

**MIDLAND CITY COUNCIL
MINUTES
January 22, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on January 22, 2019.

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

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, City Secretary Amy Turner, Administrative Services Director Mark Widmann, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Planning Division Manager Cristina Odenborg, Senior Planner Rolandrea Russell, Building Official Steve Thorpe, and Community Development Manager Isaac Garnett.

Mayor Morales called the meeting to order at 9:30 a.m.

1. Receive a presentation regarding affordable housing needs and possible solutions.

Development Services Director Chuck Harrington reported there have been several groups working to find opportunities for people to reside in Midland at reasonable rates. He noted that affordable housing means different things to different groups and in Midland can range from \$140,000 to \$190,000. Some of the problem is a shortage of affordable builders.

Community Development Manager Isaac Garnett explained incentives currently used by Midland including up to \$14,000 in down payment assistance for those who qualify in the low to moderate income bracket.

Mr. Harrington reviewed the current incentive program noting builders can receive up to \$4,500 per house and reimbursement is based on having to make public improvements and they must build and sell four houses prior to reimbursement.

Mr. Garnett noted that a lot of the properties in the City that are buildable are tied up. The City should continue to build streets to make it palatable and affordable. Lots go for \$30,000 to \$35,000 per lot.

Mr. Harrington noted that \$4,500 doesn't make a significant incentive. The builders have asked for \$9,000. Another option is to allow incentive reimbursement after the first house is sold instead of waiting for the fourth, or to eliminate the need to have public improvements.

Building Official Steve Thorpe reported that for a house valued at \$126,000 the permit fee is \$418 and the tree improvement fee is \$252. A typical new home takes 21-23 inspections, but it could be done in 13-14 if items are completed correctly the first time. Another incentive would be to refund \$150 if inspections are kept at a minimum.

Mr. Garnett noted that the City has 5-6 acres of buildable land that could be conveyed to a small developer or non-profit. There was a large amount of fees written off but there are still liens on the property. He also suggested working with other taxing entities to see what land is available. He shared a map of some potential properties that could be used.

Assistant City Manager Frank Salvato reported that at another city there was a piece of land that was wanted for park land and the school was owed the majority of the taxes. The City, county and school district worked together, and the school district foreclosed on the land and each entity donated their portion of the land to the city, so it could be used as a park.

Mr. Harrington explained the urban land bank concept noting that cities such as Dallas, Ft. Worth and Irving are currently using land banks. There are very few newly constructed affordable homes or entry level homes in Midland. Staff can work with builders and designers to create new floor plans perhaps by sponsoring a design competition and award prizes. Then a few local builders would be contracted to build and showcase the completed homes. This would reintroduce the traditional entry level home. He noted that these homes typically do not have attached garages noting it costs much more to construct a home with an attached garage.

Council Member Love reported he met with a local builder who will not build in Midland because he felt he was being knit-picked. He suggested investigating to ensure that animosity is not being built up in the City.

Mr. Thorpe introduced the concept of cluster housing with shared common areas. He also shared a product from a Laredo builder who builds homes from 1067 to 1489 square feet for 3 or 4-bedroom homes with no covered parking and no attached garage. The homes start off at \$1,040 a month for the entire payment including taxes and insurance.

Mayor Morales asked what the next steps are to move forward. Mr. Harrington noted that staff will bring some ideas forward to Council for approval. Mayor Morales asked that staff meet with local builders and follow-up to ensure that we are building better relationships.

Chase Gardaphe reported he does manufactured housing and incentives do not apply. He asked if that could be included as well.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 10:03 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 22, 2019.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem John B. Love III (District 2), Council Member Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District

1), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

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

The Agenda Items were heard in the following order: 1-11, 13-20, 12, 21-41.

Mayor Morales called the meeting to order at 10:06 a.m.

OPENING ITEMS

1. Invocation - Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Council Member Robnett presented a proclamation to Midland Retired Seniors Volunteer Program. Midland RSVP presented two large checks representing the value of their volunteer hours. The first check for 2018 was \$1,753,829.46 and the second check represented the value of all volunteer hours for the past 25 years totaling \$43,098,356.00.
 - b. Council Member Lacy presented a proclamation for Crime Stoppers Month.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 12; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
 - a. Special City Council meeting of January 7, 2019
 - b. Regular City Council meeting of January 8, 2019
5. Approved a resolution approving the purchase of a Cloudistics Processor Node, Storage Server and Primary Site Compute Node for the Airport data backup site and main data center through Buyboard contract 579-19 from the EST Group, LLC of Arlington, Texas for a total cost of \$147,500.00 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 016

RESOLUTION APPROVING THE PURCHASE OF A CLOUDISTICS PROCESSOR NODE, STORAGE SERVER AND A PRIMARY SITE COMPUTE NODE FROM EST GROUP, LLC OF ARLINGTON, TEXAS, THROUGH BUYBOARD AT A TOTAL COST OF \$147,500.00

6. Approved a resolution awarding a contract for the Community Development Block Grant (CDBG) Sidewalk Improvements Project - Phase II for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 017

RESOLUTION AWARDING A CONTRACT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK IMPROVEMENTS PROJECT - PHASE II TO SPEEDCRETE, INC., FOR A TOTAL COST NOT TO EXCEED \$614,600.00; AND APPROPRIATING FUNDS THEREFOR

7. Approved a resolution approving plans and specifications and authorizing advertisement for bids for Grafa Park Storm Drain Replacement Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 018

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE GRAFA PARK STORM DRAIN REPLACEMENT PROJECT; SAID PROJECT WILL PROVIDE FOR DRAINAGE IMPROVEMENTS IN THE AREA GENERALLY LOCATED ALONG MIDKIFF ROAD, FROM GRAFA PARK TO GOLF COURSE ROAD

8. Approved a resolution awarding professional service agreements to three (3) firms for On Call Architectural Services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 019

RESOLUTION APPROVING THE SELECTION OF RHOTENBERRY WELLEN ARCHITECTS & PLANNERS, INC., PARKHILL, SMITH & COOPER, INC., AND REHLER, VAUGH & KOONE, INC., TO ASSIST THE GENERAL SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ARCHITECTURAL SERVICES AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT ANY TASK ORDER EXCEEDING \$50,000.00 SHALL NOT BE EFFECTIVE UNLESS APPROVED BY THE CITY COUNCIL; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH SAID AGREEMENTS SHALL NOT EXCEED \$1,500,000.00 PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution approving the purchase of three (3) 2-3 yard dump bodies and one (1) utility service body for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 020

RESOLUTION APPROVING THE PURCHASE OF (i) THREE (3) 2-3 CUBIC YARD DUMP BODIES FROM BTE BODY COMPANY, INC., AT A TOTAL COST OF \$89,850.00 AND (ii) ONE (1) UTILITY SERVICE BODY FROM FABCO INDUSTRIES, LLC, AT A TOTAL COST OF \$18,350.00 FOR THE GARAGE DIVISION

10. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. (EHT) for the design of Airport Lift Station Improvements for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 021

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE DESIGN AND ENGINEERING SERVICES FOR THE DESIGN OF AIRPORT LIFT STATION IMPROVEMENTS FOR THE CITY OF MIDLAND, FOR A TOTAL COST OF \$192,000.00

11. Approved a resolution approving the issuance of a request for qualifications for professional services to develop, implement and support an Industrial Pretreatment Program for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 022

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES TO DEVELOP, IMPLEMENT AND SUPPORT AN INDUSTRIAL PRETREATMENT PROGRAM FOR THE UTILITIES DEPARTMENT

13. Approved a motion to adopt the Schedule for CDBG Application Cycle, 2019-2020 Action Plans. (DEVELOPMENT SERVICES)
14. Approved a resolution authorizing the City Manager to execute a produced water disposal site lease agreement between the City of Midland and Impetro Operating, LLC, located Section 25, Block C-23, Public School Land Survey, Winkler County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 024

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND IMPETRO OPERATING, LLC, FOR A PRODUCED WATER DISPOSAL SITE LOCATED ON CITY-OWNED PROPERTY DESCRIBED AS SECTION 25, BLOCK C-23, PSL SURVEY, WINKLER COUNTY, TEXAS

15. Approved a motion authorizing the City Comptroller to pay the Midland-Odessa Urban Transit District (MOUTD) in an amount not to exceed \$200,000.00 per month for the purpose of temporarily funding MOUTD operations during the Federal government shutdown; directing that said funds be paid from the General Fund Misc. Accounts Receivable Account (001-11950); providing that upon receipt of reimbursement funds from MOUTD, the City Treasurer shall deposit such funds into the Misc. Accounts Receivable Account (001-11950); and authorizing the City Manager to negotiate and execute all documents necessary for such purposes. (DEVELOPMENT SERVICES)

16. Approved a motion on request by Maverick Engineering, to defer wastewater, paving and sidewalk improvements for High Sky Addition, and to waive the corresponding financial security guarantee valued at \$324,168.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of West County Road 60, approximately 1,200 feet west of State Highway 158, outside the corporate limits of the City of Midland, in Midland County. (ETJ) (ENGINEERING SERVICES)

17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and ETC Texas Pipeline, LTD located within City of Midland Spraberry Farm property. (UTILITIES)

RESOLUTION NO. 2019 - 025

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ETC TEXAS PIPELINE, LTD., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16 AND 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P. located within City of Midland Plant Farm property. (UTILITIES)

RESOLUTION NO. 2019 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4 AND 5, BLOCK 38, TOWNSHIPS 1 AND 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

19. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P located within City of Midland Plant Farm property. (UTILITIES)

RESOLUTION NO. 2019 - 027

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5, 8 AND 9, BLOCK 38, TOWNSHIPS 1 AND 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

20. Approved a resolution authorizing funding for real property interests necessary or appropriate as is usual and customary in connection therewith at or near the following described location: Intersection of West Cuthbert Avenue, West 300 feet and East 600 feet from North Garfield. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 028

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH (1) ALONG THE SOUTH SIDE OF WEST CUTHBERT

AVENUE FROM A POINT APPROXIMATELY 300 FEET WEST OF NORTH GARFIELD STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH GARFIELD STREET, AND (2) ALONG THE NORTH SIDE OF WEST CUTHBERT AVENUE FROM A POINT APPROXIMATELY 600 FEET EAST OF NORTH GARFIELD STREET TO A POINT AT OR NEAR THE INTERSECTION OF WEST CUTHBERT AVENUE AND NORTH GARFIELD STREET; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, INCLUDING PURCHASE AND SALE AGREEMENTS OR OTHER SUCH AGREEMENTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; APPROPRIATING FUNDS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, REAL PROPERTY INTERESTS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

The following item was pulled from Consent Agenda and considered individually.

12. Consider a resolution declaring the City of Midland support of the Priority Midland initiative and authorizing participation of Mayor Jerry F. Morales and City Manager Courtney Sharp to represent the City of Midland herein. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 023

RESOLUTION DECLARING THE CITY OF MIDLAND'S SUPPORT OF THE PRIORITY MIDLAND INITIATIVE; AND AUTHORIZING THE PARTICIPATION OF THE MAYOR AND CITY MANAGER AS REPRESENTATIVES OF THE CITY OF MIDLAND

Council Member Trost asked what else this resolution does besides support the Priority Midland initiative. Mayor Morales noted the group of taxing entities that were working together in private/public partnerships to address challenges. It is a group that will develop ideas and opportunities to overcome the challenges. Council Member Lacy noted that MDC has committed the initial seed money of \$4 million which will be used to retain consultants to develop strategies. Future money will come from other entities.

Council Member Love moved to adopt Resolution No. 2019 - 023; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: Trost. ABSTAIN: None. ABSENT: None.

SECOND READINGS

21. Consider an ordinance on second reading on a request by Meredith Burgess for a Special Exception concerning the front yard setback for the construction of a pool generally located on the north side of Tealwood Place, approximately 230 feet east of Whitney Drive. (DEVELOPMENT SERVICES) (First reading held January 8,2019.)

ORDINANCE NO. 9868

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 37 AND 38, BLOCK 5, MIDKIFF PLAZA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TEALWOOD PLACE, APPROXIMATELY 230 FEET EAST OF WHITNEY DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE;

CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9868.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9868 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

22. Consider an ordinance on second reading on a request by Midland Independent School District, for the initial zoning of a 123.28-acre tract generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9869

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 123.28-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 703 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON 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. 9869.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9869 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

23. Consider an ordinance on second reading on a request by PROFFUTT Limited Partnership, for the initial zoning of an 8.464-acre tract generally located approximately 896 feet south of State Highway 191 and 1,020 feet west of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9870

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.199-ACRE TRACT OF LAND AND A 5.266-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 896 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST 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. 9870.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9870 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

24. Consider an ordinance on second reading on a request by PROFFUTT Limited Partnership, for the initial zoning of a 16.946-acre tract generally located approximately 1,081 feet south of State Highway 191 and 1,020 feet west of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9871

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 16.946-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 1,081 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,020 FEET WEST 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. 9871.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9871 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

25. Consider an ordinance on second reading on a request for annexation of a 21.30-acre tract and a 6.975-acre right-of-way generally located approximately 688 feet south of State Highway 191 and 2,287 feet west of Avalon Drive. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9872

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 21.30-ACRE TRACT OF LAND AND A 6.975-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST OF AVALON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9872.

Council Member Love moved to approve the second and final reading of Ordinance No. 9872 in accordance with the Charter of the City of Midland; seconded by Council

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

26. Consider an ordinance on second reading on a request for annexation of a 28.84-acre tract generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9873

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 28.84-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9873.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9873 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

27. Consider an ordinance on a second reading by Blue Beacon International, Inc. for a vacation of the 0.907-acre portion of East Taylor Avenue generally located approximately 711 feet east of King Street and approximately 312 feet west of South Fairgrounds Road. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9875

AN ORDINANCE VACATING AND ABANDONING A 0.907-ACRE PORTION OF EAST TAYLOR AVENUE RIGHT-OF-WAY OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 732 FEET SOUTH OF GARDEN CITY HIGHWAY, APPROXIMATELY 711 FEET EAST OF KING STREET, AND APPROXIMATELY 312 FEET WEST OF SOUTH FAIRGROUNDS ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$27,210.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9875.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9875 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Dana Morse, Salina, KS, understood the appraisal was \$27,210.00 but thought the amount would be offset by the land being dedicated for the new Taylor Road. City Attorney John Ohnemiller reported that amendment is reflected in the ordinance.

28. Consider an ordinance on second reading on a request by VCZ Development for a Zone Change from O-1, Office District to MF-2, Multiple-Family Dwelling District generally located on the northwest corner of the intersection of North Carver Street and East Dormard Avenue. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9876

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 5, HOLLANDALE HEIGHTS ADDITION, RESUBDIVISION OF BLOCKS 3-9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, TO BE USED AS AN MF-2, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH CARVER STREET AND EAST DORMARD 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. 9876.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9876 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

29. Consider an ordinance on second reading on a request by VCZ Development for the approval of a Site Plan generally located on the northwest corner of the intersection of North Carver Street and East Dormard Avenue. (DEVELOPMENT SERVICES) (First reading held January 8, 2019)

ORDINANCE NO. 9877

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 5, HOLLANDALE HEIGHTS ADDITION, RESUBDIVISION OF BLOCKS 3-9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH CARVER STREET AND EAST DORMARD AVENUE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9877.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9877 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

30. Hold a public hearing and consider an ordinance on a request by Strategic Restaurant Concepts, LLC, for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, generally located on the south

side of West Loop 250 North, approximately 220 feet west of North Midkiff Road.
(DEVELOPMENT SERVICES)

ORDINANCE NO. 9878

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 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 ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9878.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is seeking to extend the hours of their alcoholic sales. The current ordinance allows services Monday through Friday from 4:00 p.m. to 12:00 a.m., Saturday from 11:00 a.m. to 12:00 a.m. and Sunday from 11:00 a.m. to 11:00 p.m. Now they are requesting the hours be changed to Monday through Thursday from 3:00 p.m. to 12:00 a.m. and Friday through Sunday from 11:00 a.m. to 12:00 a.m. There are no schools or churches within 300 feet of the property. All departments have reviewed the item. Staff recommends approval and no letters of objection have been received.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9878 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Hold a public hearing and consider an ordinance on a request by Cumberland & Western Resources, LLC, for the initial zoning of a 21.30-acre tract generally located approximately 688 feet south of State Highway 191 and 2,287 feet west of Avalon Drive.
(DEVELOPMENT SERVICES)

ORDINANCE NO. 9879

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 21.30-ACRE TRACT OF LAND AND A 6.975-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING GENERALLY LOCATED APPROXIMATELY 688 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 2,287 FEET WEST 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. 9879.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the initial zoning for recently annexed property. They are requesting MF-1. This has been circulated to all departments and is in compliance with the comprehensive plan. Planning & Zoning approved this on December 3rd. Staff recommends approval and no letters of objection have been received as of January 18th.

Mayor Morales opened the public hearing at 10:38 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. 9879 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

32. Hold a public hearing and consider an ordinance on a request by Younger Partners, Ltd., for the initial zoning of a 28.84-acre tract generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9880

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 14.97-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 13.87-ACRE TRACT OF LAND OUT 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 AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH FARM-TO-MARKET ROAD 1788 AND LOOP 40; 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. 9880.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the initial zoning for recently annexed land. They are requesting LR-2 for local retail and IP-2 for Industrial Park. It is in compliance with the comprehensive plan, was approved by Planning and Zoning and staff recommends approval.

Mayor Morales opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9880 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

33. Hold a public hearing and consider an ordinance request by First Basin Credit Union for a zone change from LR-2, Local Retail District to O-2, Office District on a 2.004-acre

tract of land generally located on the east side of North Big Spring Street, approximately 1,605 feet south of East Loop 250 North. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9881

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.004-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, CORPORATE PLAZA, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 1,605 FEET SOUTH OF EAST 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. 9881.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to zone the back portion of the property to O-2 for their proposed development. This was approved by Planning & Zoning on December 17th, is in compliance with the comprehensive plan, and staff recommends approval. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9881 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. Hold a public hearing and consider an ordinance on a request by Jara Hotels, LLC for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption in a restaurant generally located on the north side of Starboard Drive, approximately 1,167 feet east of South Tradewinds Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9882

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2A, BLOCK 3, GATEWAY PLAZA, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 1,167 FEET EAST OF SOUTH TRADEWINDS BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9882.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is asking for a special use permit for the sale of alcohol beverages for on-site consumption. The floor plan includes a dining room, bar, and patio. Their alcohol service hours will be Monday through Saturday from 7:00 a.m. to 1:00 a.m. and Sunday from 11:00 a.m. to 12:00 a.m. There are no schools or churches within 300 feet, it is in compliance with the comprehensive plan and staff recommends approval.

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

Danielle Faglie, 3518 Starboard, is the manager at the hotel and is in support of the item.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9882 in accordance with the Charter of the City of Midland with the change to alcohol service hours to Monday through Saturday from 10:00 a.m. to 1:00 a.m.; seconded by Council Member Love.

Danielle Faglie reported they requested a start time of 7:00 a.m. because they offer brunch at that time which would require a license to serve mimosas. Council Member Lacy reported that this Council has not granted a license before 10:00 a.m. and it is a reasonable precedence.

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

35. Hold a public hearing and consider an annexation of a 126.162-acre tract generally located approximately 2,630 feet east of the intersection of Mockingbird Lane and Holiday Hill Road - Extraterritorial Jurisdiction. This a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to annex 126.62-acres of property for their next phase of development. This is a voluntary annexation and is in compliance with the comprehensive plan. Staff recommends approval.

Council Member Love asked about the unusual configuration of the property asking if it was a natural barrier.

Mayor Morales opened the public hearing at 10:50 a.m.

Buck Benson, San Antonio, reported the line is unusual as it follows the outer streets in that phase that will be developed next. They intend to annex each area as the phases are developed.

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

36. Hold a public hearing and consider an ordinance on a request by Blue Beacon International, Inc. for a zone change from LR-2, Local Retail District, to BP, I-20

Business Park District, on a 6.82-acre tract of land generally located on the northwest corner of the intersection of South Fairgrounds Road and East Interstate Highway 20 Frontage Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9883

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.823-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH FAIRGROUNDS ROAD AND EAST INTERSTATE HIGHWAY 20 FRONTAGE 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 Reyes read the caption of Ordinance No. 9883.

Development Services Director Chuck Harrington gave a brief overview of the item noting it was for a zone change to BP I-20. It is currently vacant land that will be developed as a commercial truck wash. The request is in compliance with the comprehensive plan and staff recommends approval subject to regulations. No letters of objection have been received.

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

Dana Morse, KS, reported they have about 120 truck washes across the country that wash trucks 24/7. All services are inside closed doors and they expect to employ about 55 employees. All water will be discharged to the City storm water. They are working with Maverick Engineering on final plans that will include the right-of-way. When asked about access to the property he reported that trucks will queue from the north side of the property and there will be room for about 13 trucks in line. There will be no overnight parking.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9883 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

37. Consider a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for a permit to drill a non-commercial salt-water well within the City Limits, being Diamond Rio 9-1D SWD generally located between 1,072 feet west of North Garfield extension and 2,390 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 029

RESOLUTION APPROVING THE PLAN SUBMITTED BY PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AND USE A NON-COMMERCIAL SALT WATER DISPOSAL WELL WITHIN THE CITY LIMITS LOCATED 2,390 FEET FROM THE SOUTH LINE AND 1,072 FEET FROM THE EAST LINE, SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,072 FEET WEST OF THE NORTH GARFIELD STREET EXTENSION AND 2,390 FEET NORTH OF MOCKINGBIRD LANE); AND AUTHORIZING THE ISSUANCE OF A PERMIT THEREFOR

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it will be a salt disposal well from Parsley Energy. This well will be between two existing locations. The tank battery is to the north and outside of the City. They are requesting a variance for landscaping. They will have 24-foot sound walls on the north, west and south sides.

Council Member Dufford noted that since there is a water well out there he would like to see it landscaped like the surrounding area with pine trees.

Justin Johns, 500 W. Texas, reported that the disposal well will be inside the City limits but the facilities for the wells are outside of the limits. There will be no commercial truck activity. It takes about 30 days maximum to drill the well. When asked if he had issue with planting pine trees he agreed they would plant trees.

Council Member Dufford moved to adopt Resolution No. 2019 – 029 with no variance for landscape; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

38. Consider a resolution of the City Council of the City of Midland, supporting the proposed development of affordable housing rental apartments and confirming that the City shall provide a loan, grant, reduced fee, or contribution of \$500.00 for such development; the applicant is Carver Ridge Apartments, LP; the proposed development is located at 1301 E. Dormard Avenue, Midland, Texas 79701. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, SUPPORTING THE PROPOSED DEVELOPMENT OF AFFORDABLE HOUSING APARTMENTS AND CONFIRMING THAT THE CITY SHALL PROVIDE A LOAN, GRANT, REDUCED FEE OR CONTRIBUTION OF \$500.00 FOR SUCH DEVELOPMENT; THE APPLICANT IS CARVER RIDGE APARTMENTS, LP; THE PROPOSED DEVELOPMENT IS LOCATED AT 1301 E. DORMARD AVENUE, MIDLAND, TEXAS 79705; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Development Services Director Chuck Harrington gave a brief overview of the item noting they have already completed zoning and a site plan for this property and their next step is to make a submittal to the Texas Department of Housing and Community Affairs for a 9% housing tax credit. Staff recommends approval.

Council Member Love moved to adopt Resolution No. 2019 - 030; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

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

Council Member Love moved to appoint Chase Gardaphe to the Midland Development Corporation; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: Trost. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

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

There were no citizens present wishing to speak.

EXECUTIVE SESSION

41. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
- a. Section 551.087, Deliberate Economic Development Negotiations
 - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

At 11:09 a.m., Mayor Morales recessed the meeting to convene to Executive Session.

All the business at hand having been completed, the meeting adjourned at 11:36 a.m.

PASSED AND APPROVED the 12th day of February 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary