

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

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on August 27, 2019.

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

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 27, 2019.

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

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 10:04

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

PRESENTATIONS

Mayor presented proclamation to Midland Hornfrogs for national champions. 3-0 state 6-0 in national tournament proclaiming today at national midland national hornfrogs day.

National Champions football.

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 Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

- a. Special meeting of July 18, 2019

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

- b. Regular meeting of July 30, 2019

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

c. Special meeting of August 7, 2019

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

d. Regular meeting of August 13, 2019

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

5. Approved a resolution approving the continued receipt of Bingo Prize Fee Funds. (FINANCE)

RESOLUTION NO. 2019 - 239

RESOLUTION APPROVING THE CONTINUED RECEIPT OF BINGO PRIZE FEE FUNDS UNDER SECTION 2001.502, OCCUPATIONS CODE, AS AMENDED BY HOUSE BILL 914, 86TH TEXAS LEGISLATURE

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 240

RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT - GO BONDS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 241

RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH

PROCEEDS OF FUTURE DEBT - CERTIFICATES OF OBLIGATION

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

8. Approved a resolution approving the fiscal year 2019-2020 budget of the Space Port Development Corporation. (FINANCE)

RESOLUTION NO. 2019 - 242

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

Robnett what is transfer. Jamie our GF they don't use any revenue we support fund. transporting from gf to spaceport we are paying not mdc not airport

Council Member Love moved to adopt Resolution No. 2019 - 242; seconded by Council Member Lacy.

ext audit required by law.

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

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

RESOLUTION NO. 2019 - 243

RESOLUTION APPROVING THE PURCHASE OF A SCHOOL FLASHER SYSTEM FOR THE TRAFFIC OPERATIONS DIVISION FROM TEXAS HIGHWAY PRODUCTS, LTD THROUGH BUYBOARD AT A TOTAL COST OF \$150,600.00

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 244

RESOLUTION APPROVING A CONTRACT WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE REPLACEMENT OF CHILLER UNITS AND AIR HANDLER UNITS AT

CITY HALL AND THE POLICE DEPARTMENT, THROUGH BUYBOARD, AT A TOTAL COST OF \$597,487.13

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

11. Approved a resolution ratifying the electrical easement with Oncor for the new Police Barracks located at 4214 FM 307 for the Police Department. (PURCHASING)

RESOLUTION NO. 2019 - 245

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 246

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 247

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

REMAINING PASSENGER FACILITY CHARGE FUNDS TO CERTAIN PROJECTS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 248

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 249

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 250

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 251

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

18. Approved a resolution to allocate the sum of \$525,000 to a Parks Wireless Connectivity Project from the 2019 CISD operating budget. (CISD)

RESOLUTION NO. 2019 - 252

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

Trost what will this allocation do, will it put wifi in parkss ? Jennifer Frescaz wifi for 3 parks in reyes mashburn, beal and hogan. start with 3 parks wifi pwoer poles and towers. Trost when this came up. Morales had in briefing when Tian and her dept and when talked about alley ways. Jennifer spoke about in reetreat. Robnett been discussing for a long ttime.

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

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

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

RESOLUTION NO. 2019 - 253

RESOLUTION ADOPTING RULES REGARDING THE PUBLIC'S RIGHT TO

ADDRESS THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, REGARDING AN ITEM ON AN AGENDA FOR AN OPEN MEETING IN ACCORDANCE WITH TEXAS GOVERNMENT CODE § 551.007

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2019 - 254

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUB-SURFACE EASEMENT AGREEMENT GRANTING TO PARSLEY ENERGY, L.P. ("OPERATOR") A SUB-SURFACE EASEMENT LOCATED ON A CITY-OWNED .854-ACRE TRACT OF LAND IN THE EAST HALF OF SECTION 14 , BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, REWORKING, RE-DRILLING, COMPLETING, MAINTAINING, RE-ENTERING, PRODUCING, OPERATING, TRANSPORTING PRODUCTION THROUGH, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID TRACT OF LAND TO BENEFIT THE OIL, GAS AND OTHER MINERAL PRODUCTION FROM WELLS DRILLED OR TO BE DRILLED BY OPERATOR, ITS SUCCESSORS OR ASSIGNS ON LANDS LOCATED IN THE EAST

HALF OF SECTIONS 14 AND 23 AND THE NORTHEAST QUARTER OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Love moved to approve Consent Agenda items 4 - 22 excluding 8, 18; seconded by Council Member Robnett.

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

SECOND READINGS

23. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a 1F-1, One-Family Dwelling District, to O-1, Office District 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) (First reading held on August 13, 2019)

ORDINANCE NO. 9962

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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9962.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9962 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

24. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a 1F-3, One-Family Dwelling District to an O-2, Office District on Lots 1 through 12, Block 42; and 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) (First reading held on August 13, 2019)

ORDINANCE NO. 9963

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9963.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9963 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

25. Consider an ordinance on second reading on a request by Maverick Engineering to vacate a 0.004-acre tract, a 0.019-acre tract, and a 0.019-acre tract of land 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) (First reading held on August 13, 2019)

ORDINANCE NO. 9964

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

withdraw at request of staff.

PUBLIC HEARINGS

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

26. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a vacation of the .375-acre portion of Pasadena Drive and alley right of way located adjacent to Lot 5, Block 20, and Lot 6, Block 13, Western Hills, Replat of Block 13, and Lot 6C, Block 20, Western Hills, Section 13, City and County of Midland, Texas, (generally located west of Pasadena Drive, approximately 411-feet west of Eisenhower Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9966

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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9964.

chuck rprevious withdrawal at request of applicant not staff.

Development Services Director Chuck Harrington gave a brief overview of the item noting vacate portion of alley ROW for client utilize for single family housing. MCAD appraisal \$1.50/sq ft 24,503\$ for ROPW. rev by all city depts. all agreed to allow vacation with exception of creating utility easement. staff rec approval. as of 8/21 no loj.

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

Andrew Mellen 1909 W Wall, representing client, row vacating in that area is to put in residentialal lots that follow Pasadena Street with culdesac at end. dedicating more row then dedicating asked for a swap making number \$0. Do not have \$ value.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9966 in accordance with the Charter of the City of Midland with amendment to waive fees with receipt of property of equal or greater value and give City Manager authority to approve; seconded by Council Member Trost.

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

27. Hold a public hearing and consider an ordinance on a request by Landgraf, Crutcher and Associates for a zone change from a PD, Planned District for a Shopping Center to a RR, Regional Retail District on Lot 6D, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas, (generally located on the north side of Westridge Boulevard, approximately 358-feet east of Tradewinds Boulevard). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9967

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6D, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WESTRIDGE BOULEVARD, APPROXIMATELY 358 FEET EAST OF TRADEWINDS BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00);

AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9967.

Development Services Director Chuck Harrington gave a brief overview of the item noting 5608 Westridge Blvd odd piece. propose plan is unique to Midland 3 separate bars under one ownership 3 different types of bars. First one the ranch 2 story, hammertime second, third the ice house allows max of 40 feet do not prop to exc. minim required spaces will be exceeded. rev by all dept with no obj approved 8/5 by p7z staff rec approval. as of 8/21 no loj. Lacy ingress and egress on one driveway or access to east. Chuck joint access. lacy want to address safety. Love question to emergency vehicles. chuk reps have reviewed with no objections. Robnett what is regional retail district. chuck used to be Ir1 Ir2. this is first regional retail which used to be Ir3. Morales project in front of this? Chuck proposed at one time to be hotel there is a structure in front of it. it was left out piece with development all around.

Mayor Morales opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9967 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

28. Hold a public hearing and consider an ordinance on a request by Li Chen for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 5,950 square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas, (generally located on the southeast corner of the intersection of Castleford Road and North Garfield Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9968

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,950 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CASTLEFORD ROAD AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

Development Services Director Chuck Harrington gave a brief overview of the item

noting SUD for sale of alcoholic beverages fun noodle bar, located in pd allows for this use. there are 5 other est havee su for alco. Same Mon thur 11-9:30 pm. sq ft 3226 will be used for alco serv. no schools or churchess within 300 feet. rev by all depts and staff rec approval subj to cond a-f. Rev by p7z they rec approval as of 8/21 no loj.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9968 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

29. Hold a public hearing and consider an ordinance on a request by Proffutt Limited Partnership for a Special Exception from the City of Midland's Zoning Ordinance, Section 5.05 - Nonresidential Zoning District Dimensional Regulations Chart, concerning maximum height on a 3.199-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located approximately 815 feet south of State Highway 191 and 1,643-feet west of Avalon Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9969

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 3.199-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 815 FEET SOUTH OF STATE HIGHWAY 191 AND APPROXIMATELY 1,643 FEET WEST OF AVALON DRIVE), BY PERMITTING AN INCREASED MAXIMUM HEIGHT OF A STRUCTURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9969.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception to ht rest in distrit. ht allows 56 feet or 4 storeis. prop dev cont 4 stores but because of arch features 17 feet form top of building 9 feet higher then max allow. rev by all depts planning look for hardhsips and no hardship exhibited here it is a rchitectueal feature and can be redesigned. As of 8/21 no loj. Lacy line of site apt complex in pdhd are we concerned with arch feature extra nine feet is in front of building. lacy asked if elevator. chuck will ahve to ask applicant. Mayor MOrales the property that they purchased or leased is just the corner. That can be developed into commercial or residential? Chuck property is supposed to be apartments that are 3 stores which will ahve actual stepping from residential to this property. As far as hotel within height limits. Hotchkiss didn't we increase hegt from 50 to 56 so this is pop up from what allowed in past. Morales it goes back to saying of who builds first and youu iknow for sure it will be buiilt. chuck yes. Dufford window height is all concernedd aobut for line of site. Chuck always look at total building but yes concerned about line

of site in general. Morales future developments could build to that.

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

Andrew Melen Maverick Eng owner is same as apts seelling to hotel take a while to build to get loan and move forward with producing future. multi family to west and south. to north not annexed yet but not single family. More concerned about line of site to single family but next to apt complex of 3 stories don't have concern. Not sure about zoning code but 4 story with architectural. Hotchkiss 17 feet up. Andrew just to give building a look those are flag oriented building and to change up would be significant for that flag. Love I read the height restriction as needing to be adhered to when talking about adding floors but for decorative pieces or poles not an issue. Morales would it also be built so signage in front?

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9969 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

30. Hold a public hearing and consider an ordinance on a request by Frank S. Longoria Jr. for a Special Exception from the City of Midland Zoning Ordinance Section 4.09 Accessory Buildings and Uses concerning the maximum square footage of all accessory buildings (combined area), maximum number of accessory buildings, and the exterior façade of accessory buildings on Lot 2, Block 2, Lilly Heights Extension, City and County of Midland, Texas, (generally located on the south side of Sentinel Avenue, approximately 133 feet west of Alpine Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9970

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 2, LILLY HEIGHTS EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SENTINEL AVENUE, APPROXIMATELY 133 FEET WEST OF ALPINE STREET), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS, (2) AN INCREASED MAXIMUM COMBINED AREA OF ALL ACCESSORY BUILDINGS, AND (3) A DEVIATION FROM THE BUILDING FACADE MATERIAL STANDARDS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9970.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception to max sq foot of all accessory building on property and max number of access bldgs. ext facade not valid any more due to change in state law. located 3503 sentinel. prop to build 15 foot tall 40-30 ft building. Lot size is 15987 sq ft can get

almost 1600 sq ft of accessor building. Property already has 2 existing 750 and 150. total sq ft of all if approved 2100 sq ft on property. Other than all except can meet all setback requirements. been reviewed by all dept with no objection except planning. objection of neighborhood. does impact adjoining property owner no hardship staff rec denial.

Mayor Morales opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

3503 Sentinel Billy Bosup bilstad. he is son in law father in law called out of town. small bldg off house is small shed dry rot so plan to demo that building and before need place to relocate items in building. Proposal to build a garage that you can access. Morales shop for personal use not a business. He has truck he wants to rebuild keeps getting notice no plates not registered and need place to put it in but can't get into garage without demo. Robnett opposition from neighbors. Billy every house has shop of significant size with exception of one. Billy in couple of years looking to move and sell and want to bring up to standard of neighbors only one don't have large metal building. Hotchkiss in that neighborhood seen as positive. Lacy no disrespect to neighbors those are large lots with multiple with this type of building. Robnett no variance for side yard setback. Morales two storages now. small one go away if metal built. no attic space hard to regulate temperature when rains it floods not great place to store or do work garage door small. Love why is you want to build new structure makes more financial sense to tear down fence. Billy ceiling heights too low less than 8 feet no attic space can't properly insulate and use other as storage. Robnett ok no opposition from neighbors. Billy talked with neighbors to find out how they obtained their buildings.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9970 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love only reason staff objected is regulations. Chuck yes. always like to look at small lots and concerned about over building. These lots larger than normal but single family lots. Not aware they want to tear down 150 structure which brings in back down into compliance except for number. Love asked Mr. Bilstad want to let know when read against but this is reason important for citizens to come because info given to Council helped him change his mind especially with added info of tearing down other building.

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

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

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting located north of city limits where was used to be CO₂ took over facility with wells. this one asked same as previous wells asked location on other pad with shared items.

sound walls west and east no quiet frac 2000 feet closest neighbor to south. two var road repair no city roads and 24 hour fracing oeprations.

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

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

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting south of I-20 sev eprm in samee area same pad site tank batter near. asking for same variances as req in pasat 5 in all. using same sound wall 16 foot on northh side of location.

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

Budget Manager Jamie prop budget in commpl with tx local govt code prop budget in general operating plan 7.5 % is adopted gf auth to exp 145 M Dufford in original budget before changes where was it at Jamie it orig initial val at eff plus 6% with valuations today thaat ends up about 4.25%. And then budget from GF is about 142M. Dufford then went to effectivej plus 7.5% extra 1.7 M

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

Consuelo Duff, 4708 Pleasant Drive #26 need toknow what houses are going to be vacant. have staff reach out to call out. and asnwer quesetion.

David Rosen, 5002 Thames Court, address increase in City spending impression going from 128 M toto 144 M which means about 16 M more then spent lasat eyar and given looking at 128 M more than 10% increase in spending and while think that iving police and fire raises and hiring more police and fire excellent along with hiring more city staff don't think 16M increaase going to all 20-25 people even if paid \$100,000 each only 2.5 M. increase needs to be thought off not in a vacuum but in sense of prioriity midland the school bond .5 B and the road bonds looked at increase in County taxes, hospital taxes need to be wholistic in spending. Think that all of these increases aare done by bodies already elected only one not done before it happens is school bond and with all entities looking to increase what going to spend is taxpayers not being happy and voting odwn school bond. Increase of sales tax increase hotel/motel coming into city if par budget can do a lot better. Lacy road bond 100 M not .5 B there will be several road bonds. None the less several hundred million road bonds being proposed. Morales think doing greaat job working in unity to discuss bonds and sales tax initiatives and needs to be justified to public of what being prop population icnrease inflation increasing. In 2014 by 2028 180,000 people now say 280,000 in 2028 if don't look at vision way behind totem poll. Been talkinga bout prior 2008 no investments in streets. tthis council taking bruises to get streets up to par.

Mark Trotter, 3015 San Jose, here since 1994. Reason ehre taxes going up every year and been looking at influx of people and new housing. Why property taxes going uup instead of down why increasiing property tax owwners increased over 6% this year. they said no control who has control over taxes going up. City Councill determines how much taxes taken out of pocket to determine what goes to city schools. when bought less than \$4,000 per year now oeever \$6000 for property tax that have to budet every year. now 2 jobs just to afford that is prroblem and should be for everybody. Need to allocate another way to increase taxes where everybody contributes what can be done. Love did you jsut say have to work 2 jobs just to pay for prop taxes. Lacy prop valueation done on fair market value mcad. Tax rate is over 25 cents lower but property value increased. Their tasked by state statute to value at market value at what houses are willing for. They protest every year completely wrong from valuaition hey increase. The tax value has decreased but valuations gone up. Mark trying to appraise to neighbor who has new house and his is 14 years old. Lacy state legislature wants to make appraiser an elected position to vote out. The highest in city is school district but that is only way to control. Makr nothing can be done for controlling apjpraisal district. Dufford only way is to protest and present case and same people that sat on board its so frsutrating as tax payer want to go back to dalls to buy bigger home for less taxes. Robnettt City can do some things inversse relationship in prop tax rate. as whole about 25% of total tax bill small piece of total levy. sales tax through roof which mean use on roads is also up too. In this eyars budget about same number of pd as 20 yeaars ago it adds up. This city council trying to priop road maint and first rresponder. Love to change way tax have to contact state legislature. Dufford will say too friend moved form Midland to Abilene got a lllittle bigger home because of bump in price his taxes are 1/3 more than in Midland other cities rates are higher. Brother hhas 4000 on golf course and pays same taxes. Lacy state legislature contorls that process. another user fee is sales tax but 1/4 cent tax for sales avail. Morales 5 taxing entiteis have no contorrl over mcad and in 2020 the new state ad valorem capped at 3.5%. Love since 1995 the City of Midlland raised its tax rate two times so your taxes going up because of valuuation. this council has done is cut the rate form 65 cents in 95 and now down to 36 37 cents. This number talking about oday does bring more moneey but cut on rate and having to decide do we want to take money and build roads or community center not raising to be nasy real world problems and real worldd budget expenses have to maake send email andtalk not fat extremely thin. Will ahve to start cutting services if lower rate cut police and fire or cut roads and had to go out for 100 M bond on raods bcause not taken into cons. robnett 600,000 vs 12M and big portion. Dufford defend self nobody thought sunset industry and things would change had no idea would see explosive growth we had. budget reflect thoughts.

Trost had talk with CM discussed and budget director what other aavenues can we looka t and accessed TML resources city can use to bring money in. They have examined they ahve looked everywhere, very experienced, tried to find osme way to see if can lleviate this pain. Point where city growing so fast unexpectedly and so now caught in aftermath of moving forward. Not for raising proeprty taxes but have to look at realities of where we are and we are behind 8 ball so have to move forward, appreciate bringing up other aveneus of funding but will not hapapen in this budget cycle. Dufford passed impact fees will be huge deal to people who liv ein older parts will not be ssubidizing new development. Robnett where else look is private industry big oil and gas reason formed strategic partnership to bring more of those dollarss down. Pioneer saved city 128 M in future to build new wastewater plant by paartneringwith private entities. Looking at parks, roads and animal shlter. not being idle working hard

to utilize private dollars. that gets overlooked a lot.

Kimberly Crisp, 3304 Douglass, agree with love think pretty lean budget doing really good job issues with tax increase but can talk. one thing concern about budget in hogan park golf course this is enterprise fund paid for by those who operate. at a deficit and council giving .5 m to get out of debt hard to believe would put half m in any business failing money has a better use people use and enjoy don't think should own if running a deficit. Morales how far back in research. 3 years. Robnett not shut hogan golf course down charities and non profits raise money see how many tournaments raised for no profits well outweigh. Dufford the other part is odessa subsidizing golf course to tune about 1M hobbs subsidies most do because quality of life. No park in town that makes money. Important part continue to subsidize. Has something to do with old transfer when running deficit and changed things out think bring in profit but off books transfer to balance books nothing running deficit today. Morales citizens telling him to make investment it is regional golf course serve a lot of citizens hasn't been updated as well as it should be. club house, cart paths, pavilion exp amenities that tax payers want to be like dennis the menace the park great for community. Dufford not everybody can afford to be member of club trying to attract young professionals and can't join country clubs it is huge amenity attraction to young professionals need outlets and hogan park is jewel that will stay. Love agree if raise fees to make golf course profitable price out a lot of people and no longer muni golf course it is exclusive. Robnett Hogan park under oil and gas will have money come in.

Trost would like to bring up Lancaster park again large park nearly ignored many years got project working on right now. moving along and bring up. That is another park big park.

Nettie Anderson 3400 Sheell, wrote letter her fear is lived here all life seen bust and boom this isn't like the rest our price of oil only \$55 a barrel back in last one over \$100/barrel and people in oil made a lot of money. All people who work here don't own home and in this bust not fully a boom like it's been in past. \$55 holding back barely afford rent, barely afford groceries know some who go to food bank and a big tax hike will hurt midland had home base somewhere else. if taxes too much and cost of living so much can't stay we are in danger and not thinking about town. Hoping it will change in this world economy don't see it getting up there like it did. Then can see taking money putting into parks. Morales you're saying reduce the budget. Nettie, yes. Love the cents are being lowered. Dufford cut the budget. It's just at least a couple of points that might help community. Try to wait a year for new retirement home to make Midland pretty put aside need to keep people here and need to live here.

Tracy a large increase in budget for brand new animal shelter can it wait another year. not suggesting he is passionate what find interesting wish more citizens would come to Council meetings subject of hogan golf course and animal shelter midlands population grown y'all know more got into animal shelter and started reading about other projects feel Midland behind. Reason approach progressive see what's ahead with growing population. One thing never considered is Hogan golf course same applies to animal shelter to make city better city have to put money towards things for citizens good thing. Somethings not about money or profit sometimes about doing the right thing. Having Hogan golf course that is affordable not everybody can afford expensive country clubs this is affordable for us. think important. Animal shelter important everybody deserves a pet if want and can offer low adoption rate. Hher rescue midland animal shelter

adaptable community outreach proram partner with breeaking bread last week gave dog foods cat foot flea tick treatment and parvo shots. help take care of naimlas so don;t ahve to worry about animals bring comfort just liek golf course Tracy Gearhart. Love life and health of naimlas hshould depnd on weehather animal centeer maeks profit.

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

Trost midland market driven city we have situaation that keeps att that level of marketability. things will be more expenssive because oil driven economy. We cannot set the market, metket tells us what we have to do somethimes not fund but have to make decision not what want but have to do. Until that changes have to go along and do what need to do to meet needs of pbulic.

MISCELLANEOUS

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

ORDINANCE NO. 9971

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

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

Jamie budget maner brief overview.

Love rate where now brings in extra 1.7M question do we want to lwoer that rate to what staff rrec or whether think roads, and a ssenior citizen centers are importnat. What really should be deciding. Do we want ot leave ta rate where set and take extra money to get new senior or put towardsroads orlower to rec or some other number. Trost tax levy is next item. Lacy need to address budget so set tax rate. Hotchkiss been behind thinking aboutn ew citizen center even if raisee tax rate inbetween this year had meeting last week apalled when commenteed tthat faciliteis had to go out and check senior center couldn;t work their stove because pilot lgith blown own. that is indicator of how old equipment in sr center and time for staff to take care of items that should have been addressed earlier. Moraales behind senior and health center but want but wnat to see what other souces of revenue we can find. Morales Hogan park royalty money can you use money for those without having tto raise taxes is that a possibility? MDC money. those are thing discuss with public. lacy agree with need but to designate funds without lojation. Love od that all the time not new. Morales all agree ready to move forward on sr and health center. Hatchkiss need aneeds accessment and manpower that can go and do that. Ask to do a whole lot and push to do more. Robnett what ar eyou proposing for senior center vs roads. Love a lot of plate and can"t get it all done this year but this rate plus 7.5% is aa tax cut in rate. I believe get more difficult in neear

future to try to deal with projects coming up and here is opportunity for us and don't want to do it on back of taxpayers it makes sense for Council in unique situation where cutting rate but raising more money to take care of problems and know only going to get more expensive each and every year don't address them. Morales majority of emails from seniors hurting as it is because property valuations are killing. Dufford taxpayers every year and sick to stomach but have to pay. Love what will you support. Dufford on council always effective plus 3% but willing to go to 4% because population growth and staff rec is 4.25% as opposed to 3%. Trost confused about setting rate. Dufford talking about 1.7M extra dollars. Talking about where can 1.7M possible go in budget was willing when have discussions willing to go above and beyond where been in course of last 18 years. Courtney 4.37% increase over effective. There's nothing to amend here correct. Hotchkiss all this conversation is about clarifying where priorities might be in the future. Want to make sure y'all know how important that look to future feel comfortable will be able to achieve some better places for seniors. Love defending east side needs improvement too. Need to begin that plan. Dufford bottom line 2/3 personnel and people 50% police and fire. 1/3 left over for roads, buildings, maintenance not that much. Jamie budget does include 7.5 above effective. After set tax rate at that rate went and made changes because rate set at so made changes put excess rev in budget it is 145 M orig budget 142 M. Dufford where allocated? Jamie put in non departmental for time being. Love what the increase dollar amount for average home for 7.5 and also for original budget? Jamie city rec inc for rec it was about \$100 increase in average value home \$270,000 home. about \$90 increase for 7.5%. and for effective plus is less than \$90. Love reason trying to determine that is he is sensitive don't want to pay but say \$90 spread out over all citizens if dedicated money to new senior citizen. Hotchkiss just went through that it added a full year doesn't have to be full amount but little more helpful.

Love he made motion to set rate as high as possible and come down from it exercise fruitfully. Traditionally always eff Plus 3 and move on. Good feedback didn't think stay there but wanted to change pattern without having discussion. Don't think it will 7.5% but think citizens need to know how govt works. this \$90 increase could go a long way for a lot of amenities in Midland. Will say road improvements and lack of services citizens get many rewards back from proposed budget.

cph 11:47 a.m.

Dufford need to go back to original prop budget orig dollar amount was \$142,629,337.00 was original budget. Original dollar amount

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9971 in accordance with the Charter of the City of Midland lower budget back to \$142,629,337.; seconded by Council Member Robnett.

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

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

ORDINANCE NO. 9972
AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR

THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020

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

Jamie proposed tax rate is .364715 per \$100/valuation eff rate plus 4.37% John O as courtney mention must be 5.2 vote motion must be made by specific lang maake amendment first and then vote on levy seperately.

Council Member Robnett move property tax rate increased by the adoptin of of a tax rate of 364,715 millionth cent per \$100 valuaition which is effect 4.37% increase over the effective rate of .349432.; seconded by Council Member Dufford.

John what happend to his motion. Love question was there an allowable opprotunity for someone to second his motion. for the records 3% is noted.

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

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

ORDINANCE NO. 9965

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

rco 9965

Pam Simecka dealt with in bringin to change for utility biling.

Dufford Mr. Morale serve don committee.it will end up being cost saving do more with less. Robnett big change do we need more time if not ocmfortable with rolling out if need more time lets not be afraid to take more time to roll out. Love agree think moving fast rather getit right then move fast nad get it wrong. Seems like what would be natural sincwe not doing on fiscal year to have deadline jan 1 nice transition. hate to roll out and have cluster. Dufford think talking City staff Nov 4 roll out in starting is not a big issue but also arbitrary deadline staff put ont hemsleves to do. if they flet issues they will come back and let us know the date will change. Confident staff cna roll out when say. Lacy because hwen implementing new payroll and ifnancial there were a lot of glitches so then messing with employees paychecks even more dire then apying billss. make sure ready. ciens number 2 outside of trsh roads. Hotchkiss you've been given permission to delay if needed. pam evaluaie as go through. as get deepeer if see any issues willd elay and be sure sysstem up and working. Also concerned aobut getting wrong utility bills out eval as go forward.

Thinkin now Nov 4.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9965 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

37. Approved a resolution authorizing the City Manager to negotiate & execute a contract with Perdue Brandon Fielder Collins and Mott, LLP (The "Firm") of Midland, Texas, for the collection agency service 2019 - 255s for the Finance Department at a cost not to exceed 20 percent of the amounts collected by the firm. (PURCHASING)

Pam change in procedures due to new billing system trying to go with collection rather than put liens clean up more efficient in collecting past due, Love law changed if don't pass today some problems.

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

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

PUBLIC COMMENT

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

Dan Corrales, 4604 W Illinois, privilege getting to know he and wife and small business district 4. introduce self family called midland home 70 years croquet first elem purple gold engrained. MC on abell hangar. really enjoy opportunity to express thanks to Council for efforts may disagree with methodology or outcomes but feel for best interest of Midland and constituents. After last meeting present went home 2nd ph of budget. wife still think that job is easy and want to run. no I think stuff make difficult decisions face adversity and appreciated. Grandmother first hispanic to sit on Council. As disabled vet and former civil servant thankless job and would like to say that you it is appreciated. this forum place for civil discourse with language of objectivity at times passionate and others dispassionate. Hear the citizens and give feedback look forward to seeing more in future and grateful to observe and participate. Love grandmother set the standard for district 2 council members appreciate everything she does. Dan everything do for district 2 greatly appreciated. Spent a lot of time with community Corrales and David.

Adj 12:06 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