

**MIDLAND CITY COUNCIL
MINUTES
August 28, 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 August 28, 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, Utilities Director Laura Wilson, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Assistant Utilities Manager Carl Craigo, Traffic Engineer Mike Pacelli, and Engineering Manager Shana McWilliams.

Mayor Morales called the Briefing Session to order at 9:17 a.m.

1. Presentation of Water Distribution System Analysis Final Report by Enprotec/Hibbs & Todd.

Scott Hibbs with Enprotec/Hibbs & Todd reported this was a continuation of the conversation held a couple of months ago. They were asked to look at the City's water distribution and wastewater systems and make recommendations to continue to move the City forward.

He provided a brief overview of the current system noting the major growth is occurring in the northeast corridor. He gave an overview of the water system noting there are 45,000 customer connections, 850 miles of water mains, 4 pressure planes, 6 elevated storage tanks, 4 pump stations, and multiple water sources. The City is mandated by TCEQ to have a minimum water pressure. There have also been changes in the way water is disinfected. He shared an overall map of the City showing the complexity of the water distribution system, and a map showing the different pressure planes.

The water system analysis was provided through the computer model. It predicts pressures and flow characteristics across the entire system. The model needs to be updated to reflect the changes in the water system since the last evaluation including the drought of record, rate increases, T-Bar well field, dynamic economic growth, and recent planning studies. They will analyze and project development needs to improve system reliability. After the model is complete, they first look at how the system is handling current customer needs and then recommendations are made on infrastructure improvements needed to maintain the system during periods of peak demand. The second item addressed is how to accommodate growth and what is the best way to position the City to meet those growth needs.

He shared a map of key findings showing the developing area to the northeast and low-pressure areas during peak demand periods.

The Phase I key recommendations include creating the northeast pressure plane (\$20 million), adjusting the pressure plane boundary to help customers in the middle area (\$4.5 million), and improvements to the Wadley elevated storage tank that will support current customers and better position the City to provide service to the northeast corridor (\$700,000).

Staff will come back with additional recommendations from the report. The sewer will also need to be addressed in the future.

Josh, a builder, reported that the Martin County line is as far north as they want to build as they have found that people are not interested in the Stanton school district. Developers are interested in helping but any costs passed on to them will be passed on to their customers, but they can provide land and right-of-way.

City Manager Courtney Sharp noted a contract for professional services to develop the northeast pressure plane will be on the next agenda.

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., August 28, 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: 1-4,7-8, 10-29, 5-6, 9, 30-60.

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

OPENING ITEMS

1. Invocation - Pastor Robert Pase, Grace Lutheran
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 Robnett moved to approve Consent Agenda items 4 - 29 excluding 5, 6, 9; 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.

4. Approved a motion approving the following minutes:
 - a. Regular Meeting of August 14, 2018
 - b. Regular Meeting of August 21, 2018
7. Approved a resolution approving the Fiscal Year 2018-2019 budget of the Space Port Development Corporation. (FINANCE)

RESOLUTION NO. 2018 - 309

RESOLUTION APPROVING THE FISCAL YEAR 2018-2019 BUDGET FOR THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION, AS AUTHORIZED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE.

8. Approved a resolution awarding a sole source contract for maintenance of Hach equipment for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 310

RESOLUTION AWARDING A SOLE-SOURCE CONTRACT FOR THE UTILITIES DEPARTMENT WITH HACH COMPANY OF CHICAGO, ILLINOIS, FOR MAINTENANCE OF HACH EQUIPMENT AT A TOTAL COST OF \$66,984.04 PER YEAR; AND AUTHORIZING PAYMENT THEREFOR.

10. Approved a resolution awarding a professional services agreement for engineering services for the Garfield Street Utility and Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 312

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH THE PLANNING AND DESIGN OF IMPROVEMENTS TO GARFIELD STREET, FROM MICHIGAN AVENUE TO GOLF COURSE ROAD; SAID SERVICES BEING RELATED TO YEAR THREE BOND PROJECTS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$432,772.00.

11. Approved a resolution awarding a contract to retrofit the parking lot lights at the Scharbauer Sports Complex to Light Emitting Diode (LED) lighting for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 313

RESOLUTION AWARDING A CONTRACT TO ESCN, INC., DBA BASIN ELECTRIC & TECHNOLOGY FOR THE RETROFITTING OF THE PARKING LOT LIGHTS AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF \$189,185.00; AND APPROVING \$18,900.00 FOR CONTINGENCIES.

12. Approved a resolution awarding a professional services agreement for engineering services for the A Street Utility and Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 314

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH THE PLANNING AND DESIGN OF IMPROVEMENTS TO A STREET, FROM INDIANA AVENUE TO CUTHBERT AVENUE; SAID SERVICES BEING RELATED TO YEAR THREE BOND PROJECTS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$256,600.00

13. Approved a resolution awarding the project described as Purchase Two (2) ARFF Trucks for Station 7 Located at Midland International Air & Space Port and appropriating funds. (AIRPORTS)

RESOLUTION NO. 2018 - 315

RESOLUTION APPROVING THE PURCHASE OF TWO (2) CLASS 4 1,500-GALLON AIRCRAFT RESCUE FIRE FIGHTING TRUCKS FOR STATION 7 AT MIDLAND INTERNATIONAL AIR & SPACE PORT FROM OSHKOSH AIRPORT PRODUCTS, LLC, FOR A TOTAL COST OF \$1,435,624.00; APPROVING \$209,472.00 FOR ADMINISTRATIVE COSTS, PROFESSIONAL SERVICES FEES, CONTINGENCIES, AND ANCILLARY EQUIPMENT ASSOCIATED THEREWITH; AND APPROPRIATING FUNDS THEREFOR.

14. Approved a resolution authorizing the Mayor, City Manager and City Attorney to execute Federal Grant #58 from the Federal Aviation Administration upon receipt. (AIRPORTS)

RESOLUTION NO. 2018 - 316

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE FEDERAL AVIATION ADMINISTRATION ("FAA") GRANT NUMBER 58 IN THE AMOUNT OF \$2,534,316.00 UPON RECEIPT FROM THE FAA; SAID GRANT WILL FUND NINETY PERCENT (90%) OF CERTAIN PORTIONS OF FAA-ELIGIBLE PROJECTS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT.

15. Approved a resolution authorizing the execution of Amendment #9 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriating necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 317

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER NINE TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: REHABILITATE NORTH, TERMINAL & AND SOUTH APRON CONCRETE PAVEMENT PROJECT, REHABILITATE NORTHWEST TAXILANE & EXECUTIVE APRON PROJECT, NW BASIN WILDLIFE IMPROVEMENTS PROJECT, REPLACE AIRCRAFT BOARDING BRIDGES & OUTBOUND BAGGAGE CONVEYANCE SYSTEM PROJECT, RELEASE LAND AT EXECUTIVE AIRPARK PROJECT, AND DEVELOPMENT PARK PROGRAMMATIC EA PROJECT; AND APPROPRIATING FUNDS THEREFOR

16. Approved a resolution authorizing the execution of the 2018 AIRSHO agreement between The City of Midland, Texas and the Commemorative Air Force (CAF). (AIRPORTS)

RESOLUTION NO. 2018 - 318

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INC., FOR THE STAGING OF AN AIRSHOW AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; THE AIRSHOW WILL COMMENCE FRIDAY, SEPTEMBER 14, 2018, AND CONCLUDE SUNDAY, SEPTEMBER 16, 2018

17. Approved a resolution approving the budget for the Midland Development Corporation's 2018-19 Fiscal Year. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 319

RESOLUTION APPROVING THE FISCAL YEAR 2018-2019 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE.

18. Approved a resolution authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc., for professional services related to the development of the Spaceport Business Park located at Midland International Air & Space Port. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 320

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC., FOR LANDSCAPE ARCHITECTURE AND ENGINEERING SERVICES RELATED TO THE DEVELOPMENT OF THE SPACEPORT BUSINESS PARK LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT.

19. Approved a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Stonebridge Addition, generally located on the south side of Solomon Lane, approximately 2,300 feet east of North Big Spring Street, by permitting construction of residential buildings where no portion of any structure is closer than 150 feet of an existing oil and gas wells (Isbell HZ Unit, 104, 105, 106, 107, 108, 109, 110 and 111). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 321

RESOLUTION GRANTING A VARIANCE FOR STONEBRIDGE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SOLOMON LANE, APPROXIMATELY 2,300 FEET EAST OF NORTH BIG SPRING STREET), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 150 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

20. Approved a motion approving a Preliminary Plat of Phillips Addition, containing 30.20 acres more or less, being a so called 16.00-acre tract of land and 1.30 acres of Jasmine Drive right-of-way, all out of the NW/4 of Section 5 and Section 8, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas; and a so called 10.92-acre tract of land, 0.10-acres of South County Road 1218 right-of-way, and 0.46-acres of South County Road 1217 right-of-way, all out of Section 8, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located approximately 1,200 feet east of the intersection of South County Road 1220 and Jasmin Drive). (DEVELOPMENT SERVICES)

21. Approved a motion approving a proposed Final Plat of Johnston Addition, being a 75.2-acre tract of land out of Section 21, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located east of South County Road 1270, approximately 1,500 feet north of West County Road 143). (DEVELOPMENT SERVICES)
22. Approved a resolution authorizing the acceptance of right-of-way located in a 0.131-acre tract of land out of Section 37, a 6.975-acre tract of land out of Section 38, and a 109-square foot tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 322

RESOLUTION AUTHORIZING THE ACCEPTANCE OF RIGHTS-OF-WAY LOCATED IN A 0.131-ACRE TRACT OF LAND OUT OF SECTION 37, A 6.975-ACRE TRACT OF LAND OUT OF SECTION 38, AND A 109-SQUARE FOOT TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY.

23. Approved a resolution authorizing the acceptance of a right-of-way located in a 0.226-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 323

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RIGHT-OF-WAY LOCATED IN A 0.226-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY.

24. Approved a motion on request by Maverick Engineering to defer public water, wastewater, paving and sidewalk improvements for Decker Addition, and to waive the corresponding financial security guarantee valued at \$604,216.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southeast corner of West County Road 116 and South County Road 1227, approximately 435 feet outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)
25. Approved a motion on request by Maverick Engineering to defer public water, wastewater, paving and sidewalk improvements for Leveraged Addition and to waive the corresponding financial security guarantee valued at \$705,614.50, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of Copus Street, at the intersection of Pecan Avenue. (ENGINEERING SERVICES)
26. Approved a resolution authorizing issuance of an Operating Certificate for AAA Taxi. (POLICE)

RESOLUTION NO. 2018 - 324

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR AAA TAXI TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE.

27. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Navitas Midstream Midland Basin LLC. (UTILITIES)

RESOLUTION NO. 2018 - 325

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, H.M. HALFF SURVEY, ABSTRACT NO. 1201, MIDLAND COUNTY, TEXAS

28. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and NuStar Permian Transportation and Storage. (UTILITIES)

RESOLUTION NO. 2018 - 326

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

29. Approved a resolution authorizing and executing a right-of-way license between the City of Midland and Targa Pipeline Mid-Continent WestTex LLC. (UTILITIES)

RESOLUTION NO. 2018 - 327

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9, 10 AND 16, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS.

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

5. Consider a resolution authorizing the execution of a Downtown Open Space Development Agreement, a Downtown Open Space Lease Agreement, and a Downtown Open Space License Agreement between the City of Midland and the Midland Downtown Park Conservancy. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 307

RESOLUTION AUTHORIZING THE EXECUTION OF A DOWNTOWN OPEN SPACE DEVELOPMENT AGREEMENT, A DOWNTOWN OPEN SPACE LEASE AGREEMENT, AND A DOWNTOWN OPEN SPACE LICENSE AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND DOWNTOWN PARK CONSERVANCY REGARDING THE DEVELOPMENT OF LOT 1A, BLOCK 54, AND LOT 1A, BLOCK 55, ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS CENTENNIAL PLAZA AND THE SITE OF THE FORMER MIDLAND COUNTY COURTHOUSE)

Council Member Robnett moved to adopt Resolution No. 2018 - 307; seconded by Council Member Love.

Council Member Sparks expressed concern about the long term of the park contract noting the initial term is 20 years and can be extended to a total of 49 years. He also had concern that the conservancy prepares the budget with respect to operation and the City would pay for 50 percent of M&O. Council Member Robnett explained that the City Council has the right to appoint 3 of the 7 seats on the conservancy.

Mr. Sparks noted that he is okay with the people today, but wondered what safeguard the City would have if the conservancy were to go sideways at some point during the 50 years. Mr. Robnett noted the conservancy was more about the donation and that with Council having control over 3 of the 7 seats he did not see a problem. He explained that a lot of time was spent in coming up with the contract and it is a good one that has protections for both sides.

Council Member Robnett reported that two Council Members, representative from the City Manager's Office, and Legal have worked on this for two years. The conservancy board will be made up of 7 members with 3 being appointed by the City Council. This is a plan for a great park that will benefit downtown and the City of Midland.

Council Member Sparks summarized his concerns were with the length of the term, how this will be paid for if hotel/motel funds go away and stated that escalation fees for excess water usage were excluded. He asked if anyone read the contract.

Mayor Morales noted there would be an endowment established that could be tapped into if necessary. Council Member Dufford noted that the City followed other similar contracts that were created for similar purposes. Council Member Hotchkiss added that water conservancy was taken into consideration noting that the landscape architect has included capturing rainwater and storing it underground to ensure beautiful foliage.

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

6. Consider a resolution appointing three (3) directors to the Midland Downtown Park Conservancy Board of Directors; and directing the City Manager to deliver a copy of the resolution to the Midland Downtown Park Conservancy. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 – 308

RESOLUTION APPOINTING THREE (3) DIRECTORS TO THE MIDLAND DOWNTOWN PARK CONSERVANCY BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND DOWNTOWN PARK CONSERVANCY.

Council Member Love moved to adopt Resolution No. 2018 - 308; seconded by Council Member Robnett.

Council Member Robnett recognized the initial members of the committee and was appreciative of their service.

Mayor Morales thanked all of the partners for their input noting it is a tremendous and exciting day for the citizens of Midland that will be a great return on their tax investment. He thanked Concho, the Scharbauer Foundation and Council Members and staff who were involved in making this agreement.

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 awarding a contract for the Tradewinds Boulevard Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 311

RESOLUTION AWARDING A CONTRACT FOR THE TRADEWINDS BOULEVARD PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$8,026,768.10; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR.

Mayor Morales asked for a description of the project. City Engineer Jose Ortiz reported this would be a backage road that would allow future development to the region around Tradewinds corridor.

Council Member Lacy moved to adopt Resolution No. 2018 - 311; 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

30. Consider an ordinance on second reading on a request by Crystalyn Wright 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 east side of North Main Street, approximately 65 feet south of East Illinois Avenue. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9796

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE SOUTH HALF OF LOT 12, BLOCK 38, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 65 FEET SOUTH OF EAST ILLINOIS AVENUE), 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 Misty Cryer read the caption of Ordinance No. 9796.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9796 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.

31. Consider an ordinance on second reading on a request by Timithee Shae Cuevas dba Coiffuers Barbershop for a Specific Use Permit with Term for the Sale of all beer and wine, for on-premises consumption in a barbershop and salon, generally located on the west-side of North Midkiff Road, approximately 630 feet south of Loop 250 North. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9797

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,490-SQUARE FOOT PORTION OF LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 630 FEET SOUTH OF LOOP 250 NORTH), 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 BEER AND WINE IN A BARBERSHOP AND SALON FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9797.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9797 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.

32. Consider an ordinance on second reading on a request by Gilbert Saenz for a Special Exception to the Zoning Code concerning the side yard setback requirements generally located on the southwest corner of Gulf Avenue and North I Street. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9798

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 34 FEET OF LOT 21 AND ALL OF LOT 22, BLOCK 5, AVALON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND NORTH I STREET), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO NORTH I 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); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9798.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9798 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

33. Consider an ordinance on second reading on a request by Hilary Knight for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7, area, yard, structure, parking, and miscellaneous lot and use regulations concerning the side and rear yard setback generally located west of Racquet Club Drive, approximately 149 feet north of Neely Avenue. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9799

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 5, BLOCK 4, ELM GROVE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF RACQUET CLUB DRIVE, APPROXIMATELY 149 FEET NORTH OF NEELY AVENUE), BY PERMITTING A REDUCED SETBACK FOR THE SIDE YARD ADJACENT TO THE SOUTH ALLEY AND A REDUCED REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9799.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9799 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love, Lacy.

34. Consider an ordinance on second reading on a request by Warren CAT for the initial zoning of a 43.97-acre tract generally located on the east side of South FM 1788, approximately 187 feet north of West County Road 127. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9800

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS 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, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS BEING GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FM 1788, APPROXIMATELY 187 FEET NORTH OF WEST COUNTY ROAD 127; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9800.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9800 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

35. Consider an ordinance on second reading on request by Robert Rendall for the annexation of a 15.83-acre tract generally located on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9801

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 15.83-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-

1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST STATE HIGHWAY 158); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9801.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9801 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

36. Consider an ordinance on second reading on a request by Tall City Brewing Beverage, LLC for a Specific Use Permit with Term, for the sale of all beer and wine beverages for on-premises consumption in a brewery/tap room, generally located on the south side of West Golf Course Road, approximately 270 feet west of North Midkiff Road. (DEVELOPMENT SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9802

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4, BLOCK 12, SUNSET ACRES, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST GOLF COURSE ROAD, APPROXIMATELY 270 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF BEER AND WINE IN A BREWERY AND TAP ROOM FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9802.

Council Member Love moved to approve the second and final reading of Ordinance No. 9802 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, Morales, Lacy, Robnett. NAY: None. ABSTAIN: Sparks, Dufford. ABSENT: None.

37. Consider an ordinance on second reading prohibiting parking on a portion of Conroe Court except to residents whose property abuts said portions of Conroe Court and who have obtained valid parking permits. (ENGINEERING SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9803

AN ORDINANCE PROHIBITING PARKING (1) ON THE NORTH SIDE OF THE EAST-WEST PORTION OF CONROE COURT FROM THE WEST CURB LINE OF THE NORTH-SOUTH PORTION OF CONROE COURT CONTINUING WEST TO THE EAST CURB LINE OF HOLIDAY HILL ROAD AND (2) ON BOTH SIDES OF THE NORTH-SOUTH PORTION OF CONROE COURT FROM THE SOUTH CURB LINE OF THE EAST-WEST PORTION OF CONROE COURT CONTINUING NORTH TO THE SOUTH CURB LINE OF RIO GRANDE AVENUE EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SAID PORTIONS OF CONROE COURT AND WHO HAVE

OBTAINED VALID PARKING PERMITS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; 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 Misty Cryer read the caption of Ordinance No. 9803.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9803 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.

38. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas and authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9804

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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 Misty Cryer read the caption of Ordinance No. 9804.

Council Member Love moved to approve the second and final reading of Ordinance No. 9804 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. Consider an ordinance on second reading establishing yield right-of-way signs at various locations within the City of Midland, Texas and authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES) (First Reading Held August 14, 2018)

ORDINANCE NO. 9805

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; 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 Misty Cryer read the caption of Ordinance No. 9805.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9805 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.

PUBLIC HEARINGS

40. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from LR-2, Local Retail District, to BP, I-20 Business Park District, on a 7.99-acre tract of land generally located on the north side of West Interstate 20, approximately 336 feet west of South Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9806

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.995-ACRE TRACT OF LAND OUT OF SECTION 5, 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 ON THE NORTH SIDE OF WEST INTERSTATE 20, APPROXIMATELY 336 FEET WEST OF SOUTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9806.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is to put a business on I-20 for the maintenance of trucks and a truck wash facility. The property is being replatted. This item was circulated to all relevant departments with no objections. Staff recommends approval and no letters of objection have been received.

Mayor Morales opened the public hearing at 10:57 a.m.

Andrew Mellon 1909 West Wall reported it is for an office building and the truck portion will be on the side near the exit. This property will allow for overnight parking of commercial trucks.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9806 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.

41. Hold a public hearing and consider an ordinance request by Summit 11 Investment Group, LLC, for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended Planned District generally located on west side of North Loop 250 West, approximately 795 feet north of Deauville Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9807

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 4A AND 4B, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 34, 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 WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 795 FEET NORTH OF DEAUVILLE BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9807.

Development Services Director Chuck Harrington gave a brief overview of the item noting this property is adjacent to Sam's and HEB. They previously had a planned district for a hotel, but the site developer ran into financial difficulty and did not finish. There is a new developer who wants to complete the project but would like to amend the site plan. It will be a six-story hotel with 137 guest rooms and a restaurant in front of the property. The proposed site plan was reviewed by all departments and it meets all parking requirements and access for traffic. This was approved by Planning & Zoning and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:01 a.m.

Andrew Mellen, Maverick Engineering, reported the only change is to the front of the property and they have ensured that the package doesn't block traffic.

There being no one else wishing to speak, the public hearing was closed at 11:03 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9807 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.

42. Hold a public hearing regarding the proposed granting of oil and gas well permits to Diamondback E&P LLC, for the drilling of oil and gas wells, being Whitefish Unit 813MS located 306 feet from the south line and 2,055 feet from the west line, Bozeman Unit 803LS located 306 feet from the south line and 2,085 feet from the west line, Bozeman Unit 814MS located 306 feet from the south line and 2,115 feet from the west line, Bozeman Unit 803WA located 306 feet from the south line and 2,145 feet from the west line and Butte Unit 804WB located 306 feet from the south line and 2,175 feet from the west line, Section 8, Block 39, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located 405 feet north of Green Tree Boulevard and between 1,998 feet and 2,118 feet east of North Midland Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is for Diamondback and the wells are in the same area as the others on the Greentree extension. The closest house is 2,100 feet from the wells. They will have 24-foot sound walls on the west and south sides that face the neighborhoods. They are requesting

trees with a 2-3" diameter, a perimeter fence around all 5 well pads, a variance to pit closure requirements as they plan to use biotechnology treatment to break down hydrocarbons, and a request for 24-hour fracing. No notices of objection have been received.

Mayor Morales opened the public hearing at 11:08 a.m.

Travis Langdon, 500 West Texas, Suite 1200, reported that their sand delivery is now different and makes a big difference. Council Member Lacy reported they have gone above and beyond to monitor their sound and Council Member Sparks concurred.

There being no one else wishing to speak, the public hearing was closed at 11:09 a.m.

43. 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 Ranchland C Unit 2805H located 841 feet from the north line and 2,229 feet from the east line, Ranchland C Unit 4205H located 851 feet from the north line and 2,257 feet from the east line, Ranchland C Unit 4305H located 860 feet from the north line and 2,286 feet from the east line Section 36, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (said wells are generally located between 2,286 feet and 2,229 feet west of Fairgrounds Road and between 645 feet and 626 feet south of Front Street). 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 Parsley who is the surface owner for three well pad sites. The closest house is 860 feet away. They will be using a closed loop system and have no frac pits. The tank battery will be located outside of the City limits. One notice of objection was received, and the applicant is requesting a variance for landscaping and 24-hour fracing.

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

Justin Johns, Parsley Energy, reported they will fence the entire property and have a guarded entrance. The tank battery is outside of the City limits.

Rosa Jones, 2747 Ponce De Leon, noted she is a representative of the 6 heirs of the property located across from the drilling site. She attempted to speak with Parsley and has sent three certified letters and made three phone calls with no response. They have a plan in place for a living complex, assisted living, day care, doctor and attorney offices and a career development training program. She expressed concern about this use lowering her property values and asked to speak with someone from the company, so they understand her view. She also had concerns for earthquakes and explosions. The investor they had to develop their property has now backed out. Council Member Love offered to facilitate a meeting between the parties.

There being no one else wishing to speak, the public hearing was closed at 11:20 a.m.

44. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Rebel A #H150WB located 110 feet from the south line and 1,732 feet from the east line, Rebel A #H155WA located 110 feet from the south line and 2,062 feet from the east line and Rebel A #H160WB located 110 feet from the south line and 2,392 feet from the east line, Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 1,732 and 2,392 feet west of South

Lamesa and 170 feet south of I-20). 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 Permian Deep Rock and there is no surface owner agreement. There is a collective group of people who owns the surface. They are asking for a variance for landscaping, the fence around the entire drill site, no road repair agreement and 24-hour fracing. They will have a 16-foot sound wall on the north side facing the business.

Mayor Morales opened the public hearing at 11:22 a.m.

Wayne Bailey with Permian Deep Rock, has been in touch with the surface owner. They have not started construction. They are drilling to the west to locations inside the City limits and to the east outside of the City limits.

Randy Bruno, Fredericksburg, reported he purchased the land 40 plus years ago and three other individuals have invested in the property in 2001. There is a caliche pit on the south line. They feel they have been offered an extremely low amount and he feels that accommodations should be made by Permian Deep Rock because he will be left with a 27-foot strip of undeveloped and unusable surface which borders the I-20 access road. This will virtually condemn his property for as long as the reserves last on his property. His first contact from the company was on August 23rd. They received a form letter with an offer but was never contacted for a surface agreement which is slightly above the appraised value. He has the same comments for the next item as well. He asked that this be deferred until he can talk to someone and reach a resolution.

Council Member Lacy noted that there is no action today, only the public hearing.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m.

45. 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 Mustang #H110WB located 110 feet from the south line and 2,366 feet from the west line Section 2, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 2,366 feet east of Rankin Highway and 170 feet south of I-20). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is the same as the previous item but slightly further away.

Wayne Bailey, 500 West Wall, reported the situation with this well is similar to the last well. In response to the last speaker they made a generous offer and are being very fair with the land owners. They will continue to work them but noted this is the only location from where they can drill. There are no other options.

There being no one else wishing to speak, the public hearing was closed at 11:32 a.m.

46. Hold a public hearing and consider an ordinance on a request by Robert Rendall for the initial zoning of a 15.83-acre tract generally located at on the southeast corner of the intersection of North County Road 1247 and West State Highway 158. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9808

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 15.83-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1247 AND WEST 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 Misty Cryer read the caption of Ordinance No. 9808.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the initial zoning of recently annexed property to be used as an apartment complex. They annexed to gain City utilities. The item is in compliance with the comprehensive plan and has been received by staff and Planning & Zoning. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 11:33 a.m.

Robert Rendall, reported this property is bordered by State Highway 158 and a drainage channel creating a triangle shape which is a good use for this purpose.

There being no one else wishing to speak, the public hearing was closed at 11:34 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9808 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

47. Hold a public hearing and consider an ordinance on a request by Mesquite Terrace Apartments for a zone change from a PD, Planned District for a Housing Development, to an Amended PD, Planned District for a Housing Development generally located at the southeast intersection of South Loop 250 West and Leisure Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9809

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 161, WILSHIRE PARK ADDITION, SECTION 9, AND LOT 2A, BLOCK 165, WILSHIRE PARK ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION.

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9809.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is an amendment to an existing PD. No letters of objection have been received. The item was reviewed by Planning & Zoning and staff recommends approval.

Mayor Morales opened the public hearing at 11:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9809 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

48. Hold a public hearing and consider a resolution on a request by MODE Communications for approval of a Temporary Land Use Permit for a festival generally located at the southeast corner of the intersection of North Big Spring Street and West Wall Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 328

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON A 15,185-SQUARE FOOT PORTION OF BLOCK 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST WALL 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 it is for a 3rd annual event on the Bank of America Plaza and will include food, live music, and the sale of alcoholic beverages. They will have adequate restrooms and security guards. There have been no reported incidents at their previous events and it is in compliance with the comprehensive plan. No letters of objection have been received and staff recommends approval subject to the conditions listed.

Mayor Morales opened the public hearing at 11:38 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 328; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Robnett.

49. Hold a public hearing and consider a resolution on a request by Senior Link Midland for a Temporary Land Use Permit for a philanthropic event (Texas Size Garage Sale) generally located on the north side of Scharbauer Drive, approximately 160 feet east of Barber Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 329

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PHILANTHROPIC EVENT ON THE WEST 51.5 FEET OF LOT 5, ALL OF LOTS 6-10, AND THE EAST 22 FEET OF LOT 11, BLOCK 8, LOMA LINDA REPLAT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SCHARBAUER DRIVE, APPROXIMATELY 160 FEET EAST OF BARBER 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 it is for a temporary land use permit for Senior Link's annual Texas Size Garage Sale. Staff has no objections and recommends approval subject to the listed conditions. Mayor Morales opened the public hearing at 11:40 a.m.

Tracy Renton, 2306 West Shandon, reported it is a huge event and their warehouse is full, volunteers are ready, and they will begin sorting and pricing. Proceeds help the seniors in Midland. The event will take place October 12-14.

There being no one else wishing to speak, the public hearing was closed at 11:40 a.m.

Council Member Lacy moved to adopt Resolution No. 2018 - 329; 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.

50. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of the 0.566-acre portion of Guadalupe Street right-of-way generally located on the north side of East Mockingbird Lane, approximately 900 feet east of North State Highway 349. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9810

AN ORDINANCE VACATING AND ABANDONING A 0.566-ACRE PORTION OF GUADALUPE STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 900 FEET EAST OF NORTH STATE HIGHWAY 349); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,698.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9810.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to vacate the old Guadalupe right-of-way that was never developed. The value has been established at \$3,000 per acre. The City will retain easements for utility purposes. Staff has reviewed the item and has no objections. No letters of objection have been received. Staff recommends approval.

Mayor Morales opened the public hearing at 11:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9810 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.

51. Hold a public hearing and consider a resolution on a request by Carson & Barnes Circus for a Temporary Land Use Permit for a circus generally located on the east side of North Midland Drive, approximately 690 feet north of Illinois Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 330

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CIRCUS ON LOT 1, BLOCK 14, OXFORD HEIGHTS ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 690 FEET NORTH OF WEST ILLINOIS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN.

Development Services Director Chuck Harrington reported the applicant has requested to withdraw his request.

52. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a zone change from PD, Planned District for a Mixed Use District, to MF-1, Multiple Family Dwelling District, and LR-2, Local Retail District, on a 12.94-acre tract of land generally located on the north side of Andrews Highway, approximately 421 feet west of North Midland Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9811

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING APPROXIMATELY 12.96 ACRES LOCATED IN TWO TRACTS OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER AND HOUSING DEVELOPMENT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND AN LR-2, LOCAL RETAIL DISTRICT, IN PART (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 421 FEET WEST OF NORTH 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 Misty Cryer read the caption of Ordinance No. 9811.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for a zone change to multi-family and LR2 for local retail. The northern section will be developed as Mariposa Apartment Complex. The land has been replatted and reviewed by all departments. It meets the comprehensive plan and staff recommends approval. There were letters of objection received with two regarding the south side, one for both the north and south side, and one for the south side only.

Mayor Morales opened the public hearing at 11:46 a.m.

Andrew Mellen, Maverick Engineering, shared the location of the commercial portion on the map.

Richard Case, 1500 Murray and 4602 Andrews Highway, reported he purchased the property 20 years ago and uses it as a private refuge from the problems of the world. He has built a personal workshop. His property abuts the subject property in the southwest corner. He saw the site plan for this development yesterday for the first time and wondered how many apartment units are planned for the 10-acre portion. According to his calculations if they are all 2 or 3-bedroom units there would be about 500 people which would leave a population density of 32,400 people per square mile.

The population density of New York is 27,000 people per square mile and wondered if that was the right direction for Midland to go. His other concerns were for increased traffic, speeding issues on Andrews Highway, and noise violations in the area. He objected to the placement of that many people in such a small area.

Development Services Director Chuck Harrington noted there were 130 units proposed which gives a density of just under 13 units per acre and the City allows for 16 units per acre.

Sharon Humphreys, 4504 Princeton, stated that traffic is already horrible at Andrews Highway and the apartment complex will add more traffic. According to the traffic engineer in a 24-hour period there are more than 48,000 cars going through the intersection of Andrews Highway and Midland Drive and an estimated 18 million a year through the same intersection. This development will add at least another 2,000 cars twice a day. She didn't appreciate the two houses being torn down behind her as now she has privacy concerns. She wondered if the area behind her will be turned into a street. She can't build a fence which would be a major expense because if that is a road, it would have to be torn down. Mayor Morales noted they would address the fencing issue.

There being no one else present wishing to speak, the public hearing was closed at 11:59 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9811 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.

53. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for approval of a site plan on a 10.18-acre tract of land generally located on the north side of Andrews Highway, approximately 930 feet west of North Midland Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9812

AN ORDINANCE ADOPTING A SITE PLAN FOR A 10.18-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 930 FEET WEST OF NORTH MIDLAND DRIVE); 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 Misty Cryer read the caption of Ordinance No. 9812.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant requested this to come forward at a future meeting.

Council Member Lacy moved to defer to a meeting to be determined; 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.

54. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from 1F-1, Single Family Dwelling District, to LR-2, Local Retail District; on a 5.75-acre tract of land generally located on the south side of Andrews Highway, approximately 670 feet west of North Midland Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9813

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING APPROXIMATELY 5.75 ACRES LOCATED IN TWO TRACTS OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH 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.

Mayor Morales read the caption of Ordinance No. 9813.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a zone change to develop a retail space for a tire company seller. The land is in the process of being replatted. This item was circulated to all relevant departments with no objection. There are two letters of objection and the engineer is willing to put in a substantial wall to protect the properties to the south.

Mayor Morales opened the public hearing at 12:05 p.m.

Sharon Humphreys, 4504 Princeton, reported that the letter of objection comes from the south side of tract six and this development will mostly affect their homes. She has concerns for trash, privacy and security. She would like to have a 12-foot cinderblock fence.

Council Member Lacy let Maverick Engineering know that he would require an 8-foot cinderblock fence.

Andrew Mellon, Maverick Engineering, noted they already had a 7-foot cinderblock fence in the plan and would be okay with an 8-foot fence. Council Member Dufford also asked them to include site lines.

Council Member Sparks suggested changing this to a PD, so everything would come through City Council. City Attorney John Ohnemiller noted that it would have to start over and go through Planning & Zoning again if it were to be changed.

There being no one else wishing to speak, the public hearing was closed at 12:15 p.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9813 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.

55. Hold a public hearing to gather citizen input on the proposed 2018-2019 budget. (FINANCE)

Budget Manager Jamie Minor reported this is the opportunity for citizen input on the 2018-2019 budget.

Mayor Morales opened the public hearing at 12:17 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

MISCELLANEOUS

56. Consider an ordinance providing funds for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019. (FINANCE)

ORDINANCE NO. 9814

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9814.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9814 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Council Member Sparks moved to amend the main motion by adding \$12,500 of Hotel/Motel funds for Tall City Blues Fest, Mac's BBQ Music Fest, and Cody Ohl Calf Roping; seconded by Council Member Lacy. The motion to amend carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Dufford moved to amend the main motion by allocating \$2 million of Hotel/Motel funds for Centennial Park improvements; seconded by Council Member Robnett. The motion to amend carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Lacy moved to amend the main motion by adding \$27,500 of City Development funding for UTPB SBDC; seconded by Council Member Love. The motion to amend carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

57. Consider an ordinance on first reading Fixing the Tax Levy for the City of Midland, Texas for the Fiscal Year 2018-2019. (FINANCE)

ORDINANCE NO. 9815

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2018 AND ENDING ON SEPTEMBER 30, 2019

Budget Manager Jamie Minor reported this is the first reading fixing the tax levy for Fiscal Year 2018-2019 to provide funds for general government operations and tax supported debt at 39.22 cents per \$100 valuation which is effective rate plus three percent.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9815 in accordance with the Charter of the City of Midland and moved that the property tax rate be increased by the adoption of a tax rate of three hundred ninety-two thousand two hundred forty-nine millionth cents per \$100 valuation, which is effectively a 3.0% increase over the effective rate of 0.380825; 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.

58. Consider an ordinance amending Title X, "Traffic Regulations," Chapter 13, "Parking Prohibited," of the City Code of Midland, Texas, by establishing Section 13, "Parking on Private Property; Signed." (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9816

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 13, "PARKING PROHIBITED", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SECTION 13, "PARKING ON PRIVATE PROPERTY; SIGNED", SO AS TO PROHIBIT THE PARKING OF A MOTOR VEHICLE ON PRIVATE PROPERTY IN VIOLATION OF A SIGN DESIGNATING HOURS OF PROHIBITED PARKING WITHIN THE TERRITORIAL LIMITS OF THE CITY OF MIDLAND ;NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2018

Mayor Morales read the caption of Ordinance No. 9816.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9816 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.

59. Consider an ordinance amending Title X, "Traffic Regulations", Chapter 13, "Parking Prohibited", of the City Code of Midland, Texas, by adding Section 14, "Commercial Motor Vehicle Parking Prohibited" so as to prohibit the parking of a commercial motor vehicle upon any public street, alley or right-of-way; and establishing an effective date of October 1, 2018. (ENGINEERING SERVICES)

ORDINANCE NO. 9817

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER 13, "PARKING PROHIBITED", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING

SECTION 14, "COMMERCIAL MOTOR VEHICLE PARKING PROHIBITED", SO AS TO PROHIBIT THE PARKING OF A COMMERCIAL MOTOR VEHICLE UPON ANY PUBLIC STREET, ALLEY OR RIGHT-OF-WAY; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2018

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9817.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9817 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.

PUBLIC COMMENT

- 60. 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 the business at hand having been completed, the meeting adjourned at 12:32 p.m.

PASSED AND APPROVED the 11th day of September 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary