

**MIDLAND CITY COUNCIL
MINUTES
August 27, 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 August 27, 2019.

Council Members present: 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).

Council Members absent: Mayor Jerry F. Morales.

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, Finance Director Pam Simecka, General Services Director Regina Stephenson, Purchasing Manager Erika Munoz, Customer Service Manager Tony Goyang, and Public Information Officer Erin Bailey.

Mayor Morales called the meeting to order at 9:35 a.m.

1. Receive an update from Finance Director Pam Simecka regarding changes to the City Code due to the implementation of a new Customer Service and Utility Billing software.

Finance Director Pam Simecka reviewed additions to the City Code that Council is considering today including not adding any accounts without a valid Planning Division assigned address; offering additional communication methods with customers including texts and emails; adding a collection agency for collecting past due bills; allowing for the setup or termination of utility accounts online; and allowing the \$75 deposit to be paid with the first bill.

She reviewed the internal credit check system that has been established explaining the point system noting that customers have points added to their accounts for things like being charged a late fee, insufficient check, service disconnected, or tampering with a water meter. When a customer has over 99 points an additional \$75 deposit will be required. Any points added will be removed after 365 days. The internal auditor has the authority to review points and can remove them if there is valid justification. The deposit will be deducted from their final bill. Any amounts less than \$5 will not be billed or credited and the City can now pro-rate first and final bills. They will now do daily billing in hopes to alleviate the crowd that forms at the windows. For the future, they are working on directing everyone to pay online or at convenience stores to eliminate the need for a cashier.

Ms. Simecka reviewed the testing process they will go through followed by will have a two-week parallel run of both systems prior to going live. They have already checked and

cleaned up the data. They expect to implement the new system on November 4th. Prior to that date they will be working with the public information office to do public announcements and show what the new bill will look like. Future interfaces include GIS and Cityworks for workorders.

Brief discussion ensued regarding the possibility of splitting customer service away from Finance in the future. Ms. Simecka wrapped up by noting customers will have multiple ways of receiving notices of payment due, that customers will be able to see their usage on an hourly basis and be able to make requests for services on line.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 10:00 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 27, 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: 1-7, 9-17, 19-22, 8, 18, 23-38.

Mayor Morales called the meeting to order at 10:04 a.m.

OPENING ITEMS

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

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

Mayor Morales presented a proclamation to the Midland Horned Frogs in recognition of their winning the national championship.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8 and 18; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
 - a. Special meeting of July 18, 2019
 - b. Regular meeting of July 30, 2019
 - c. Special meeting of August 7, 2019
 - d. Regular meeting of August 13, 2019
5. Approved a resolution approving the continued receipt of Bingo Prize Fee Funds. (FINANCE)

RESOLUTION NO. 2019 - 239
RESOLUTION APPROVING THE CONTINUED RECEIPT OF BINGO PRIZE FEE FUNDS UNDER SECTION 2001.502, OCCUPATIONS CODE, AS AMENDED BY HOUSE BILL 914, 86TH TEXAS LEGISLATURE

6. Approved a resolution declaring expectation to reimburse expenditures with proceeds of future debt - GO Bonds. (FINANCE)

RESOLUTION NO. 2019 - 240
RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT - GO BONDS

7. Approved a resolution declaring expectation to reimburse expenditure with proceeds of future debt-Certificate of Obligation. (FINANCE)

RESOLUTION NO. 2019 - 241
RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT - CERTIFICATES OF OBLIGATION

9. Approved a resolution awarding a contract for a new school flasher system from Texas Highway Products, LTD through BuyBoard contract 534-17 for \$150,600.00 for the Traffic Operations Division of the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 243
RESOLUTION APPROVING THE PURCHASE OF A SCHOOL FLASHER SYSTEM FOR THE TRAFFIC OPERATIONS DIVISION FROM TEXAS HIGHWAY PRODUCTS, LTD THROUGH BUYBOARD AT A TOTAL COST OF \$150,600.00

10. Approved a resolution awarding a contract for the removal and replacement of one (1) chiller and two (2) air handlers at City Hall and for the removal and replacement of two (2) chillers at the Police Department to Tommy Klein Construction, Inc. through BuyBoard contract 520-16 for \$597,487.13 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 244
RESOLUTION APPROVING A CONTRACT WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE REPLACEMENT OF CHILLER UNITS AND AIR HANDLER UNITS AT CITY HALL AND THE POLICE DEPARTMENT, THROUGH BUYBOARD, AT A TOTAL COST OF \$597,487.13

11. Approved a resolution ratifying the electrical easement with Oncor for the new Police barracks located at 4214 Farm-to-Market 307 for the Police Department. (PURCHASING)

RESOLUTION NO. 2019 - 245

RESOLUTION RATIFYING THE EXECUTION OF AN INSTRUMENT GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC AN EASEMENT AND RIGHT-OF-WAY LOCATED IN A 0.116-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

12. Approved a resolution awarding a contract for the three-year maintenance renewal for VMware Virtual Enterprise Licensing from GTS Technology Solutions, Inc. through Department of Information Resources (DIR) contract DIR-TSO-3926 for a cost of \$175,139.49 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 246

RESOLUTION APPROVING THE PURCHASE OF A THREE YEAR MAINTENANCE RENEWAL FOR VMWARE VIRTUAL ENTERPRISE LICENSING FROM GTS TECHNOLOGY SOLUTIONS, INC., THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$175,139.49 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

13. Approved a resolution appropriating funds for the reimbursement of the Airport's share of approved Passenger Facility Charge (PFC) projects. (AIRPORTS)

RESOLUTION NO. 2019 - 247

RESOLUTION AUTHORIZING THE APPROPRIATION AND TRANSFER OF FUNDS FROM THE AIRPORT PASSENGER FACILITY CHARGE FUND (501) UNAPPROPRIATED FUND BALANCE (35650) FOR THE PURPOSE OF REIMBURSING THE AIRPORT OPERATING FUND (500); AND APPROPRIATING REMAINING PASSENGER FACILITY CHARGE FUNDS TO CERTAIN PROJECTS

14. Approved a resolution authorizing the execution of the 2019 Airsho Agreement between The City of Midland, Texas and the Commemorative Air Force (CAF). (AIRPORTS)

RESOLUTION NO. 2019 - 248

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INC., FOR THE STAGING OF AN AIRSHOW AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; THE AIRSHOW WILL COMMENCE FRIDAY, SEPTEMBER 13, 2019, AND CONCLUDE SUNDAY, SEPTEMBER 15, 2019

15. Approved a resolution authorizing the appropriation of \$975,393.00 from the Airport Operating Fund to the Outbound Baggage Handling System Replacement and Passenger Boarding Bridges Replacement Project. (AIRPORTS)

RESOLUTION NO. 2019 - 249

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THYSSENKRUPP AIRPORT SYSTEMS IN AN AMOUNT NOT TO EXCEED \$3,345,476.00 FOR THE CONSTRUCTION OF THE PASSENGER BOARDING BRIDGES REPLACEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS THEREFOR

16. Approved a resolution awarding the project described as Outbound Baggage Handling System Replacement at Midland International Air & Space Port to Ranger Steel, Inc. of Houston, Texas and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2019 - 250

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RANGER STEEL, INC., IN AN AMOUNT NOT TO EXCEED \$1,497,401.00 FOR THE CONSTRUCTION OF THE OUTBOUND BAGGAGE HANDLING SYSTEM REPLACEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS THEREFOR

17. Approved a resolution awarding the project described as Passenger Boarding Bridge Replacement at Midland International Air & Space Port to Thyssenkrupp Airport Systems of Ft. Worth, Texas and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2019 - 251

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THYSSENKRUPP AIRPORT SYSTEMS IN AN AMOUNT NOT TO EXCEED \$3,345,476.00 FOR THE CONSTRUCTION OF THE PASSENGER BOARDING BRIDGES REPLACEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS THEREFOR

19. Approved a resolution adopting rules regarding the public's right to address the City Council of the City of Midland. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 253

RESOLUTION ADOPTING RULES REGARDING THE PUBLIC'S RIGHT TO ADDRESS THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, REGARDING AN ITEM ON AN AGENDA FOR AN OPEN MEETING IN ACCORDANCE WITH TEXAS GOVERNMENT CODE § 551.007

20. Approved a motion approving a proposed preliminary plat of J Bar J Properties, being a 25.95 acre tract of land out of the southwest quarter of Section 28, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the east side of North County Road 1148, approximately 448 feet south of East County Road 63 - Extraterritorial Jurisdiction). (Development Services)

21. Approved a motion approving a proposed preliminary plat of Lone Star Trails II, Section 3 being a 258.84-acre tract of land located in Section 7, Block 38, T-1-S, T&P RR. Co. Survey, City and County of Midland Texas, (generally located on the north side of Arapahoe Road, approximately 445-feet east of Fairgrounds Road). (Development Services)

22. Approved a resolution authorizing the City Manager to execute a sub-surface easement agreement between the City of Midland and Parsley Energy, L.P., located on a .854 acre tract in east half of Sections 14, Block 39, T-1-S, T&P RR Co. Survey, Midland County Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 254

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUB-SURFACE EASEMENT AGREEMENT GRANTING TO PARSLEY ENERGY, L.P. ("OPERATOR") A SUB-SURFACE EASEMENT

LOCATED ON A CITY-OWNED .854-ACRE TRACT OF LAND IN THE EAST HALF OF SECTION 14 , BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, REWORKING, RE-DRILLING, COMPLETING, MAINTAINING, RE-ENTERING, PRODUCING, OPERATING, TRANSPORTING PRODUCTION THROUGH, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID TRACT OF LAND TO BENEFIT THE OIL, GAS AND OTHER MINERAL PRODUCTION FROM WELLS DRILLED OR TO BE DRILLED BY OPERATOR, ITS SUCCESSORS OR ASSIGNS ON LANDS LOCATED IN THE EAST HALF OF SECTIONS 14 AND 23 AND THE NORTHEAST QUARTER OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

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

8. Consider a resolution approving the Fiscal Year 2019-2020 budget of the Space Port Development Corporation. (FINANCE)

RESOLUTION NO. 2019 - 242

RESOLUTION APPROVING THE FISCAL YEAR 2019-2020 BUDGET FOR THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION, AS AUTHORIZED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE

Budget Manager Jamie Radcliff reported that the General Fund transferred in money to cover the audit that is required by law. Council Member Robnett emphasized that this is not being paid for by MDC or by the Airport Fund.

Council Member Love moved to adopt Resolution No. 2019 - 242; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: Robnett. ABSTAIN: None. ABSENT: None.

18. Approved a resolution allocating the sum of \$525,000.00 to a Parks Wireless Connectivity Project from the 2019 CISD operating budget. (CISD)

RESOLUTION NO. 2019 - 252

RESOLUTION AUTHORIZING THE ALLOCATION OF FUNDS IN THE AMOUNT OF \$525,000.00 FROM THE 2019 OPERATING BUDGET OF THE INFORMATION SYSTEMS DIVISION OF THE COMMUNICATION INFORMATION SYSTEMS DEPARTMENT IN THE GENERAL FUND TO THE PARKS WI-FI PROJECT

Council Member Trost asked what this allocation will do. Chief Information Officer Jennifer Frescaz reported they will install Wi-Fi in three City Parks: Reyes-Mashburn-Nelms Park, Beal Park and Hogan Park.

Council Member Hotchkiss moved to adopt Resolution No. 2019 - 252; 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.

SECOND READINGS

23. Consider an ordinance on second reading 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) (First reading held on August 13, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9962.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9962 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

24. Consider an ordinance on second reading on a request by 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) (First reading held on August 13, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9963.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9963 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 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) (First reading held on August 13, 2019)

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

Development Services Director reported this item was withdrawn at the request of the applicant.

PUBLIC HEARINGS

26. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of the .375-acre portion of Pasadena Drive and alley right-of-way generally located west of Pasadena Drive, approximately 411 feet west of Eisenhower Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9966

AN ORDINANCE VACATING AND ABANDONING A 0.375-ACRE PORTION OF PASADENA DRIVE AND ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 5, BLOCK 20, AND LOT 6, BLOCK 13, WESTERN HILLS, REPLAT OF BLOCK 13, AND LOT 6C, BLOCK 20, WESTERN HILLS, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 411 FEET WEST OF THE INTERSECTION OF PASADENA DRIVE AND EISENHOWER DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,503.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9966.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to vacate a portion of alley right-of-way to use for single family housing. Midland Central Appraisal District has appraised the land at \$1.50 per square foot or \$24,503.00. The item has been reviewed by all City departments and would like the creation of a utility easement. Staff recommends approval. As of August 21, no letters of objection have been received.

Mayor Morales opened the public hearing at 10:25 a.m.

Andrew Mellen 1909 W. Wall, Maverick Engineering, reported that the right-of-way will be used to create residential lots that follow Pasadena Street with a cul-de-sac at the end. They will be dedicating more right-of-way than they are asking the City to vacate and asked for a swap making the number zero.

There being no one else wishing to speak, the public hearing was closed at 10:26 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9966 in accordance with the Charter of the City of Midland with an amendment to waive the fees upon receipt of property of equal or greater value and to give the City Manager authority to approve; 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. Hold a public hearing and consider an ordinance on a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Shopping Center to a RR, Regional Retail District generally located on the north side of Westridge Boulevard, approximately 358 feet east of Tradewinds Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9967

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6D, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WESTRIDGE BOULEVARD, APPROXIMATELY 358 FEET EAST 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. 9967.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is three separate bars under one ownership. The Ranch is a two-story, Hammer Time is the second and the third is the Ice House. This has been received by all departments with no objections. Planning and Zoning recommended approval and as of August 21 no letters of objection have been received. Council Member Lacy asked about ingress and egress and if they had shared access with the property to the east noting his top concern was safety. Mr. Harrington clarified that public safety representatives have reviewed the plan.

Mayor Morales opened the public hearing at 10:31 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. 9967 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. Hold a public hearing and consider an ordinance on a request by Li Chen 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 southeast corner of the intersection of Castleford Road and North Garfield Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9968

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,950 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CASTLEFORD ROAD AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN

CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9968.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the sale of alcoholic beverages for the Fun Noodle Bar. There are no schools or churches within 300 feet. It has been reviewed by all departments and staff recommends approval subject to conditions A-F. 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. 9968 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. Hold a public hearing and consider an ordinance on a request by Proffutt Limited Partnership for a Special Exception from the City of Midland's Zoning Ordinance concerning maximum height on a 3.199-acre tract of land generally located approximately 815 feet south of State Highway 191 and 1,643 feet west of Avalon Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9969

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 3.199-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 815 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,643 FEET WEST OF AVALON DRIVE), BY PERMITTING AN INCREASED MAXIMUM HEIGHT OF A STRUCTURE; 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. 9969.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception to the height restriction of 56 feet or 4 stories. The property will be four stories but because of architectural features it is 9 feet higher than the maximum allowed. It has been reviewed by all departments. Planning found no hardship has been exhibited. No letters of objection have been received. Council Member Lacy asked if it was a line of site issue. Mr. Harrington noted that a 3-story apartment complex will be built between this property and the adjoining residential.

Mayor Morales opened the public hearing at 10:39 a.m.

Andrew Mellen, Maverick Engineering, reported the owner of this property also is the same owner for the apartments. He is selling the land for the hotel and while they are working on their loan to build, he will move forward with the apartments. With three story apartments between the single family homes and the hotel, it eliminates the concern for line of site. The hotel is a flag oriented building and the architectural feature is significant for that flag. Council Member Love noted that for architectural features he is not concerned with going over the height restriction.

There being no one else wishing to speak, the public hearing was closed at 10:42 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9969 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Love, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

30. Hold a public hearing and consider an ordinance on a request by Frank S. Longoria Jr. for a Special Exception from the City of Midland Zoning Ordinance concerning the maximum square footage of all accessory buildings (combined area), maximum number of accessory buildings, and the exterior façade of accessory buildings generally located on the south side of Sentinel Avenue, approximately 133 feet west of Alpine Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9970

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 2, LILLY HEIGHTS EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SENTINEL AVENUE, APPROXIMATELY 133 FEET WEST OF ALPINE STREET), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS, (2) AN INCREASED MAXIMUM COMBINED AREA OF ALL ACCESSORY BUILDINGS, AND (3) A DEVIATION FROM THE BUILDING FACADE MATERIAL STANDARDS; 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. 9970.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception to the maximum square footage of all accessory buildings and the maximum number of accessory buildings. The applicant is proposing to build a 15-foot tall building. The property already has two existing buildings of 750 and 150 square feet. With the added building it will give over 2100 square feet on the property. The building meets setback requirements and has been reviewed by all departments. Because there is no hardship, staff recommends denial.

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

Billy Bilstad, 3503 Sentinel, spoke on behalf of his father-in-law the owner of the property. The smallest accessory building will be torn down once the new building is constructed. The new building will be a garage where he can park and rebuild his old truck. They spoke with the neighbors who are in support of the item and there are many other similar buildings in the neighborhood.

There being no one else wishing to speak, the public hearing was closed at 10:50 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9970 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Hold a public hearing regarding the proposed granting of an oil and gas well permit to COG Operating LLC, for the drilling of an oil and gas well, being Mask HZ Unit No 1007AH located 230 feet from the north line and 2,627 feet from the east line, Section 10, Block X, H.P Hilliard Survey, City and County of Midland, Texas, generally located 2,627 feet east of North A Street and 215 feet north of Green Tree Boulevard Extension. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is located north of the City limits where RSP used to be. They are asking for the same variances as the previous wells. They will share the same pad site as the previous wells. The closest neighbors are about 2,000 feet to the south. They are requesting two variances for no Road Repair Agreement and for 24-hour fracing.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

32. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Charger #H160UH located 110 feet from the south line and 525 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, generally located 857 feet east of South Garfield Street and 323 feet north of West County Road 111. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is located south of I-20 in the same area as the previous wells with the same pad site and same tank battery. They are requesting the same five variances as in the past. They will be using a 16-foot sound wall on the north side of the location.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

33. Hold a public hearing to gather citizen input on the proposed 2019-2020 Budget. This is a public hearing only. (FINANCE)

Budget Manager Jamie Radcliff gave a brief overview of the item noting the budget shows a 7.5% increase over the previous year. If adopted, Council is authorizing expenditures of \$145 million which is about \$1.7 million over staff's original request.

Mayor Morales opened the public hearing at 10:58 a.m.

Consuelo Duff, 4708 Pleasant Drive, had a question about agenda item number 26 asking which houses are going to be vacant. Mayor Morales asked staff to meet with her to answer her questions.

David Rosen, 5002 Thames Court, reported he was under the impression that Council is going from \$128 million to \$144 million which he viewed as a 10% increase in spending. He asked that the Council consider the school bond and other entities that may be impacted by that decision.

Mark Trotter, 3015 San Jose, Odessa, reported his taxes go up every year and he has had to get a second job just to pay for his taxes which are now up to \$6,000. He suggested raising sales tax instead. Council Member Lacy noted that property taxes are set by MCAD and they have been tasked with setting all properties at market value. Mr. Trotter noted they have appraised his home at the same value as his neighbors, but his house is 14 years older. Council Member Robnett noted that the City taxes are only about 25% of the entire tax bill. Mayor Morales clarified there are five taxing entities and that the City has no control over MCAD.

Council Member Trost added that the City Manager and budget director explored other avenues of funding to help alleviate this pain. We are a city that is growing so fast that we are caught in the aftermath of trying to move forward.

Kimberly Crisp, 3304 Douglass, reported she has reviewed the budget and thinks that it is lean but did express concern that Hogan Park Golf Course operates at a deficit with Council adding .5 million for the year. Council Member Robnett noted that a lot of charities and non-profits run tournaments at the Golf Course to raise money. Council Member Dufford noted it is common for cities to subsidize their golf courses because it is a quality of life. He added that no park in town makes money, but they are all important parts of our community and Council will continue to subsidize them. Mayor Morales added that he hears from citizens telling him to make an investment in the golf course. Council Member Dufford added that it is a quality of life issue that helps attract young professionals to the community who might not be able to afford becoming a member of another country club.

Council Member Trost added he is working on a project for Lancaster park.

Nettie Anderson, 3400 Shell, has lived here all her life and this boom isn't like any in the past noting that oil is only at \$55 a barrel and people are still holding back. She feared a tax rate would hurt Midland. She asked Council to reduce the budget.

Tracye Gearhart, 6706 Mosswood, has a passion for animals and thought projects like the animal shelter and golf course improvements were good for the population. Midland is behind and she likes that the Council is progressive and looking to the future for our growing population. Some things are not about money or profit but just about doing the right thing. Not everyone can afford an expensive country club and having a course available to the public is important. An animal shelter is also important because everyone deserves a pet that they can adopt at a reasonable rate. The life and health of animals shouldn't depend on whether an animal center makes a profit.

There being no one else wishing to speak, the public hearing was closed 11:30 a.m.

MISCELLANEOUS

34. Consider an ordinance providing funds for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020. (FINANCE)

ORDINANCE NO. 9971

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9971.

Budget Manager Jamie Radcliff gave a brief overview of the item.

Council Member Love noted the rate Council set will bring in an extra \$1.7 million. He questioned if Council should lower it to the rate staff recommended or keep it to bring in funds for roads or the senior center.

Council Member Hotchkiss said Council could consider a number in between noting she was appalled that the senior center has such an old stove that it has a pilot light.

Mayor Morales is behind supporting improvements at the senior center and health center but wants to see what other sources of revenue might be available. He suggested using the royalty money from Hogan Park.

Council Member Lacy agreed noting Council should not designate funds without a location for a future senior health center.

Council Member Love emphasized that the effective rate plus 7.5% is still a cut in the tax rate and the money could be used for important items considering the fact cities will be limited in future years to 3.5%. Even though the rate is lower people may end up paying more in taxes because their property value has increased.

Staff's recommended budget was a 4.37% increase over effective rate. Council Member Dufford stated the bottom line is 2/3 of the budget is personnel; 50% is police and fire leaving only 1/3 of the budget for everything else including roads, buildings and maintenance.

Budget Manager Jamie Radcliff reported that when the tax rate was raised, all the excess funds went into non-departmental. When asked what the increase for the average taxpayer would be, she reported it was about \$90 for a homeowner in a \$270,000 home at the 7.5% above effective rate.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9971 in accordance with the Charter of the City of Midland with the amendment to lower the budget to \$142,629,337.00; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Morales, Dufford, Robnett. NAY: Trost, Love, Lacy. ABSTAIN: None. ABSENT: None.

35. Consider an ordinance on first reading fixing the Tax Levy for the City of Midland, Texas for the Fiscal Year 2019-2020. (FINANCE)

ORDINANCE NO. 9972

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9972.

Budget Manager Jamie Radcliff gave a brief overview of the item. Discussion ensued about the original proposed rate.

Council Member Trost moved that the rate be changed to 3% over the effective rate. No second was received.

Following discussion, Council Member Robnett moved that the property tax rate be increased by the adoption of a tax rate of three hundred sixty-four thousand seven hundred fifteen millionth cents per \$100 valuation, which is effectively a 4.37 percent increase in the tax rate.; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Robnett. NAY: Trost, Lacy. ABSTAIN: None. ABSENT: None.

36. Consider an ordinance amending Title III, Departments, Chapter I Water Department of the City Code. (FINANCE) (Deferred from 08/13/2019 meeting)

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 Jan Hamilton read the caption of Ordinance No. 9965.

Finance Director Pam Simecka gave a brief overview of the item noting this will allow for the new utility billing program.

Council Member Dufford noted that he and Mayor Morales served on the committee and that this will end up being a cost savings for the City being able to do more with less. Council emphasized that if staff is not comfortable with going live on November 4th it was okay to push back the rollout date to ensure that it is a smooth transition for the citizens.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9965 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: Trost. ABSTAIN: None. ABSENT: None.

37. Consider a resolution authorizing the City Manager to negotiate & execute a contract

with Perdue Brandon Fielder Collins and Mott, LLP (The "Firm") of Midland, Texas, for the collection agency service for the Finance Department at a cost not to exceed 20 percent of the amounts collected by the firm. (PURCHASING)

RESOLUTION NO. 2019 - 255

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH PERDUE BRANDON FIELDER COLLINS AND MOTT, LLP (THE "FIRM") OF MIDLAND, TEXAS, FOR COLLECTION AGENCY SERVICES FOR THE FINANCE DEPARTMENT AT A COST NOT TO EXCEED 20 PERCENT OF THE AMOUNTS COLLECTED BY THE FIRM; AND AUTHORIZING PAYMENT THEREFOR

Finance Director Pam Simecka gave a brief overview of the item noting they are changing the procedures due to the new billing system. They will be moving to a collection agency rather than putting liens on property and it should be more efficient in collecting past due fees.

Council Member Lacy moved to adopt Resolution No. 2019 - 255; 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.

PUBLIC COMMENT

38. 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.)

Dan Corrales, 4604 W Illinois, introduced himself noting his family has lived in Midland for 70 years and his grandmother was the first Hispanic to sit on the City Council. He thanked Council for all they do.

All the business at hand having been completed, the meeting adjourned at 12:06 p.m.

PASSED AND APPROVED the 10th day of September 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary