

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

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 13, 2019.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem John B. Love III (District 2), Council Member Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

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., August 13, 2019.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem John B. Love III (District 2), Council Member Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

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

10:01 cto

1. Invocation - Pastor Daniel Hernandez, Mid-Cities Church
2. Pledge of Allegiance

PRESENTATIONS

both presented by mor les

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of proclamation Midland Soup Kitchen Ministry (Marcia)

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

- a. Regular City Council Meeting of July 23, 2019

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

5. Approved a resolution awarding a contract for the Central Fire Station Locker Rooms to Mid-Tex of Midland, Inc. for the Fire Department. (PURCHASING)

RESOLUTION NO. 2019 - 221

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 222

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 223

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 224

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

UNTIL APPROVED BY THE CITY COUNCIL

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 225

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 226

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

11. Approved a resolution authorizing the Mayor, City Manager and City Attorney to execute Federal Grant #59 from the Federal Aviation Administration upon receipt. (AIRPORTS)

RESOLUTION NO. 2019 - 227

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT NUMBER 59 IN THE AMOUNT OF \$6,000,000.00; SAID GRANT SHALL BE USED TO FUND THE REPLACEMENT OF THE PASSENGER BOARDING BRIDGES AND THE

OUTBOUND BAGGAGE SYSTEM AT MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

12. Approved a resolution approving the specifications and authorizing the Advertisement for Bids for the project described as Midland International Air & Space Port (MAF) Vehicle Parking Improvements. (AIRPORTS)

RESOLUTION NO. 2019 - 228
RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING
ADVERTISEMENT FOR BIDS FOR THE VEHICLE PARKING IMPROVEMENTS
PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

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

mayor how many parking, justine pave over existing dirt and make reg spots 800 sspots. mayor any ssurveys howmany parking on grass 300-400 up to 600-700. Mayor going back to existing is railing that says full parking operationaal, justine issues put in 1999 replacing all of that equipment with this. Mayor not address lack of workforce is golf carts tor shuttles to transport, justine hard too hire people to take money let alone shuttle drivers. Morales in evening for safety light well lit. justine all led parking lot lighting. Morales street type lighting, juustine looked at. Lacy diffeerent pprice point should help with close in lots. justine 100j% airport funding. Robnett understand decision not to move forward with parking garage closer. Justine surface parking to capture revenue of people parking for free. havent given up on covered its about 25m. WILL LOOK at in future. wokr with rental cars to have parking their parking in bottom and customer in top. Wouldn;t be able to do without doing this first need to put the people somewhere.

Morales security , is it easy for officers in vehicle to survey areas at all time off day. justine officers out there 24/7 now can survey have id badges that can survey throughout. adding new security cameras. Trost parking out for free? Justine the dirt lots are all free parking when lots full have spots for people tto park for free.

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

RESOLUTION NO. 2019 - 229
RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER
ELEVEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL,

SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT AND MIDLAND AIRPARK SO AS TO INCLUDE THE NEW HANGAR DEVELOPMENT AT MIDLAND AIR PARK AND MAF MULTI-FACILITY REHAB PROJECTS; AND APPROPRIATING FUNDS THEREFOR

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

Robnett help understand justine this takes to next step this will take into design phase to move forward. Robnett how long will this phase take and when will we begin to lease? Justine there's a lot of infrastructure needs including sewer water, 8-12 months for design then get bids for construction. Robnett up to 2 years away from building hangars, justine could happen during construction. Dufford since extending out another FBO? Justine could have own fuel with hangar so may not need.

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

14. Consider an amendment to Resolution 2019-195 on a request from Parsley Energy Operations, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, Hogan 1-24-F-2811H located 2,311 feet from the south line and 990 feet from the east line, Hogan 1-24-G-2813H located 2,281 feet from the south line and 990 feet from the east line Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells are generally located between 380 feet and 410 feet south of Solomon Lane extension and 952 feet west of Fairgrounds Road extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 230

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PARSELY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 952 FEET WEST OF THE FAIRGROUNDS ROAD EXTENSION AND BETWEEN 380 FEET AND 410 FEET SOUTH OF THE SOLOMON LANE EXTENSION); SAID AMENDMENTS CHANGING THE NAMES OF THE WELLS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

15. Consider an amendment to Resolution 2018-294 and Resolution 2018-296 on a request from Parsley Energy Operations, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Hogan 1-24-2807H) located 2,370 feet from the south line and 2,386 feet from the west line, (Hogan 1-24-4207H) located 2,400 feet from the south line and 2,386 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells are generally located 2,386 feet east of Lamesa Road and between 2,125 feet and 2,155 feet north of Loop 250 -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 231

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PARSELEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 2,386 FEET EAST OF LAMESA ROAD AND BETWEEN 2,125 FEET AND 2,155 FEET NORTH OF LOOP 250); SAID AMENDMENTS CHANGING THE NAMES OF THE WELLS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

16. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Fee "CK" No. 3H located 463 feet from the north line and 259 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas. (Said wells are generally located 418 feet south of Andrews Highway and 327 feet east of North Loop 250 West.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 232

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 463 FEET FROM THE NORTH LINE AND 259 FEET FROM THE WEST LINE, SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 418 FEET SOUTH OF ANDREWS HIGHWAY AND 327 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 308 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

17. Approved a resolution approving the issuance of permits to Diamondback E&P LLC, for the drilling of oil and gas wells, being GRIDIRON N005WA located 1,315 feet from the west line and 1,345 feet from the south line, GRIDIRON N005WB located 1,284 feet from the west line and 1,345 feet from the south line, GRIDIRON N006LS located 1,255 feet from the west line and 1,345 feet from the south line, GRIDIRON N006MS located 1,225 feet from the west line and 1,345 feet from the south line, GRIDIRON N006WA located 915 feet from the west line and 1,345 feet from the south line, GRIDIRON N006WB located 885 feet from the west line and 1,345 feet from the south line and GRIDIRON N007MS located 855 feet from the west line and 1,345 feet from the south line, 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 -District 4) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 233

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 234

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

(POLICE)

RESOLUTION NO. 2019 - 235

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 236

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

22. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and ETC Texas Pipeline LTD., said Right-of-Way License is for entering the City of Midland's property for the purpose of installing, constructing, maintaining, and operating a natural gas compressor station not to exceed five (5) acres or 217,809 square feet in addition to a 4" steel fuel gas pipeline with a 1,598 square foot surface connection site, the discharge line is a 12" steel pipeline, Applicant will build an access road where needed, all located within City of Midland Spraberry Farm property, Sections 16, 20, & 21, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2019 - 237

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ETC TEXAS PIPELINE, LTD., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16, 20 AND 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 12, 13; seconded by Council Member Robnett.

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

SECOND READINGS

23. Consider an ordinance on second reading on a request by Daybreak Development, LLC, for a Zone Change from AE, Agriculture Estate District, to PD, Planned District for a Housing Development, on a 40.36-acre tract of land 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) (First reading held on July 23, 2019.)

ORDINANCE NO. 9954

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 40.36-ACRE TRACT OF LAND OUT OF THE SOUTH HALF OF SECTION 12, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED EAST OF THE INTERSECTION OF OVERSHINE LANE AND SUNRISE WAY); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9954.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9954 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

24. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a LR-2, Local Retail District, to a PD, Planned District for a Housing Development 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 S. Tradewinds Boulevard.) (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9955

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 5 AND 6, BLOCK 3, GATEWAY PLAZA ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 570 FEET EAST OF SOUTH TRADEWINDS

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9955.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9955 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

25. Consider an ordinance on second reading on a request by Midland TPS Development, LP, for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, 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. - Council District 2). (DEVELOPMENT SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9956

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 9, BLOCK 2, AMARON ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CAMP STREET AND CRUMP STREET), WHICH IS PRESENTLY ZONED O-2, OFFICE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9956 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

26. Consider an ordinance on second reading on a request by Maverick Engineering for a vacation of a 0.339-acre portion of Bedford Avenue right-of-way 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) (First reading held on July 23, 2019.)

ORDINANCE NO. 9957

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

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

Council Member Love moved to approve the second and final reading of Ordinance No. 9957 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

27. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development on a 2.254-acre portion of 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) (First reading held on July 23, 2019.)

ORDINANCE NO. 9958

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.254-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 163, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BEAL PARKWAY AND THOMASON DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9958 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

28. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to a PD, Planned District for a Housing Development 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) (First reading held on July 23, 2019.)

ORDINANCE NO. 9959

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.607-ACRE TRACT OF LAND OUT OF LOT 1, LESS THE SOUTH 20 FEET OF SAID LOT, BLOCK 104A, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BEAL PARKWAY AND THOMASON DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9959 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

29. Consider an ordinance on second reading 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. (ENGINEERING SERVICES) (First reading held on July 23, 2019.)

ORDINANCE NO. 9960

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

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

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

Robert Anderson, 1016 ?? SH 161, impact fees Permian BasinBuilders Assoc president asked not to add impact fees on single family homes, duplexes and quadplexes.

LancFriday 5307 Ellen Jayne, move forward with impact fees but ought to have exemption for non revenue generating development which is residential. Provided a link that outlines the payback for needs in community based on generated tax revenue. residential 4 years multi family 5 years to generate same revenue you would generate. wikipedia says same thing. it says in single family housing where dev pay impact fees pass cost of fees onto home buyers. Just come back from week long visit and had discussion on impact fees have to do something to stop Council from implementing impact fees. Thanked J.Ross for not voting last meeting to consent to say yes. impact fees may serve some purpose for revenue generating development. Being more creative and raising tax rate will give you fund you need if tax everything on tax roles. It's pretty simple that would solve your problem, because impact fees may generate 5-10 M and need 545M to take care of needs. Don't think it should be done by developers would be right thing to do today. Ask not include single family dwellings in fee structure. Love did you say instead of implementing impact fees raise ad valorem fees. Love distinction is in favor of raising property tax as opposed to impact fees. Friday controversy would be person buying house vs person buying house 5 or 15 as part of house cost how do we know that those funds that are levied go for that specific project. By definition impact fees can be used for all sorts of things, fire, water sewer street upsize for development. Think will have growth that is compromised from residential standpoint. but everyone wants to know how to build more affordable houses in Midland Texas. If you look at impact drilling an oil well has overall tax value is 24 B is residential and 13 B in mineral on roles. would say primary challenges we have is trying to figure out how to house all people who are drilling oil wells, which is not developer problem. Concern is done projects that have been successful and houses done for modestly priced houses for working families. For every \$1,000 you add to house you eliminate 30,000 home buyers. No one wanting to build moderately priced housing. Please consider trying to stay with path you started by exempted residential construction from impact fees. Morales difference in philosophy. Only implementing \$10 M but need 545M people who pay property taxes are the ones who need to pay. Hotchkiss would like Ortiz forward to talk about how addressed concerns of five different credits built into the ordinance and how impact fees is more giving and less strident than other impact fees. Jose Ortiz did look at that big concern of advisory committee how did it impact home buyers and minimize expense to buyers. Did come up with concessions for single family and duplexes that pay into none to anyone else they do generate revenue. Felt very fair and much less than other jurisdictions do have comparison charts of Midland and other communities our fees much lower for residential development. John O state law recognizing that a dev will recognize rev for city so it allows 50% credit for developer and staff has proposed an additional 25% credit. There is also a 2 year period instead of one year where if lot if platted impact fees will not be assessed. ORd allow dev to hold or bank credits within a pre plat if dev in phases and finally ord also prov for water and wastewater credits which is not always seen in other areas. Several in this ord where Mr. Ortiz and Eric have tried to work thru to help dev when comes to residential dev. Jose and also elim street improvement fee as well to homebuilders. With potential credits trying to reduce by code builders have to provide utilities and roadways. Friday net cost to developer is still more.

Eric West PSC 1700 W Wall have been consultant for staff on study in bringing to this point. Jose addressed questions will answer others. questions about other cities and what

they have done John spoke to state law. Most cities are pretty close to state law added several here in Midland based on communication that came back in hopes not stifling building in any way. Looked at many scenarios to determine how it will play out. It is case by case every situation will be different. There are times it will be more beneficial to have impact fees times it will go other way. Gave about a 2 hour presentation to committee on what cities around state are doing related to how paying for infrastructure. Every City growing quickly in TX Midland front end, everyone close to range of growth has dev impact fees. Most also have other dedicated sources specifically for infrastructure. Almost all don't have county that share county that share sales tax, almost all had done bond elections within recent period with streets for primary need and Midland property tax rate less than all of those, that is just comparison of those growing Cities. Doesn't mean have to do what everybody else does. They have a leg up in a lot of ways in end have to decide what makes most sense for Midland. Morales Odessa? Eric looking at Odessa they have not started down that road yet but planning. Morales assume trying to do something. Eric Lubbock as well. Love Odessa ad valorem 10 cents higher than ours. Morales only other statement heard publicly is because cycle environment, that this could be tool to be blamed on for non construction not happening or no new retail. Whole reason moving this way is because of fear that this tool would be what deterred construction. End of day believe community will be better off in sense of growing together in unity to better grow our community in areas of water road and housing. Thought thru and at end of day that this is a good agreement. Dufford also looked at fairness and how things get paid for, do existing homeowners here for 25 years pay for new water tower? don't think that is fair it should be paid for by new development. Morales end of day leadership and he's taking leadership role.

Trost like to clarify heard you say deferments not in order. Jose only thing is in existing code for roads and that would be eliminated with impact fees. Jose yes street impact is lower for commercial may be wash for home construction. Trost do we see big difference in impact opposed to what already doing on case by case basis? Jose the fees will generate more revenue for more infrastructure. Jose based on dev more dev higher fees lower dev lower fees hard question to answer. If look at numbers in previous years had quite a bit of dev and those fees would go a long way. Morales case by case.

Dufford impact fees implement 3-4 years ago Fairgrounds would be done to Mockingbird and maybe further. Jose order does require city to participation.

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

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

ORDINANCE NO. 9961

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9787; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9961.

Council Member Love moved to approve the second and final reading of Ordinance No. 9961 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

PUBLIC HEARINGS

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

Jamie Minor Budget Manager, provide notificaiton to public and allow chance to provide input on tax rate for 2019-2020 oeprating u 37.57639 for \$100 val 7.5 increase of eff 34.9432 cetns compbined composed rate is composed of M&O and debt service levy. Raise 5.6 M more than last year 1.6 from new prop added to tax role this year. Morales prop val inc from last year jamie 2 b.

Morales identified priorities and investments.

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

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

RESOLUTION NO. 2019 - 238

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

Development Services Director Chuck Harrington gave a brief overview of the item noting prev had reso of no objection, since that time ownership changed and TxDpt of comm affairs changed what expect from Council. Must have public hearing so this is to have PH and council take action on reso of no obj.

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

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

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

33. Hold a public hearing regarding the proposed granting of oil and gas well permit to Diamondback E&P LLC, for the drilling of oil and gas well, being GRIDIRON N008MS located 825 feet from the west line and 1,345 feet from the south line, Section 24, Block 40, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 1,345 feet north of Briarwood Avenue and 825 feet east of Avalon Drive -District 4) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting in same area just did on consent hearing same pad site sound walls, 24 foot walls same five variances asked previously. Lacy access to Craddick? Ron using Briarwood straight off 158. does require road repair agreement.

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

Nolan Bradshaw 6515 Gladiola, exp from this time last year brought today. would like to req use elec frac instead of diesel used last year mainly because of noise. sound walls do job when drilling but when fracing hard to quiet down. Sleeping tough and getting sleep is tough with agitator. Ask to consess elec fracing to keep noise down and respect neighborhood.

Travis Langdon 500 W Txas legal Diamondback looking into electric frac don't know available by time this well completed not a lot available but will try. Mayor asking to get with Ron and let him know. Dufford drilling not issue but but promised to go to quiet frac. Dufford need to look at as Council to require. Travis not that many available becoming more available and will look into. Dufford need to require in city when this close to housing development. you need to be good neighbors. Mr. Bradshaw changed sand delivery system that should help alot this time around. Dufford typically noise comes through chimney.

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

34. Hold a public hearing regarding the proposed granting of oil and gas well permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Fee "CK" No. 4H located 463 feet from the north line and 234 feet from the west line and Fee "CK" No. 5H located 463 feet from the north line and 209 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas. (Said wells are generally located 418 feet south of Andrews Highway and between 277 feet and 301 feet east of North Loop 250 West. - District 4) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this

is same area just recently permitted 32 foot sound walls, quiet frac system and using closed loop system for reserve pits outside of city. Love novice and bradshaw requested elec vs diessel is that quiet. Ron a type of quiet frac can use heavily insulated diesel system can be quiet. Quiet frac is electrical but requires a grid. There are other fasken wells and are 32 foot walls.

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

Corey Frederick Fasken 4311 ECR 60, addition to wells already permitted about 3/4 miles away on manor park rig moving in few weeks and found another zone targeting did construct sound walls about a week ago. employ quiet frac diesel vs elec and grid capacity doesn't exist, you can generate own but deliver in town and operators are looking but for now quiet frac is being implemented it has sound panels that force sound down to ground a lot quieter. takes low notes that is harder to get rid of. Liberty has limited available in high demand. may have to wait to frac. Rig move will occur in 10 days want to do at night but doing during business hours from 10-3 this rig won't go on City Streets only crossing Princeton rd. Had PD officers to assist traffic flow going in and out which helps.

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

35. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a Zone Change from a 1F-1, One-Family Dwelling District, to O-1, Office District on Lot 1, Block 2, Hillcrest Acres, Section 3, City and County of Midland, Texas. (Generally located on northwest corner of the intersection of Cuthbert Avenue and Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9962

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

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

Development Services Director Chuck Harrington gave a brief overview of the item noting Maverick Engineering rezoning for dev of office building at corner lease type facility tx dept of child prot services will lease site. have all rules and regs of O-1 in compl with comp plan, approved by p7z circ to all dept and received no obj. staff rec approval subbj to cond a. as of 8/7 no loj. Love new zoning height limit on O-1 35 and O-2 is 98? yes Onee story.

Mayor Morales opened the public hearing at 11:20 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9962 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

36. Hold public hearing and consider an ordinance on request by Maverick Engineering for a Zone Change from a 1F-3, One-Family Dwelling District to an O-2, Office District on Lots 1 through 12, Block 42; the west 75.33 feet of Lots 7-12, Block 43; a previously vacated 0.138-acre portion of alley right-of-way located in Block 42; and a previously vacated 0.412-acre portion of South Colorado Street right-of-way located adjacent to Lots 1 through 6, Block 42, and Lots 7 through 12, Block 43; all out of Belmont Addition, City and County of Midland, Texas. (Generally located at the southeast corner of the intersection of Belmont Street and West Stokes Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9963

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 42 AND THE WEST 75.33 FEET OF BLOCK 43, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-3, ONE FAMILY DWELLING DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BELMONT STREET AND WEST STOKES AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9963.

Development Services Director Chuck Harrington gave a brief overview of the item noting req made by Maverick proposed dev to place hotel on site. req o-2 und new ord allows 98 ft in height. P&Z reviewed and approved. Been rev by all pert city depts with no obj but planning issues is 98 feet extremely high max on this propeerty backing to residential area. Orig prop owner talked about putting in some other resident between then and other but not part of this requ because of problem with height staff rec denial of requ as of 7/10 no loj.

Trost no loj? chuck no. Owner property east and they talked about motel and then some sort of multi family to protect residential so can't rec going that high without protection. Love why did P&Z approve this? Chuck can't speak to that. Love remember this property and spoke to him 2 years ago before zone code allowed 98 feet previously it was 80.5 Remember suggesting to work in this neighborhood needed to soften inteeraction between residents. agree with staff. Its already a sentivie area and hodge podge oof walmart hotels mobile homes houses that will be potential problem Rrip for redevelopment and residential development. Lacy awful tall structuree.

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

Andrew Mellen Maverick Engineering. This site first square is parking lot for Rosa's property looking at 4 story laquinta property replated to next is sfh dev possible

duplexes still trying to work this out. Main this i shotel and a hotel will help him finance ethaat. this piece land in dev since 2014. Are adhering to 4 story hotel reason hasn't beenf ully developed is residences are building into his land and city easements taking time to argue back that land which is why hasn't been submiitted. Trosst you said oi story know you mean 98 feet. 4 story LaQuinta about 50 feet at most. Love about to say if llimit to 4 stories that allays all concerern does seem like devleoper will ddo what talked about but would like max 4 stores about 50. Love this isn't a planned district so awkward to add conditions to straight zone change do have enough faith in Andrew thought they had backed out comfortable approving as is as four storeis.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9963 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

37. Hold a public hearing and consider an ordinance on a request by Maverick Engineering to vacate a 0.004-acre tract, a 0.019-acre tract, and a 0.019-acre tract of land all out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of Beachwood Street, approximately 131-feet, 871-feet, and 1,066-feet west of Chukar Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9964

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

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

Development Services Director Chuck Harrington gave a brief overview of the item noting area os Qual Ridge which includes direct requested portioon to be vacated reshape subdivison wwwhich left samll tracts that want to reshape. Asked thaat City vacate property. valdue est 3,769.04 no obj to req staff rec approval vac of those tacts subj to cond a and b.

Mayor Morales opened the public hearing at 11:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9964 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales,

Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

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

ORDINANCE NO. 9965

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

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

Finance Director PamSimecka gave a brief overview of the item noting. Robert apologize software updates no memo updates complex issue had at least one request to talk about in briefing if council okay deferring to next meeting.

Council Member Love moved to defer to next meeting; seconded by Council Member Dufford.

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

39. Approved a motion on request by Maverick Engineering, to defer water and sidewalk improvements for Oasis Addition, and to waive the corresponding financial security guarantee valued at \$53,062.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of West Industrial Avenue, approximately 500 ft. west of South County Rd 1250, inside the ETJ of the City of Midland. (ENGINEERING SERVICES)

Jose Ortiz gave a brief overview of the item noting this request by staff to deny deferral but had opportunity talk and asked to defer to dev options.

Council Member Love moved to defer; seconded by Council Member Lacy.

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

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

Council Member Hotchkiss moved to defer to future meeting; seconded by Council Member Robnett.

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

PUBLIC COMMENT

41. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

Kimberly Crisp, 3304 Douglas Avenue, thanked for quick response addressing issues in skate park taking acre of 24 hours thank for response. didn't plan on speaking this morning read in MRT allocating 3.4 M from hotel/motel funds to approve various sports fields. right now at skate park have mix of bikes and skate park great plan. even though excited allocating funds to repair model and expand skate park as well should make also like to address comment at last council meeting it was stated that faux cameras and fence part of security. There was fence that was removed cameras never any kind of cameras there fake or other wise. Pakr repainted community member repainted and members painted the pole given recent improvements ask council adding security including cameras because community put in effort to improve in industrial prime target for vandals and delinquent. Morales are you a member off association. Robnett would like to talk who gave permission and have questions would like to talk afterword don't think paint used don't think city knew anything about it. Kimberly did not have anything used to do with it but understand best option for skate park. skate parks are supposed to be grungy. Kimberly did not participate in painting been in close contact with parks dept. Morales request for funding noted.

No other citizens present wishing to speak.

Meeting adjourned 11:40 a.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