

**MIDLAND CITY COUNCIL
MINUTES
August 13, 2019**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 13, 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: 1-11, 14-22, 12-13, and 23-41.

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

OPENING ITEMS

1. Invocation - Pastor Andrew Strand, Mid-Cities 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 presented a proclamation to Midland Soup Kitchen Ministry.
 - b. Mayor Morales presented a proclamation recognizing the Northern Little League All-Stars.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12 and 13; 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. Regular City Council Meeting of July 23, 2019
5. Approved a resolution awarding a contract for the Central Fire Station Locker Rooms to Mid-Tex of Midland, Inc. for the Fire Department. (PURCHASING)

RESOLUTION NO. 2019 - 221

RESOLUTION AWARDING A CONTRACT FOR THE CENTRAL STATION LOCKER ROOM REMODEL PROJECT TO MID-TEX OF MIDLAND, INC., FOR A TOTAL COST OF \$222,975.00; APPROVING \$44,595.00 IN CONTINGENCIES; AND ALLOCATING FUNDS THEREFOR

6. Approved a resolution ratifying the emergency installation of valves and piping at the Paul Davis Well field total amount of \$225,758.00 from TEC Excavation for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 222

RESOLUTION RATIFYING AND APPROVING THE EMERGENCY INSTALLATION OF VALVES AND PIPING AT THE PAUL DAVIS WELL FIELD BY TEC EXCAVATION, INC., FOR A TOTAL COST OF \$225,758.00

7. Approved a resolution approving specifications and authorizing advertisement for bids for the removal of water treatment plant solids from the Water Purification Plant for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 223

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE REMOVAL OF WATER TREATMENT PLANT SOLIDS FROM THE WATER PURIFICATION PLANT

8. Approved a resolution approving the issuance of a request for qualifications for On-Call Engineering Services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 224

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR UP TO EIGHT FIRMS TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ENGINEERING SERVICES, ARCHITECTURE SERVICES, LANDSCAPE ARCHITECTURE SERVICES, LAND SURVEYING SERVICES, REAL ESTATE APPRAISING SERVICES, AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

9. Approved a resolution appropriating \$150,000.00 from the Facilities Services Division operating budget (001041) and allocating these funds to the Fire Station 5 construction project (900307-005) for the demolition of Fire Station 5 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 225

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$150,000.00 FROM THE FACILITIES DIVISION 2019 OPERATING BUDGET (001041) TO THE FIRE STATION #5 CONSTRUCTION PROJECT (900307-005); SAID APPROPRIATION PROVIDING FOR THE DEMOLITION OF FIRE STATION #5

10. Approved a resolution awarding a contract for artificial turf for athletic fields through Buyboard contract 560-18 for \$3,443,582.39 plus \$50,000.00 in contingencies for a total project cost of \$3,493,582.39 for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 226

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF \$3,443,582.39 WITH FIELDTURF USA, INC., FOR THE PURCHASE AND INSTALLATION OF ARTIFICIAL FIELD TURF AT THE BILL WILLIAMS SOFTBALL/BASEBALL COMPLEX AND ULMER PARK; APPROVING \$50,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

11. Approved a resolution authorizing the Mayor, City Manager and City Attorney to execute Federal Grant No. 59 from the Federal Aviation Administration upon receipt. (AIRPORTS)

RESOLUTION NO. 2019 - 227

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT NUMBER 59 IN THE AMOUNT OF \$6,000,000.00; SAID GRANT SHALL BE USED TO FUND THE REPLACEMENT OF THE PASSENGER BOARDING BRIDGES AND THE OUTBOUND BAGGAGE SYSTEM AT MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT

14. Consider an amendment to Resolution 2019-195 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-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 - 230

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED 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 LANE EXTENSION); SAID AMENDMENTS CHANGING THE NAMES OF THE WELLS

15. Approved an amendment to Resolution 2018-294 and Resolution 2018-296 on a request from Parsley Energy Operations, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Hogan 1-24-2807H) located 2,370 feet from the south line and 2,386 feet from the west line, generally located 2,386 feet east of Lamesa Road and between 2,125 feet and 2,155 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 231

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED 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 2,386 FEET EAST OF LAMESA ROAD AND BETWEEN 2,125 FEET AND 2,155 FEET NORTH OF LOOP 250); SAID AMENDMENTS CHANGING THE NAMES OF THE WELLS

16. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Fee "CK" No. 3H located 463 feet from the north line and 259 feet from the west line, generally located 418 feet south of Andrews Highway and 327 feet east of North Loop 250 West. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 232

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE 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 (GENERALLY LOCATED 418 FEET SOUTH OF ANDREWS HIGHWAY AND 327 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 308 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of 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, generally located 1,345 feet north of Briarwood Avenue and between 885 and 1,315 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 233

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL SEVEN OIL AND GAS WELLS LOCATED IN SECTION 24, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 1,345 FEET NORTH OF BRIARWOOD AVENUE AND BETWEEN 885 FEET AND 1,315 FEET EAST OF AVALON DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

18. Approved a motion on request by Maverick Engineering, to defer wastewater, water, and sidewalk improvements for Southeast Industrial Acres, Section 14, and to waive the corresponding financial security guarantee valued at \$90,768.00, an amount equal to the estimated cost of construction. The subject property is generally located just west of the Fairgrounds Road and IH 20 frontage road intersection, inside the corporate limits of the City of Midland. (ENGINEERING SERVICES)

19. Approved a resolution accepting the 2018 HIDTA Grant Funds in the amount of \$154,800. (POLICE)

RESOLUTION NO. 2019 - 234

RESOLUTION ACCEPTING A FISCAL YEAR 2018 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$154,800.00; SAID GRANT WILL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING FUNDS

20. Approved a resolution to apply for the FY2019 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2019 - 235

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO FILE A JOINT APPLICATION WITH MIDLAND COUNTY FOR FISCAL YEAR 2019 JUSTICE ASSISTANCE GRANT PROGRAM FUNDS TOTALING \$31,185.00, WITH THE CITY OF MIDLAND TO RECEIVE \$17,422.00 (60%) AND MIDLAND COUNTY TO RECEIVE \$11,613.00 (40%); AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE DIVISION OF SAID GRANT FUNDS; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS

21. Approved a resolution to accept grant funding awarded by TXDOT to the Midland Police Department to conduct a FY2020 Comprehensive STEP Enforcement Project. (POLICE)

RESOLUTION NO. 2019 - 236

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$21,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2019-2020 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

22. 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 - 237

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

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

12. Consider a resolution approving the specifications and authorizing the advertisement for bids for the project described as Midland International Air & Space Port Vehicle Parking Improvements. (AIRPORTS)

RESOLUTION NO. 2019 - 228

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE VEHICLE PARKING IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

Mayor Morales asked about the project. Airports Director Justine Ruff reported they would be paving over the existing dirt lots creating an additional 800 spots. Currently there are about 300-400 people who park in the overflow parking. Revenue is not captured in overflow parking. This project will also replace all the ticket spitters in all locations. Due to lack of workforce they are unable to hire shuttle drivers and can barely keep people who sit in the air conditioned booths to collect parking fees. There will be lighting and cameras in the new lots. This will be paid for from airport fund. She briefly addressed the parking garage noting the parking lots need to be built prior to building a close-in parking garage. The revenue captured from the new parking lots can be used to help fund a parking garage.

Council Member Love moved to adopt Resolution No. 2019 - 228; 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.

13. Consider a resolution authorizing the execution of Amendment #11 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2019 - 229

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER ELEVEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT AND MIDLAND AIRPARK SO AS TO INCLUDE THE NEW HANGAR DEVELOPMENT AT MIDLAND AIR PARK AND MAF MULTI-FACILITY REHAB PROJECTS; AND APPROPRIATING FUNDS THEREFOR

Airports Director Justine Ruff reported this will take them into the design phase which is the next step for this project. This could take 8-12 month and then construction could take about a year to complete. She clarified that it is possible for someone to build a hangar during construction. When asked if another FBO would be extended she noted that it would depend since many groups are interested in having their own fuel in their hangars so it may not be necessary.

Council Member Love moved to adopt Resolution No. 2019 - 229; 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.

SECOND READINGS

23. Consider an ordinance on second reading on a request by Daybreak Development, LLC, for a Zone Change from AE, Agriculture Estate District, to PD, Planned District for a Housing Development, on a 40.36-acre tract of land generally located east of the intersection of Overshine Lane and Sunrise Way. (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9954

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 40.36-ACRE TRACT OF LAND OUT OF THE SOUTH HALF OF SECTION 12, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND,

TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED EAST OF THE INTERSECTION OF OVERSHINE LANE AND SUNRISE WAY); 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. 9954.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9954 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.

24. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a LR-2, Local Retail District, to a PD, Planned District for a Housing Development generally located on the north side of Starboard Drive, approximately 570 feet east of South Tradewinds Boulevard. (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9955

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 5 AND 6, BLOCK 3, GATEWAY PLAZA ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 570 FEET EAST OF SOUTH 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 SueAnn Reyes read the caption of Ordinance No. 9955.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9955 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.

25. Consider an ordinance on second reading on a request by Midland TPS Development, LP, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, generally located on the northeast corner of the intersection of Camp Street and Crump Street. (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9956

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 9, BLOCK 2, AMARON ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CAMP STREET AND CRUMP STREET), WHICH IS PRESENTLY ZONED O-2, OFFICE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR

THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9956.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9956 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.

26. Consider an ordinance on second reading on a request by Maverick Engineering for a vacation of a 0.339-acre portion of Bedford Avenue right-of-way generally located on the west side of Midland Drive, approximately 598 feet south of Princeton Avenue and approximately 607 feet north of Cuthbert Avenue. (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9957

AN ORDINANCE VACATING AND ABANDONING A 0.339-ACRE PORTION OF BEDFORD AVENUE RIGHT-OF-WAY LOCATED IN SECTION 30, BLOCK 39, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF MIDLAND DRIVE, APPROXIMATELY 598 FEET SOUTH OF PRINCETON AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,085.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9957.

Council Member Love moved to approve the second and final reading of Ordinance No. 9957 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.

27. Consider an ordinance on second reading 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 land generally located on the southwest corner of the intersection of Beal Parkway and Thomason Drive. (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9958

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9958.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9958 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.

28. Consider an ordinance on second reading 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 generally located on the southeast corner of the intersection of Beal Parkway and Thomason Drive. (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9959

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9959.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9959 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.

29. Consider an ordinance on second reading establishing water, wastewater, and roadway impact fees. (ENGINEERING SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9960

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 14, "IMPACT FEES"; ESTABLISHING WATER, WASTEWATER, AND ROADWAY IMPACT FEES; ESTABLISHING PROCEDURES FOR THE ASSESSMENT, COMPUTATION, COLLECTION, DEPOSIT, REFUND, EXPENDITURE AND GENERAL ADMINISTRATION OF SAID IMPACT FEES; ESTABLISHING AN APPEAL PROCEDURE; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2019; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9960.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9960 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Robert Anderson, 1016 State Highway 161, reported he is the Permian Basin Builder Association President and asked that impact fees not be added to single family homes, duplexes and quadplexes.

Lance Friday, 5307 Ellen Jayne Parkway, thought Council should move forward with implementing impact fees except on non-revenue generating development which is all residential. He provided a link to Council which shows the payback that is generated from tax revenue noting it takes 4 years for residential and five years for multi-family. Typically, developers who must pay impact fees pass those costs onto the homebuyer. He suggested instead to raise the tax rate on everything on the tax rolls. Everyone wants to know how to build more affordable houses emphasizing that for every added \$1,000.00 in the cost of a home, 30,000 buyers are eliminated.

Engineering Services Director Jose Ortiz was asked to address how those concerns were addressed. Mr. Ortiz noted they looked at the concern of the advisory committee to minimize the expense to home buyers. There were concessions given in the form of credits.

City Attorney John Ohnemiller reported that state law allows for a 50% credit for residential and staff has proposed an additional 25% credit. There is also a two-year period instead of one year noting that any lot that is platted will not be assessed impact fees for two years. The ordinance also allows the developer to hold or bank credits within a preliminary plat if it is developed in phases. Finally, the ordinance also provides for water and wastewater credits which is not seen in other areas where impact fees are imposed. Mr. Ortiz added that it also eliminates the street improvement fee to homebuilders.

Eric West, Parkhill Smith and Cooper, reported they were the consultants for staff and did the study bringing Council to this point. Most other cities that have impact fees remain close to what state law allows. Midland has added several credits based on communications received in hopes to not stifle future development in any way. They have played out every scenario. There are times when it will be more beneficial to have impact fees and times it will go the other way. Every Texas city that is growing quickly has development impact fees. Most also have other dedicated sources specifically for infrastructure. Most do not have a County that they have to share sales tax with because the cities encompass the entire County. Almost all had bond elections recently for streets, and most other cities have higher property tax rates. This means that all those other cities have a leg up. Odessa and Lubbock are also working on implementing impact fees.

Mayor Morales noted the whole reason Council has not moved in this direction in the past is for fear that it would deter construction. At the end of the day he believes the community will be better off and will grow in unity to better grow our community in the areas of water, roads and housing. This is a good agreement.

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

30. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein. (ENGINEERING SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9961

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9787; 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. 9961.

Council Member Love moved to approve the second and final reading of Ordinance No. 9961 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

PUBLIC HEARINGS

31. First Public Hearing on Tax Increase for Fiscal Year 2019-2020 (FINANCE)

Budget Manager Jamie Minor reported the purpose of this meeting is to provide notification to the public and allow a chance to provide input on a tax rate for Fiscal Year 2019-2020 of 37.5639 cents per \$100 of valuation which is a 7.5% increase over the effective rate of 34.9432 cents per \$100 of valuation. This will raise \$5.6 million more than last year.

Mayor Morales opened the public hearing at 11:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

32. Consider a resolution of No Objection of the City Council of the City of Midland for the THF Midland Leased Housing Associates II, Limited Partnership's application to the Texas Department of Housing and Community Affairs for Housing Tax Credits. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 238

RESOLUTION OF NO OBJECTION TO THF MIDLAND LEASED HOUSING ASSOCIATES II, LIMITED PARTNERSHIP'S APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2019 HOUSING TAX CREDITS FOR SCHARBAUER FLATS (FORMERLY KNOWN AS VENTURA AT FAIRGROUNDS)

Development Services Director Chuck Harrington gave a brief overview of the item noting they previously had a resolution of no objection but since that time, the ownership has changed. The Texas Department of Community Affairs now requires a public hearing and Council action on the resolution.

Mayor Morales opened the public hearing at 11:06 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2019 - 238; 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.

33. Hold a public hearing regarding the proposed granting of oil and gas well permit to Diamondback E&P LLC, for the drilling of oil and gas well, being GRIDIRON N008MS generally located 1,345 feet north of Briarwood Avenue and 825 feet east of Avalon Drive. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this will be in the same area as the one approved on Consent Agenda. The wells will be on the same pad site, it will have 24-foot sound walls, and the same five variances granted previously. They will access the property from Briarwood off State Highway 158 and will require a Road Repair Agreement.

Mayor Morales opened the public hearing at 11:09 a.m.

Nolan Bradshaw, 6515 Gladiola, experienced the noise from the wells being drilled last year and would like to request they be required to use electric fracing instead of diesel to help reduce noise. The sound walls during drilling helps but fracing is very noisy.

Travis Langdon, 500 West Texas, is with legal for Diamondback. They are looking into electric frac, but they don't know if it will be available by the time this well will be drilled. Mayor Morales asked them to get with Ron Jenkins. Council Member Dufford noted that drilling is not an issue, but they need to go to quiet frac. He also suggested that that the City look at making that a requirement for any fracing done inside the City limits close to residences.

There being no one else wishing to speak, the public hearing was closed at 11:12 a.m.

34. Hold a public hearing regarding the proposed granting of oil and gas well permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Fee "CK" No. 4H located 463 feet from the north line and 234 feet from the west line and Fee "CK" No. 5H located 463 feet from the north line and 209 feet from the west line, generally located 418 feet south of Andrews Highway and between 277 feet and 301 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 the same area recently permitted. It will have 32-foot sound walls, a quiet frac system, will use a closed loop system, and reserve pits will be located outside of city limits. Council Member Love inquired if "quiet frac" is synonymous with "electric frac".

Mr. Jenkins explained that electric frac is a type of quiet frac, but they can also use diesel and they heavily insulate the system to make it quiet. Electric frac requires a power grid that is not always available.

Mayor Morales opened the public hearing at 11:15 a.m.

Cory Frederick, 4311 East County Road 60, reported he is with Fasken. The wells previously permitted are about $\frac{3}{4}$ of a mile away. They will be moving to this location in a few weeks. They have already constructed the sound walls at this location. They employ quiet frac but use diesel instead of electric since the grid capacity does not exist at this location. He explained that the quiet frac system has sound panels that force the sound to the ground which makes it a lot quieter. The company they use has high demand and they may have to wait to do the fracing. The rig will be moved in ten days and will be moved during the daytime with police assistance in helping with traffic flow.

There being no one else wishing to speak, the public hearing was closed at 11:18 a.m.

35. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a 1F-1, One-Family Dwelling District, to O-1, Office District generally located on northwest corner of the intersection of Cuthbert Avenue and Midland Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9962

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, HILLCREST ACRES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CUTHBERT AVENUE AND MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9962.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for rezoning for the development of an office building that will be occupied by the Texas Department of Child Protective Services. They will have to follow all the rules and regulations of an O-1. It is in compliance with the comprehensive plan, was approved by Planning & Zoning, and has been circulated to all departments. Staff recommends approval subject to condition A. As of August 7, no letters of objection have been received. This will be a one-story building.

Mayor Morales opened the public hearing at 11:20 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. 9962 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.

36. Hold a public hearing and consider an ordinance on request by Maverick Engineering for a Zone Change from a 1F-3, One-Family Dwelling District to an O-2, Office District generally located at the southeast corner of the intersection of Belmont Street and West Stokes Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9963

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 42 AND THE WEST 75.33 FEET OF BLOCK 43, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-3, ONE FAMILY DWELLING DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BELMONT STREET AND WEST STOKES 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. 9963.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to develop a hotel on this site. O-2 Allows for a building up to 98 feet in height. Planning & Zoning reviewed and approved the item. It has been reviewed by all departments with an objection from Planning due to the height of 98 feet which is too high without a buffer to the adjoining residential properties. The original property owner talked about putting in a buffer such as multi-family, but that has not been included as part of this request. Staff recommends denial. No letters of objection have been received.

Council Member Love spoke with the property owner two years ago and suggested he work with the neighborhood to soften the interaction between this location and the adjoining residences.

Mayor Morales opened the public hearing at 11:25 a.m.

Andrew Mellen, Maverick Engineering, reported the developer is looking at putting in a four-story LaQuinta and then develop duplexes in the area between. Developing this area will give him the funding he needs to proceed with the duplexes. Some of the adjoining neighbors have built on his land and he needs time to work out those issues. He clarified the hotel would be no taller than 50 feet and would be four stories.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9963 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

37. Hold a public hearing and consider an ordinance on a request by Maverick Engineering

to vacate a 0.004-acre tract, a 0.019-acre tract, and a 0.019-acre tract of land generally located on the north side of Beachwood Street, approximately 131 feet, 871 feet, and 1,066 feet west of Chukar Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9964

AN ORDINANCE VACATING AND ABANDONING A 0.004-ACRE PORTION OF RIGHT-OF-WAY, A 0.019-ACRE PORTION OF RIGHT-OF-WAY, AND A 0.019-ACRE PORTION OF RIGHT-OF-WAY, ALL OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BEACHWOOD STREET, APPROXIMATELY 131 FEET, 871 FEET, AND 1,066 FEET WEST OF CHUKAR LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$3,659.04; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9964.

Development Services Director Chuck Harrington gave a brief overview of the item noting the area is known as Quail Ridge. They are requesting vacation of portions of land to allow them to reshape the property for the subdivision which will be small tracts. No objections have been received. Staff recommends approval subject to conditions A and B.

Mayor Morales opened the public hearing at 11:31 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. 9964 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

38. An ordinance amending Title III, Departments, Chapter I Water Department of the City Code. (FINANCE)

ORDINANCE NO. 9965

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REGULATE WATER AND SEWER SERVICES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND DIRECTING NOTIFICATION TO CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9965.

Assistant City Manager Robert Patrick apologized that there is no memo attached to this item and there are some complex issues that need to be addressed. He asked that it be deferred to the next City Council meeting.

Council Member Love moved to defer this item to the next City Council meeting; seconded by Council Member Dufford. 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 on request by Maverick Engineering, to defer water and sidewalk improvements for Oasis Addition, and to waive the corresponding financial security guarantee valued at \$53,062.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of West Industrial Avenue, approximately 500 feet west of South County Rd 1250, inside the ETJ of the City of Midland. (ENGINEERING SERVICES)

Engineering Services Director Jose Ortiz gave a brief overview of the item noting staff was asking to deny this item, but after talking with the applicant they wish to defer this item to explore other development options.

Council Member Love moved to defer this item to a future date; 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.

40. Consider a motion on request by Maverick Engineering, to defer water and sidewalk improvements for Monomoy Estates, and to waive the corresponding financial security guarantee valued at \$67,187.00, an amount equal to the estimated cost of construction. The subject property is generally located on the South side of West Industrial Avenue, approximately 1000 feet west of Agri Road, inside the ETJ of the City of Midland. (ENGINEERING SERVICES)

Council Member Hotchkiss moved to defer this item to a future meeting; 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 COMMENT

41. 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.)

Kimberly Crisp, 3304 Douglas Avenue, thanked Council for a quick response in addressing issues at the skate park. She read in the MRT this morning that \$3.4 million is being allocated from Hotel/Motel funds to improve various sporting fields. She thinks that is a great idea but also thought funds should be allocated to the skate park. She gave an update on what has been happening at the skate park in the last two weeks and asked Council to install security cameras.

All the business at hand having been completed, the meeting adjourned at 11:40 a.m.

PASSED AND APPROVED the 27th day of August 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary