

**MIDLAND CITY COUNCIL  
MINUTES  
July 09, 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 July 09, 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 Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: Council Member Michael Trost (At-Large) and Council Member Scott Dufford (District 1).

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, Community Services Director Tina Jauz, General Services Director Fred Reyes, HR Manager Nicole Weaverling, and Public Information Officer Erin Bailey.

Mayor Morales called the meeting to order at 9:33 a.m.

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

Dr. Patel reported that the Blue Zone Project is a health and wellness initiative that has the capacity to transform communities, improve quality of life and save millions in health care spending. The U.S. spends more on health care than any other nation in the world but it's health ranking is at the bottom. \$576 billion is spent each year and of that 95% goes directly to medical care and only 5% is for healthy initiatives. Seventy-five percent of money spent goes towards the treatment of diseases that are lifestyle related and 75% of all Americans take prescription medication. Acute sick care is where we spend 90% of our funds but only 10% of those deaths can be prevented. Blue Zones address the other 90% of factors of why people get sick. The Blue Zone is a 20-year study of Dan Buettner based on the longest living communities in world. Blue Zones work to improve the life radius which includes people, places and policy. The goals are to improve well-being, generate significant medical savings, lower obesity, lower smoking rate, increase vegetable consumption, and increase daily physical activity. Community changes would include walking school buses, partnerships with local grocery stores, creating walking & biking paths, establishing healthy eating, encouraging social engagement, helping restaurants change menus, and creating healthier worksites that encourages healthier choices.

She reviewed the well-being index and explained how the Blue Zone project has increased health in those communities. Improved health ties directly to improved performance, productivity and economic gain.

When asked what specifically Midland could do, Dr. Patel reported a community needs assessment is the first step with a cost of \$40,000 and if it's done jointly with Odessa the cost would be \$50,000. This has been done in 49 other communities and the group knows how to get things done in a timely manner and can show us how to get funding and grants.

Mayor Morales noted that PSP is also looking at this. He also encouraged everyone to view Marcie Madrid on Ted Talks.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:58 a.m.

## **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 09, 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 Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: Council Member Scott Dufford (District 1).

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: 1-4, 6-10, 5, 11-27.

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

## **OPENING ITEMS**

1. Invocation - Pastor Bob 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: None.

## **CONSENT AGENDA**

Council Member Robnett moved to approve Consent Agenda items 4 - 12 excluding 5, 11, 12; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

4. Approved a motion approving the following minutes:
  - a. Regular City Council meeting of June 25, 2019

6. Approved a resolution approving the procurement of Microsoft Volume True-Up licensing from SHI Government Solutions, Inc. through Department of Information Resources (DIR) contract DIR-TSO-4092 for the Communications and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 202

RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT VOLUME TRUE-UP LICENSING FROM SHI GOVERNMENT SOLUTIONS, INC. OF AUSTIN, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$249,705.79; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution authorizing the execution of a promotional agreement with the Midland Community College District to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 203

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND COMMUNITY COLLEGE DISTRICT, TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

8. Approved a resolution approving and adopting amended bylaws of the Midland Development Corporation. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 204

RESOLUTION APPROVING THE AMENDED BYLAWS OF THE MIDLAND DEVELOPMENT CORPORATION

9. Approved a resolution authorizing the execution of an economic development agreement with the City of Midland for the construction of Pilot Avenue; and authorizing payment therefor in an amount not to exceed \$605,000.00. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 205

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE CONSTRUCTION OF PILOT AVENUE, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

10. Approved a motion on request by Maverick Engineering, to defer wastewater, paving and sidewalk improvements for 349 Ranch Estates, Section 21, and to waive the corresponding financial security guarantee valued at \$32,887.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of Washita, approximately 60 feet west of Choctaw, inside the corporate limits of the City of Midland. (ENGINEERING SERVICES)

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

5. Consider a resolution requesting the approval of a three (3) year agreement with Grande Communications Network LLC (Grande) for dedicated internet services at Grande Communications Stadium. (PURCHASING)

RESOLUTION NO. 2019 - 201

RESOLUTION AUTHORIZING THE EXECUTION OF A THREE YEAR AGREEMENT WITH GRANDE COMMUNICATIONS NETWORK LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR DEDICATED INTERNET SERVICES AT GRANDE COMMUNICATIONS STADIUM FOR A TOTAL COST OF \$106,200.00

Council Member Lacy asked who tis would benefit. Chief Information Officer Jennifer Frescaz reported it would be a benefit to maintenance and City staff working there. She also noted they were working on a plan to roll out wi-fi to the public in the stadiums.

Council Member Lacy moved to adopt Resolution No. 2019 - 201; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

11. Consider a motion on request by Maverick Engineering, to defer water, wastewater, paving and sidewalk improvements for Corporate Ranch Addition, and to waive the corresponding financial security guarantee valued at \$384,714.00, an amount equal to the estimated cost of construction. The subject property is generally located on the northwest side of the City of Midland on West County Road 60, approximately 5000 feet west of State Highway 158, outside the corporate limits of the City of Midland, located in Midland County. (ENGINEERING SERVICES)

Council Member Love commented that he did not see a staff recommendation on the report. Engineering Services Director Jose Ortiz reported staff supports the full request.

Council Member Love moved to approve a motion on request by Maverick Engineering, to defer water, wastewater, paving and sidewalk improvements for Corporate Ranch Addition, and to waive the corresponding financial security guarantee valued at \$384,714.00, an amount equal to the estimated cost of construction for the subject property generally located on the northwest side of the City of Midland on West County Road 60, approximately 5000 feet west of State Highway 158, outside the corporate limits of the City of Midland, located in Midland County; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

12. Consider a resolution authorizing the City Manager to execute an agreement with Mall at Midland Park, LLC for development of Skyline Terrace, Unit 7, City and County of Midland, Texas (generally located southwest of the intersection of Loop 250 and North Midkiff Road); said agreement being authorized by Section 395.081 of the Texas Local Government Code; said agreement providing for the construction of traffic improvements and terminating the previously-executed Chapter 380 Economic Development Agreement and Pre-development Agreement. (ENGINEERING SERVICES)

RESOLUTION NO. 2019 - 206

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MALL AT MIDLAND PARK, LLC FOR DEVELOPMENT OF SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF LOOP 250 AND NORTH MIDKIFF ROAD); SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE; SAID AGREEMENT PROVIDING FOR THE

CONSTRUCTION OF TRAFFIC IMPROVEMENTS AND TERMINATING THE PREVIOUSLY-EXECUTED CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT AND PRE-DEVELOPMENT AGREEMENT

Council Member Lacy asked staff to verify how much was reimbursed to the mall and what the City has received in return. Assistant City Manager Robert Patrick reported \$0 has been given to the mall and about \$300,000 in public safety improvements will be included to enhance ingress, egress and increased the capacity at the interchange.

Council Member Love asked that internal traffic be addressed. Traffic Engineer Mike Pacelli confirmed he has discussed those issues with the mall, and they will be addressed on future projects.

Council Member Lacy moved to adopt Resolution No. 2019 - 206; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

**SECOND READINGS**

13. Consider an ordinance on second reading on a request for annexation of a 46.38-acre tract located in the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive). (DEVELOPMENT SERVICES) (First reading held on June 25, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9941.

Council Member Lacy moved to approve the second and final reading 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

14. Consider an ordinance on second reading 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) (First reading held on June 25, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9944.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9944 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Morales, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: Dufford.

15. Consider an ordinance on second reading altering prima facie speed limits along certain streets in the City; authorizing installation of appropriate signs and markings; and repealing Ordinance No. 9702. (DEVELOPMENT SERVICES) (First reading held on June 25, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9945.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9945 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

16. Consider an ordinance on second reading adopting a Fee Schedule Effective August 1, 2019. (FINANCE) (First reading held on June 25, 2019)

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 SueAnn Reyes read the caption of Ordinance No. 9946.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9946 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

17. Hold a public hearing regarding the proposed granting of oil and gas well permits to Diamondback E&P LLC, for the drilling of oil and gas wells, being GRIDIRON N005WA located 1,315 feet from the west line and 1,345 feet from the south line, GRIDIRON N005WB located 1,284 feet from the west line and 1,345 feet from the south line, GRIDIRON N006LS located 1,255 feet from the west line and 1,345 feet from the south line, GRIDIRON N006MS located 1,225 feet from the west line and 1,345 feet from the south line, GRIDIRON N006WA located 915 feet from the west line and 1,345 feet from the south line, GRIDIRON N006WB located 885 feet from the west line and 1,345 feet from the south line and GRIDIRON N007MS located 855 feet from the west line and 1,345 feet from the south line, Section 24, Block 40, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located 1,345 feet north of Briarwood Avenue and between 885 and 1,315 feet east of Avalon Drive). (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is for 7 wells similar to the four wells drilled last year by Diamondback. They are located north of Briarwood near Avalon. This item has been to the Oil & Gas Advisory Committee where recommendations were made to use 24-foot sound walls instead of 16-foot walls, add a third wall on the north and to use quiet frac. Diamondback changed to 24-foot walls, is considering a wall on the north side and did not address quiet fracturing. They are requesting five variances similar to the past. No letters of objection have been received but last year when drilling there were a lot of calls from the neighborhood regarding lighting and sound issues.

Mayor Morales opened the public hearing at 10:17 a.m.

Travis Langdon reported they have made changes since the last job in this area including changing the sand delivery system which makes a huge difference with noise. They have also gone to an all-electric fleet which helps. Mayor Morales asked Diamondback to ensure they are communicating with Bynum School and to give them status reports.

There being no one else wishing to speak, the public hearing was closed at 10:20 a.m.

18. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Fasken Oil and Ranch, Ltd, for the drilling of an oil and gas well, being Fee "CK" No. 3H located 463 feet from the north line and 259 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas, (said well is generally located 418 feet south of Andrews Highway and 327 feet east of North Loop 250 West). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is for two wells in the area of Andrews and Loop 250. Fasken is using 32-foot sound walls on the south and east sides of the pad and will use a quiet frac system. Three variances have been requested to drill within 308 feet of commercial buildings. They have letters of support from those people and a surface use agreement is in place.

Mayor Morales opened the public hearing at 10:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

19. Hold a public hearing and consider an ordinance on a request by Patrick Carrasco 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 the West Wall Street, approximately 188 feet east from South Colorado Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9947

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,175-SQUARE FOOT PORTION OF THE WEST 1.5 FEET OF LOT 3, LOTS 4 THROUGH 6, AND THE EAST 24.25 FEET OF LOT 7, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WALL STREET, APPROXIMATELY 188 FEET EAST OF SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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. 9947.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a new restaurant for on-premise consumption of alcoholic beverages. Their operating and alcoholic services hours are Monday through Saturday from 10:00 a.m. to 2:00 a.m. and Sunday from 10:00 a.m. to 10:00 p.m. There are no schools or churches within 300 feet. This item was reviewed by Planning & Zoning with the recommendation to change their hours to 10:00 a.m. to 12:00 a.m. The item meets all requirements and staff recommends approval. One letter of objection was received.

Council Member Trost expressed concern regarding people parking in the alleys. Mr. Harrington clarified that this item falls under the old ordinance which has no additional requirements for parking.

Mayor Morales opened the public hearing at 10:25 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. 9947 in accordance with the Charter of the City of Midland with the amendment to change alcohol service hours on Sunday from 11 a.m. to 10 p.m.; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

20. Hold a public hearing and consider an ordinance on a request by Texas Tire for a zone change from PD, Planned District for a Shopping Center to an LR-2, Local Retail District generally located on the north side of West Wall Street, approximately 15 feet east of East Circle Drive. (DEVELOPMENT SERVICES)



ORDINANCE NO. 9948

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING PLOT A, THE VILLAGE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 15 FEET EAST OF EAST CIRCLE 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. 9948.

Development Services Director Chuck Harrington reported the applicant has requested to withdraw this application.

21. Hold a public hearing and consider an ordinance on a request by Pontikes Development, LLC, for the initial zoning of a 46.38-acre tract of land generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9949

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS 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, AS A PD, PLANNED DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER 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. 9949.

Development Services Director Chuck Harrington gave a brief overview of the item noting this property just had the final reading for the annexation of the property and this is for the initial zoning. The applicant is requesting a planned district for a mixed-use development including office, retail and multi-family uses. Staff has reviewed the item and has several conditions contingent upon the site plan submittal. Staff asks that a development design review committee be appointed and recommends approval of this item.

Mayor Morales opened the public hearing at 10:30 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. 9949 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

22. Hold a public hearing and consider an ordinance on a request by Carrillo Realty Partners, LLC for a zone change from 1F-2, One Family-Dwelling District to an LR-2, Local Retail District generally located on the southeast corner of the intersection of West Estes Avenue and North Marienfeld Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9950

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6, BLOCK 34, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST ESTES AVENUE AND NORTH MARIENFELD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9950.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the rezoning of the property to match the rest of the surrounding area and to allow the property to be developed. The applicant will adhere to all site plan review standards. Staff has reviewed and has no objection. It is in compliance with the comprehensive plan, was reviewed by Planning & Zoning and staff recommends approval. One letter of objection was received by 7/2 and a second letter is on the dais.

Mayor Morales opened the public hearing at 10:32 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. 9950 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

23. Hold a public hearing and consider an ordinance on a request by JMR Dental SVC for Site Plan Approval generally located on the northeast corner of the intersection of West Loop 250 North and Northbrook Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9951

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 5, BLOCK 35, NORTHGATE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTHBROOK LANE); 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. 9951.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for site plan approval of a PD for a shopping center. The applicant would like to place a dental office along with retail space. It meets all requirements for parking and is in compliance with the comprehensive plan. Planning & Zoning recommended approval. Staff recommends approval and no letters of objection have been received.

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 Robnett moved approval of the first of two readings of Ordinance No. 9951 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

24. Hold a public hearing and consider an ordinance on a request by Newton Engineering, for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned District for a Housing Development generally located on the east side of North Fairgrounds Road, approximately 715 feet south of East Pecan Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9952

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 26.15-ACRE TRACT OF LAND OUT OF THE SOUTHWEST QUARTER OF SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, 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 ON THE EAST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 715 FEET SOUTH OF EAST PECAN 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. 9952.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a zone change amendment to an existing Planned District for a housing development to change the housing density on a property from 20 units per acre to 17 units per acre. The applicant is no longer proposing 180 units. The item has been reviewed by all departments. Planning and Zoning recommended approval. Staff recommends approval subject to conditions A-E. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:36 a.m.

John Newton, 3209 Caldera, reported the main change in density is to accommodate Copus Street which extends down through the property which caused the reconfiguration of buildings and decreased the number of units. They have plans to the west to build in the future. This is affordable housing and they are going through the process with TDHCA and have been approved for funding.

There being no one else wishing to speak, the public hearing was closed at 10:41 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9952 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.

25. Hold a public hearing and consider an ordinance request by Chase Gardaphe for a Specific Use Permit without Term for a Mobile Home Park on a 49.85-acre tract of land generally located on the west side of North Fairgrounds Road, approximately 617 feet north of East Cuthbert Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9953

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 49.85-ACRE TRACT OF LAND OUT OF BLOCKS 83, 84, 85, AND 86, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 617 FEET NORTH OF EAST CUTHBERT AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A MOBILE HOME PARK; 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. 9953.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a manufactured home park with 284 lots equal to 6-units per acre. They are also proposing to use it for different layouts including double wides and tiny homes that could ultimately equal 12 units per acre. Planning & Zoning recommended limiting them to eight units per acre which is barely above single family density. The proposed site plan provides adequate access. Normally streets should all be 36 feet wide. This plan has the narrowest street at 26 feet. They have larger than normal parking pads and are requesting setback distances between 10 and 20 feet noting single family homes can be reduced to 10 feet. This item has been reviewed by all staff and staff recommends approval subject the conditions shown. One letter of objection has been received.

Mayor Morales opened the public hearing at 10:47 a.m.

John Newton, Newton Engineering, reported their main thoroughfare is a 35 foot wide street and the other streets are 26 feet wide. That combined with the 20 foot parking pad allows for a wide turning area and plenty of room for large trucks to fit in.

Council Member Love noted the applicant puts out a good product but has concern for having guests over. He wondered where they would park since the streets will be narrower. He also expressed concern with 10 foot spacing noting if one structure were to catch fire it could catch other structure on fire like dominos. His final concern was for

having storage on each site. Mr. Newton believed there was a plan to have storage units on these lots. The fire marshal reviewed the site and there is adequate access for fire trucks and ambulances. They can dedicate the street as fire lanes, so no one will park in the street. As to the fires he reported that HUD studies show that death rates due to mobile home fires have gone down. He also added that he spaced fire hydrants every 350 feet instead of 400 feet.

Council Member Robnett noted that 10-foot setbacks are similar to 1F3 zoning. Mr. Harrington added that manufactured homes are constructed with similar materials as single family homes and that 10-foot setbacks are adequate.

Council Member Hotchkiss reported she drove by the applicant's other site and found it attractive with a nice-looking entrance and was told this site will have those same features.

Chase Gardaphe, 1320 N. Fairgrounds Rd, reported on the density concerns noting all units will be spaced 10 feet apart. They wanted to add variations to accommodate the market. One lot may have a double wide unit and the next may be single wide. They expect to get primarily larger single wides and smaller double wides. He reported the entire property will have sprinklers and they will take care of the landscaping throughout the site.

Council Member Trost asked about amenities. Mr. Gardaphe reported they will have a pass-through food truck court and outdoor pavilion. Mr. Trost asked if the pool and basketball courts were ever installed at the first property. Mr. Gardaphe reported they got bids to install an office and swimming pool and they came in at \$750,000. That is not something they can address at this time.

There being no one else wishing to speak, the public hearing was closed at 11:06 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9953 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Council Member Love asked Shirley Howard to speak as advocate for District 2. Ms. Howard asked that the applicant be required to fulfill what they are supposed to do and asked Council to ensure that when someone says it is affordable housing that it really is affordable housing.

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

## **PUBLIC COMMENT**

26. 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**

- 27. 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 551.072, Deliberation Regarding Real Property.
    - a.1. Discuss the purchase, exchange, lease or value of real property described as Lot 30, Block 57, Original Town Addition, City and County of Midland, Texas.

Mayor Morales recessed the meeting to go to Executive Session at 11:17 a.m.

All the business at hand having been completed, the meeting adjourned at 11:50 a.m.

PASSED AND APPROVED the 23rd day of July 2019.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary