

**MIDLAND CITY COUNCIL
MINUTES
July 10, 2018**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 10, 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: 1-7, 9, 11-18, 21-24, 8, 10, 19-20, 25-39.

Mayor Morales called the meeting to order at 10:00 a.m.

OPENING ITEMS

Mayor Morales thanked the Chamber of Commerce and City of Midland employees for a great 4th of July event.

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: None.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 24 excluding 8, 10, 19, 20; 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. Regular meeting of June 26, 2018
5. Approved a resolution approving and authorizing changes to the City of Midland's Texpool Investment Account. (FINANCE)

RESOLUTION NO. 2018 - 236

RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES OF THE CITY OF MIDLAND, TEXAS, REGARDING INVESTMENTS OF PUBLIC FUNDS; ADDING SETH BOLES, COMPTROLLER, AS AN AUTHORIZED REPRESENTATIVE OF THE CITY OF MIDLAND ON THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL, TEXPOOL/TEXPOOL PRIME; AND PAM SIMECKA, SHELBY ZUNIGA, AND MALA RAMKISSOON SHALL BE AUTHORIZED REPRESENTATIVES OF THE CITY OF MIDLAND

6. Approved a resolution approving a listing order for the sale of the former Municipal Court building located at 406 East Illinois Street and described as being all of Lots one (1), two (2), three (3), four (4) five (5) and six (6) in Block forty-one (41) of Original Town of Midland, Midland County, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 237

RESOLUTION AUTHORIZING THE EXECUTION OF A LISTING ORDER WITH REAL ESTATE ONE - BILL SCOTT TO PROVIDE REAL ESTATE BROKER SERVICES FOR THE SALE OF CITY-OWNED PROPERTY DESCRIBED AS LOT ONE-A (1A), BLOCK FORTY-ONE (41), ORIGINAL TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

7. Approved a resolution awarding a sole source agreement for water meters with encoders and all associated parts for the Customer Service Division. (PURCHASING)

RESOLUTION NO. 2018 - 238

RESOLUTION APPROVING THE SOLE-SOURCE PURCHASE AGREEMENT FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT FROM CORE & MAIN, LP, AT A TOTAL COST NOT TO EXCEED \$1,039,237.00

9. Approved a resolution awarding a contract for the Woodcrest Drive Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 240

RESOLUTION AWARDING A CONTRACT FOR THE WOODCREST DRIVE PAVING PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$663,646.10; AND AUTHORIZING PAYMENT THEREFOR

11. Approved a resolution authorizing payment for a three (3) year Microsoft Enterprise Licensing agreement from SHI Government Solutions, Inc. through Department of Information Resources (DIR) contract DIR-SDD-4092 for a total cost of \$249,705.79 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 242

RESOLUTION APPROVING THE PURCHASE OF A THREE YEAR RENEWAL OF THE MICROSOFT VOLUME ENTERPRISE AGREEMENT FROM SHI GOVERNMENT SOLUTIONS, INC. OF AUSTIN, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$249,705.79 PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution approving the issuance of a Request for Proposals for Wrecker Services for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 243

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR WRECKER AND IMPOUND SERVICES FOR THE CITY OF MIDLAND'S GARAGE DIVISION

13. Approved a resolution ratifying the emergency installation of valves and pipes at Shell Tower and authorizing payment to Red Deer Construction, LLC in the amount of \$58,595.27 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 244

RESOLUTION RATIFYING AND AUTHORIZING PAYMENT TO RED DEER CONSTRUCTION, LLC FOR EMERGENCY REPLACEMENT AND INSTALLATION AT SHELL TOWER IN THE AMOUNT OF \$58,595.27

14. Approved a motion authorizing payment of \$65,164.96 to Quality Systems, Inc. DBA NextGen Healthcare for the Electronic Medical Records System for the Health Department. (PURCHASING)

15. Approved a resolution authorizing the approval to advertise for bids for the project described as purchase two (2) ARFF trucks for Station 7 located at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 245

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF TWO (2) CLASS 4 1,500-GALLON AIRCRAFT RESCUE FIRE FIGHTING TRUCKS FOR STATION 7 AT MIDLAND INTERNATIONAL AIR & SPACE PORT

16. Approved a resolution awarding the project described as Access Control System at Midland International Air & Space Port to Foreman Electric of Odessa, Texas, and appropriating necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 246

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH FOREMAN ELECTRIC IN AN AMOUNT NOT TO EXCEED \$1,182,681.79 FOR CONSTRUCTION IMPROVEMENTS ASSOCIATED WITH THE ACCESS CONTROL AND CCTV UPGRADE PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; APPROVING THE AMOUNT OF \$118,268.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT

17. Approved a resolution ratifying and accepting Amendment #1 to Federal Aviation Administration Grant 56. (AIRPORTS)

RESOLUTION NO. 2018 - 247

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE AN AMENDMENT TO FEDERAL AVIATION ADMINISTRATION ("FAA") GRANT NUMBER 56 IN THE AMOUNT OF \$105,071.00

UPON RECEIPT FROM THE FAA; SAID GRANT-AMENDMENT FUNDING WILL REFUND THE DEPARTMENT OF AIRPORTS FOR EXTRA COSTS ASSOCIATED WITH WORK PERFORMED ON THE REHABILITATE RUNWAYS 10/28, 16R/34L AND TAXIWAYS PROJECT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND REHABILITATE RUNWAYS 10/28, 16R/34L AND TAXIWAYS PROJECT UPON RECEIPT; AND APPROPRIATING ADDITIONAL FUNDS TO THE AIRPORT FUND REHABILITATE RUNWAYS 10/28, 16R/34L AND TAXIWAYS PROJECT

18. Approved a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Inc. to promote tourism and the convention/hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2018 - 248

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROCK THE DESERT MINISTRIES, INCORPORATED, AS AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; FINDING THAT SAID AGREEMENT IS FOR THE PROMOTION OF TOURISM AND THE HOTEL AND MOTEL INDUSTRY; FINDING THAT THE FUNDS PROVIDED UNDER SAID AGREEMENT SHALL BE EXPENDED IN A MANNER DIRECTLY ENHANCING AND PROMOTING TOURISM AND THE HOTEL AND MOTEL INDUSTRY; AND PROVIDING THAT APPROVAL OF THE AGREEMENT IS NOT TO BE CONSTRUED OR INTERPRETED AS ENDORSING THE MESSAGE OR ACTIVITIES PROMOTED BY ROCK THE DESERT MINISTRIES, INCORPORATED

21. Approved a motion approving a proposed preliminary plat of Chase Five Addition being a plat of 41.945-acre tract of land out of T.F. Spencer Survey A-592, Midland County, Texas, (generally located on the east side of Farm-to-Market Road 1213, approximately 225 feet south of East County Road 132 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)
22. Approved a resolution extending the repayment deadline of the Economic Development Agreement by and between Reinvestment Zone No. 1, City of Midland, Texas (TIRZ), and Permian Basin Public Telecommunications, Incorporated, DBA Basin PBS (Ritz Theater). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 251

RESOLUTION GRANTING PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INCORPORATED, DOING BUSINESS AS BASIN PBS ("PBS"), A THREE-MONTH EXTENSION OF TIME TO COMPLETE CERTAIN IMPROVEMENTS TO THE PROPERTY KNOWN AS RITZ THEATER; SAID IMPROVEMENTS BEING REQUIRED UNDER THE ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 AND PBS AND APPROVED BY THE CITY OF MIDLAND

23. Approved a resolution to accept and appropriate funds for the FY2017 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2018 - 252

RESOLUTION AUTHORIZING THE CITY OF MIDLAND IN CONJUNCTION WITH MIDLAND COUNTY TO ACCEPT THE FISCAL YEAR 2017 JUSTICE ASSISTANCE

GRANT FUNDS TOTALING \$30,190.00; THE CITY OF MIDLAND WILL RECEIVE \$18,114.00 (60%) AND MIDLAND COUNTY WILL RECEIVE \$12,076.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

24. Approved a resolution approving a discharge license with Holly Energy Partners-Operating, L.P. (UTILITIES)

RESOLUTION NO. 2018 - 253

RESOLUTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER DISCHARGE LICENSE AGREEMENT WITH HOLLY ENERGY PARTNERS-OPERATING, L.P., FOR THE PURPOSE OF DISPOSING OF WASTEWATER AT COMMEMORATIVE AIR FORCE, 9600 WRIGHT DRIVE, MIDLAND, TEXAS

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

8. Consider a resolution awarding a contract for the 349 Drainage Basin Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 239

RESOLUTION AWARDING A CONTRACT FOR THE BUSINESS STATE HIGHWAY 349 DRAINAGE BASINS PROJECT TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF \$943,725.50; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy asked if the vegetation was being addressed. Engineering Manager Josh Ferguson reported it was included as an added alternative. Council Member Lacy emphasized that the City needs to do an exceptional job as an example to the developers.

Council Member Sparks moved to adopt Resolution No. 2018 - 239; 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.

10. Consider a resolution approving a contract with EHT for a Professional Services Agreement for the Wadley Elevated Storage Tank Improvements Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 241

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES WITH ENPROTEC/HIBBS & TODD, FOR THE WADLEY ELEVATED STORAGE TANK IMPROVEMENTS PROJECT FOR A FEE THAT SHALL NOT EXCEED \$135,000.00; AND AUTHORIZING PAYMENT THEREFOR

Mayor Morales noted that Council understands the challenges with pressure on the tank and wondered if this was for the study only. Assistant Utilities Director Carl Craigo reported this was to change the inlet design of the tank. They expect to receive a report dealing with pressure on the northeast side of town by the 17th where they will address pressure from Craddick Highway to Elkins Road.

Council Member Lacy moved to adopt Resolution No. 2018 - 241; 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.

19. Consider a resolution authorizing the execution of an Advance Funding Agreement (AFA) between the Texas Department of Transportation and the City of Midland for a Transportation Alternatives Set-Aside (TASA) Project. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 249

RESOLUTION AUTHORIZING THE EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT"), FOR THE MIDLAND-DOWNTOWN BIKE/PED INFRASTRUCTURE PROJECT (THE "PROJECT"); SAID PROJECT TO PROVIDE FOR THE CONSTRUCTION OF DOWNTOWN BICYCLE AND PEDESTRIAN ENHANCEMENTS; APPROPRIATING FUNDS; AUTHORIZING PAYMENT TO TXDOT THEREFOR IN AN ESTIMATED AMOUNT OF \$125,408.00 PLUS 100% OF OVERRUNS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY A COPY OF THIS RESOLUTION TO TXDOT

Downtown Development Manager Cristina Odenborg reported a grant was awarded by TxDOT for \$627,000.00 for bike lanes and a cross walk in downtown. Mayor Morales asked if this grant could be used for anything else and Ms. Odenborg clarified that it can only be used for pedestrian and bike lane improvements that will connect to the existing bike path to downtown.

Mayor Morales emphasized Council's priority of keeping all bicyclists, motorcyclists and pedestrians safe throughout the City noting that grants like this help the City.

Council Member Love moved to adopt Resolution No. 2018 - 249; 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.

20. Consider a resolution authorizing the City Manager to receive donations from West Texas National Bank of Midland in the amount of \$2,500 dollars. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 250

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF \$2,500.00 FROM THE WEST TEXAS NATIONAL BANK FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT'S MINOR REPAIR PROGRAM

Jonna Smoot of West Texas National Bank reported they were making a donation to the minor repair program that helps the needy in Midland for repairs such as plumbing and electrical that might not otherwise be made because the money is needed to put food in their bellies. Mayor Morales thanked the bank for their part in helping the community.

Council Member Hotchkiss moved to adopt Resolution No. 2018 - 250; 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

25. Consider an ordinance on second reading on a request by Leonard (Chip) Hight for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, generally located on the south side of West Wall Street, approximately 170 feet east of South Colorado Street. (DEVELOPMENT SERVICES) (First reading held June 26, 2018.)

ORDINANCE NO. 9781

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,957-SQUARE FOOT PORTION OF THE WEST 1.5 FEET OF LOT 3, LOTS 4 THROUGH 6, AND THE EAST 24.25 FEET OF LOT 7, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WALL STREET, APPROXIMATELY 170 FEET EAST OF SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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. 9781.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9781 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

26. Consider an ordinance on second reading on a request by Midland Koontz, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption in a restaurant generally located on the east side of West Loop 250 North, approximately 233 feet south of Henry Koontz Boulevard. (DEVELOPMENT SERVICES) (First reading held June 26, 2018.)

ORDINANCE NO. 9782

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 233 FEET SOUTH OF HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND

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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9782.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9782 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.

27. Consider an ordinance on second reading on a request by Meredith Morales for a Specific Use Permit with Term, for the sale of all beer and wine for on-premises consumption, in a restaurant, generally located on the east side of Desta Drive, approximately 235 feet north of West Wadley Avenue. (DEVELOPMENT SERVICES) (First reading held June 26, 2018.)

ORDINANCE NO. 9783

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,645-SQUARE FOOT PORTION OF LOT 1, BLOCK 2, CLAYDESTA PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF DESTA DRIVE, APPROXIMATELY 235 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR MIXED USE (OFFICE AND RETAIL), BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE 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. 9783.

Council Member Love moved to approve the second and final reading of Ordinance No. 9783 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Consider an ordinance on second reading on a request by Betenbough Homes for a zone change from AE, Agriculture-Estate District to 1F-3, One-Family Dwelling District on a 0.712-acre tract of land generally located west of Fairgrounds Road, approximately 927 feet north of Arapahoe Road. (DEVELOPMENT SERVICES) (First reading held June 26, 2018.)

ORDINANCE NO. 9784

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.712-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS

PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED WEST OF FAIRGROUNDS ROAD, APPROXIMATELY 927 FEET NORTH OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9784.

Council Member Love moved to approve the second and final reading of Ordinance No. 9784 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

29. Consider an ordinance on second reading on a request by Ravi Katta for approval of a site plan generally located on the north side of West Illinois Avenue, approximately 890 feet east of North Powell Street. (DEVELOPMENT SERVICES) (First reading held June 26, 2018.)

ORDINANCE NO. 9785

AN ORDINANCE ADOPTING A SITE PLAN FOR TRACT 25, REPLAT OF TERRACE GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 890 FEET EAST OF NORTH POWELL STREET); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; 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. 9785.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9785 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

30. Consider an ordinance on a second reading request by Roy Guerra for approval of a special exception, concerning front yard setbacks generally located on the west side of Cisco Street, approximately 340 feet south of Arapahoe Road. (DEVELOPMENT SERVICES) (First reading held June 26, 2018.)

ORDINANCE NO. 9786

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 20, 349 RANCH ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF CISCO STREET, APPROXIMATELY 340 FEET SOUTH OF ARAPAHOE ROAD), 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. 9786.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9786 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein. (ENGINEERING SERVICES) (First reading held June 26, 2018.)

ORDINANCE NO. 9787

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9672; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9787.

Council Member Love moved to approve the second and final reading of Ordinance No. 9787 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.

PUBLIC HEARINGS

32. Hold a public hearing regarding the proposed granting of oil and gas well permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Hogan 1-24-2805H located 2,370 feet from the south line and 2,226 feet from the west line, Hogan 1-24-4205H located 2,400 feet from the south line and 2,226 feet from the west line, Hogan #H4305H located 2,430 feet from the south line and 2,226 feet from the west line, Hogan 1-24-2807H located 2,370 feet from the south line and 2,386 feet from the west line, Hogan 1-24-4207H located 2,400 feet from the south line and 2,386 feet from the west line, and Hogan 1-24-4307H located 2,430 feet from the south line and 2,386 feet from the west line Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (said wells are generally located between 2,226 feet and 2,386 feet east of Lamesa Road and between 2,125 feet and 2,185 feet north of Loop 250). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is for a group of wells sharing the same pad site in a similar area. They will be using 24-

foot sound walls on the north and west sides and using a closed loop system and will not have any frac pits. Their tank will be located outside of the City limits to the east. There is one house that is 479 feet from the well being built. No notices of objection have been received. They are requesting a variance for landscaping and will not have a Road Repair Agreement as they will not be using any City streets. They are also requesting 24-hour fracing. This request is similar to their other wells that were presented in the past.

Council Member Love asked if the variance was included for the house. Mr. Jenkins reported it was and that a letter of support was received from the owner of the house. When asked how far the houses were to the north, staff reported they were about 700-800 feet or more to the north.

Mayor Morales opened the public hearing at 10:25 a.m.

Justin Johns, 500 W. Texas, Suite 300, reported that these wells are similar to their previous set of wells and that they do have a waiver from the surface owner. They moved their drilling location to the north from their original submission in order to work with the surface owner.

There being no one else wishing to speak, the public hearing was closed at 10:26 a.m.

33. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Charger #H155UH located 110 feet from the south line and 720 feet from the west line Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located between 782 feet east of South Garfield Street and 327 feet north of West County Road 111). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the applicant is asking for a variance to a dwelling unit, landscape and irrigation and the fence to be placed around the entire perimeter of all wells. They will not be using any City streets. No notices of objection have been received. They will have a 16-foot sound barrier running along the interstate. The same owner owns both the surface and minerals.

Mayor Morales opened the public hearing at 10:28 a.m. There being no one else wishing to speak, the public hearing was immediately closed.

34. Hold a public hearing and consider an ordinance on a request by Brandon Easterling for a Zone Change from a LR-2, Local Retail District and MF-1, Multiple Family Dwelling District, to PD, Planned District for a Housing Development generally located on the northeast corner of Mockingbird Lane and Big Spring Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9788

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A

HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MOCKINGBIRD LANE AND BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9788.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a zoning change in order to develop multi-family housing on this site. The request has met all requirements of staff and Planning & Zoning recommended approval. The item is in conformance with comprehensive plan. Staff asks Council to defer their decision on this item to the 24th as they are looking at a revision to the site plan. The applicant is present for questions. Council Member Dufford asked if the development would be a burden to transportation. Traffic Engineer Mike Pacelli reported they already have an agreement with the State and the project will be kicking off later this year. It is funded and included in the project and the City donated the design.

Council Member Dufford moved to defer this item to July 24; 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.

35. Hold a public hearing and consider an annexation of a 15.83-acre tract of land (generally located at on the northeast corner of the intersection of North County Road 1247 and West State Highway 158 - Extraterritorial Jurisdiction). This is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to proceed annexing a 15.83-acre tract of land into the City at the location of the Wadley extension and State Highway 158. Staff reviewed the item and has no objection and finds it to be in compliance with the comprehensive plan. No letters of objection have been received and staff recommends moving forward.

Mayor Morales opened the public hearing at 10:33 a.m.

Robert Rendall, 6 Desta Drive, reported they are requesting to annex property for future multi-family housing located in the triangle of the Wadley extension, State Highway 158 and Midland Draw.

There being no one else wishing to speak, the public hearing was closed at 10:34 a.m.

36. Hold a public hearing and consider an ordinance on a request by Warren CAT for the annexation of a 43.97-acre tract of land generally located on the east side of South Farm to Market Road 788, approximately 187 feet north of West County Road 127 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9789

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 43.97-ACRE TRACT OF LAND OUT OF THE EAST HALF OF

SECTION 18, BLOCK 40, T-1-S, AND A 6.66-ACRE TRACT OF LAND 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); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9789.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the Warren CAT annexation on the west side of town where they will be locating their offices.

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.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9789 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

37. Hold a public hearing and consider an ordinance on a request by Bush Tennis Center/Opportunity Park, for the annexation of a 3.31-acre tract of land generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9790

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 3.31-ACRE TRACT OF LAND OUT OF 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); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9790.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the first reading of an ordinance to annex Chris Davidson Opportunity Park in order to develop it with utilities.

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 moved approval of the first of two readings of Ordinance No. 9790 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.

MISCELLANEOUS

38. Consider a motion making appointments to various Boards and Commissions.

Council Member Hotchkiss moved to appoint Stacey Jo Grosse as an alternate on the Planning & Zoning Commission; 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.

PUBLIC COMMENT

39. 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.

All of the business at hand having been completed, the meeting adjourned at 10:39 a.m.

PASSED AND APPROVED the 24th day of July, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary