

**MIDLAND CITY COUNCIL  
MINUTES  
June 12, 2018**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:15 a.m. on June 12, 2018.

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

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Interim Police Chief Seth Herman, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Development Services Director Charles Harrington, General Services Director Fred Reyes, Chief Information Officer Willie Resto, First Assistant City Attorney Stephen Gates, Assistant City Attorney Nicholas Toulet-Crump, and Public Information Officer Elana Ladd.

Mayor Morales called the meeting to order at 9:15 a.m.

1. Discuss the potential establishment of a citizen police review board.

City Attorney John Ohnemiller introduced the item noting they were asked to prepare a draft resolution creating a citizen police review board.

Assistant City Attorney Nicholas Toulet-Crump provided an overview of the proposed board noting he would present the highlights and answer questions. Mayor Morales commented that this was the first time Council was hearing the presentation and they will take notes and decide how to proceed.

Mr. Toulet-Crump reported that they looked at similar board in other communities and decided the best place to start was to have the board be completely advisory with a focus on policy. Their goals are to gather community concerns, recommend policy changes/improvements for the Police Department and act as a liaison to the Council of citizen concerns regarding policy. The board can review signed written complaints from the public and investigate findings of the Police Department. They will not be able to impede on the grievance and appeal procedure currently in place for personnel but they can review it from a policy standpoint after the review has taken its course.

Exclusions or items that the board cannot consider include recommending specific personnel actions, and reviewing complaints concerning matter that is subject to litigation or complaints covered by the appeal process.

The board will accept and hear written complaints. If further investigative actions are needed, they can refer it to the Investigative Division of the Police Department. They can request appearance and testimony and develop policy recommendations to the City Council for review. They shall have reasonable authority to establish their own administrative procedures to accomplish its duties and functions with the help of the City Manager. They shall meet at least quarterly, have three-year terms, and elect their own chairman and vice-chairman.

Some things that Council should consider are how to deal with false reporting issues, conflict of interest issues, and confidentiality of sensitive information.

Council Member Dufford asked if currently a citizen complaint review is available to the public. City Attorney John Ohnemiller reported that any requests are handled through the open records process. Any information that is confidential is not released but in this case, you have a board that could potentially review confidential information.

Mr. Toulet-Crump noted that Council should further consider that it might be difficult for some people to consider and agree with what is appropriate and what is not appropriate. He noted this process is not intended for shame or embarrassment, but a forum for citizen concerns. Council is the final arbiter of form and final resolution.

When asked how many complaints are currently filed, Interim Police Chief Seth Herman reported they do not currently have to be in writing and they receive less than 20 per year. City Attorney Ohnemiller noted that currently a signed complaint is received, it is presented to the officer and investigated. The officer can be exonerated or findings can be made prior to discipline. This is not a public process. In this process, the board would receive the complaint and vote to refer it to Internal Affairs for investigation or they can find there is no merit. Regardless if the board exists, State law must be followed.

City Manager Courtney Sharp noted that on the policy side, the Police Department is nationally accredited which means they follow best practices on policies. This board will be making recommendations on policies. City Attorney Ohnemiller noted that only Council can change the policies.

When asked how the board would be trained on policies, City Attorney Ohnemiller reported that some cities required members to have law enforcement training and some cities required prosecution experience.

When asked about how confidentiality would be handled, Mr. Ohnemiller noted the resolution addressed confidentiality and that a member can be removed if they do not follow the requirements. They can look at documents but they cannot disclose the information. It could put the City in a bind if confidential information is disclosed.

Julius Brooks, 1800 E. Oak, reported his wife had an incident with the Police Department a few years ago and an advisory board could have help solve that issue as there are currently hard feelings for the way it was handled. This board could have looked at what went wrong and determine how to solve the problem. It gives the community a better hold of what is going on in City.

Council Member Love provided history on meetings that were held in 1963 by Bobby Kennedy regarding black America and desegregation issues. Bobby Kennedy was changed

because he gained compassion through stories about what happened and he learned that policy without doing something about the conditions would never be enough. Civil rights were a result of his talks. This board would allow the community to speak and potentially change policy. He wants the bad guys arrested and put in jail, but he also wants the ability to communicate with the public. This will give citizens the opportunity to share what is going on and policy changes recommended are at the discretion of the City Council.

Council Member Sparks noted that True-Lite Christian has a church service focused on fixing racial divides in the Country. He invited everyone to attend the first weekend in July.

Mayor Morales asked the Council to digest the information, ask questions of staff, and to let him know what direction Council would like to go.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:54 a.m.

### **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 12, 2018.

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

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order: 1-4, 6-8, 11-26, 5, 9-10, 27-50.

Mayor Morales called the meeting to order at 10:02 a.m.

Mayor Morales noted Midland lost another bicyclist this week and asked everyone to be conscientious when driving and to please be aware of your surroundings.

### **OPENING ITEMS**

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

### **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Mayor Morales presented a proclamation for "Emancipation Proclamation Celebration Days".

## CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 26 excluding 5, 9, 10; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
  - a. Special meeting of May 3, 2018.
  - b. Regular meeting of May 22, 2018
  
6. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City owned minerals with Midland-Petro D.C. Partners, LLC, generally located south of East Loop 250 North and east of North Garfield Street and north of Illinois Avenue and west of North Lamesa Road, for the Development Services Department. (PURCHASING)

### RESOLUTION NO. 2018 - 198

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND-PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTIONS 14, 15, 22, 23, AND 26, ALL OUT OF BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (SAID ACREAGE BEING GENERALLY LOCATED SOUTH OF EAST LOOP 250 NORTH, EAST OF NORTH GARFIELD STREET, NORTH OF ILLINOIS AVENUE, AND WEST OF NORTH LAMESA ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

7. Approved a resolution awarding an annual generator maintenance contract for General Services Department. (PURCHASING)

### RESOLUTION NO. 2018 - 199

RESOLUTION AUTHORIZING THE EXECUTION OF A GENERATOR MAINTENANCE SERVICE CONTRACT WITH LOFTIN EQUIPMENT COMPANY OF IRVING, TEXAS, FOR THE GENERAL SERVICES DEPARTMENT AT A TOTAL ANNUAL COST NOT TO EXCEED \$18,880.00

8. Approved a resolution approving the sole source purchase of an X-ray system for the Explosive Ordnance Disposal (EOD) Division of the Police Department from Federal Resources Supply Company for a total cost of \$64,480.00. (PURCHASING)

### RESOLUTION NO. 2018 - 200

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF A SMARTRAY VISION X-RAY SYSTEM FOR THE EXPLOSIVE ORDNANCE DISPOSAL DIVISION OF THE POLICE DEPARTMENT FROM FEDERAL RESOURCES SUPPLY COMPANY AT A TOTAL COST OF \$64,480.00

11. Approved a resolution amending Resolution No. 2018-033 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, (Hogan 1-24-4201H) generally located 215 feet east of Lamesa Road and 805 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 203

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 805 FEET FROM THE SOUTH LINE AND 240 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 215 FEET EAST OF LAMESA ROAD AND 805 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 10 FEET WEST AND 30 FEET SOUTH OF THE PREVIOUSLY PERMITTED LOCATION

12. Approved a resolution amending Resolution No. 2018-035 on a request from Parsley Energy Operations, LLC for a permit to drill an oil & gas well within the City limits (Hogan 1-24-4301H) generally located 215 feet east of Lamesa Road and 835 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 204

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 835 FEET FROM THE SOUTH LINE AND 240 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 215 FEET EAST OF LAMESA ROAD AND 835 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 10 FEET WEST AND 40 FEET SOUTH OF THE PREVIOUSLY PERMITTED LOCATION

13. Approved a resolution amending Resolution No. 2018-031 on a request from Parsley Energy Operations, LLC for a permit to drill an oil & gas well within the City limits, (Hogan 1-24-2801H) generally located 215 feet east of Lamesa Road and 755 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 205

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 755 FEET FROM THE SOUTH LINE AND 240 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 215 FEET EAST OF LAMESA ROAD AND 755 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 10 FEET WEST OF THE PREVIOUSLY PERMITTED LOCATION

14. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of and oil & gas well, being Mask HZ Unit No 1010H generally located 2,587 feet west of North A Street and 215 feet north of Green Tree Boulevard extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 206

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS

LOCATED 230 FEET FROM THE NORTH LINE AND 2,586.9 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,587 FEET WEST OF NORTH A STREET AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

15. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of an oil & gas well, being Mask HZ Unit No 1011H generally located 2,547 feet west of North A Street and 215 feet north of Green Tree Boulevard extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 207

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 2,546.9 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,547 FEET WEST OF NORTH A STREET AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of an oil & gas well, being Mask HZ Unit No 1012H generally located 1,806 feet west of North A Street and 215 feet north of Green Tree Boulevard extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 208

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 1,806 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,806 FEET WEST OF NORTH A STREET AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of an oil & gas well, being Mask HZ Unit No 1013H generally located 1,766 feet west of North A Street and 215 feet north of Green Tree Boulevard extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 209

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 1,766 FEET FROM THE EAST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,766 FEET WEST OF NORTH A STREET AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of an oil & gas well, being Mask HZ Unit No 1014H generally located 530 feet east of North Garfield Street extension and 215 feet north of Green Tree Boulevard extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 210

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 530 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 530 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

19. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of an oil & gas well, being Mask HZ Unit No 1015H generally located 570 feet east of North Garfield Street extension and 215 feet north of Green Tree Boulevard extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 211

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 570 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 570 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

20. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of an oil & gas well, being Mask HZ Unit No 1016H generally located 610 feet east of North Garfield Street extension and 215 feet north of Green Tree Boulevard extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 212

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 230 FEET FROM THE NORTH LINE AND 610 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 610 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 215 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

21. Approved a resolution authorizing the City Manager to amend lease of City-owned minerals. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 213

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO, AND PARTIAL RELEASE OF, THE OIL, GAS AND MINERAL LEASE WITH PETROPLEX ENERGY, INC. REGARDING CITY-OWNED TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 44, BLOCK 38, T-1-S, THE NORTHWEST QUARTER OF SECTION 4, AND THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 9, BLOCK 38, T-2-S, T&P RY. CO. SURVEY, MIDLAND COUNTY, TEXAS

22. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Breviloba, LLC. (UTILITIES)

RESOLUTION NO. 2018 - 214

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND BREVILOBA, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND AND GLASSCOCK COUNTIES, TEXAS

23. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Salt Creek Midstream LLC. (UTILITIES)

RESOLUTION NO. 2018 - 215

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 17, 18, AND 19, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

24. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P. (UTILITIES)

RESOLUTION NO. 2018 - 216

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 31, 32, AND 33, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

25. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and West Texas LPG Pipeline Limited Partnership. (UTILITIES)

RESOLUTION NO. 2018 - 217

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WEST TEXAS LPG PIPELINE LIMITED PARTNERSHIP REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 10, 23, AND 24 BLOCK C23, PSL SURVEY, WINKLER COUNTY, TEXAS, SECTION 1, BLOCK C24, PSL SURVEY, WINKLER COUNTY, TEXAS, AND SECTION 18, BLOCK C24, PSL SURVEY, LOVING COUNTY, TEXAS

26. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Collegiate Midstream, LLC. (UTILITIES)

RESOLUTION NO. 2018 - 218

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 4, 8, AND 9, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

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



5. Consider a resolution awarding a contract for School Crossing Guards for the Administrative Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 197

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC., OF SANTA FE SPRINGS, CALIFORNIA, FOR SUPPLYING SCHOOL CROSSING GUARD SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT, AT A TOTAL COST OF \$600,000.00 PER YEAR

Mayor Morales asked what changes were made to the agreement as a result of the challenges experienced last year. Administrative Services Director Mark Widmann reported that the bid had new contract language relating to how background checks are conducted and language was added to the agreement that they will have to provide certification that background checks have been completed. When asked why this contract is \$53,000 higher than the previous contract, Mr. Widmann reported that the school sometimes requests additional crossing guards and with the extra cushion they will be able to accommodate their request.

Council Member Lacy moved to adopt Resolution No. 2018 - 197; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

9. Consider a resolution authorizing the issuance of a request for qualifications for professional consulting services for the Parks, Recreation and Open Space Master Plan Update for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 201

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR CONSULTING SERVICES TO PROVIDE AN ANALYSIS AND UPDATE OF THE PARKS, RECREATION, AND OPEN SPACE MASTER PLAN FOR THE COMMUNITY SERVICES DEPARTMENT

Council Member Sparks asked why the Master Plan should be updated. Parks & Recreation Manager Laurie Williams reported that many grants require that it be updated every five years in order to continue to apply for grants.

Council Member Love moved to adopt Resolution No. 2018 - 201; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

10. Consider a resolution authorizing the City of Midland to accept a donation from the Rodelo Family to be used at Dennis the Menace Park (COMMUNITY SERVICES)

RESOLUTION NO. 2018 - 202

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION FROM THE RODELO FAMILY; SAID DONATION TO BE USED IN THE RENOVATION OF DENNIS THE MENACE PARK

Council Member Dufford asked to recognize the Rodelo Family for their donation.

Mayor Morales invited the Rodelo Family forward to be recognized noting that the Rodelo's father purchased the lion head fountain that used to be at Dennis the Menace Park from a City auction 20-25 years ago. Now that the City is improving the park people have been asking where the fountain went. Mayor Morales contacted the Rodelo Family and they have agreed to donate it back to the City for use in the renovated park. He thanked them for their generosity. The City will install a foundation for the fountain and include a plaque recognizing the family.

Council Member Lacy moved to adopt Resolution No. 2018 - 202; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

## **SECOND READINGS**

27. Consider an ordinance on second reading on request by Landgraf, Crutcher & Associates for a Zone Change from PD, Planned District for a Transition District; O-1, Office District; and O-2, Office District, to C-1, Central Area District, generally located southwest of the intersection of North Pecos Street and West Louisiana Avenue. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

### **ORDINANCE NO. 9768**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE EAST HALF OF BLOCK 32, THE SOUTH 75 FEET OF THE SOUTHWEST QUARTER OF BLOCK 32, BLOCK 36, AND THE EAST HALF OF BLOCK 49, HOMESTEAD ADDITION, LOT 1, BLOCK 32, HOMESTEAD ADDITION, SECTION 5, AND LOT 1, BLOCK 37, HOMESTEAD ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, O-1, OFFICE DISTRICT, IN PART, AND O-2, OFFICE DISTRICT, IN PART, TO BE USED AS A C-1, CENTRAL AREA DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH PECOS STREET AND WEST LOUISIANA 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 Lopez read the caption of Ordinance No. 9768.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9768 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: None.

28. Consider an ordinance on second reading on a request by COG Realty LLC for a vacation of the 0.138-acre portion of the alley right-of-way, generally located approximately 140 feet east of San Angelo Street, between West Michigan Avenue and West Tennessee Avenue. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9769

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 36, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 140 FEET EAST OF SAN ANGELO STREET, BETWEEN WEST MICHIGAN AVENUE AND WEST TENNESSEE AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$7,514.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9769.

Council Member Love moved to approve the second and final reading of Ordinance No. 9769 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: None.

29. Consider an ordinance on second reading on a request by COG Realty LLC/North A Church of Christ for a vacation of the 0.551-acre portion of the San Angelo Street right-of-way, generally located approximately 100 feet east of North A Street, between West Michigan Avenue and West Tennessee Avenue. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9770

AN ORDINANCE VACATING AND ABANDONING A 0.551-ACRE PORTION OF THE SAN ANGELO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 35 AND 36, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTH OF THE INTERSECTION OF SAN ANGELO STREET AND WEST MICHIGAN AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$30,000.00; RETAINING A UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9770.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9770 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: None.

30. Consider an ordinance on second reading on a request by Landgraf, Crutcher & Associates for vacation of the 0.26-acre portion of West Tennessee Avenue generally located 160 feet east of San Angelo Street, between the north-south alley right-of-way and South Carrizo Street. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9771

AN ORDINANCE VACATING AND ABANDONING A 0.26-ACRE PORTION OF WEST TENNESSEE AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 36 AND 49, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF THE INTERSECTION OF WEST TENNESSEE AVENUE AND SOUTH CARRIZO STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$14,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9771.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9771 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: Robnett. ABSENT: None.

31. Consider an ordinance on second reading on a request by Kevin Patel for a Zone Change from a LR-2, Local Retail District to O-2, Office District, generally located on the east side of Camp Drive approximately 250 feet north of the intersection of Camp Drive and Crump Street. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9772

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 2, AMARON ADDITION, 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 CAMP DRIVE, APPROXIMATELY 250 FEET NORTH OF CRUMP 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 SueAnn Lopez read the caption of Ordinance No. 9772.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9772 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

32. Consider an ordinance on second reading on a request by Clark Inc. for a Zone Change from 1F-2, One-Family Dwelling District, to O-1, Office District generally located at the southeast corner of the intersection of Thomason Drive and South Midland Drive. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9773

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 64, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF THOMASON DRIVE AND SOUTH MIDLAND 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 Lopez read the caption of Ordinance No. 9773.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9773 in accordance with the Charter of the City of Midland; seconded by Council

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

33. Consider an ordinance on second reading on a request by Kali A. Davis, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant generally located north of Spring Park Drive, approximately 363 feet east of North Big Spring Street. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9774

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 6,052-SQUARE FOOT PORTION OF LOT 1B, BLOCK 2, CORPORATE PLAZA ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF SPRING PARK DRIVE, APPROXIMATELY 363 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9774.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9774 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. Consider an ordinance on second reading a request by Michael Fleck for a zone change from PD, Planned District for Shopping Center, to an PD, Amended Planned District for a Shopping Center generally located on the south side of Faulkner Drive, approximately 170 feet west of North Garfield. (DEVELOPMENT SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9775

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 28, PLANTATION HILLS, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF FAULKNER DRIVE, APPROXIMATELY 170 FEET WEST OF NORTH GARFIELD 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 SueAnn Lopez read the caption of Ordinance No. 9775.

Council Member Love moved to approve the second and final reading of Ordinance No. 9775 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

35. Consider an ordinance on second reading amending the budget for the purpose of adding additional funds to six (6) line items in the Animal Services Division budget for a total of \$140,600.00. (COMMUNITY SERVICES) (First reading held May 22, 2018)

ORDINANCE NO. 9776

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2017-2018 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE ANIMAL SERVICES DIVISION; THE ADDITIONAL FUNDING PROVIDED WILL BE USED TO COVER INCREASED ANIMAL CARE COSTS

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9776.

Council Member Love moved to approve the second and final reading of Ordinance No. 9776 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

**PUBLIC HEARINGS**

36. 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 #H110UH located 240 feet from the north line and 1,720 feet from the east line, Charger #H115WA located 240 feet from the north line and 2,050 feet from the east line, and Charger #H120WB located 240 feet from the north line and 2,380 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 1,720 and 2,380 feet west of Rankin Highway and 620 feet north of Dayton Road.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is a group of three wells that have all been reviewed by the Oil & Gas Advisory Committee. They are requesting the same five variances as in the past with the exception of the request to build within 500 feet of three commercial structures. One notice of objection was received regarding the potential contamination of the water well. There is no surface agreement and no plans for sound walls.

Mayor Morales opened the public hearing at 10:28 a.m.

Steve Knippers, 1704 Dayton Road, Building C, expressed concern regarding potential contamination of his water well noting he has seen water wells as far as 1000 feet away be contaminated by a well bore. He reported the water well was his only source of water for his property. When asked what type of business he had he noted that it was originally used for storage and woodworking but after his divorce in 2001 he now also uses it as his living quarters.

Keith Bucy, 1703 Country Club Drive, is the General Operations Manager for Permian Deep Rock. He reported they will be following State guidelines and cementing the well bores to the surface. They have a hydrologist that ensures there are no gravel beds which is what allows the transmittal of fluids to water wells. When asked if they would be opposed to putting up a sound wall, he reported they were not opposed. Council Member Dufford noted that the ordinance requires the applicant to test the water wells of anyone who makes a request.

Wayne Bailey, 1207 Cuthbert, Vice President of Permian Deep Rock reported they have had several conversations, emails and mail correspondence with the surface owner and with reasonable cooperation they should have the surface agreement in the next 30 days. He was asked to meet with Mr. Jenkins regarding the sound walls.

There being no one else wishing to speak, the public hearing was closed.

37. 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 Mustang A #H145SS located 240 feet from the north line and 862 feet from the east line, Mustang A #H145WA located 270 feet from the north line and 862 feet from the east line, Mustang A #H150LS located 270 feet from the north line and 892 feet from the east line, Mustang A #H150WB located 270 feet from the north line and 922 feet from the east line, Mustang A #H155WA located 240 feet from the north line and 922 feet from the east line, and Mustang A #H160WB located 270 feet from the north line and 952 feet from the east line and Section 10, Block 39, T-2-S, T&P RR CO. Survey, City and County of Midland, Texas. (Said wells are generally located between 862 feet and 952 feet west of Rankin Highway and between 590 feet and 620 feet north of Dayton Road.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is a similar situation to the east with the wells on the same pad site and the same variances. No notices of objection have been received and they have the same surface agreement.

Mayor Morales opened the public hearing at 10:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

38. Hold a public hearing and consider an ordinance on a request by Chase Gardaphe for an amended Specific Use Permit without Term for a Manufactured Home Park generally located on the east side of North Fairgrounds Road, approximately 960 feet south of East Golf Course Road. (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 9777

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, FAIRGROUNDS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 960 FEET SOUTH OF EAST GOLF COURSE ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MANUFACTURED HOME PARK; 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 Lopez read the caption of Ordinance No. 9777.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant has an existing Specific Use Permit without term for a manufactured home park located at 1310 North Fairgrounds. The applicant is proposing to expand by adding 14 additional lots. Staff has reviewed the item and expressed concern for lack of fire hydrants that will be addressed in the site approval process. Staff recommends approval without term.

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

Council Member Love reported that Mr. Gradaphe runs a great operation and that he has no concerns.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9777 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

39. Hold a public hearing and consider an ordinance on a request by Basin Roofing and Construction Inc. for a Zone Change from LR-2, Local Retail District, to LI, Light Industrial District, generally located on the north side of State Highway 191, approximately 1,110-feet east of North County Road 1271. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9778

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.00-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 40, T-1-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 AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,110 FEET EAST OF NORTH COUNTY ROAD 1271); 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 Lopez read the caption of Ordinance No. 9778.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is relocating their business. This requires a zone change to Light Industrial. This item was reviewed by Planning & Zoning and no letters of objection have been received.

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 noted that the 191 Corridor Study suggested the frontage in this area be retail with industrial behind the retail. However, with the airport overlay zoning it presents some challenges and Council needs to be conscientious of how they want this corridor to develop.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9778 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

40. Hold a public hearing and consider an ordinance a request by the City of Midland for a City initiated zone change from LR-2, Local Retail District to BP, I-20 Business Park District on a 36.6-acre tract of land generally located at the southwest corner of Interstate Highway 20 and State Highway 158. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9779

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 36.6-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, AND 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 SOUTHWEST CORNER OF THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND STATE HIGHWAY 158); 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 Lopez read the caption of Ordinance No. 9779.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a City of Midland initiated zone change. The area is surrounded by LR-2 but does attach physically to Industrial Park zoning to the west. Staff is proposing expansion of that area. A Business Park has special requirements for design control and special landscape requirements to help beautify the area. Staff recommends approval. He noted the potential development is a lab office. When asked why the City was initiating the zoning Mr. Harrington reported that to accommodate their request, the entire area needed to be rezoned and that staff is looking at drainage in the area and it will be addressed.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9779 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

41. Hold a public hearing and consider an annexation of a 43.97-acre tract all out of land out of the east half of Section 18, Block 40, T-1-S, T & P RR. Co. Survey, and a 6.66 right-of-way out of east half of Section 18 and the southwest quarter of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the west side of South FM 1788, approximately 187 feet north of West County Road 127 - Extraterritorial Jurisdiction). This annexation item is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this item was heard last month but due to issues with the public notice it needs to be brought through the process again. This annexation is for Warren CAT to expand their current business.

Mayor Morales opened the public hearing at 10:49 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

42. Hold a public hearing and consider an annexation of a 3.31-acre tract of land located in Section 24, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas, (generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road - Extraterritorial Jurisdiction). This annexation item is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this is another annexation being brought through again for the same reasons. This is to locate the Chris Davidson Opportunity Park within City limits.

Mayor Morales opened the public hearing at 10:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

43. Hold a public hearing and consider an annexation of a 70.04-acre tract of land out of Section 20, Block 38, T-1-S, T & P RR. Co. Survey, Midland County, Texas, (generally located on the north side of East Loop 250 North, approximately 1,872 feet east of North County Road 1162 - Extraterritorial Jurisdiction). This annexation item is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a 70-acre tract for annexation at the request of the property owner to expand the D.R. Horton home sites.

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

44. Hold a public hearing and consider an ordinance a request by Midland Community Development Corporation for approval of a Special Exception to the Zoning Code, concerning front yard setbacks generally located at the northeast corner of North Tyler Street and Elm Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9780

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2A, BLOCK 8, PUEBLO DE ARROYO, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH

TYLER STREET AND ELM AVENUE), BY PERMITTING A REDUCED 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 Lopez read the caption of Ordinance No. 9780.

Development Services Director Chuck Harrington gave a brief overview of the item noting this area requires a 20-yard setback but it is already separated by an alley. The applicant is trying to make the most out of the two blocks. Staff recommends approval of this request.

Council Member Love applauded MCDC for what they are doing in this area noting that housing infill is very important and the housing problem is severe. He encouraged Council to support this item.

Mayor Morales opened the public hearing at 10:54 a.m.

David Diaz of MCDC reported that builders need all the help they can get from the City Council. This is a process that used to be done administratively and now when they must come to Council it slows them down and costs \$500.

City Attorney John Ohnemiller suggested that if Council would like to change this process it should be addressed with the new zoning code.

There being no one else wishing to speak, the public hearing was closed at 10:58 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9780 in accordance with the Charter of the City of Midland with the amendment to refund the \$500 application fee; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

45. Hold a public hearing and consider a resolution on a request by Museum of the Southwest, for a Temporary Land Use Permit, for an Arts Festival generally located on the Southside of West Missouri Avenue and South 'J' Streets. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 219

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN ARTS FESTIVAL ON LOTS 10-12, BLOCK 93, BLOCK 94, A 0.6-ACRE PORTION OF BLOCK 104, LOTS 1-5, BLOCK 105, A 1.5-ACRE PORTION OF SOUTH K STREET ADJACENT TO BLOCKS 93 AND 94, AND A 0.29-ACRE PORTION OF WEST INDIANA AVENUE ADJACENT TO BLOCKS 93 AND 96, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST MISSOURI AVENUE AND SOUTH J STREET); 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 for Museum of the Southwest's 49th Annual SeptemberFest. They are proposing the sale of alcoholic beverages. Adequate restrooms and peace officers will be provided and there will be temporary fencing. Staff reviewed the item, found it in compliance, and recommends approval.

Mayor Morales opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2018 - 219; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

46. Hold a public hearing and seek guidance from the community regarding the 2018/19 CDBG grant applications, submissions and program goals. (DEVELOPMENT SERVICES)

Community Development Administrator Isaac Garnett reported they are seeking input from the community regarding the application process. The CDBG Committee recommends fully funding all the applications. This will be their 4<sup>th</sup> year of improvements in the Greenwood area and they hope to move into the window pane area next year. Today's item is a public hearing only.

Mayor Morales opened the public hearing at 11:03 a.m.

Tracy Renton, 2306 West Shandon, is the Development Director for Senior Link Midland. They appreciate everything CDBG and the City does to help seniors in Midland. The additional funding will help with their foodbank pantry which gives seniors a little extra nutrition every day.

Charlene Romero McBride, 2301 Apperson, is the President of Midland Parker Place. She thanked Council for allowing them to apply noting that Midland Parker Place is a jewel in south Midland and they are working hard to ensure that it continues that way.

Tonya Eckert, Casa De Amigos, thanked Council and Isaac for their help and feedback. She noted that all the non-profits collaborate in many ways and are all supportive of each other. This year they are asking for the parking lot noting it is necessary and they appreciate Council's thoughtful consideration.

David Diaz, Midland Community Development Corporation noted their grant supports new affordable housing with infrastructure and asked for help in advocating for and finding land acquisitions.

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

## **MISCELLANEOUS**

47. Consider a motion directing staff to begin the annexation of a 15.83-acre tract located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, generally

located at on the northeast corner of the intersection of North County Road 1247 and West State Highway 158 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting annexation of a 15.83-acre tract to be annexed into the City limits for development of an apartment complex to receive City utilities. This is a voluntary annexation and requires Council direction to proceed.

Council Member Love moved to approve directing staff to begin the annexation of a 15.83-acre tract located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, generally located at on the northeast corner of the intersection of North County Road 1247 and West State Highway 158 - Extraterritorial Jurisdiction; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

No appointments were made.

#### **PUBLIC COMMENT**

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

There were no citizens present wishing to speak.

#### **EXECUTIVE SESSION**

50. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
- a. Section 551.072, Deliberation Regarding Real Property
    - a.1. Discuss the purchase, exchange, lease, or value of real property described as a 42.72-acre tract located in Section 5, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas.
  - b. Section 551.087 Deliberate Economic Development Negotiations
    - b.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Mayor Morales recessed the meeting to Executive session at 11:11 a.m.

All of the business at hand having been completed, the meeting adjourned at 12:23 p.m.

PASSED AND APPROVED the 26th day of June, 2018.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary