

**MIDLAND CITY COUNCIL  
MINUTES  
June 25, 2019**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:00 a.m. on June 25, 2019.

Council Members present: Mayor Pro Tem John B. Love III (District 2), 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).

Council Members absent: Mayor Jerry F. Morales (arrived at 9:02 a.m.) and Council Member Spencer Robnett (At-Large) (arrived at 9:05 a.m.).

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, Assistant to the City Manager Marcia Bentley-German, City Secretary Amy Turner, Administrative Services Director Mark Widmann, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Planning Division Manager Cristina Odenborg, Senior Planner Elizabeth Shaughnessy, Parks & Recreation Manager Laurie Williams, Assistant Parks & Recreation Manager Andy Cedillo, Public Information Officer Erin Bailey, Traffic Engineer Mike Pacelli, Transportation Manager Gabe McClelland, and Budget Manager Jamie Minor.

Mayor Pro Tem Love called the meeting to order at 9:00 a.m.

1. Receive a presentation from Community Services regarding proposed improvements to athletic complexes.

Community Services Director Tina Jauz reported that normally the athletic associations request field improvements when they do their annual agreements and those requests are handled through the budget process. This year they took a more proactive approach and went to the associations asking for their priorities. One of the tools that can be used to address field improvements is hotel/motel funds. Their theme for this year is build it and they will come back. She showed examples from the past where they have made field improvements and those fields are now highly utilized. She reviewed the list of improvements that could be done with hotel/motel funds including fencing, field gates, shade structures, parking lot improvements, scoreboards, field leveling, lighting, batting cages, and restrooms. She shared pictures from the 4B campaign noting they could still make strides towards those plans. The initial step is to do a master plan. She shared improvements that could be made including wagon wheel fields to better utilize space and improvements at the golf course.

Council Member Hotchkiss reported that Citizens Development & Hotel/Motel Tax Board carefully reviewed all applications and made recommendations for disbursing the funds that

was allocated to that group. They had money left over and requested that the extra money be used to make field improvements. She noted that moving forward with these projects would have citizen support as well.

It was noted that hotel/motel funds are generated by outsiders coming to Midland and the use of those funds would be at no cost to the City of Midland taxpayer.

City Manager Courtney Sharp reported there is currently about \$1.6 million undesignated in the hotel/motel fund not including any amounts to be brought in through the remainder of the year. He confirmed that three years of debt payment has already been designated in that fund.

Ms. Jauz concluded that they will work on the master plan and will be back over the next three years to begin making the improvements.

2. Receive a presentation from Development Services regarding all downtown revitalization.

Development Services Director Chuck Harrington introduced Senior Planner Elizabeth Shaughnessy.

Ms. Shaughnessy reported she recently went to a conference where they learned about alley revitalization ideas and thought it would be a good project for the alleys surrounding the convention center due to the higher pedestrian use that will be generated from people parking in nearby parking structures. They analyzed how pedestrians will travel to the two locations and realized that the alleys may become secondary traveling paths. They identified three potential alleys including the alley by the DoubleTree, by the Lofts and by PBS. They could incorporate lighting, fix the street surfaces and include beautification such as greenery and art. In the Lofts alley they also need to consider acoustics as it is near residences. The challenges they identified include funding, maintenance and project management. She identified a list of potential partners noting initial contact has been made with all partners and they all showed interest in supporting the idea.

The next step is to identify funding if Council is interested in pursuing this issue. Council expressed interest in moving forward. Mr. Harrington reported they will explore the options and bring back for Council approval.

3. Receive a presentation from Dr. Padmaja Patel regarding a health and wellness initiative.

Mayor Morales noted that Dr. Patel was unable to be present this morning and this item will be presented at the first meeting in July.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:34 a.m.

## **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 25, 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 Robert Patrick and Assistant City Manager Morris Williams.

The agenda items were heard in the following order: 1-14, 20-21, 23, 15-19, 22, 24-36.

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

### **OPENING ITEMS**

1. Invocation - Minister Andrew Adams, Midland Bible Church
2. Pledge of Allegiance

### **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

a. Mayor Morales and the City Council recognized retiring employee Ester Gomez.

Mayor Morales recognized Luke Edwards of Boy Scout Troop 160 and wished Public Information Officer Erin Bailey a Happy Birthday.

### **CONSENT AGENDA**

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 15, 16, 17, 18, 19, 22; 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.

4. Approved a motion approving the following minutes:
  - a. Regular City Council meeting of June 11, 2019
5. Approved a resolution awarding a professional services agreement for a Utilities Water and Wastewater Rate Study for the Utilities Department. (PURCHASING)

#### **RESOLUTION NO. 2019 - 185**

**RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR A WATER AND WASTEWATER RATE STUDY TO RAFTELIS FINANCIAL CONSULTANTS, INC., OF AUSTIN, TEXAS FOR A TOTAL COST OF \$148,545.00**

6. Approved a resolution awarding an annual contract for Dry Cleaning and Laundry Services for the Police, Fire, Municipal Court, Transportation, Garage, Vehicle Services and Water & Wastewater Departments. (PURCHASING)

RESOLUTION NO. 2019 - 186

RESOLUTION AWARDING A SERVICE CONTRACT FOR DRY CLEANING AND LAUNDRY SERVICES TO GO TEN INDUSTRIES LLC DBA REGENCY CLEANERS, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$376,275.28

7. Approved a resolution awarding a professional services agreement to Parkhill, Smith & Cooper, Inc. for a Risk and Resilience Assessment and Emergency Response Plan for \$72,313.00 plus \$18,078.00 in contingencies for a not to exceed total cost of \$90,391.00 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 187

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., TO PROVIDE A RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN, FOR AN AMOUNT NOT TO EXCEED \$72,313.00; AND APPROVING \$18,078.00 IN CONTINGENCIES

8. Approved a resolution awarding an annual contract for Lawn Maintenance Services at the Water Purification Plant, Edgewood Elevated Tower, Shell Elevated Tower, Wadley Elevated Tower, Edgewood Ground Storage Area and Paul Davis Pump Station for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 188

RESOLUTION AWARDING A SERVICE CONTRACT FOR LAWN MAINTENANCE SERVICES AT THE WATER PURIFICATION PLANT, THE EDGEWOOD ELEVATED TOWER, THE SHELL ELEVATED TOWER, THE WADLEY ELEVATED TOWER, THE EDGEWOOD GROUND STORAGE AREA AND THE PAUL DAVIS PUMP STATION TO M3 LANDSCAPE MAINTENANCE & IRRIGATION, LLC, AT A TOTAL ANNUAL COST OF \$35,560.00

9. Approved a resolution approving Change Order Two (2) to the Utility Extension Program 03 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 189

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH BOLER EQUIPMENT SERVICE, INC. REGARDING THE UTILITY EXTENSION PROGRAM 03 PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$625,000.00

10. Approved a resolution approving Change Order One (1) to the Midland Meter Program 01 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 190

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH RED DEER CONSTRUCTION, LLC REGARDING THE MIDLAND METER PROGRAM 01 PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$250,000.00

11. Approved a resolution approving specifications and authorizing advertisement for bids for the Midland Meter Program 02 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 191

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE MIDLAND METER PROGRAM 02 PROJECT; SAID PROJECT TO PROVIDE FOR THE REPLACEMENT OF EXISTING WATER METERS

12. Approved a resolution approving the specifications and authorizing advertisement for bids for the project described as Passenger Boarding Bridges Replacement at Midland International Air & Space Port (700244). (AIRPORTS)

RESOLUTION NO. 2019 - 192

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PASSENGER BOARDING BRIDGES REPLACEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

13. Approved a resolution approving the specifications and authorizing advertisement for bids for the project described as Outbound Baggage Handling System Replacement at Midland International Air & Space Port (700244). (AIRPORTS)

RESOLUTION NO. 2019 - 193

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE OUTBOUND BAGGAGE HANDLING SYSTEM PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

14. Approved a resolution authorizing the transfer of \$288,000 from the 2016 Workforce Housing Incentive Project and \$41,070 from the Workforce Housing Incentive Project to the consolidated Workforce Housing Incentive Project. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 194

RESOLUTION AUTHORIZING THE TRANSFERS OF \$41,070.00 FROM THE 2016 WORKFORCE HOUSING INCENTIVE PROJECT (900093) AND \$288,000.00 FROM THE 2016 WORKFORCE HOUSING INCENTIVE PROJECT (900210) TO THE CONSOLIDATED WORKFORCE HOUSING INCENTIVE PROJECT (900304)

20. Approved a motion approving a proposed Preliminary Plat of Pioneer Industrial Park, being a plat of a 43.196-acre tract of land out of the North Part of Section 25, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the west side of Farm to Market Road 715, approximately 456 feet south of East County Road 40, Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

21. Approved a motion on request by Maverick Engineering, to defer wastewater, paving and sidewalk improvements for Llano Country Addition, and to waive the corresponding financial security guarantee valued at \$515,696.00, an amount equal to the estimated cost of construction. The subject property is generally located on the northwest corner of Briarwood Avenue and Golden Gate Drive, inside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)

23. Approved a resolution authorizing the City Manager to purchase on behalf of the City of Midland, real property interests 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 for the intersection of Briarwood Avenue and State Highway 158. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 200

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 ALONG BRIARWOOD AVENUE FROM A POINT AT OR NEAR THE INTERSECTION OF BRIARWOOD AVENUE AND STATE HIGHWAY 158 TO A POINT APPROXIMATELY 200 FEET EAST OF THE INTERSECTION OF BRIARWOOD AVENUE AND AVALON DRIVE; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, 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 items were pulled from Consent Agenda and considered individually.

15. Consider a resolution approving the issuance of permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Hogan 1-24-F-2811H generally located between 380 feet and 410 feet south of Solomon Lane extension and 952 feet west of Fairgrounds Road Extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 195

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 952 FEET WEST OF THE FAIRGROUNDS ROAD EXTENSION AND BETWEEN 380 FEET AND 410 FEET SOUTH OF THE SOLOMON ROAD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Dufford noted he pulled items 15-19 wanting to know if Parsley was able to secure a quiet frac crew. Oil & Gas Compliance Officer reported he understood that they would be using quiet frac from this point forward.

Justin Johns, Parsley Energy, confirmed that they upgraded another frac crew to ensure that they would be able to continue with quiet fracturing in the foreseeable future.

Council Member Dufford moved to adopt Resolution No. 2019 - 195; 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.

16. Consider a resolution amending Resolution 2018-293 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, Hogan 1-24-2805H, generally located 2,226 feet east of Lamesa Road and 2,125 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 196

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 2,370 FEET FROM THE SOUTH LINE AND 2,226 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,226 FEET EAST OF LAMESA ROAD AND 2,125 FEET NORTH OF LOOP 250); SAID AMENDMENT CHANGING THE NAME OF THE WELL

Council Member Love moved to adopt Resolution No. 2019 - 196; 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.

17. Consider a resolution amending Resolution 2018-295 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, Hogan 1-24-4205H, generally located 2,226 feet east of Lamesa Road and 2,155 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 197

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 2,400 FEET FROM THE SOUTH LINE AND 2,226 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,226 FEET EAST OF LAMESA ROAD AND 2,155 FEET NORTH OF LOOP 250); SAID AMENDMENT CHANGING THE NAME OF THE WELL

Council Member Hotchkiss moved to adopt Resolution No. 2019 - 197; 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.

18. Consider a resolution amending Resolution 2017-383 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, Hogan 1-24-4211H, generally located 350 feet south of Solomon Lane and 1,183 west of Fairgrounds Road Extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 198

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 2,311 FEET FROM THE SOUTH LINE AND 1,221 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 350

FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,183 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); SAID AMENDMENT CHANGING THE NAME OF THE WELL

Council Member Love moved to adopt Resolution No. 2019 - 198; 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.

19. Consider a resolution amending Resolution 2017-387 on a request from Parsley Energy Operations, LLC (Operator), for a permit to drill an oil & gas well within the City limits, Hogan 1-24-4311H, generally located 320 feet south of Solomon Lane and 1,183 west of Fairgrounds Road Extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 199

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 2,341 FEET FROM THE SOUTH LINE AND 1,221 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 320 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,183 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); SAID AMENDMENT CHANGING THE NAME OF THE WELL

Council Member Trost moved to adopt Resolution No. 2019 - 199; 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 a motion on request by Maverick Engineering, to defer water, wastewater, paving, and sidewalk improvements for Polo Club Addition, and to waive the corresponding financial security guarantee valued at \$347,520.00, an amount equal to the estimated cost of construction. The subject property is generally located on the northwest corner of Polo Club Road and Bluebird Lane in the City of Midland. (ENGINEERING SERVICES)

Council Member Love noted that staff is asking for direction, so he pulled it from Consent Agenda. Engineering Services Jose Ortiz reported staff is okay with deferring the utilities, but paving is in a gray area.

Mayor Morales noted that they traded right-of-way in exchange for paving. Staff was asked about the future need for sidewalks. Mr. Ortiz reported that currently there is not a lot of pedestrian movement.

Cindy Klatt, Schumann Engineering, reported that the City agreed that they could give 20 feet on the east side of the Polo Club in exchange for not paving. Council Member Lacy asked if this was in the green belt. Ms. Klatt confirmed it was. Council Member Lacy noted that one plat is less than 2 acres which is a requirement in that area. Ms. Klatt noted that it is 1.95 acres if you round to two decimal places it is two acres. She also noted that the person interested in buying that lot is also buying the lot to the west.

When asked about the value of the land versus the cost of paving it was determined it was an equitable trade.

Council Member Love moved to approve a request by Maverick Engineering, to defer water, wastewater, paving, and sidewalk improvements for Polo Club Addition, and to waive the corresponding financial security guarantee valued at \$347,520.00, an amount equal to the estimated cost of construction. The subject property is generally located on the northwest corner of Polo Club Road and Bluebird Lane in the City of Midland.; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: Lacy. ABSTAIN: None. ABSENT: None.

## SECOND READINGS

24. Consider an ordinance on second reading on a request by Vineyard Reserve, LLC for a Special Exception from the City of Midland Zoning Ordinance, concerning front yard setbacks on a 126.155-acre tract of land generally located approximately 2,670 feet west of Holiday Hill Road and 300 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES) (First reading held on June 11, 2019. )

### ORDINANCE NO. 9935

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 77.433-ACRE TRACT OF LAND AND A 48.722-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,670 FEET WEST OF HOLIDAY HILL ROAD AND 300 FEET NORTH OF MOCKINGBIRD LANE), 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 Jan Hamilton read the caption of Ordinance No. 9935.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9935 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 by SCI Texas Funeral Services, LLC. for a Zone Change from AE, Agriculture Estate District to LR-2, Local Retail District generally located on the east side of North Big Spring Street, approximately 604 feet north of East Loop 250 North. (DEVELOPMENT SERVICES) (First reading held on June 11, 2019. )

### ORDINANCE NO. 9936

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, RESTHAVEN MEMORIAL PARK, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL

DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 604 FEET NORTH 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 Jan Hamilton read the caption of Ordinance No. 9936.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9936 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.

26. Consider an ordinance on second reading on a request by GPV Midland, L.P., for site plan approval on a 9.77-acre tract generally located on the northwest corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES) (Previous reading held on June 11, 2019.)

ORDINANCE NO. 9937

AN ORDINANCE ADOPTING A SITE PLAN FOR A 9.77-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9937.

Council Member Love moved to approve the second and final reading of Ordinance No. 9937 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.

27. Consider an ordinance on second reading on a request by Newton Engineering for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center on a 1.92-acre portion generally located on the north side of Deauville Boulevard approximately 351 feet west of Tradewinds Boulevard. (DEVELOPMENT SERVICES) (First reading held on June 11, 2019. )

ORDINANCE NO. 9938

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.92-ACRE TRACT OF LAND OUT OF LOT 6B, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 12, 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 NORTH SIDE OF DEAUVILLE BOULEVARD, APPROXIMATELY 351 FEET WEST OF TRADEWINDS 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 Jan Hamilton read the caption of Ordinance No. 9938.

Council Member Love moved to approve the second and final reading of Ordinance No. 9938 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.

28. Consider an ordinance on second reading on a request by Arthur Blake Hughes for a Specific Use Permit without Term for a Kennel, generally located on the west side of North Lamesa Road, approximately 801 feet north of East Wadley Avenue. (DEVELOPMENT SERVICES) (First reading held on June 11, 2019. )

ORDINANCE NO. 9939

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 6, BLOCK 4, TANGLEWOOD ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LAMESA ROAD, APPROXIMATELY 801 FEET NORTH OF EAST WADLEY AVENUE), WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A KENNEL; 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 Jan Hamilton read the caption of Ordinance No. 9939.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9939 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.

29. Consider an ordinance on second reading on a request by Ismael Estrada for a Special Exception from the City of Midland Zoning Code, concerning the minimum lot area, generally located on the east side of Chukar Lane, approximately 322 feet north of East Business I-20 Interstate. (DEVELOPMENT SERVICES) (First reading held on June 11, 2019. )

ORDINANCE NO. 9940

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 1, ROLLING GREEN ACRES, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF CHUKAR LANE, APPROXIMATELY 322 FEET NORTH OF EAST BUSINESS INTERSTATE 20), BY PERMITTING A REDUCED MINIMUM LOT AREA; 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 Jan Hamilton read the caption of Ordinance No. 9940.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9940 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.

## **PUBLIC HEARINGS**

30. Hold a public hearing and consider an ordinance on a request for annexation of a 46.38-acre tract generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

### **ORDINANCE NO. 9941**

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 46.38-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9941.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the third and final public hearing and the first reading of the ordinance for annexation of this land located at Tradewinds and Thomason. The proposal for the site is a mixed use development, but this item is to consider the annexation. The item is in compliance with the comprehensive plan. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:34 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. 9941 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.

31. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on Lot 1 (less the south 20 feet), Block 104A, Wilshire Park Addition, Section 9, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of Beal Parkway and Thomason Drive). (DEVELOPMENT SERVICES)

### **ORDINANCE NO. 9942**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING A 2.607-ACRE TRACT OF LAND OUT OF LOT 1, LESS THE SOUTH 20 FEET OF SAID LOT, BLOCK 104A, WILSHIRE PARK ADDITION, SECTION 9, 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 AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BEAL PARKWAY 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

Mayor Morales noted this item was pulled at the request of the applicant.

32. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on a 2.254-acre portion of Lot 1, Block 163, Wilshire Park Addition, Section 9, City and County of Midland, Texas, (generally located on the southwest corner of the intersection of Beal Parkway and Thomason Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9943

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.254-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 163, WILSHIRE PARK ADDITION, SECTION 9, 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 AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BEAL PARKWAY 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

Mayor Morales noted this item was pulled at the request of the applicant.

33. Hold a public hearing and consider an ordinance on a request by Jeremy Anderson for a Special Exception from the City of Midland Zoning Ordinance, concerning the construction standards of detached accessory structures generally located on the south side of Navajo, approximately 347 feet west of Wewoka. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9944

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 35, BLOCK 8, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF NAVAJO, APPROXIMATELY 347 FEET WEST OF WEWOKA PLACE), BY PERMITTING A METAL SKIN EXTERIOR ON A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 12 FEET IN HEIGHT AND THAT EXCEEDS 400 SQUARE FEET IN AREA; 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 Jan Hamilton read the caption of Ordinance No. 9944.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to build a 25 foot tall 50 by 48 metal sided shop building that exceeds the maximum height and square footage allowed in 1F-3 zoning. Since the proposed structure does not meet requirements and no hardship has been shown, staff finds it would not be in compliance and recommends denial of the request. No letters of objection have been received.

Council Member Love expressed concern about ensuring it doesn't become a structure where people live and asked staff to follow up every six months.

Council Member Hotchkiss thought it was oversized for the neighborhood noting it was only five feet from the neighbor's property line.

Mayor Morales opened the public hearing at 10:38 a.m.

Jeremy Anderson, 1500 Navajo, reported he is the property owner. He collects classic cars and he needs the height to put in a lift to work on the cars. The building will be 48 by 30 and the awning will be 20 by 50. There will be 108 feet from his fence to his shop and he has an 8-foot tall fence. The property next door is 80 to 100 feet from his property. To the west it is 98 feet from his shop to the neighbor's house. He provided signatures from seven of his neighbors who are in support of the project. He buys cars from auction, gets them running, enjoys them for a year or two and then sells them and buys another. He will not be doing any paint or body work. When asked why his building needed to be 25 feet tall he reported that his house is also 25 feet tall and the side walls must be 16-17 feet to allow for his lift.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9944 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Love, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

## **MISCELLANEOUS**

34. Consider an ordinance altering prima facie speed limits along certain streets in the City; and authorizing installation of appropriate signs and markings. (DEVELOPMENT SERVICES)

### **ORDINANCE NO. 9945**

**AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9702; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9945.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting they are including all of Mockingbird even though a part does not exist at this time, so staff does not have to come back when the road is developed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9945 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.

35. Consider an ordinance adopting a fee schedule effective August 1, 2019. (FINANCE)

ORDINANCE NO. 9946

AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF AUGUST 1, 2019; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9946.

Council Member Love moved approval of the first of two readings of Ordinance No. 9946 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.

**PUBLIC COMMENT**

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

There were no citizens present wishing to speak.

All the business at hand having been completed, the meeting adjourned at 10:51 a.m.

PASSED AND APPROVED the 9th day of July 2019.

---

Jerry F. Morales, Mayor

ATTEST:

---

Amy M. Turner, City Secretary