

**MIDLAND CITY COUNCIL
MINUTES
July 23, 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 23, 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 23, 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

cto 10:07 a.m.

Mayor 10:06 boy scout troop 152 from First United Methodist church welcome working towards Eagle Badge. . Dufford here for citizenship. boy scouts lead in allegiance.

Scouts led pledge. Dufford make sure Eagle before get drivers license.

1. Invocation - Minister Ryan Chivington, Golf Course Road Church of Christ
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 Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

- a. Special City Council meeting of July 8, 2019

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

- b. Regular City Council meeting of July 9, 2019

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

5. Approved a resolution approving the purchase of flexible base caliche from CSA Materials, Inc. through TxSmartBuy Contract 748-W1 for total cost of \$66,408.80 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 207

RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF 5,000 TONS OF FLEXIBLE BASE CALICHE FOR THE TRANSPORTATION DIVISION FROM CSA MATERIALS, INC. THROUGH TXSMARTBUY AT A TOTAL COST OF \$66,408.80

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

6. Approved a resolution approving the purchase of ASPPM Pothole Base Patching Material from CSA Materials, Inc. through TxSmartBuy Contract 748-W1 for total cost of \$60,400.52 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2019 - 208

RESOLUTION APPROVING THE PURCHASE AND DELIVERY OF 500 TONS OF ALL SEASON PRE-COATED PATCHING MIXTURE FOR THE TRANSPORTATION DIVISION FROM CSA MATERIALS, INC. THROUGH TXSMARTBUY AT A TOTAL COST OF \$60,400.52

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

7. Approved a resolution approving the issuance of a request for qualifications for Hogan Park Golf Course Cart Path Renovations. (PURCHASING)

RESOLUTION NO. 2019 - 209

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR RENOVATIONS TO THE HOGAN PARK GOLF COURSE CART PATHS FOR THE COMMUNITY SERVICES DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

8. Approved a resolution approving the purchase of two thousand one hundred six (2,106) ninety-six (96) gallon roll out carts for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2019 - 210

RESOLUTION APPROVING THE PURCHASE OF TWO THOUSAND ONE HUNDRED SIX (2,106) NINETY-SIX (96) GALLON ROLL OUT CARTS FROM REHRIG PACIFIC COMPANY AT A TOTAL COST OF \$95,233.32 FOR THE SOLID WASTE DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

9. Approved a resolution approving the purchase of four (4) 30 cubic yard open top roll-off containers and three (3) 35-40 cubic yard self-contained compactors for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2019 - 211

RESOLUTION APPROVING THE PURCHASE OF FOUR (4) 30 CUBIC YARD OPEN TOP ROLL-OFF CONTAINERS AND THREE (3) 35-40 CUBIC YARD SELF-CONTAINED COMPACTORS FROM ROLL OFFS USA AT A TOTAL COST OF \$72,380.00 FOR THE SOLID WASTE DEPARTMENT

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

10. Consider a resolution awarding an emergency contract to repair the storm drain at the 4100 block of Mockingbird Lane for the Engineering Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 212

RESOLUTION AUTHORIZING THE PROCUREMENT OF CONSTRUCTION SERVICES FROM BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, FOR THE EMERGENCY REPAIR OF A DAMAGED PORTION OF THE 4100 BLOCK OF MOCKINGBIRD LANE BETWEEN MIDLAND DRIVE AND MIDKIFF ROAD AND A DAMAGED STORM DRAIN LOCATED THEREIN; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT FOR SAID SERVICES IN AN AMOUNT NOT TO EXCEED \$475,000.00

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

11. Consider a Resolution Approving the Budget for the Midland Development Corporation's 2019-20 fiscal year. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 213
RESOLUTION APPROVING THE FISCAL YEAR 2019-2020 BUDGET OF THE
MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS
AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ;
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.

12. Approved a resolution calling an election on November 5, 2019 for three City Officials.
(CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2019 - 214
RESOLUTION CALLING AN ELECTION FOR THREE CITY OFFICIALS; AMENDING
THE BOUNDARY OF THE CITY AND CITY COUNCIL DISTRICTS; PROVIDING FOR
USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS
FOR SAID ELECTION; AND ESTABLISHING VOTE CENTERS FOR SAID ELECTION

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ;
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.

13. Approved a resolution authorizing the City Secretary to negotiate and execute a contract
with Martin County for the purpose of conducting the November 5, 2019 election for City
of Midland residents that reside within the boundaries of Martin County. (CITY
SECRETARY'S OFFICE)

RESOLUTION NO. 2019 - 215
RESOLUTION AUTHORIZING THE CITY SECRETARY TO NEGOTIATE AND
EXECUTE A CONTRACT WITH MARTIN COUNTY FOR THE PURPOSE OF
PROVIDING ELECTION SERVICES TO THE CITY OF MIDLAND FOR CERTAIN
CITIZENS THAT RESIDE WITHIN THE BOUNDARIES OF MARTIN COUNTY; AND
AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL DOCUMENTS
NECESSARY AND APPROPRIATE FOR THE EFFECTUATION OF SAID ELECTION
SERVICES

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ;
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.

14. Approved a motion approving a proposed Preliminary Plat of Southwest Crossing,
Section 5, being a plat of a 10.67-acre tract of land out of Section 12, Block 40, T-2-S,
T&P RR Co. Survey, City and County of Midland, Texas; and a 95.22-acre tract of land
out of Section 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas,

(generally located south of Interstate Highway 20, approximately 947-feet west of Antelope Trail, Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

15. Approved a resolution authorizing the City of Midland to apply for grant funds from the Texas Department of Transportation Safe Routes to School Program for sidewalk improvements near De Zavala Elementary School. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 216

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE CITY OF MIDLAND'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2019 SAFE ROUTES TO SCHOOL-INFRASTRUCTURE CALL FOR PROJECTS; AND SUPPORTING SAID APPLICATION

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

16. Approved a resolution approving the City of Midland's 2019-2020 Community Development Block Grant Fund application requests and authorizing the execution of the Community Development Block Grant funds for fiscal years 2019-2020. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 217

RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S 2019-2020 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR THE CITY'S FISCAL YEARS 2016-2020; THE CONSOLIDATED PLAN HAVING BEEN APPROVED BY RESOLUTION NUMBER 2015-223; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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.

17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and David H. Arrington, said Right-of-Way License is for entering the City of Midland's property for the purpose of boring and placing, installing, constructing, operating, repairing, maintaining and removing one privately owned water pipeline, not to exceed eight (8) inches in diameter; the pipeline will be located under Golf Course Road, a City of Midland owned road, between Sections 22 & 27 of the Survey Section 2

of the HH Lawson Subdivision, Block 39 Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 218

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND DAVID H. ARRINGTON REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 22 AND 27 OF SURVEY SECTION 2 OF THE HH LAWSON SUBDIVISION, BLOCK 39, TOWNSHIP 1 SOUTH, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to approve Consent Agenda items 4 - 17 excluding ; 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

18. Consider an ordinance on second reading 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, 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). (DEVELOPMENT SERVICES) (First reading held on July 09, 2019.)

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

Mayor Morales read the caption of Ordinance No. 9947.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9947 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.

19. Consider an ordinance on second reading 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) (First reading held on July 09, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9949.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9949 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.

20. Consider an ordinance on second reading 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) (First Reading held on July 09, 2019)

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 Jan Hamilton read the caption of Ordinance No. 9950.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9950 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.

21. Consider an ordinance on second reading 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) (First reading held on July 09, 2019.)

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 Jan Hamilton read the caption of Ordinance No. 9951.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9951 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.

22. Consider an ordinance on second reading on a request by Newton Engineering, for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned District for a Housing Development on a 26.15-acre tract of land out of the Southwest 1/4 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 N. Fairgrounds Road, approximately 715-feet south of E. Pecan Avenue). (DEVELOPMENT SERVICES) (First reading on July 09, 2019.)

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 Jan Hamilton read the caption of Ordinance No. 9952.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9952 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.

23. Consider an ordinance on second reading on a 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 N. Fairgrounds Road, approximately 617feet north of E. Cuthbert Avenue). (DEVELOPMENT SERVICES) (First reading held on July 09, 2019.)

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 Jan Hamilton read the caption of Ordinance No. 9953.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9953 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Trost property P&Z had problem with and passed to us to make decision. Call into question across street that has not been done. Talking with Mr. Love need rooftops need affordable housing major north south throughw ay in nnear future. Concerned that two sides this is not what should be doing. Secondly concerned that developer wont finish what said he was going to do. Ask if decide to approve this, that we ask do I need ot make form of motion. Trost want to get surety bond complete prroject and project across street or completion before CO. Mayor can we go back to rproject. Ohnemiller don't have prior item not approprr to amend particular item. if would like to propose amend on this item. Trost do not issue CO until all site plan and agreements have been met to ensure property completed as brought. Courtney no COs issues for this development. Chuck Harrington these are premanufactured home we don't inspect homes do not get a CO. Hotchkiss pre inspected.

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

PUBLIC HEARINGS

24. Hold a public hearing and consider an ordinance 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 out of the south ½ of Section 12, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located east of the intersection of Overshine Lane and Sunrise Way). (DEVELOPMENT SERVICES)

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 Jan Hamilton read the caption of Ordinance No. 9954.

Development Services Director Chuck Harrington gave a brief overview of the item noting this request made through Engineering firm Day Break Dev LLC final phase of day break estates. adding another 165 single family residential lots along with common area for drainage lot size meet minim. req to adhere to all design requirements. rev and approved by p7z. staff reviewed with noted except rec approval subj to cond a-b. no loj 7/17. Lacy variance dev aware of 500 foot var. chuck yes.

Mayor Morales oph 10:24 a.m. cph

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9954 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. Hold a public hearing and consider an ordinance 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 on Lots 5 and 6, Block 3, Gateway Plaza Addition, Section 2, City and County of Midland, Texas, (generally located on the north side of Starboard Drive, approximately 570-feet east of South Tradewinds Boulevard). (DEVELOPMENT SERVICES)

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 Jan Hamilton read the caption of Ordinance No. 9955.

Development Services Director Chuck Harrington gave a brief overview of the item noting zone change to go from local ret dis for pd for housing dev to deve multi family senior housing. req to adh to all rev standards. parking is of note under old rules 2 spaces per unit under new rules only 1.25 per u no site plan indicates. 2 for 2 bed. prop density of note 52.4 units per acre. dev along with site across beal also dev multi family and regroup. There are amenities be there meet all setbacks oon all sides. rev by all depats in compl with tall city comp plan and staff rec approval subj to cond a-d. as o 7/17 no loj. Lacy market rate or affordablee. Chuck market senior.l

Mayor Morales opened the public hearing at 10:27 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. 9955 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. Hold a public hearing and consider an ordinance 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, on Lot 9, Block 2, Amaron Addition, Section 8, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of Camp Street and Crump Street). (DEVELOPMENT SERVICES)

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 Jan Hamilton read the caption of Ordinance No. 9956.

Development Services Director Chuck Harrington gave a brief overview of the item noting SUP for slae of alco bev on prem in bar located inside marriot on front street. service able area 3423 sq ft includes 600 patio area. the req svc hours mon-sat 4-11. no churches or schools 300 feet. it is in compl with comp plan. all staff rev no obj it was approved by p7z 7/1 staff rec approval with term subj to cond a-f. as of 7/17 no loj. Love this area floods can't do anything is there anything dooing with respect to flooding? Chuck defer to Engineering. Moraless on app listed restaurant bar and nighclub. do we cclassify as restaurant. chuck no just for sale of alco bev. john o classified as bar. Morales can sell more alco then food. chuck yes.

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 Robnett moved approval of the first of two readings of Ordinance No. 9956 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.

27. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of 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 and approximately 607-feet north of Cuthbert Avenue. (DEVELOPMENT SERVICES)

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 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 Jan Hamilton read the caption of Ordinance No. 9957.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made by Maverick Eng .339 acre portion Bedford Ave never developed. lcoated adj to existing church ne wdev at corner req to vacate land to make use in the development. Currently prop dev will ahve to come throgh as zone change go to 0-1 staff reviewed no obj. s taff rec aproval subject to 5,085 paid . replat of process is approved by COM recorded would be another condition. as uf 7/17 no loj. Lacy why listed per acre rather than sq foot? Chuck that is way came from MCAD. Love looking at location map want to ensure that entire parcel vacated. Looks like leaving a strip above. Chuck don't think so.

Mayor Morales opened the public hearing at 10:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9957 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.

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

ORDINANCE NO. 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 Jan Hamilton read the caption of Ordinance No. 9958.

Development Services Director Chuck Harrington gave a brief overview of the item noting req made by maverick eng to take portion of property prev zoned for pd for ppd for housing dev. pd established 4/1982 aplicant want to dev as multi fam housing pproject have to adhere tto all standards. 4 story building of which 18 detached garage and covered carport. mets req desnity of 31.49 units per acre. Ammenities are not spec on this site butt on other side of Beal. Staff reviewed all and approved. in compl with com plan. p7z rec approval 7/15. staf rec approval subj cond a-e. as of 7/17 no loj.

Mayor Morales opened the public hearing at 10:37 a.m.

Colby Denison 2508 Austin TX. Morales 31 units per acre parking addressed with eng. Colby parked to new apt code. What kind of apts. Colby 1-2-3 BR units second phase to merrit monument. consistenet arch and unit mix. Lacy prior dev real good addiiton.

Andrew Mellon 1909 W Wall, show roundabout planned at intersection and dev dedicated land for roundabout. 2 pieces of property. good proj good loc for this project for all parking to fit was miracle. Morales great location for height.

There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9958 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.

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

ORDINANCE NO. 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 Jan Hamilton read the caption of Ordinance No. 9959.

Development Services Director Chuck Harrington gave a brief overview of the item noting difficult to develop due to size. this opportunity to go with something different will offer great chance to dev meet all parking, ht rest, set backss. 29.1 units per acres. proposing beetween last item and this all ammenities on one location. reviewed by all depts and rec for approval in compl with comp plan p7z approved 7/15 staff rec approval from pd to pd for hd subj cond a-3e. one letter of objection and issue dealt with. weren't related to zoning as other concerns.

Trost we had study done in that area where packed with cars. Have we addressed that. Chuck no concerns traffic addressed raised no concerns. Love Avalon helps.

Mayor Morales opened the public hearing at 10:43 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. 9959 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.

30. Hold a public hearing to discuss and consider an ordinance for the implementation of water, wastewater, and roadway impact fees. (ENGINEERING SERVICES)

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 Jan Hamilton read the caption of Ordinance No. 9960.

Engineering Services Director Jose Ortiz gave a brief overview of the item noting continuation of proposed impact fees presented to Council this is next phase. Extend gratitude to advisory committee who put in a lot of hours. At every meeting to determine best approach or appropriate plan for Midland. Morales City Council thanks for serving very hard very complex issue to understand and they did their own study. Jose started last summer quite a bit of time. One thing as went through process of land use assumptions and capital improvement projects one thing hard was to address housing without passing on too many fees to developer. This is another tool in tool shed and can be mindful of how doing. Within our bullet points can review there may still be concerns but everyone in common goal how to meet goals without passing on too many fees. Goal all 7 did agree on want to make sure did not pass too many fees to potential home buyers. Developers can afford because draw money. Morales in full transparency committee members were not in full support and want to have tool in place because Council and staff believe fees we need as tool to help us grow this community one of fastest growing communities in national. Goal not to impose more fees but to identify and address areas of growth that will continue to grow for next 10 years. He asked oil companies and they said don't stop building for 10 years. Dev come in community ask what is impact fees. Robert Patrick Jose has bullet points showing concessions made for single family aspect. Complex procedure talking about water sewer and roads to Midland. Every home has those amenities and paid for by somebody. Don't necessarily show increase in cost to homeowner. All money for water sewer and roadway for new growth. Has list of concessions made toward single family homes. Four major concessions 50% reduction in impact fees. In ordinance another 25% and provided for single family duplexes. Grace period of 12 months state statute, added another 12 months for single family and duplex. Another topic was credit towards impact fees if build roads does not duplicate cost. Another item is credits for preliminary plat many developer provide preliminary plat can't provide infrastructure goal if you want to put in infrastructure that exceeds it will carry over to next developer. Our ordinance in phases offers opportunity to bank credits as move forward within same plat. Jose next item is not in ordinance existing storm impact fund will be fees developer providing as speak today will go away with adoption of ordinance.

Mayor Morales opened the public hearing at 10:52 a.m.

Mark Payne 1603 Idylwild. He was optimistic in beginning. Cost has to be paid for development process. Advocate to limit to what City can do. When look at water and sewer projects outside of scope of most developers for sure. As set there as group learned from each other. He started optimistic could be revenue neutral but don't think it can be done. there are a lot of needs out there. Part of committee as came back with comments first time. They would spend time learning and understanding could not make a decision only make a recommendation only Council has ability to do that. Wish had opportunity to visit more. Comments was water and sewer impact fees are justified. He would of narrowed it down to just projects that the City can do. Part of imbalance is people come in expecting impact fees. Midland has't done 200-300 unit housing developments. But most of capital improvements were put on developers. Used to putting in sewer and City upsizes and adds money. As looked at impact fees started looking at cost and way higher than what he would pay as developer which would be cut in half. If City was going to do it impact fees would be okay. It seems continue doing business as usual. If arterial would do our third dev would pick up his third and City pick up to get to minimum standards. There are things that should have happen and have accumulated over time. in 99 trying to figure out what Midland was going to be. All go blind sided. If you took it as is 25% discount expires after 5 years after that is 50% discount required by law. What are you going to do with it? Right now have to build arterial once start a lot of Citys have built that infrastructure and are trying to recover it. Not always the case and not been the policy of Midland. When start putting money in piggy bank then City chooses where development will happen. Developer is budgeted for some thing, developer will not pay impact fees he will use credits. If he sells lots and put in money for ipact fees has to sell for more so it could be confusing. Would rather not prepay impact fee. If implement 5 years will look at \$5,000 impact fees translate to \$6,000 have to carry full cost of deve house will be marked up to cover those fees. If do it can support impact fees if will commit to doing some things. The impact fees are a revenue source but how will we do things? Dufford should speed it up. Mayor prior to 2008 ultra conservative community last 6 month busting tail building roads 2008 less than \$1M ins treet maint today \$12 M. Keep referring to Fairgrounds just improved portion and still money to put in tradewinds, fairgrounds thomasson putting in portion with MPO. Investment in last few years excess \$100 M \$50M for water. This council worked aggressively to plan ahead. every time have opportunity to land bank have been been. Keep eluding to fact on Betenbough on 349 if had ipact fees at that time could have spread process up so much. Payne Briarwoodd is only one that is good example. Each that developed along there are having to pay it back. Most of what you described is not new construction few few are new deve. MMorales on Fairrounds if go to each laready have infrastructure in place which can spur off of new development. Payne after fact? Morales not sitting on tail planning strategiing and seeking solutions. Love govt cannot always operate in the same sequence that business does. Mayor alot of investmentbeen made. PPayne what proposing is notrevenue neutral. Lets do it and get full arterial street.

Mayor madej a lot of concessions to try and reach a plan that benefits both parties and to move this community forward. Have tried tounderstand the challenges and issues.

Robert Anderson, Anderson Construction 10716 Hwy ?? president perm basin builders assoc. Committee 20years ago builders asoc built to create best practices fr building industry. read statement demand for housing is immediate issue for sf housing.

greatest purp is to ekep housing affordable pbba actively involved in impact fee making rec to proposed imp fees. whil commit supportted crreation of imapcts fees fees as whole is to exempt sf for requirements. asking council to adopt and exempt uses form ord. immediate issuee is high cost of housing for most of its residences. 2 key city goals are to prov ad houssing. provide more housing mod income, prop any addiiton fees will put addiitonal burden. sf duplex and apt are not should be exempt avg home price 158,000 numbers go up every month. PPBA requessts that sf dupl qud be removed from landuse charter in 11 14.5 . Patrick advisory committee letter did not ask for the exemption of sf homes but was not part of the advisorry committee recommendation.

Brian Sales, 2004 Country Club Drive, PB Board realtors to defend rpes of privaate prop rights for all. REady to serve needs of consum in matters of real estate and priv property rights. been active on committee. in mtgs distinctly talked about exemption of sf dduplexx and qud plex from impact fees. As learned about hwwole process learned about lua and cip. lua list iin packet of number of lasst use assumptions 100 identified. All are commercial revenue generating properties. 3 on olsit are single family duplex and quadraplex 1-4 famly homes are not revenue generating proerties for owneer those are palces to live. In full support of impact fees for revenue generating concerned about ever increasing price of homes. Talking about keeping avg fmaily home affordable and cost down. Not staaying down continues to increase significant. Did not see this trade of revenue concern added costt. IN adding to cost of those homes occupied by citizens concerned aobut that. In complete agreement by posiiton letter of builders association also encouraging to exempt single fam duplex and quad plex.

Lance Friday, 5307 ??, submit vote on impact fee that defer for another day only because bit of information haven't heard anyboyd speak to today. Invite all go to national homebuuilders website. impact fee study published on that in 4 years of new construction the City will recover enough revenue to pay for those improvements. Back to conversation with \$50M water tower for anotehr 10,000 houses the tax revenue generated on houses is about \$68 M If impact fees are important he submits for records is that Mark Payne himself, Robert Anderson pay for water and sewer they sell waater to and other customers who live in older development get increase in \$5,000 in property valaue. if have 26,000 household all improved by \$5,000 and City has another \$130 M in tax revenue without doing anything. increaase in value not revnue. Suggestet that not only do we take a look at allowwing home builders that risk their money to develop raw land an exmpt for singl family, duplex and quad lex but also multi family. It will tell you how to get money to pay for improvemeents without saddling dev with fees. For every \$1,000 it is 1390 to customer. In 1980 building out fairmont park today avg no less than \$80K for any lot. e has been before Council to negotiate more affordable workforce housing projects and allow City to supplement cost. Both projects ssuccessful sold old proerties occupied. Target to receive incentive was \$112 and \$160K. There is not a possibility you can do today. every 1000 force to rasie elim 30,000 home buyeers. Submoit that do a little more research before try to collect those dollars. Not convinced thaat that is solution. Think for larger cities. Moraales how answer question other communities comparable that already have impact fees in placee. This community is not broken. Addiitonal tax revenue not been addressed in any converation. Have to grow City fire police water towers. Morales you do agreee that improvements have been done.

Robert Patrick good points the cost is going to be there for any home coming on line

have to have water, sewer and roadways. Either pay for by existing owners, impact fees or for folks that will live there. Those fees water sewer and roadway are in every home that comes in. Fact home should cost more because paid for differently. City's portion of entire tax is very small amount not available to use for roadway water and sewer. Impact fees do a good job if distributing. A lot of concessions have already been made. Balanced product. Morales on committee these comments were not introduced in 9 months. Don't have problem deferring to visit with new information today. John O state law once held must be deferred within 30 days. held.

Robert Anderson page 3 it read committee had sev discussion related and held multiple suggestion reducing or eliminating fees. Robert discussed not all members were unanimous actual rec from committee did not say.

Lance Friday 307 Ellen Jane Way. heard mention streets water sewer are paid for if put in dev have to pay for ourselves and give to city as gift to take care of it. As far as putting. Robert somebody has to pay to install roadway and sewer cost passed onto customer. only thing is how paid for same cost will go through homeowner to say increase cost of home is not accurate in his opinion. Lance impact fees keep from paying water sewer. Robert no in long term capital plan every 5 years. if had impact fees in place 5 years ago could do future growth on fair grounds city chance to be more proactive. They all have to be paid just changes how. Lance still paying for impact fees after implemented. Robert pay for improvements and larger projects for impact fees fees can only go for construction of new projects which are all growth projects.

Brandon Mac Morris 3211 Chelsea Place, in real estate, real estate appraiser then moved to sales side. In philosophy problem with impact fees just for sake developer paying for most of cost in new develop city contributing very little. if look at bare value tax base for city is very small. Some is a value minimal. when dev comes in and buys taxed at commercial rate. then dev has all other costs city windfall as much as 40 times perpetual windfall from now. When housing development is in place they have all time in world to recapture cost. Don't want taxpayers to pay we want someone. Developer must recapture their cost when sell. Silly to think that developer is paying cost and for some of these impact fees more to develop cost and pass on to homebuyer. Already have issue with homebuyer not enough houses for lower income buyers. City gets benefit of increase perpetually. Morales challenge growing at 5% in 5 years how do we address this? Morales both parties are saying impact fees are doable. Brandon in theory disagree about impact fees. Developer has been carrying all cost and City been given the benefit. Lacy keep hearing windfall property tax doesn't even cover police and fire. Dufford talking about rate. Dufford rate payers for Midland what makes it fair when have to pay for new tower because water pressure goes down who should pay for that old people. Dufford people lived here 25 or 30 years water and sewer rate shouldn't go up to cover growth in Midland.

Mark Payne, think committee came to conclusion is if look at there were concerns about residential couldn't come to consensus but did come to recommendation. The biggest thing several projects if put roadway fees in lets look at what going to do. There are revenue projects most fix problems but don't reduce cost benefits of developers. Don't think subdivision code designed to pay a different way. Most thing included are not often in develop. if in group if used right the money will be used to future development.

There being no one else wishing to speak, the public hearing was closed at 11:39 a.m

Jose Ortiz comments preented valuable. Way proceed as staff they are our partners want to work to see what we can accomplish. Have been more proactive and will continue that trend. PProvide source to encourage more de3velopment further out. Love in same vein Mr. Ohmeller if impact fee ord has unintended cons can in fuure try to correct thsoe? John O if Council sees effect liek to mitigate you can revisit in ord and state law requires you revisit the ord in 5 years.

Morales today without affecting public hearing process . John O has to be done within 30 days of public hearing. Morales don't want to put thorough whole process of going through whole process. It has been an entire year. He asked ot sit down with committee and address and see what kind of agrement before next eharing. Love something tnagible on table to work forward with and con to tweak.

Council Member Love moved approval of the first of two readings of Ordinance No. 9960 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Trost can't delay without cuasing issue, if haven't reached consensus ina year what time frame do we need can it be done . Dufford spend another years on it it won't change. Morales its just issues of sf, dup and quadplex. John O what staff is prop is 4 or 5 concessions would be hard pressed in othe rimpact fees. Patrick staff relieved thought would be int rouble for conceding on these issues. never get entie agreement. Credit for sf apepars to be largest item. Mayor lets sit down and address. Robnett seeems like disagremenet how funds will be spent anythign alleviate direction of funds or Conccil ability to work with builders to help direct use of funds? Mark Payne one thing beneficial is finding things where somebody arleady investing. City has needed to build street and utility so property owners doesn'treally care when built out. Encourage to find opportunities going forward. Most on list are problems that need dto be fixed and dont benefit new construction. Robnett want developers input. Dufford these impact fees will help with issues raised when look at across Midland impact fees are fairest thing can do without charging older houses for new development. Will work with developers and try to be proactive. Mark if wait until that money accumulates will be 10 years if focus in on fixing problems

Love roll back rates lower going to be even harder for city to do devleopment and pay for infrastructure.

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

MISCELLANEOUS

31. Consider an ordinance 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; 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. (ENGINEERING SERVICES)

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 Jan Hamilton read the caption of Ordinance No. 9961.

Engineering Services Director Jose Ortiz gave a brief overview of the item noting working with school district to revise school zones for new season.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9961 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

PUBLIC COMMENT

32. 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, speak on behalf of skate park association killed while roller blading in street. if visit park no sign or plaque located in district 4. despite overwhelming popularity overlooked and forgotten. losing society to screens live in artificial world. children who use developing skills. Need to foster that growth cracking uneven concrete burnt out light bulbs, skate park basketball signs of neglect. Shared pictures. Lanes on edge are too narrow. Room to extend park and resolve issues. several rails built to unsafe for 6 feet too tall. large number of children no areas to train. soccer field shaded seating areas and higher quality lighting. Skate park no seating, no shade. Beautiful dog park large shaded pavilion and benches well maintained grass and trees. Can't help but feel that state of disrepair had to be noticed. Asked follow up with parks to ensure that lighting and drains are fixed. Picture taken Saturday. Heard from developers building in area. Ask to thoughtfully evaluate situation. If properly repaired and maintained example to young people viable tourist attraction and be able to fall under hotel/motel fund to get grant. Asked Robert to get with park Lacy to address.

VH Taylor ?? speak on behalf of son and family skate park is second home. Plan on spending all time with son. Think its something was created out of necessity and mourning and turned into a blemish which now thanks to locals that stay here to bring

connections. If adequate could turn into beauty mark on Midland and would add more to revenue.

Dustin Johnson 700 McDonald pt and founder of skatepark skating before opened. Have 2 pages of isgnatures of epopel hosted several events come from Houstona nd Corpus. When kid the DC Teams tour bus broke down didn't know skate park and one guys sent to Beal park. Shame gone to disarray. Never seen Lacy out there asked to show itnerest. Approved putting in shade at baseball and water fountain for dog park. Was actual in class with Sam and Will shame that its in this repair. Raised money for park was supposed to be way bigger City didn't put in funds scaled down. Morales how do you keep bikers off. Dustin coesist. there is one person at a time going. All room around oulde be expanded on not just a bowl park. Robnett how old 2004. Morales can't control graffiti and daamage. Dustin paints over graffitti and use buckets to drain water been like that for 10 years. drain cover sits lower then cement. Dufford takee a look at one thing since here tthat was one of the largest contributions City do believe didd match funds and exceeded. Dustin can say having kids that is most used park iin City pepople ther day in and day out. Capability to make desitnation park. Parents have to sit in lawn chairs in dirt and rocks. Dufford thaked for pointing out. Lacy all volunteers try to look when issue is brought up. second speaking mroe relevant first year skateboarding in olympics.

Recess 12:01 p.m.

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