

**MIDLAND CITY COUNCIL
MINUTES
September 11, 2018**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 11, 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: 1-10, 12-54, 56-60, 11, 55, 61-81.

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

OPENING ITEMS

1. Presentation of Colors by the Midland Fire Department and Midland Police Department Honor Guard
2. Pledge of Allegiance
3. Invocation - Pastor Daniel Stephens, Mid-Cities Church

PRESENTATIONS

4. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. A representative from Pink the Basin presented Mayor Morales with a pink tie and invited everyone to their October activities.
 - b. Mayor Morales presented a proclamation for "American Legion Day 2018".

BUDGET AND TAX RATE

5. Consider an ordinance on second reading providing funds for the fiscal year beginning October 1, 2018 and ending September 30, 2019. (FINANCE) (First Reading Held August 28, 2018)

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 SueAnn Lopez read the caption of Ordinance No. 9814.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9814 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.

6. Consider an ordinance on second reading fixing the tax levy for the City of Midland, Texas for the Fiscal Year 2018-2019. (FINANCE) (First Reading Held August 28, 2018)

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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9815.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9815 in accordance with the Charter of the City of Midland and 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 Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

7. Consider a resolution ratifying the property tax revenue increase reflected in the Fiscal Year 2018-2019 Budget (FINANCE)

RESOLUTION NO. 2018 - 331

RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2018-2019 BUDGET

Council Member Lacy moved to adopt Resolution No. 2018 - 331; 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.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 8 - 60 excluding 11, 55; 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.

8. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of August 28, 2018
9. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. for design and engineering services for the Northeast Water System Improvements Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 332

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE NORTHEAST WATER SYSTEM IMPROVEMENTS PROJECT FOR THE CITY OF MIDLAND, FOR AN AMOUNT NOT TO EXCEED \$1,915,000.00

10. Approved a resolution awarding a contract for Wrecker Services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 333

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ACTION WRECKER, INCORPORATED, FOR WRECKER AND IMPOUND SERVICES FOR THE CITY OF MIDLAND

12. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Louisiana Avenue Water Line Replacement Project (Year 2 Bond Project) for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 335

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LOUISIANA AVENUE WATER LINE REPLACEMENT PROJECT; SAID PROJECT TO REPLACE APPROXIMATELY TWO THOUSAND EIGHT HUNDRED FEET OF PIPE AND THREE WATER MAIN LINE CROSSINGS; SAID PROJECT BEING A YEAR TWO BOND PROJECT

13. Approved a resolution approving the issuance of a request for proposals for an underground fiber optic cable system for City facilities for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 336

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR INSTALLATION AND MAINTENANCE FOR AN UNDERGROUND FIBER OPTIC CABLE SYSTEM FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

14. Approved a resolution approving an amendment to the professional services agreement with HDR Engineering, Inc. for the design of Midway Lift Station for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 337

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., PROVIDING FOR THE DESIGN OF THE MIDWAY LIFT STATION; SAID

AMENDMENT PROVIDING FOR A FEE INCREASE OF \$70,499.00 OVER AND ABOVE THE ORIGINAL AMOUNT OF \$71,750.00 FOR THE PERFORMANCE OF ADDITIONAL PROFESSIONAL SERVICES

15. Approved a resolution approving the purchase of generators for seven (7) fire stations from Warren Power & Machinery, Inc. dba Warren CAT through Buyboard Contract 515-16 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2018 - 338

RESOLUTION APPROVING THE PURCHASE OF GENERATORS FOR SEVEN FIRE STATIONS FOR THE FIRE DEPARTMENT FROM WARREN POWER & MACHINERY, INC. D/B/A WARREN CAT OF ODESSA, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF \$224,183.00

16. Approved a resolution approving an amendment to the professional services agreement with HDR Engineering, Inc. for the Water Pollution Control Plant Rehabilitation Project for additional professional services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 339

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., PROVIDING FOR ENGINEERING SERVICES FOR THE CITY OF MIDLAND 2017 WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$394,200.00 OVER AND ABOVE THE ORIGINAL NOT-TO-EXCEED AMOUNT OF \$1,120,000.00 FOR THE PERFORMANCE OF ADDITIONAL PROFESSIONAL SERVICES

17. Approved a resolution awarding a professional services agreement with Parkhill, Smith & Cooper, Inc. for annual water storage tank inspections for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 340

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR WATER STORAGE TANK INSPECTION SERVICES FOR THE UTILITIES DEPARTMENT

18. Approved a resolution authorizing the execution of Amendment #1 to the 1990 Lease Agreement between The City of Midland, Texas and the Confederate (now Commemorative) Air Force (CAF) at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 341

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND COMMEMORATIVE AIR FORCE, INC., REGARDING CERTAIN CITY-OWNED REAL PROPERTY DESCRIBED AS AN APPROXIMATE 42.72 ACRE TRACT OF LAND LOCATED IN SECTION 5, BLOCK 40, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

19. Approved a resolution approving the ATMOS negotiated rate settlement. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 342

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS ("CITIES") AND ATMOS ENERGY

CORP., WEST TEXAS DIVISION ("COMPANY") REGARDING COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO COMPANY AND CITIES' LEGAL COUNSEL

20. Approved a motion approving a contract with Midland Crime Stoppers, Inc., in the amount of \$40,000.00 for the operation of a Crime Stoppers Program from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
21. Approved a motion approving a contract with Midland Teen Court, Inc., in the amount of \$27,500.00 for a Teen Court program in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
22. Approved a motion approving a contract with Keep Midland Beautiful, Inc., in the amount of \$100,000.00 for litter reduction, education, and beautification programs in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Sanitation/Litter Abatement). (CITY SECRETARY'S OFFICE)
23. Approved a motion approving a contract with Permian Basin Community Centers DBA PermiaCare in the amount of \$75,000.00 for mental health, mental retardation and substance abuse services in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
24. Approved a motion approving a contract with Midland College Business and Economic Development Center (BEDC) in the amount of \$113,000.00 to promote growth and development in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
25. Approved a motion approving a contract with 3:23 Ministries, Inc. in the amount of \$38,000.00 for advertising, promotion, and solicitation of volleyball activities in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
26. Approved a motion approving a contract with Arts Council of Midland in the amount of \$150,000.00 for the encouragement, promotion, improvement, and education of arts in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

27. Approved a motion approving a contract with the High Sky Wing of the Commemorative Air Force in the amount of \$50,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
28. Approved a motion approving a contract with COM Aquatics in the amount of \$54,000.00 for advertising, promotion and solicitation of aquatic activities in Midland from funds available and as approved in the Fiscal Year 2018-2019 budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
29. Approved a motion approving a contract with George W. Bush Childhood Home, Inc. in the amount of \$15,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
30. Approved a motion approving a contract with Hispanic Cultural Center of Midland, Inc. in the amount of \$10,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
31. Approved a motion approving a contract with Midland Chamber of Commerce for the management of the Midland Convention Center in the amount of \$560,400.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
32. Approved a motion approving a contract with Midland Athletic Association, Inc. DBA Tournament of Champions in the amount of \$20,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
33. Approved a motion approving a contract with Midland Chamber of Commerce in the amount of \$1,764,182.00 to promote tourism, convention, and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
34. Approved a motion approving a contract with Midland County Public Library Foundation in the amount of \$30,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
35. Approved a motion approving a contract with Midland High Basketball Boosters (Byron Johnston Holiday Classic) in the amount of \$12,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
36. Approved a motion approving a contract with Midland Hispanic Chamber of Commerce (Mex-Tex) in the amount of \$27,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

37. Approved a motion approving a contract with Midland Municipal Employee Scholarship Fund (MMESF) in the amount of \$5,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
38. Approved a motion approving a contract with Midland-Odessa Symphony & Chorale, Inc. in the amount of \$10,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
39. Approved a motion approving a contract with Midland Softball Association in the amount of \$125,800.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
40. Approved a motion approving a contract with Midland Soccer Association in the amount of \$20,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/None Departmental). (CITY SECRETARY'S OFFICE)
41. Approved a motion approving a contract with Museum of the Southwest in the amount of \$40,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
42. Approved a motion approving a contract with Midland Storytelling Festival in the amount of \$15,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
43. Approved a motion approving a contract with Permian Basin Petroleum Museum in the amount of \$30,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
44. Approved a motion approving a contract with West Texas Softball Classic in the amount of \$15,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
45. Approved a motion approving a contract with West Texas Kennel Club in the amount of \$10,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
46. Approved a resolution authorizing the City Secretary to negotiate and enter into a contract with Martin County to conduct the November 6, 2018 election for City of Midland residents located in Martin County. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2018 - 343

RESOLUTION AUTHORIZING THE CITY SECRETARY TO NEGOTIATE AND EXECUTE A CONTRACT WITH MARTIN COUNTY FOR THE PURPOSE OF PROVIDING ELECTION SERVICES TO THE CITY OF MIDLAND FOR CERTAIN

CITIZENS THAT RESIDE WITHIN THE BOUNDARIES OF MARTIN COUNTY; AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL DOCUMENTS NECESSARY AND APPROPRIATE FOR THE EFFECTUATION OF SAID ELECTION SERVICES

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

RESOLUTION NO. 2018 - 344

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

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

RESOLUTION NO. 2018 - 345

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

49. Approved an amendment to Resolution No. 2018-034 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, (Hogan 1-24-4203H) generally located 539 feet east of Lamesa Road and 805 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 346

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 805 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 805 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 30 FEET SOUTH AND 23 FEET WEST OF THE PREVIOUSLY PERMITTED LOCATION

50. Approved an amendment to Resolution No. 2018-032 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, (Hogan 1-24-2803H) generally located 539 feet east of Lamesa Road and 775 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 347

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 775 FEET FROM THE SOUTH LINE AND

564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 775 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 20 FEET SOUTH AND 23 FEET WEST OF THE PREVIOUSLY PERMITTED LOCATION

51. Approved an amendment to Resolution No. 2018-036 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, (Hogan 1-24-4303H) generally located 539 feet east of Lamesa Road and 835 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 348

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 835 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 835 FEET NORTH OF LOOP 250); SAID AMENDMENT AUTHORIZES THE NAME OF THE WELL TO BE CHANGED AND THE LOCATION OF THE WELL TO BE 40 FEET SOUTH AND 23 FEET WEST OF THE PREVIOUSLY PERMITTED LOCATION

52. Approved a resolution of No Objection of the City Council of the City of Midland for the Texas Housing Foundation's Application to the Texas Department of Housing and Community Affairs for Housing Tax Credits, generally located near the northwest corner of North Fairgrounds Road and East Golf Course Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 349

RESOLUTION OF NO OBJECTION TO THE TEXAS HOUSING FOUNDATION'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOUSING TAX CREDITS IN THE NAME OF THE MIDLAND LEASED HOUSING ASSOCIATES II, LP, A TEXAS LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF APPROXIMATELY THREE HUNDRED UNITS OF MULTIFAMILY HOUSING NEAR THE NORTHWEST CORNER OF NORTH FAIRGROUNDS ROAD AND EAST GOLF COURSE ROAD IN MIDLAND, TEXAS, TO BE NAMED VENTURA AT FAIRGROUNDS APARTMENTS

53. Approved a motion on a request by Newton Engineering, PC to defer public wastewater and sidewalk improvements for Covington Addition, Section 6 and to waive the corresponding financial security guarantee valued at \$46,169.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of State Highway 191, approximately 1,270 feet east of Jordy Road, within the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
54. Approved a resolution authorizing execution of a Public Improvement Development Agreement with Atascocita Partners, Ltd. in the amount of \$32,633.00 for future design and construction of public water improvements to serve Covington Addition, Section 6; and appropriating funds, generally located on the north side of State Highway 191, approximately 1,270 feet east of Jordy Road, within the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 350

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH ATASCOCITA PARTNERS, LTD. FOR WATER DISTRIBUTION IMPROVEMENTS TO SERVE COVINGTON ADDITION, SECTION 6 (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,270 FEET EAST OF JORDY ROAD); AND AUTHORIZING THE TRANSFER OF FUNDS RECEIVED IN ACCORDANCE WITH SAID AGREEMENT; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

56. Approved a resolution to approve the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License (2008-162) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Section 4, Block 38, T2 S, T&P RR Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 352

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

57. Approved a resolution approving the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License (2008-324) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Sections 2 & 3, Block 37, T3 S, T&P RR Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 353

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 2 AND 3, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

58. Approved a resolution approving the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License (2008-326) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Sections 16 & 21, Block 37, T3 S, T&P RR Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 354

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 16 AND 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

59. Approved a resolution approving the execution of a Right-of-Way License, replacing a previously granted Right-of-Way License (2008-325) with Targa Pipeline Mid Continent WestTex LLC., for the continued safe operation and maintenance of a pipeline crossing in Sections 3 & 4, Block 37, T3 S, T&P RR Survey, Midland County, TX. (UTILITIES)

RESOLUTION NO. 2018 - 355

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 3 AND 4, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

60. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Lucid Energy Delaware LLC. (UTILITIES)

RESOLUTION NO. 2018 - 356

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LUCID ENERGY DELAWARE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 22 AND 25, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

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

11. Consider a resolution awarding a contract for the purchase and installation of a shade structure and playground equipment for Dennis the Menace Park for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 334

RESOLUTION AWARDING A CONTRACT TO PLAYGROUNDS, ETC., FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT DENNIS THE MENACE PARK FOR A TOTAL COST OF \$566,503.00; AWARDING A CONTRACT TO THE PLAYWELL GROUP FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURE EQUIPMENT AT DENNIS THE MENACE PARK FOR A TOTAL COST OF \$46,730.32; AND APPROVING \$141,625.75 FOR CONTINGENCIES

Council Member Hotchkiss asked for information to be shared about the playground. Parks & Recreation Manager Laurie Williams reported that Phase I of Dennis the Menace Park is just finishing up which included infrastructure and sidewalks. Phase II includes playgrounds. The Parks & Recreation Committee looked at proposals from six companies with 28 different playgrounds while reviewing all necessary criteria including ADA accessibility. She shared pictures of the four themed playgrounds that were chosen including an airplane theme which is ADA accessible, a western town theme, a baseball theme and a treehouse theme.

Council Member Love moved to adopt Resolution No. 2018 - 334; 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.

55. Consider a resolution approving a landfill service fee. (SOLID WASTE)

RESOLUTION NO. 2018 - 351

RESOLUTION ADOPTING A CITY OF MIDLAND LANDFILL PULL-OFF FEE

Council Member Robnett wondered if \$75 was a high enough fee to cover the cost of additional manpower and/or discourage pull-offs coming to Midland from other areas.

Solid Waste Director Morris Williams reported that Midland is still at the low end, but they want to remain customer friendly and tried to make it high enough to be a deterrent from those traveling in from other areas. Mr. Williams was asked to report back if this fee increase did not solve the issue.

Council Member Lacy moved to adopt Resolution No. 2018 - 351; 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

61. Consider an ordinance on second reading 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) (First Reading Held August 28, 2018)

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 SueAnn Lopez read the caption of Ordinance No. 9806.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9806 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.

62. Consider an ordinance on second reading on a 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) (First Reading Held August 28, 2018)

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 SueAnn Reyes read the caption of Ordinance No. 9807.

Council Member Lacy moved to approve the second and final reading 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.

63. Consider an ordinance on second reading 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) (First Reading Held August 28, 2018)

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 SueAnn Reyes read the caption of Ordinance No. 9808.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9808 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

64. Consider an ordinance on second reading 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) (First Reading Held August 28, 2018)

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 SueAnn Reyes read the caption of Ordinance No. 9809.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9809 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

65. Consider an ordinance on second reading on a request by Maverick Engineering for a vacation of the 0.566-acres 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) (First Reading Held August 28, 2018)

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 SueAnn Reyes read the caption of Ordinance No. 9810.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9810 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

66. Consider an ordinance on second reading 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) (First Reading Held August 28, 2018)

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 SueAnn Reyes read the caption of Ordinance No. 9811.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9811 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

67. Consider an ordinance on second reading 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) (First Reading Held August 28, 2018)

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.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9813.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9813 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Richard Case, 1500 Marie Street, owns the house on Andrews Highway directly adjacent to the item just passed (Agenda Item 66). He wants to object to the last item and this item. He enjoys looking at grass but can no longer do that since traffic is so dense and congested. They find it difficult to access their property during several hours of the day and feels this project will further exacerbate that situation.

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

68. Consider an ordinance on second reading 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) (First Reading Held August 28, 2018)

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.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9816.

Council Member Lacy moved to approve the second and final reading 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.

69. Consider an ordinance on second reading 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", to prohibit the parking of a commercial motor vehicle upon any public street, alley or right-of-way. (ENGINEERING SERVICES) (First Reading Held August 28, 2018)

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 SueAnn Reyes read the caption of Ordinance No. 9817.

Council Member Lacy moved to approve the second and final reading 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 HEARINGS

70. Hold a public hearing and consider a request by Nicholas P. Leschke for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center generally located on the west side of North Midkiff Road, approximately 1,030 feet south of Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9818

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 17, SKYLINE TERRACE, UNIT 7, 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 MIDKIFF ROAD, APPROXIMATELY 1,030 FEET SOUTH OF LOOP 250 NORTH); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9818.

Development Services Director Chuck Harrington gave a brief overview of the item noting Midland Park Mall is asking to expand the existing building and add a new outlet. This will affect the parking lot and internal traffic flow. It has been reviewed by all departments and approved by Planning and Zoning. It meets the comprehensive plan and no letters of objection have been received. Staff recommends approval. Council Member Love noted that it is already difficult to navigate the parking lot, and this would make it more difficult. Mr. Harrington noted that staff is working with them about a traffic impact study and the applicant has been agreeable.

Traffic Engineer Mike Pacelli reported he too had concerns about increased growth. The developer will do a traffic study in November and then improvements for subsequent developments can be discussed.

Mayor Morales opened the public hearing at 10:45 a.m.

Brent Bates, 4603 Gulf, owns the adjacent property and reported that trash comes over the edge of the curb of the mall property into their alley and requested a fence similar to the adjoining fence be constructed from the back of Jumburitto up to the drainage ditch.

There being no one else wishing to speak, the public hearing was closed at 10:49 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9818 in accordance with the Charter of the City of Midland with the amendment to extend the fence from the adjoining property to the edge of the property; 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.

71. Hold public hearing and consider an ordinance on a request by Kimley-Horn and Associates, Inc. for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on a 17.84-acre tract of land generally located on the north side of Briarwood Avenue, approximately 737 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9819

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 17.84-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-

1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 737 FEET EAST OF AVALON DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9819.

Development Services Director Chuck Harrington gave a brief overview of the item noting the Planned District was established in April. They need to make changes due to the retention basin. A new site plan has been provided. The item meets all requirements, has been circulated to all departments, meets the comprehensive plan and was approved by Planning & Zoning. Staff recommends approval.

Mayor Morales opened the public hearing at 10:53 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. 9819 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.

72. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a zone change from PD, Planned District for a Shopping Center, in part, and 1F-1, Single Family Dwelling District, in part to MF-1, Multiple Family Dwelling District, on a 8.03-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. 9820

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 8.03-ACRE TRACT 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 PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9820.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is on appeal from Planning & Zoning. The applicant is rezoning to MF-1 to develop apartments. Their proposal meets land use and staff recommends approval.

There have been several letters of objection received but at this time it is less than 20 percent. In one section they are reducing land use intensity but, in another section, they are increasing it.

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

Sharon Humphreys, 4504 Princeton Avenue, read a letter of objection from her husband expressing concern about the loss of quiet enjoyment of his home, security and privacy issues. She shared pictures she took from the back of her home and expressed concern about changing characteristic of the neighborhood, increased traffic, safety of those walking on Princeton and thought the map was misleading because it does not show the ingress and egress from Princeton.

Dale Pickett, 4502 Princeton, objected noting his neighborhood would be destroyed and asked that apartments not be allowed. .

Earl Penner, 4622 Princeton Avenue, objected to increased traffic and the ingress/egress to Princeton noting anyone wishing to go to the Loop would go through Princeton. He suggested making the apartments on the other side three stories and on his side one story which would make it more acceptable to him.

Darrel Bishop, 4406 & 4410 Princeton, objected to the road that would go between his home and his mother's home and that apartments would change the characteristic of their neighborhood. He expressed concern for traffic congestion, vehicle noise and asbestos when they demolish the house at 4408 Princeton. The developer promised a masonry wall on his property, but he also asked for one on his mother's property.

Andrew Mellen, Maverick Engineering, 1909 West Wall, reported the map does not show the access road from Princeton since it is a zoning map and zoning for that property will not change. The access road will be a 26-foot concrete roadway that will be privately built and maintained. The home at 4408 Princeton will remain at that location. He shared where the masonry walls would be built and where trees would be placed. There will be three access points to the apartments: Andrews, Midland and Princeton.

Glenn Lynch with Bobby Cox Companies gave a history of the land owned by the company and how each parcel would be used. He clarified that the entrance onto Princeton was at the request of City staff to diversify traffic. Midland is very short on housing and although these will be high rent apartments, it will relieve the need for apartments in the City. Every applicant goes through a criminal background check noting that anyone with a criminal background will be excluded from renting with them. They want to be a good neighbor and have agreed to plant another 30 trees on the other side of the fence to totally block the view.

Andrew Savas, 4415 Princeton, expressed concern for safety and traffic and that it will be difficult to walk on Princeton. One child was already hit. He noted that amenities on the south side will draw tenants from the north side increasing the traffic. Council Member Love noted the traffic engineer will work with him to see what can be done to make traffic flow safer.

Earl Penner, 4622 Princeton, suggested moving the road to Woodcrest instead of Princeton.

There being no one else wishing to speak, the public hearing was closed at 11:43

Council Member Love understood the citizen concerns but felt the developer has gone out of their way to satisfy those concerns and that this project is needed to help alleviate housing issues.

Council Member Dufford reported that if he approves the first reading today, he wants to see the site plan before the second reading.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9820 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.

73. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for approval of a site plan on an 8.03-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. 9821

AN ORDINANCE ADOPTING A SITE PLAN FOR AN 8.03-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 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

Development Services Director Chuck Harrington noted this item needs to be withdrawn so it can go back through the notification process.

74. Hold a public hearing and consider a resolution on a request by Mac's BBQ & Catering for a Temporary Land Use Permit, for a private event generally located on the north side of West Indiana Avenue, approximately 189 feet east of Carlton Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 357

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PRIVATE PARTY ON LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, AND A 0.2-ACRE PORTION OF WEST INDIANA AVENUE LOCATED ADJACENT TO SAID LOTS AND LOTS 1 AND 2, BLOCK J, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 189 FEET EAST OF CARLTON STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of this item noting it is a temporary land use to hold a private party for ProPetro during the oil show on October 16 from 4:00 p.m. to 12:00 a.m. by invitation only. There will be live music, extra restrooms will be provided, and security guards will be at the event. The item was circulated to all departments. It meets the comprehensive plan and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 11:47 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved to adopt Resolution No. 2018 - 357; 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.

75. Hold a public hearing and consider a resolution on a request by University of Texas of the Permian Basin for approval of a Temporary Land Use Permit for a Tailgate generally located at the northeast corner of Tradewinds Boulevard and Champions Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 358

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TAILGATE EVENT ON LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND CHAMPIONS DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting that UTPB will have a football game at Grande Stadium on October 20 and the tailgate party will be from 9:00 a.m. to 5:45 p.m. It is a showcase of local businesses, kids' activities and the UTPB band. Alcohol will not be for sale, but it will be on premises. They will have adequate restrooms and security guards on duty. This item was circulated to all departments and staff recommends approval subject to conditions A-I.

Mayor Morales opened the public hearing at 11:50 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 - 358 with the amendment to change the hours from 9:00 a.m. to 12:00 midnight; 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.

76. Hold a public hearing and consider an ordinance on a request by Midland Community College District for a Special Exception to the site plan review standards concerning the building material requirements on a 215.22-acre tract of land generally located on the east side of North Garfield Street, approximately 580 feet north of West Wadley Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9822

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR AN APPROXIMATE 215.22-ACRE TRACT OF LAND OUT OF SECTION 15, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH GARFIELD STREET, APPROXIMATELY 580 FEET NORTH OF WEST WADLEY AVENUE), BY PERMITTING A BUILDING CONSTRUCTED OF PRE-ENGINEERED METAL (R-PANEL OR SIMILAR STYLE)

WITH LESS THAN 75 PERCENT OF THE PRIMARY AND SECONDARY ELEVATIONS, EXCLUDING DOORS AND WINDOWS, FINISHED IN ONE OR MORE OF THE MATERIALS LISTED IN SECTION 11-10-2.B.2.(C) OF THE CITY CODE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9822.

Development Services Director Chuck Harrington gave a brief overview of the item noting that Midland College is making changes to their internal softball complex due to a lawsuit in the past year. They are requesting a special exception to building materials due to budget constraints. They will make the improvements according to the code when funds become available. This item was circulated to all departments and staff recommends approval. When asked the timeframe Chuck noted he was not given a timeframe but he assumed it would be in the next fiscal year.

Mayor Morales opened the public hearing at 11:53 a.m.

Ben Sanchez, Parkhill, Smith & Cooper, 1700 West Wall, reported the code-required materials would be upgraded in the next Fiscal Year.

There being no one else wishing to speak, the public hearing was closed at 11:53 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9822 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.

77. Hold a public hearing and consider an ordinance request by Family Promise of Midland, for a zone change from 2F, Two-Family Dwelling District, to MF-1, Multiple-Family Dwelling District generally located on the northwest corner of Ward Street and West Ohio Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9823

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE SOUTH HALF OF BLOCK 23, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WARD STREET AND WEST OHIO AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9823.

Development Services Director Chuck Harrington gave a brief overview of the item noting Family Promise is requesting a zone change on the southern half of this property to build duplexes for their clients. There will be five duplexes consisting of two and three-bedroom units. They are showing 22 parking spaces shared with the day center noting it requires 20 for the duplexes and 17 for the day center. He noted that their clients don't have the number of vehicles that you normally expect to see, and the day center is utilized by the same people that are living there. This item has circulated to all departments and staff recommends approval. One letter of objection was received.

Mayor Morales opened the public hearing at 11:57 a.m.

Tom Miller, 4311 Valley Drive, reported that across the street is an old nursing home and to the east is Trinity Towers. They acquired 1.5 acres and wish to build 5 duplexes for families who are in transition. No one uses the day center in the evening as their clients will be in the duplexes or staying at local congregations. The duplexes are for Families Forward Transitional Housing where families can reside for up to two years.

Raymond Young, 2811 West Michigan, reported there is already low-income housing across the street at the twin towers. His problem is with the foot traffic and trash. He objects to this project.

There being no one else wishing to speak, the public hearing was closed at 12:01 p.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9823 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.

78. Hold a public hearing and consider a resolution granting a petition to annex certain sparsely populated property generally located on the northwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 359

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 9.75-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE) PURSUANT TO SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to annex 9.75-acre tract of multi-family housing which would allow them to have City services.

Mayor Morales opened the public hearing at 12:04 p.m.

Ben Sanchez, Parkhill, Smith and Cooper, reported he was available for questions.

There being no one else wishing to speak, the public hearing was closed at 12:05 p.m.

Council Member Love moved to adopt Resolution No. 2018 - 359; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

MISCELLANEOUS

79. Consider an ordinance on a request by John Gannon, Inc., for a Specific Use Permit with Term for an electronic billboard on a portion of a 115-acre tract of land generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9824

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 114.94-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FARM-TO-MARKET 1788, APPROXIMATELY 1,610 FEET NORTH OF LOOP 40), WHICH IS PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9824.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to install an electronic billboard on a 115-acre tract of land along Farm to Market 1788. They propose a 300 square foot electronic billboard with an overall height of 30 feet. It meets all spacing and setback requirements. This was denied by Planning & Zoning. Since this meets all requirements, staff must recommend approval.

Council Member Hotchkiss reported that Farm to Market 1788 is a very dangerous road with 331 accidents and one death in the last 18 months. Traffic will continue to grow, and driving will only get worse. This is a route that has hazardous cargo and is also a bicycle route. She thinks that putting a billboard here would be a mistake because a billboard is designed to take your eyes off the road. She asked Council to deny this request and to keep this avenue open with no billboards.

Denise Porter, 525 Sir Barton, is opposed to the billboard and thinks this is a dangerous road and billboards would only make it more dangerous. There are things that can be done to make the road safer, but now is not the time to add a billboard.

Council Member Sparks felt the distraction argument was in error noting that when you are looking at something outside of the vehicle you still can see with your peripheral vision.

Council Member Love moved approval of the first of two readings of Ordinance No. 9824 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion was defeated by the following vote: AYE: Love, Sparks, Lacy. NAY: Hotchkiss, Morales, Dufford, Robnett. ABSTAIN: None. ABSENT: None.

80. Consider an ordinance on a request by John Gannon, Inc., for a Specific Use Permit with Term for a billboard on the southern portion of a 115-acre tract of land generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market 1788. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9825

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 114.94-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FARM-TO-MARKET 1788, APPROXIMATELY 1,610 FEET NORTH OF LOOP 40), WHICH IS PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9825.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for a static billboard that meets all the requirements and staff must recommend approval.

Council Member Hotchkiss echoed her same comments.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9825 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion was defeated by the following vote: AYE: Love, Sparks, Lacy. NAY: Hotchkiss, Morales, Dufford, Robnett. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

81. 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.)

Pastor Barak Stanford, 1108 Chestnut, reported that rent is ridiculous noting that not everyone works in the oil industry. He asked Council to help with escalating costs. Mayor Morales asked him to contact Council directly, so they can share their ideas of potential solutions.

All the business at hand having been completed, the meeting adjourned at 12:19 p.m.

PASSED AND APPROVED the 25th day of September 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary