

**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 ____ 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 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: None.

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, Police Chief Seth Herman, Fire Chief Chuck Blumenauer, Utilities Director Carl Craigo, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Jennifer Frescaz, Solid Waste Director Jeffery Ahrlett, Planning Division Manager Cristina Odenborg, Building Official Steve Thorpe, and Public Information Officer Erin Bailey.

Mayor Morales called the meeting to order at __ a.m.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at ____ 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 Scott Dufford (District 1), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

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

City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at __ a.m.

OPENING ITEMS

10:02

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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:

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 10 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.

- a. Regular City Council meeting of June 25, 2019

Council Member Robnett moved to approve Consent Agenda items 4 - 10 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.

5. Approved 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 moved to adopt Resolution No. 2019 - 201; seconded by Council Member Robnett.

Lacy who does this benefit, Jennifer request to increase benefit. for maint and

Love plan for rolling out for consumer charging free? Jennifer plan to roll out as wifi to public in aux in general stidum areas.

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

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

Council Member Robnett moved to approve Consent Agenda items 4 - 10 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.

7. Consider 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

Council Member Robnett moved to approve Consent Agenda items 4 - 10 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.

8. Consider 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

Council Member Robnett moved to approve Consent Agenda items 4 - 10 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.

9. Consider 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

Council Member Robnett moved to approve Consent Agenda items 4 - 10 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.

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)

Council Member Robnett moved to approve Consent Agenda items 4 - 10 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.

11. Approved 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. (ETJ) (ENGINEERING SERVICES)

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. 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. (ETJ); seconded by Council Member Hotchkiss.

Love no problem did notice did not see rec from staff. Ortiz support full request.

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

12. Approved 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 moved to adopt Resolution No. 2019 - 206; seconded by Council Member Trost.

Laacy verification staff how much reimbursed to mall. patrick 0 how much gain how much we getting 300,000 200000 of site 1000 public safety improvements to enhance ingress and egress courtyard and operations and capacity at interchange city gained . morales fence put in. Love mike said last time concern doing these things at mall concern internal horrible navigating through there they are working to. Mike discussed as part of process not a lot of hcnages sto internal flow aware of concern and will address as more projects come in.

Morales any new taxes coming in financial expectations doing fantastic work. Trost whatever did in renegotiating to city's benefit appreciate.

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 NE/4 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, Section 11-1-7 area, yard, structure, parking and miscellaneous lot and use regulations concerning the construction standards of detached accessory structures on 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). (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; 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. (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 7 wells same are Diamond back 4 wells last year drilled. Wells north of Briarwood near Avalon. Been to o7g after meeting made 4 rec using 24 ft instead 16 add third wall to north toward bynum, sound walls use quiet frac. changed walls to 24 foot, considering for north side may use walls did not address quiet fracturing. 5 variances same as in past, no obj received but when drilling done did get a lot of voice from neighborhood call from someone got a lot of site and sound.

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

Travis Landon 700? West Texas if any questions. Lacy quiet frac what do to muzzle. Done leaps and bounds of midland drive. Travis one thing have done in all operations in City change sand delivery system made huge difference continue to monitor sound. work with group currently scheduled on electric fleet don't have ability to provide yet but working on. will frac in 2 stages 2 pads drill and frac 4 and then move down. some time to continue to improve about 30 days for frac. Morales dealign with school this time and internal communication with drivers that school is close by. Give reports status of where at and share with school. Lacy you won't be access city roads coming off craddick, travis yes, north bound access road. work with school to ensure sound is taking care of and can get in.

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 two wells permitted in same area Andrews loop 250 Faskens using 32 foot sound walls on south and east side of pad. using quiet frac system. 3 variances have variance to commercial area 308 feet closest with letters of support from those people, surface agreement 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, on a 4,175 square foot portion of the west 1.5 feet of Lot 3, all of 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 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 new restaurant on promise cons of alco bev. locatd in central area district allows total serv area 1742 sq ft outdoor 401 sq ft. req m-s 10-2, sun 10-10. prop hours reset are same no schools or church 300 feet. rev by p7z did rec approval change mon sat from 10-12 instead of req. staff reviewed and find no object meets all req rec approval. Did receive one loj. Trost parking issue a lot of parkign in alleys been through many times. Can't go down alleys sometime people parking in those alleys and this is also an area where parking issue has been reviewed. Chuck under oldreg there was no required parking downtown new ord now requires additional parking avail for this type of use. Chuck get with police chief to address. are changing pparking enforcement program.

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 amendment to change alcohol 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 on Lot Plot A, The Village, City and County of Midland, Texas, (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 gave a brief overview of the item noting requested with draw by applicant.

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 located in 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)

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 just went through final reading off annex applic req initial zonign would like planned district proposing mixed use include office, retail, multi family uses. staff reviewed all and have several cond contingent upon site plan submittal for property. also proposing same type of development design review committee and have all restrictions by copying what did on continuing process. Found to be success. staff rec aproval subject to item a-m. as of 7/5 no loj rec approval. Lacy sub committee needs to be appoitned by Mayor. Chuck you have a site and establish max sq footage of each type of use but alloows flexibility to develop property maybe have 150,000 for apts but want 180,000 shifts but never exceeds max sq footage. Morales took team to co to observe open zoning concept.

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 on Lot 6, Block 34, Cowden Addition, City and County of Midland, Texas, (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 rezoning of property one little lot of 1f2 and inhibiting further development. would like to rezone to match rest of property to develop. adhere to all site plan standards. all staff rev no obj to reoning. in compl with com plan and p7z rec approval 6/3. staff rec approval from 1f2 to lr2 as requested. as of 7/2 received one loj and received second on desk now.

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 on Lot 5, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas. (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 site plan aproval in PD for SC. wishing to place dental office along with retail space. site plan provided shows two spaces. meeet all parking req of new ord and iin compl with comp plan. p7z rec approval. staff rec approval. no loj.

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 a amended PD, Planned District for a Housing Development on a 26.15-acre tract of land out of the Southwest/4 of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Fairgrounds Road, approximately 715-feet south of E.ast 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 zone change amendment to existing pd for housing deve to change housing density on property going 20 units per acre to 17. no longer proposing 180 units been reviewed by all depts. p7z approved staff rec approval of change based on cond a-e no

loj as of 7/3. Love did say why decreasing. Chuck no longer going for market units.

Trost for mobile home park? Chuck no.

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

John Newton 3209 Caldera, as far as density main change is to accomodate copus st extend down through caused reconfiguration of buildings which decreased number of buildings for site. Love we need as much housing as possible with this being potentially affordable housing would like to get as many units as possible. To wwest have plans to develop in future. Love apt complex could have more units in future but this a phasee I. Morales based on incomee. John not sure how its written. John this is affordable housing and going through process of TDHCA and they ahve been aproved for funding through TDHCA. This site going to get additional funding for low income. Next site is not going that way. Love this council wrote a letter of support for application this is same group did apt complex on Lamesaa south near Interstate and did an excellent job really confident in this company. Morales how will base rentals let mgt know to shoot email as how it breaks down is it 40% on income and 50% based oon formula.

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 out of the south portion of Block 83, the west portion of Block 84, the north half of Blocks 85 and 86, and including a vacated 5.192-acre portion of Benton Avenue right-of-way and Poplar Lane right-of-way, East Midland Addition, City and County of Midland, Texas. (Generally located on the west side of North Fairgrounds Road, approximately 617-freet 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.

Development Services Director Chuck Harrington gave a brief overview of the item noting for mfgd home park shows 284 lots that are equal to 6 units per acre but can be used for different layout double wide and tiny homes. Could equal 12 units per acre also proposing outdoor area, food court and leasing office. p7z rec limited to 8 units per acre which is barely above single family density. Lacy why did p7z rec that. Chuck felt too much. Proposed site plan provides adequate access internal circulation issue with int street with 36 feet which is larger than normal for parking pads didn't feel any issues of able to access properties. final issues p7z deals with setbacks and distance between units. coord req 20 feet and in this case some are only spaced every 10 feet. Can have same thing for sfh and these units rep conf but materials use are same type rating as sfh. has been rev by all staff and approved with cond show rec for approval by p7z except for setbacks density and street width. staff reviewed and rec if council accepts for sup without permit subj cond a-n as of 7/3 received one loj.

Mayor fire dept streets are chuck narrowest 26. he can work won't restrict fire. Love we drive trucks. chuck repeating their position primary calls are emergency medical firetrucks not big issue. Morales fencing? Chuck meet all requirements.

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

John Newton, 3209 Caldera Newton Engineering here to answer question st widths main thoroughfare is 35 foot which is main collector for subdivision. the other street 26 foot wide all n/s 26. parking pads 20 foot parking pads larger than standard side and wider 26 drive 20 foot parking pad and then building starts. Good wide area turn area plenty of room for large trucks to fit in. Love applicant puts a great product out. His existing business location is very good. Have serious concerns. Just got through talking about density but in this case think more density will cause problems. Don't like size of streets when have a couple of people over to your house not enough room. Really concerned with buildings being 10 feet apart if one catches fire goes like dominoes. And then storage 120 CF for storage and that is not available on these units. John think there is still planning for storage available similar to what provided. Love asking to approve today if have storage info now would be time. Believe in code that having storage to provide. Can have Mr. Gardaphe come up and address storage. Access is adequate for fire marshal fire trucks and ambulances. Can dedicate as fire lanes so don't have anybody parking in street prev dev 2 spaces per unit on this up to 5 per lot as far as parking is concerned. More parking is being provided. Love what about 10 feet. Newton don't know what to speak know that mobile homes are built to HUD standards and are rigorous studies out that show fires in mobile homes death rate gone down significantly. Anytime stack homes in like residential including apartments have that concern. Similar to residential subdivision where stacked 10 feet apart adequate. stacked fire hydrants more than what is required by. Trust what was thought behind that. Newton want to provide plenty of fire support. Whenever look at subdivision or site treated like commercial site that requires 350 foot residential is 400. spaced those at 350. Trust reason putting more fire hydrants is just in case what Mr. Love pointed out. Newton if put infrastructure in place and access to fire hydrant. Robnet 10 foot setback is similar to 1f3. Chuck the 10 foot separation from any building is requirement if 1f3 with 5 yard setback constructed differently. Love different materials used in 1f3 vs this. Chuck same materials. 10 foot fd adequate access. Trust question when build homes they are using different materials then mfgd home. Chuck

might have brick veneer but not required. These homes have gypsum wall. Morales one entrance and exit. chuck 3. Robnett all single family and density requirement don't remember single conversation about fire protection why is this conversation coming up now. Hotchkiss they've also stepped it up by having extra fire hydrants just in case. very happy to find being proactive if like other area and it looks attractive. went different direction want it to look attractive nice entrance grass and trees and was told this unit will have this too. Love did very well on first two questions third question about fire safety to use term chuck saved your bacon with what he said.

Chase Gardaphe 1320 N Fairgrounds Rd on density concerns not all units spaced 10 feet apart just did variations to accommodate market. Chase it just depends on generic lot size to configure different sized units. One lot large double wide but can't take double wide and pair next to tiny homes won't get setback. Primarily larger single wides and smaller double sides. Hotchkiss short end double wide. Chase double wide same sq footage as large single wide. Fire dept addressed. bbq pits on porch no issues. entire community sprinkler we take care of laws run off well water and indiv don't have to worry about watering own yard. Robnett 10 foot no uniform across property there will be some. Chuck max density fill whole thing with tiny homes. MH park ord is from 70s there needs to be an overhaul haven't been mobile homes since 1976 construction of mfgd home is off federal building codes before able to leave factory and ability for quality control factories. Morales how old. chase primarily all brand new if someone has used have to be approved by Chase won't allow old home. Love as a result all mobile home districts are in district 2 have problem with that not your fault. when did one have stonegate had reservations then communicated did excellent job think will do that here as well. Would ask that if open another one look somewhere else besides district 2. full disclosure double wide in east tx.

Trost on Council that voted in favor of stonegate. Want to ask about amenities. Chase front to have central area used by residents of both communities as well as general public with passthru food truck court outdoor pavilion. Wife went to rest in san ant giant fenced in playground with reest and she loved concept but think neat where kids come and play parents don't have to worry and everybody run around don't worry about kids running in streets. Trost across street there was going to be basketball court and swimming pool are they there. Chase no just got bids for office and swimming pool 750,000. this is not state of the art office or swimming pool. product of itmes working on that and one other things with community and addressing.

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

Trost now other developments in this road and this could be really nice area issue talking about people who own property around will this enhance property values. Morales to north is another division of mfgd homes. Trost to north is . Chase do believe that this will be asset to district 2 will enhance property values far better than apts across street zoned c3 which allow anything. better than pipe yard or 18 wheeler parking lot. think that as fairgrounds develops think the addition of apts and charter drive coming through fantastic to. Inad to north idea about putting in charter campus to help enable that piece of property to be jump off point for east side of town. underutilized area of town. access i20 and Loop 250 and easy access to downtown. fantastic part of town doing part to be responsible developer to ensure turns into what it is. don't disagree areas in total disrepair one reason we maintain ownership. Can police and ensure mow lawns water grass, pick up trash and violation notices to those

who aren't adhering. Maintain high standard. Love as representative for district 2, think stonegate been great additional district 2, comfortable with previous practices that this will be a great addition, specially district 2 is food dessert . but what helps is retail follows roof tops having apt complex and this helps district 2 increase population and become viability for grocery store. Chase reached out to few different chains. feel that especially on 120 acres to north of could get a grocery store there think it would be phenomenal area. closest super mercado or top value on front. If could get grocery store.

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.

Love like to recognize Shirley Howard advocate district 2. Shirley Howard 405 Magnolia, after listening to comments as resident district 2 first thing is fellow pushed off stonegate not completed really. so many times put on back burner and concerns and then bring in something else how can be sure he is going to fulfill what supposed to do for that. One thing to get from community is come in with affordable housing, what is affordable housing, how is it determined that becoming big issues with different areas coming in. Start off rent \$1000 3 months later \$1700. Those are things community wants to know is Council looking at those things hard for people living on budget is to please look in and ask questions and make sure for better of community not just City but also our people. Love main thing regards to not being finished pool and basketball court pool understand the reason dismiss is because he can put up a basketball court easily and quickly do know and understand not putting in 700,000 swimming pool cause rates to go up to do that. As far as aesthetics across street excellent job looks good. What I said earlier about retail following rooftops. The only other thing see going in besides pipe yard is apartment complexes and don't think that will every happen. think this would be good for district 2 would continue to catch trash and eye sore. residents added 2 makes better.

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

Recess to Executive Session at 11:17 a.m.

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.

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the __ day of ____, 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary