2013 a special exception to reduce a side yard was granted to allow the applicant to build a garage. The garage was open coming off the street with a carport. At that time there was ample room to pull off the street. Now the applicant has installed a fence that will effectively seal off the property which would require a car to stop in the street to allow the fence to open. Since no hardship has been generated, staff recommends denial of this request.

Mayor Morales opened the public hearing at 10:46 a.m.

Chris and Trish Lyle, 1512 Douglas Avenue reported that their garage was turned away from the street when they began. They had issues with their builder and now they have a new builder. Since moving to Midland, they have had increased safety concerns due to a nearby neighbor who was almost a victim of home invasion and a car stolen from the neighborhood. They have children ages 3 and 6 and are also concerned about large animals running loose. Their house, while under construction, was also vandalized with copper wires being cut and damaged. They felt for their safety, it was better to close off the area. They will be using wi-fi to open the gate and it can be opened remotely from anywhere, so they will not be blocking the street. This was done out of ignorance on their part and they were unaware it was a violation. He explained the gate is a sliding gate and has already been installed. Council Member Robnett reported he lives a few blocks away and ensured him that this is not a dangerous neighborhood. He also expressed that a few years ago Council had a similar request that was denied, and the applicant had to spend extra money to correctly and appropriately build a turn off into a driveway that would not obstruct traffic. Mr. Lyle reported that just one block away there is a garage that goes right up to the sidewalk.

Building Official Steve Thorpe reported this was originally granted as a special exception because the area would remain open and would allow a vehicle to swing in and enter to the north. Since then, windows and a swimming pool have been installed which entirely closes off this area and it fully functions as a garage with enclosed walls. This item was turned in as a complaint through the district Council Member.

Mrs. Lyle reported that Council Member Hotchkiss's main concern was cars having to sit in the street waiting for the gate to open and with their wi-fi that would not be an issue. Council Member Love noted his concern was that an agreement was made and then a fence was installed outside of the agreement.

There being no one else wishing to speak, the public hearing was closed at 11:01 a.m.

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

Council Member Love asked the applicant to provide a clear understanding of why they violated the agreement.

46. Hold a public hearing and consider a resolution on a request by Westlake Hardware for a Temporary Land Use Permit for outdoor retail sales generally located on the north side of Andrews Highway, approximately 390 feet east of Whitney Drive. (DEVELOPMENT SERVICES)

#### RESOLUTION NO. 2019-045

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR RETAIL SALES ON LOT 1, BLOCK 5, PARK PLACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 390 FEET EAST OF WHITNEY DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting this is their annual request for Westlake Hardware to establish a temporary plant area in their front parking lot that will take up 26 spaces with a temporary fence around the area. They have had no problems in the past and staff recommends approval of the temporary land use permit.

Mayor Morales opened the public hearing at 11:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2019 - 045; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

#### MISCELLANEOUS

47. Approved a motion appealing the Building Official's denial of a sign permit application by James B. Reeder generally located at the east side of North Big Spring Street, approximately 1,111 feet north of West Wadley. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to install an additional electronic message center in addition to the current sign. Although it does meet requirements for size, it is an existing sign that overhangs the right-of-way and encroaches into TxDOT's right-of-way. When they originally came in they talked about leaving the pole in place and flagging the signs



to the inside, but the applicant is now insistent to have it remain like it is. The information was sent to TxDOT and they object to the sign encroaching in their right-of-way. Since this is a deviation of the ordinance and no hardship exists, staff recommends denial of the request. It is currently a non-conforming situation. Whenever you have an existing non-conforming use and changes are made, staff requests the applicant come into compliance.

Mike Canon, 25 Oaklawn Park, reported he was representing the applicant who is in Oklahoma. The applicant's argument is that the new sign is going to be the exact same size as the previous sign. The lower part of sign will be smaller than the original sign. It is being replaced because the old sign blew down, but the pole stayed up. Moving the pole will cost an additional \$5,000.00. The only thing different about this sign is the smaller portion can be changed electronically. The current sign and pole encroach six feet into the right-of-way. Mayor Morales suggested that a metal L bracket be made and hung from the current pole. It was pointed out that if this was allowed and TxDOT later required them to move, they would have to tear it all down. Mr. Canon reported the sign has been there for decades.

Council Member Love asked if TxDOT has immediate right-of-way needs. Traffic Engineer Mike Pacelli reported there are no immediate plans to his knowledge.

Mr. Canon noted that he spoke with Council Member Dufford who indicated this is the sort of thing that typically, if there is no change, Council has waived in the past. Council asked if the applicant was clear that if TxDOT required it, it would have to be removed. Mr. Canon indicated he was aware.

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

48. Consider an ordinance related to the issuance and sale of the City of Midland, Texas, General Obligation Improvement and Refunding Bonds, Series 2019. (FINANCE)

ORDINANCE NO. 9887

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2019," SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT, AND THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9887.

Finance Director Pam Simecka reported that Finance has been working the last few months to issue debt instruments. They are going out for the second installment of the road bond and an additional Certificate of Obligation to fund the beginning of Fire Station 5 and 11, Fairgrounds Road construction, and water improvements in the

northeast corner of the City. They sold them yesterday and Mr. George Wolford from Hilltop Security is present and will help run the sale of the bonds.

George Wolford, Hilltop Securities, distributed a book to each member of the Council. He noted that the two reporting agencies have affirmed the City's existing ratings of AA+ and AAA which is very rare. He reviewed the contents of the books and answered questions.

Council Member Love moved approval of the first and only reading of Ordinance No. 9887 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

49. Consider an ordinance related to the issuance and sale of the City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2019.9888 (FINANCE)

ORDINANCE NO. 9888

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MIDLAND, TEXAS, TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019"; LEVYING AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND PROVIDING FOR A LIMITED PLEDGE OF THE NET REVENUES OF THE CITY'S WATERWORKS AND SEWER SYSTEM FOR THE PAYMENT OF SAID CERTIFICATES; PRESCRIBING THE TERMS AND DETAILS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, SECURITY, PAYMENT AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE

Mayor Morales read the caption of Ordinance No. 9888.

Council Member Love moved approval of the first and only reading of Ordinance No. 9888 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Hotchkiss, Dufford, Lacy.

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

No appointments were made.

**PUBLIC COMMENT**

51. 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.)

Frank Kasman, 20 Winchester, reported he is part of the Texas Holocaust and Genocide Commission and they are putting on an event at Midland College on March 7<sup>th</sup>

honoring 7 West Texas Veterans including five who are no longer with us. He shared a copy of the book, The Texas Liberators, noting that it has the stories of those who are being honored.

Grier Bronson, 214 W. Texas, reported that he is at the Petroleum Building and has concern with the amount of parking that is being taken away from downtown with the construction of the Midland Center and adjoining park. He emphasized the negative impact being felt by surrounding businesses. Mayor Morales offered to meet with him to provide him with a full update noting that when construction is done this will be a boost to the surrounding businesses.

All the business at hand having been completed, the meeting adjourned at 11:46 a.m.

PASSED AND APPROVED the 26th day of February 2018.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary