

**MIDLAND CITY COUNCIL
MINUTES
September 10, 2019**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 10, 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 Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order: 1-7, 9, 12-13, 15-30, 8, 10-11, 14, 31-45.

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

OPENING ITEMS

1. Invocation - Pastor Dr. Darin Wood, First Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor Morales asked for a moment of silence in recognition of the victims of the recent shooting. He then invited everyone to a prayer vigil to be held Wednesday, September 11 at 6:30 p.m. at Midland College.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Mayor Morales and Council Member Hotchkiss presented a proclamation for League of Women Voters Day.
 - b. Mayor Morales presented a proclamation for Cedric Benson Day.

BUDGET AND TAX RATE

4. Consider an ordinance on second reading providing funds for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020. (FINANCE) (First reading held on August 27, 2019)

ORDINANCE NO. 9971

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND

SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9971.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9971 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Morales, Dufford, Robnett. NAY: Trost, Love, Lacy. ABSTAIN: None. ABSENT: None.

5. Consider an ordinance on second reading fixing the Tax Levy for the City of Midland, Texas for the Fiscal Year 2019-2020. (FINANCE) (First reading held on August 27, 2019)

ORDINANCE NO. 9972

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9972.

Council Member Love noted he only voted against the budget because there is not enough money in it for roads.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9972 in accordance with the Charter of the City of Midland and moved that the property tax rate be increased by the adoption of a tax rate of \$0.364715, which is effectively a 4.37% increase in the tax rate; seconded by Council Member Hotchkiss.

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

6. Consider a resolution ratifying the property tax revenue increase reflected in the Fiscal Year 2019-2020 Budget. (FINANCE)

RESOLUTION NO. 2019 – 256

RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2019-2020 BUDGET

Council Member Robnett moved to adopt Resolution No. 2019 - 256; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: Lacy. ABSTAIN: None. ABSENT: None.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 7 - 30 excluding 8, 10, 11, 14; 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.

7. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of August 20, 2019 (Budget)
 - b. Special City Council meeting of August 21, 2019
 - c. Regular City Council meeting of August 27, 2019

9. Approved a resolution awarding a contract for Cowden Park Traffic Calming Project to Onyx General Contractors, LLC. for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 258
RESOLUTION AWARDING A CONTRACT FOR THE COWDEN PARK TRAFFIC CALMING PROJECT TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF \$84,056.00; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution approving the issuance of a request for proposals for Post 65 Retiree Medicare Supplement, and/or Medical Advantage Plans for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 262
RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR POST-65 RETIREE MEDICARE SUPPLEMENT AND/OR MEDICARE ADVANTAGE PLANS FOR THE ADMINISTRATIVE SERVICES DEPARTMENT

13. Approved a resolution rejecting all bids received for Midland Meter Program 02 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 263
RESOLUTION REJECTING THE SOLE BID RECEIVED FOR THE MIDLAND METER PROGRAM 02 PROJECT

15. Approved a resolution awarding a contract for temporary traffic control services to West Texas Barricades LLC, DBA Barricades Unlimited for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 265
RESOLUTION AWARDING A CONTRACT FOR TEMPORARY TRAFFIC CONTROL SERVICES TO THE SOLE BIDDER, WEST TEXAS BARRICADES LLC DOING BUSINESS AS BARRICADES UNLIMITED OF LUBBOCK, TEXAS, AT A TOTAL COST NOT TO EXCEED \$183,000.00; AND AUTHORIZING PAYMENT THEREFOR

16. Approved a resolution awarding a contract for purchase and installation of a modular restroom facility at Ulmer Park from Restroom Facilities, Ltd through Buyboard Contract 512-16 for \$224,254.00 with a contingency allowance of \$20,000.00, for a total amount of \$244,254.00 for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 266

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF \$224,254.00 WITH RESTROOM FACILITIES LTD FOR THE PURCHASE AND INSTALLATION OF A MODULAR RESTROOM FACILITY AT ULMER PARK; APPROVING \$20,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

17. Approved a resolution approving the issuance of a request for qualifications for consulting services for Hogan and Reyes-Mashburn-Nelms Parks for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 267

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A MASTER PLAN FOR RENOVATIONS TO HOGAN PARK AND REYES-MASHBURN-NELMS PARK FOR THE COMMUNITY SERVICES DEPARTMENT

18. Approved a resolution awarding the project described as PARCS (Parking Access Revenue Control System) Replacement at Midland International Air & Space Port to Scheidt & Bachmann of Lowell, Massachusetts. (AIRPORTS)

RESOLUTION NO. 2019 - 268

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH SCHEIDT & BACHMANN USA, INC., IN THE AMOUNT OF \$2,277,382.00 FOR THE PARKING ACCESS REVENUE CONTROL SYSTEM PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

19. Approved a resolution negotiating a rate settlement with ATMOS. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 269

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION ("COMPANY") REGARDING COMPANY'S 2019 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO COMPANY AND CITIES' LEGAL COUNSEL

20. Approved a resolution reappointing Tommy Hudson to the Midland Downtown Park Conservancy Board of Directors. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 270

RESOLUTION REAPPOINTING TOMMY HUDSON TO THE MIDLAND DOWNTOWN PARK CONSERVANCY BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND DOWNTOWN PARK CONSERVANCY

21. Approved a resolution authorizing the execution of an Independent Professional Consultant Contract with Frances Stapp to provide curator management and other services to the Scarborough Linebery House. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 271

RESOLUTION AUTHORIZING THE EXECUTION OF AN INDEPENDENT PROFESSIONAL CONSULTANT AGREEMENT WITH FRANCES STAPP TO PROVIDE CURATOR MANAGEMENT AND OTHER SERVICES FOR THE SCARBOROUGH LINEBERY HOUSE

22. Approved a resolution authorizing the execution of a contract between the City of Midland, Texas, and Midland Sports, Incorporated, in the amount of \$106,000, for professional marketing, promotion, and management services at the Scharbauer Sports Complex. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 272

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF MIDLAND AND MIDLAND SPORTS, INC., IN THE AMOUNT OF \$106,000.00, FOR PROFESSIONAL MARKETING, PROMOTION, AND MANAGEMENT SERVICES AT THE SCHARBAUER SPORTS COMPLEX

23. Approved a motion approving a proposed Preliminary Plat of Westridge Park Addition, Section 46 being a plat of 37.65-acre tract of land generally located at the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES) (061-2019)
24. Approved a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner of a 9.784-acre tract of land generally located on the south side of West Industrial Avenue, approximately 454 feet east of South Midland Drive for the provision of services in the area, said owner having submitted a petition for annexation of the area. (DEVELOPMENT SERVICES) (062-2019)

RESOLUTION NO. 2019 - 273

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OWNER OF A 9.784-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INDUSTRIAL AVENUE, APPROXIMATELY 454 FEET EAST OF SOUTH MIDLAND DRIVE) FOR THE PROVISION OF SERVICES IN THE AREA, SAID OWNER 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

25. Approved a motion on request by Maverick Engineering, to defer water, wastewater, and sidewalk improvements for Monomoy Estates, and to waive the corresponding financial security guarantee valued at \$67,187.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of West Industrial Avenue, approximately 1000 feet west of Agri Road, inside the ETJ of the City of Midland. (ENGINEERING SERVICES)
26. Approved a motion on request by Maverick Engineering, to defer water and sidewalk improvements for Oasis Addition, and to waive the corresponding financial security guarantee valued at \$53,062.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of West Industrial Avenue, approximately 500 feet west of South County Road 1250, inside the ETJ of the City of Midland. (ENGINEERING SERVICES)
27. Approved a resolution authorizing a Public Improvement Development Agreement with PROFUTT LP in the amount of \$626,181.02 for the construction of water, sewer, and paving improvements on Deauville Boulevard and Arlington Road; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2019-274

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH PROFUTT LP FOR DEVELOPMENT OF AVALON PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$626,181.02; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 212, SUBCHAPTER C, TEXAS LOCAL GOVERNMENT CODE

28. Approved a resolution appropriating proceeds from the sealed bid sale of old service weapons and court awarded weapons. (POLICE)

RESOLUTION NO. 2019 - 275

RESOLUTION APPROPRIATING PROCEEDS FROM THE SEALED BID SALE OF OLD SERVICE WEAPONS AND COURT AWARDED WEAPONS TO THE POLICE EQUIPMENT AND TECHNOLOGY PROJECT (800820) FOR THE REPLACEMENT OF MIDLAND POLICE DEPARTMENT DUTY WEAPONS

29. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and Endeavor Energy Resources LP, for a Surface Use Agreement. (UTILITIES)

RESOLUTION NO. 2019 - 276

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P R.R. CO. SURVEY, MIDLAND COUNTY, TEXAS

30. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Jones Bros. Dirt & Paving Contractors Inc. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 277
RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY LICENSE FOR ACCESS ACROSS CITY PROPERTY BETWEEN THE CITY OF MIDLAND AND JONES BROS. DIRT & PAVING CONTRACTORS, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 5, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS

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

8. Consider a resolution allocating development costs from the Downtown Open Space Agreement to the Park Conservancy - Downtown Project (900312). (FINANCE)

RESOLUTION NO. 2019 - 257
RESOLUTION ALLOCATING THE SUM OF \$1,000,000.00 FROM THE 2019 OPERATING BUDGET OF THE HOTEL MOTEL FUND (090) TO THE PARK CONSERVANCY - DOWNTOWN PROJECT (900312)

Finance Director Pam Simecka reported that this \$1 million is the second part of a pledge to develop the downtown park. Since the construction is not complete, they are moving the money into a project to be paid in the next fiscal year when construction is complete. Council Member Robnett noted this is another use of hotel/motel tax dollars along with other items on this agenda where those funds are being used in the park system. These are big projects that move the needle on the quality of place in Midland.

Council Member Robnett moved to adopt Resolution No. 2019 - 257; 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.

10. Consider a resolution awarding a professional services agreement with DataProse, LLC. for outsource bill printing and mailing services for the Finance Department. (PURCHASING)

RESOLUTION NO. 2019 - 259
RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DATAPROSE, LLC OF COPPELL, TEXAS, FOR BILL PRINTING AND MAILING SERVICES FOR THE FINANCE DEPARTMENT AT A TOTAL COST NOT TO EXCEED \$250,000.00; AND AUTHORIZING PAYMENT THEREFOR

Council Member Trost asked if this item was bid out. Finance Director Pam Simecka reported it was.

Council Member Love moved to adopt Resolution No. 2019 - 259; 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.

11. Consider a resolution authorizing the City Manager to advertise the remaining three (3) years of the 2017 Road and Utility Bond for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 260

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR PROJECTS THAT WILL PROVIDE ROAD, SIDEWALK, PEDESTRIAN RAMP, AND PUBLIC UTILITIES IMPROVEMENTS AT THE FOLLOWING LOCATIONS: (1) THOMASON DRIVE, FROM LOOP 250 TO WALL STREET; (2) GARFIELD STREET, FROM MICHIGAN AVENUE TO GOLF COURSE ROAD; (3) A STREET, FROM INDIANA AVENUE TO CUTHBERT AVENUE; (4) TARLETON STREET, FROM GOLF COURSE ROAD TO WADLEY AVENUE; (5) ANETTA DRIVE, FROM LOOP 250 TO MIDLAND DRIVE; (6) SINCLAIR AVENUE, FROM LOOP 250 TO MIDLAND DRIVE; (7) A STREET, FROM SCHARBAUER DRIVE TO WADLEY AVENUE; (8) WHITTLE WAY, FROM SUNSHINE PARKWAY TO WADLEY AVENUE; (9) MAIN STREET, FROM OHIO AVENUE TO WADLEY AVENUE; (10) SOLOMON LANE, FROM A STREET TO BIG SPRING STREET; (11) SUNGLO STREET, FROM MIDKIFF ROAD TO COTTON FLAT ROAD; (12) NEW YORK AVENUE, FROM CARVER STREET TO FAIRGROUNDS ROAD; AND (13) ILLINOIS AVENUE, FROM N STREET TO A STREET; SAID PROJECTS BEING YEARS THREE, FOUR AND FIVE BOND PROJECTS

Council Member Robnett pointed out the success of the road bond noting it is moving along at an impressive pace, on time, and under budget. Council Member Lacy added that year two is \$5 million under budget and this item authorizes years 3-5. They expect to deliver ahead of schedule.

Council Member Love thanked those involved for getting the job done but noted there would have been no need for a road bond if previous Councils had appropriated enough money for roads.

Council Member Robnett moved to adopt Resolution No. 2019 - 260; 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.

14. Approved a resolution awarding a contract for shade structures for the baseball fields from Playgrounds Etc. LLC through Buyboard contract 512-16 for \$229,808.00 for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 264

RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES AT REYES-MASHBURN-NELMS PARK, BEAL PARK, AND BUTLER PARK FROM PLAYGROUNDS ETC LLC THROUGH BUYBOARD AT A TOTAL COST OF \$229,808.00

Dustin Johnson, 700 McDonald, noted this project is using Hotel/Motel funds and per the laws it requires to have ten tournaments a year and he knows there have not been ten tournaments a year.

Parks & Recreation Manager Laurie Williams reported this project is using General Fund not Hotel/Motel Fund. It was discovered that the staff memo said Hotel/Motel funds were being used but the resolution stated that funds are coming from the General Fund. The memo was incorrect.

Council Member Robnett moved to adopt Resolution No. 2019 - 264; 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.

SECOND READINGS

Council Member Trost thanked all the first responders for the 9/11 Memorial stair climb held last Saturday.

31. Consider an ordinance on second reading amending Title III, Departments, Chapter I Water Department of the City Code. (FINANCE) (First reading held on August 27, 2019)

ORDINANCE NO. 9965

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REGULATE WATER AND SEWER SERVICES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND DIRECTING NOTIFICATION TO CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9965.

Council Member Love moved to approve the second and final reading of Ordinance No. 9965 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.

32. Consider an ordinance on second reading on a request by Maverick Engineering for a vacation of the .375-acre portion of Pasadena Drive and alley right-of-way generally located west of Pasadena Drive, approximately 411 feet west of Eisenhower Drive. (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9966

AN ORDINANCE VACATING AND ABANDONING A 0.375-ACRE PORTION OF PASADENA DRIVE AND ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 5, BLOCK 20, AND LOT 6, BLOCK 13, WESTERN HILLS, REPLAT OF BLOCK 13, AND LOT 6C, BLOCK 20, WESTERN HILLS, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 411 FEET WEST OF THE INTERSECTION OF PASADENA DRIVE AND EISENHOWER DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,503.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9966.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9966 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.

33. Consider an ordinance on a second reading on a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Shopping Center to a RR, Regional Retail District generally located on the north side of Westridge Boulevard, approximately 358 feet east of Tradewinds Boulevard. (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9967

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6D, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WESTRIDGE BOULEVARD, APPROXIMATELY 358 FEET EAST OF TRADEWINDS BOULEVARD); 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 SueAnn Reyes read the caption of Ordinance No. 9967.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9967 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.

34. Consider an ordinance on second reading on a request by Li Chen 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 southeast corner of the intersection of Castleford Road and North Garfield Street. (DEVELOPMENT SERVICES) (First reading held August 27, 2019)

ORDINANCE NO. 9968

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,950 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CASTLEFORD ROAD AND NORTH GARFIELD STREET), 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 SueAnn Reyes read the caption of Ordinance No. 9968.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9968 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.

35. Consider an ordinance on seconding reading on a request by Proffutt Limited Partnership for a Special Exception from the City of Midland's Zoning Ordinance, concerning maximum height on a 3.199-acre tract of land generally located approximately 815 feet south of State Highway 191 and 1,643 feet west of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9969

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 3.199-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 815 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,643 FEET WEST OF AVALON DRIVE), BY PERMITTING AN INCREASED MAXIMUM HEIGHT OF A STRUCTURE; 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 SueAnn Reyes read the caption of Ordinance No. 9969.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9969 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, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

36. Consider an ordinance on second reading on a request by Frank S. Longoria Jr. for a Special Exception from the City of Midland Zoning Ordinance concerning the maximum square footage of all accessory buildings (combined area), maximum number of accessory buildings, and the exterior façade of accessory buildings generally located on the south side of Sentinel Avenue, approximately 133 feet west of Alpine Street. (DEVELOPMENT SERVICES) (First reading held on August 27, 2019)

ORDINANCE NO. 9970

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 2, LILLY HEIGHTS EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SENTINEL AVENUE, APPROXIMATELY 133 FEET WEST OF ALPINE STREET), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS, (2) AN INCREASED MAXIMUM COMBINED AREA OF ALL ACCESSORY BUILDINGS, AND (3) A DEVIATION FROM THE BUILDING FACADE MATERIAL STANDARDS; 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 SueAnn Reyes read the caption of Ordinance No. 9970.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9970 in accordance with the Charter of the City of Midland; 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.

PUBLIC HEARINGS

37. Hold a public hearing and consider an ordinance on a request by John D. Swallow for a Special Exception from the City of Midland Zoning Ordinance Section 5.04, Residential Zoning District dimensional regulations concerning the minimum front yard setback generally located on the northwest corner of Bedford Drive and North G Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9973

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 8A, BLOCK 2, THE BEDFORD PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BEDFORD DRIVE AND NORTH G STREET), BY PERMITTING A REDUCED MINIMUM FRONT 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 SueAnn Reyes read the caption of Ordinance No. 9973.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception to reduce the front yard setback in order to build a covered entry. The item has been reviewed by all departments. Because there is no hardship, planning staff must recommend denial. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:40 a.m.

Julia and Jack Swallow, 1400 Bedford Drive, reported they are undergoing a renovation to their house that was built in the 1950s. At that time most people went inside to enjoy the AC and the entrances are not welcoming. They will have two beams cantilevered out and would like to add two support posts to improve the appearance creating a five-foot overhang. Council Member Hotchkiss went by this site noting it will not interfere with the line-of-site. Ms. Swallow added they will be adding bricks to match the home and the air will move through the sides. It will improve the house.

There being no one else wishing to speak, the public hearing was closed at 10:42 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9973 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.

38. Hold a public hearing and consider an ordinance on a request by Opal's Table, 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 southeast corner of the intersection of North Colorado Street and West Wall Street. (DEVELOPMENT

SERVICES)

ORDINANCE NO. 9974

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,963-SQUARE FOOT PORTION OF THE WEST 24.25 FEET OF LOT 9 AND ALL OF LOTS 10 THROUGH 12, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST WALL STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS 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 SueAnn Reyes read the caption of Ordinance No. 9974.

Development Services Director Chuck Harrington gave a brief overview of the item noting this property is located in Central Business District which allows this type of use. The applicant has an existing permit with service hours of 10:00 a.m. to 2:00 a.m. Monday through Saturday and Sunday from 9:00 a.m. to 10:00 p.m. The amendment will allow alcohol sales in their new expansion located in the basement with the same operation hours. There are no churches or schools within 300 feet. Staff recommends approval.

Mayor Morales opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9974 in accordance with the Charter of the City of Midland; 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.

39. Hold a public hearing and consider an ordinance on a request by Texas Tire for a zone change from PD, Planned District for a Shopping Center to an LR- 2, Local Retail District generally located on the north side of West Wall Street, approximately 15 feet east of East Circle Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9975

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING PLOT A, THE VILLAGE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 15 FEET EAST OF EAST CIRCLE 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 SueAnn Reyes read the caption of Ordinance No. 9975.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is proposing to change from PD for a shopping center to LR2 which is now RR to allow for the display of inventory. It complies with the comprehensive plan. There are 3 shipping containers on the site. The applicant has complied with the City's request to remove the shipping containers that they were using for storage. This item was reviewed by Planning & Zoning who recommended approval. Staff recommends approval. As of September 4, no letters of objection have been received. Council Member Love visited with the representative of the applicant. It is under new ownership. They initially received erroneous information and as soon as they discovered their error, they took immediate steps to correct the problem.

Mayor Morales opened the public hearing at 10:48 a.m.

Council Member Hotchkiss noted this previously looked horrible and thanked the applicant for cleaning it up. She asked the applicant what they will do to ensure it continues to look attractive.

Emily Ousley, Odessa, reported there were issues with tires. They are now picked up more quickly and stored elsewhere. They inherited many of the problems and they want to be an asset to the community.

Operations Coordinator Chris Cieslak confirmed they have been doing a good job keeping it cleaned up.

There being no one else wishing to speak, the public hearing was closed at 10:50 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9975 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.

40. Hold a public hearing and consider an ordinance on a request by Roger Gearhart for a Specific Use Designation with Term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, on a 6,414 square foot portion generally located on the west side of South Midkiff Road, approximately 621 feet south of West Wall Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9976

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,414-SQUARE FOOT PORTION OF LOT 2, BLOCK 2, BANKHEAD ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH MIDKIFF ROAD, APPROXIMATELY 621 FEET SOUTH OF WEST WALL STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC

BEVERAGES IN A BAR 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 SueAnn Reyes read the caption of Ordinance No. 9976.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting a specific use designation with term for the sale of alcoholic beverages in a bar. This is in a zone that does allow for this use. Their hours will be 11:00 a.m. to 2:00 a.m. Monday through Sunday. There are no churches or schools within 300 feet. It is in compliance with the comprehensive plan. Planning & Zoning recommended approval. Staff recommends approval subject to conditions A-F. As of September 4, no letters of objection have been received.

Mayor Morales opened the public hearing at 10:53 a.m.

Roger Gearhart, 6706 Mosswood, reported this is a sports bar located in the old Brent Motors. They have a kitchen and a covered patio with drop down plastic for cold nights. He clarified they will have a typical sports bar menu.

There being no one else wishing to speak, the public hearing was closed at 10:53 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9976 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.

41. Hold a public hearing and consider an ordinance on a request by Sanchez Diamond Homes Construction for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District on Lot 10, Block 122, Southern Addition, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9977

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 122, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH TERRELL STREET, APPROXIMATELY 121 FEET SOUTH OF WASHINGTON 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 SueAnn Reyes read the caption of Ordinance No. 9977.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a unique situation that was created when the zoning was changed, and they did away with cumulative zoning. The lot is currently vacant, and the applicant would

like to put in a single-family house. There are several more like this coming soon. This item was reviewed by all departments with no objection. It does meet the requirements of the comprehensive plan and staff recommends approval. As of September 4, there were no letters of objection.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9977 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.

42. Hold a public hearing and consider an ordinance on a request by Maverick Engineering to vacate a 0.004-acre tract, a 0.019-acre tract, and a 0.019-acre tract of land all generally located on the north side of Beachwood Street, approximately 131 feet, 871 feet, and 1,066 feet west of Chukar Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9978

AN ORDINANCE VACATING AND ABANDONING A 0.004-ACRE PORTION OF RIGHT-OF-WAY, A 0.019-ACRE PORTION OF RIGHT-OF-WAY, AND A 0.019-ACRE PORTION OF RIGHT-OF-WAY, ALL OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BEACHWOOD STREET, APPROXIMATELY 131 FEET, 871 FEET, AND 1,066 FEET WEST OF CHUKAR LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$3,659.04; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9978.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to trade off right-of-way. They are asking to vacate the existing right-of-way and will make a swap for land in lieu of monetary value. The property has been appraised for \$3,659.00. Staff has no objection and recommends approval. As of September 4, no letters of objection have been received. When asked if the City was coming out ahead, Mr. Harrington reported they would be breaking even.

Mayor Morales opened the public hearing at 10:59 a.m.

Andrew Mellen, 1909 West Wall, was also asked if the City was coming out ahead. He noted it was an even swap. They are moving the road over, so it should be the same amount of land.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9978 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.

MISCELLANEOUS

43. Consider an ordinance amending Title IV, "Building Regulations", Chapter 1, "Building Code", of the City Code of the City of Midland, Texas, by repealing Section 9, "Street Improvement Fee", so as to eliminate the Street Improvement Fee. (ENGINEERING SERVICES)

ORDINANCE NO. 9979

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, BY REPEALING SECTION 9, "STREET IMPROVEMENT FEE", SO AS TO ELIMINATE THE STREET IMPROVEMENT FEE; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2019; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Mayor Morales read the caption of Ordinance No. 9979.

Engineering Services Director Jose Ortiz reported that with the implementation of impact fees this item is not needed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9979 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.

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

Council Member Lacy moved to reappoint Earl Erdman and Scooter Brown and appoint Nick McClure to replace Vicki Hurt on the **Airport Planning & Development Board**; 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.

Council Member Lacy moved to reappoint Derrick Whiting, Reed Claybrook and EJ Baldrige to the **Zoning Board of Adjustment and Airport Zoning Board of Adjustment**; 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.

PUBLIC COMMENT

45. 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.)

Pat DeLaGarza, 1210 W. New Jersey Avenue, complained about the amount of truck traffic that is coming through their neighborhood and their alley. On August 27th one truck took out two utility poles and got caught up in the wires. She asked Council to increase the fine from \$500.00 to \$2,000.00. Mayor Morales noted he would get Code

Enforcement and the Police Department on the area. Council Member Love asked Traffic Engineer Mike Pacelli to look at the area to determine what is causing trucks to go through their neighborhood and see if it can be fixed.

Shirley Howard reported she is getting calls about the 700 block of Webster where the elderly people are concerned about the amount of weeds and bushes growing in the area. She thanked Council for taking care of the issue with the railing at the MLK.

Dustin Johnson, 700 McDonald, thanked Council for fixing the drains at the skatepark. He asked if money could be designated for shade and seating at the skate park noting it brings in tourism. He also clarified that the painting of the park was a miscommunication with staff and the paint used was donated and is the appropriate paint for that type of use. They met with KMB and have adopted a spot that they will keep clean.

All the business at hand having been completed, the meeting adjourned at 11:18 a.m.

PASSED AND APPROVED the 24th day of September 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary