CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
July 28, 2020 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall

Videoconference Information

Please click this URL to join.
https://zoom.us/j/93400634613?pwd=c3kvaDAzUDNHVTJnYTY1MHgxVFhmUT09
Password: 206840
Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 934 0063 4613
International numbers available:https://zoom.us/u/aR0jW95TI
The City Council may discuss, consider, and take action on any item listed on this agenda.

OPENING ITEMS

1. Invocation – Pastor Phil Allman, Grace Lutheran Church

2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:

   a. REGULAR CITY COUNCIL MINUTES OF JULY 7, 2020

   b. REGULAR CITY COUNCIL MINUTES OF JULY 14, 2020

4. 2020-124 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MAXWELL ASPHALT, INC., IN THE AMOUNT OF $1,275,240.00 FOR THE MAF AIRFIELD PAVEMENT MARKING IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (AIRPORTS)

5. 2020-125 – RESOLUTION APPROVING AN AMENDMENT TO THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SUSIE'S SOUTH FORTY CONFECTIONS, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY MANAGER'S OFFICE)

6. 2020-126 – RESOLUTION APPROVING AND ADOPTING THE CITY OF MIDLAND'S ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR FISCAL YEARS 2020 THROUGH 2024 (DEVELOPMENT SERVICES)

7. 2020-127 – RESOLUTION ADOPTING THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR FISCAL YEARS 2020 THROUGH 2024 (OCTOBER 2020 TO SEPTEMBER 2024) AND THE 2020-2021 ACTION PLAN TO SAID CONSOLIDATED PLAN; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (DEVELOPMENT SERVICES)

8. 2020-128 – RESOLUTION GRANTING A VARIANCE FOR LOT 6, BLOCK 2, LOST MOUNTAIN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,800 FEET EAST OF NORTH MIDKIFF ROAD AND APPROXIMATELY 960 FEET NORTH OF PASSAGE WAY), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND ACCESSORY STRUCTURES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DEVELOPMENT SERVICES)

9. 2020-129 – RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A 0.0503-ACRE TRACT OF LAND AND A 0.0525-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (THE "CONVEYED TRACTS"), TO THE OWNER OF PROPERTY ABUTTING THE CONVEYED TRACTS IN EXCHANGE FOR SAID ABUTTING PROPERTY OWNER CONVEYING TO THE CITY A 0.204-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (THE "ACQUIRED TRACT"); AUTHORIZING THE CITY MANAGER TO ACCEPT THE ACQUIRED TRACT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO CONVEY THE CONVEYED TRACTS AND ACCEPT THE ACQUIRED TRACT, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT CONVEYING TO THE CITY THE ACQUIRED TRACT (ENGINEERING SERVICES)

10. 081-2020 – MOTION ACCEPTING A 11.653-ACRE RIGHT OF WAY DEDICATION OUT OF SECTIONS 11 & 12, BLOCK 40, T-2-S, T & P RR. CO SURVEY, MIDLAND COUNTY, TEXAS, FROM THE KENNETH HUSEMAN FAMILY PARTNERSHIP, L.P; A COPY OF THE RIGHT OF WAY DEDICATION DEED BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE DATE AND NUMBER OF THIS MOTION; AND

ORDERING THE CITY SECRETARY TO RECORD SAID INSTRUMENT IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS (ENGINEERING SERVICES)

11. 2020-130 – RESOLUTION SUPPORTING THE 2021 UNIFIED TRANSPORTATION PLAN (ENGINEERING SERVICES)

12. 2020-131 – RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF $13,559.00; SAID FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT, AND SUPPLIES (FIRE)

13. 082-2020 – MOTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO NON-POTABLE WATER SUPPLY AGREEMENT BETWEEN THE CITY OF MIDLAND AND MABEE WATER RESOURCES, LLC. (UTILITIES)

SECOND READINGS

14. 10090 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 8, EASTOVER ADDITION, THIRD EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST TEXAS AVENUE, APPROXIMATELY 50 FEET WEST OF NORTH TILDEN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 14, 2020)

15. 10092 – AN ORDINANCE VACATING AND ABANDONING 0.097 ACRES OF RIGHT-OF-WAY, BEING A PORTION OF PARKER STREET RIGHT-OF-WAY AND AN ADJACENT PORTION OF RIGHT-OF-WAY OUT OF LOT 6, BLOCK 28, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST PARKER STREET AND NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,451.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 14, 2020)

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

16. 10093 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,508-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 290 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL

ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DEVELOPMENT SERVICES)

17. 10094 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 AND 8, BLOCK 11A, HIGHLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PARKER AVENUE AND NORTH MAIN STREET), WHICH IS PRESENTLY ZONED SF-2, SINGLE-FAMILY DWELLING DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A CHILD CARE: DAY CARE CENTER; MAKING SAID DESIGNATION 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 (DEVELOPMENT SERVICES)

18. 10095 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 26, BLOCK 5, NORTH PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WHITMAN DRIVE, APPROXIMATELY 165 FEET NORTH OF WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DEVELOPMENT SERVICES)

19. 10096 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, GREENWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST INDIANA 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 (DEVELOPMENT SERVICES)

20. 10097 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 23, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY

DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST WASHINGTON 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 (DEVELOPMENT SERVICES)

MISCELLANEOUS

21. 2020-132 – RESOLUTION RECORDING A VOTE ON A PROPOSAL TO CONSIDER AN AD VALOREM TAX RATE FOR THE FISCAL YEAR 2020-2021 AND TO ESTABLISH A DATE TO HOLD A PUBLIC HEARING ON THE PROPOSED TAX RATE; ESTABLISHING DATES WHEN THERE WILL BE A RECORD VOTE ON THE TAX RATE; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO POST ALL APPROPRIATE NOTICES (FINANCE)

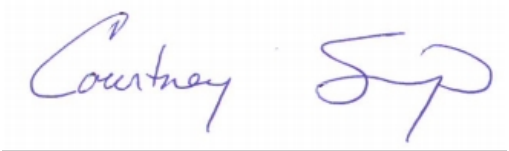
22. 083-2020 – MOTION REGARDING THE ESTABLISHMENT, ADMINISTRATION, AND FUNDING OF THE MIDLAND DEVELOPMENT CORPORATION'S SMALL BUSINESS ASSISTANCE PROGRAM (CITY ATTORNEY'S OFFICE)

23. 2020-133 – RESOLUTION APPROVING THE FISCAL YEAR 2020-2021 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY MANAGER'S OFFICE)

24. 084-2020 – MOTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A DEVELOPMENT AGREEMENT REGARDING THE VAUGHN BUILDING (CITY ATTORNEY'S OFFICE)

25. 085-2020 – MOTION SETTING A DATE FOR A CITY COUNCIL RETREAT TO BE HELD IN AUGUST 2020 (CITY ATTORNEY'S OFFICE)

Respectfully Submitted,



Courtney B. Sharp
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please

contact the City Secretary's Office at (432) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

MIDLAND CITY COUNCIL MINUTES July 7, 2020

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 07, 2020.

Council Members present:	Scott Dufford, Spencer Robnett, Michael Trost, Jack Ladd, Patrick Payton, John Norman, Lori Blong
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

The meeting was called to order at 10:03 A.M.

REGULAR SESSION

1. Conduct a budget work session for the purpose of reviewing and discussing the proposed 2020-2021 City of Midland Budget.

   City Manager Courtney Sharp gave an overview of the budget process and stated staff would be available for any questions after the meeting.

   Budget Manager Jamie Radcliff gave a brief overview of the proposed budget noting the City is facing new challenges. The proposed budget is best guess estimates. At the end of 2019 there were approximately 146,000 citizens residing in Midland, a 1.5 percent increase. The City currently has high unemployment numbers. There were 854 residential permits issued in 2019 and 623 completions. Year-to-date there were 455 permits issued and 225 completed. Staff projects 400 home completions by the end of 2020.

   Mrs. Radcliff stated in 2019 there were 419 acres annexed into the City and there have been 38 acres annexed year to date. Annexations triggers a requirement for other services. City Manager Courtney Sharp added that these were all voluntarily annexations, due to the City's policy of not providing utilities outside the City.

   Mrs. Radcliff stated there were 36 oil and gas permits for 2019 and year to date for 2020 there are 21. Staff is projecting the rest of the year to be slow.

   There is no cost of living increase in the budget. Nine new positions were created 26 other positions were eliminated. A Superintendent in Community Services was added to

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manage the Sports Complex and a Superintendent and two Program Specialist were added for the New Senior Services Division.

Council Member Trost asked if the contract with the sports complex was no longer good. Mrs. Radcliff stated that the contract will end at the end of the fiscal year and by creating this position, staff felt they could handle it in house. Council Member Trost noted the City had that before and it wasn't necessarily successful. Mr. Sharp added that the contrat with SeniorLink was not being renewed and taken in house as well.

Mrs. Radcliff stated another position added is the Pre-Treatment Coordinator for water and sewer. Mr. Sharp added that because of the Pioneer Project we were completely changing the way our sewer treatment works. TCEQ will now require us to do pretreatments on site before discharging to our sewer system.

Mrs. Radcliff reported the Meter Changeout Specialist position was being brought in house and a Fire Fleet Specialist Mechanic will help take care of all the City's fire trucks, with a savings of $1.1 million. Other positions included two Equipment Operators for Landfill.

The Police Department will implement a Lieutenant pay increase, additional overtime budget and further certification pay. Sworn personnel will receive 3% step increase and non-sworn personnel will receive a 3% progression pay.

The proposed budget maintains funding for street improvements and replacement of equipment and vehicles. $1.1 million was allocated for improvements at City facilities and $500,000.00 was added to the engineering budget for a capital land purchase of a 10.3-acre parcel.

Funding for traffic control upgrades from the general fund included $500,000.00 for upgrades per the nine-year plan. They will continue to evaluate major revenue streams for general fund, specifically sales tax revenues.

The City still has the lowest tax rate out of all the cities in comparison. They anticipate $49.7 million in sales tax revenue for 2021.

Mrs. Radcliff explained General Fund revenues budget of $136,485,964.00 by type. She explained the expenditures by departments and reviewed the budget calendar dates.

Council Member Trost moved to adjourn; seconded by Councilman Norman. The motion carried unanimously.

All the business at hand having been completed, the meeting adjourned at 11:08 A.M.

PASSED AND APPROVED July 28, 2020.

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Patrick Payton, Mayor

ATTEST:

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Amy M. Turner, City Secretary

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MIDLAND CITY COUNCIL
MINUTES
July 14, 2020

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 14, 2020.

Council Members present:	Scott Dufford, Spencer Robnett, Michael Trost, Jack Ladd, Patrick Payton, John Norman, Lori Blong
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

The meeting was called to order at 10:05 a.m.

OPENING ITEMS

1. Invocation

2. Pledge of Allegiance

CONSENT AGENDA

Jack Ladd moved to approve the Consent Agenda, excluding items 4, 5, 9, 16, 18, 19, 20, 23, 24; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

3. CONSIDER A MOTION APPROVING THE FOLLOWING MINUTES:

   a. BRIEFING CITY COUNCIL MEETING OF JUNE 23, 2020

   b. REGULAR CITY COUNCIL MINUTES OF JUNE 23, 2020

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6. 072-2020 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH JONES BROS. DIRT & PAVING CONTRACTORS, INC. REGARDING THE FISCAL YEAR 2020 MILL AND INLAY PROJECT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF $660,508.50 AND TO PROVIDE FOR THE PAVING OF (1) WHITTLE WAY BETWEEN SUNSHINE PARKWAY AND WADLEY AVENUE AND (2) TARLETON STREET BETWEEN GOLF COURSE ROAD AND WADLEY AVENUE (GENERAL SERVICES)

7. 2020-111 – RESOLUTION APPROVING THE PURCHASE OF 750 TONS OF ALL SEASON PRE-COATED PATCHING MIXTURE FOR THE TRANSPORTATION DIVISION FROM CSA MATERIALS, INC. OF SAN ANGELO, TEXAS, AT A TOTAL COST OF $102,645.00 (GENERAL SERVICES)

8. 2020-112 – RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF 7,000 TONS OF FLEXIBLE BASE CALICHE FOR THE TRANSPORTATION DIVISION TO CALICHE PLUS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF $85,820.00; AND AUTHORIZING PAYMENT (GENERAL SERVICES)

10. 2020-114 – RESOLUTION AWARDING A TWO YEAR CONTRACT FOR ENVIRONMENTAL COMPLIANCE TESTING TO HICKS & COMPANY ENVIRONMENTAL/ARCHEOLOGICAL CONSULTANTS FOR $41,400.73 FOR YEAR 2020 AND FOR $89,121.94 FOR YEAR 2021 FOR A PROJECTED TOTAL COST OF $130,522.67 (GENERAL SERVICES)

11. 2020-115 – RESOLUTION AWARDING A CONTRACT FOR THE DRILLING AND TESTING OF FOUR PLANT FARM MONITORING WELLS TO C&S LEASE SERVICE, L.C., FOR A TOTAL COST NOT TO EXCEED $110,514.95 (GENERAL SERVICES)

12. 2020-116 – RESOLUTION APPROVING THE PURCHASE OF DIESEL FREIGHTLINER SPRINTER CARGO VAN WITH ASSOCIATED SEWER EQUIPMENT FROM AUSTIN TRUCK & EQUIPMENT, LTD., DBA FREIGHTLINER OF AUSTIN, THROUGH BUYBOARD, AT A TOTAL COST OF $272,327.00; AND RESCINDING RESOLUTION 2020-056 (GENERAL SERVICES)

13. 073-2020 – MOTION AUTHORIZING THE DIRECTOR OF AIRPORTS TO ADVERTISE A REQUEST FOR BIDS FOR THE GATE 6 – PASSENGER BOARDING BRIDGE INFRASTRUCTURE PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT (AIRPORTS)

14. 2020-117 – RESOLUTION APPOINTING SHARLA HOTCHKISS TO THE MIDLAND DOWNTOWN PARK CONSERVANCY BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND DOWNTOWN PARK CONSERVANCY (COMMUNITY SERVICES)

15. 2020-118 – RESOLUTION ADOPTING THE 2020 PARKS, RECREATION, AND OPEN SPACE MASTER PLAN (COMMUNITY SERVICES)

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17. 2020-120 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: HOGAN 1-24-E-2609H AND HOGAN 1-24-G-2613VH SAID WELLS BEING GENERALLY LOCATED BETWEEN 1900 FEET AND 1870 FEET NORTH OF EAST LOOP 250 NORTH AND 1,381 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION (DEVELOPMENT SERVICES)

21. 076-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

22. 077-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 7, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

25. 078-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 31, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

26. 079-2020 – MOTION ACCEPTING A 0.815 ACRE UTILITY EASEMENT OUT OF SECTIONS 7 & 8, BLOCK 40, T-2-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS, FROM YOUNGER PARTNERS, LTD.; A COPY OF THE EASEMENT INSTRUMENT BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE DATE AND NUMBER OF THIS MOTION; AND ORDERING THE CITY SECRETARY TO RECORD SAID EASEMENT INSTRUMENT IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS (UTILITIES)

The following items were pulled from consent agenda and considered individually.

4. 2020-109 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PIERCE GOODWIN ALEXANDER LINVILLE INC., DBA PGAL TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A SENIOR SERVICES MASTER PLAN FOR THE COMMUNITY SERVICES DEPARTMENT FOR A TOTAL COST OF $91,940.00; AND APPROPRIATING SAID FUNDS TO THE SENIOR SERVICES MASTER PLAN PROJECT (GENERAL SERVICES)

Council Member Ladd noted that a lot of plans were being done but wasn't sure if they were being implemented. General Services Director Regina Stephenson reported that the majority are implemented. Council Member Ladd wondered if the money would be better spent updating the senior centers. Assistant City Manager Robert Patrick reported this is a continuation of what is in place in order to come up with a comprehensive plan to meet the needs of the seniors. Council Member Blong asked what the continuity would

be between the master plan and the consultant. Mr. Patrick ensured that the vetting has been done on the consultant and staff feels this is the best firm. Community Services Director Tina Jauz explained they went through the RFQ and chose this consultant with the top score because they had a lot of municipal experience especially with senior and recreation centers. Their goal is to do an overall assessment of the current centers, and then determine if we should continue on the current path, or look at implementing a new center. They will also get feedback from the community to ensure we are meeting the needs of the community. The consultant will determine if we have adequate space for current and future programming.

Mayor Payton noted that the conversation about whether or not to have a consultant is a debatable issue, the real question is if we decide against this, who will do the work? The responsibility falls on Council to ensure it is implemented. Council Member Dufford agreed noting it is a matter of priority of Council. Ms. Jauz noted we are not hiring a consultant to run the programming, that will be run in house.

Michael Trost moved to approve Resolution No. 2020-109; seconded by John Norman.

The motion passed by the following vote:
AYE: Payton, Trost, Dufford, Blong
NAY: Norman, Ladd
ABSTAIN: None
ABSENT: None

5. 2020-110 – RESOLUTION AWARDING A THREE YEAR CONTRACT TO PROVIDE DATA NETWORK AND INTERNET SERVICE TO GRANDE COMMUNICATIONS NETWORKS LLC FOR A TOTAL COST NOT TO EXCEED $123,840.00 ANNUALLY (GENERAL SERVICES)

Council Member Ladd asked if we could combine forces with the school district to get a better price on internet. Chief Information Office Jennifer Frescaz reported they have met with Midland and Ector Counties and have been in contact with both school districts to do fiber projects. They will continue to combine forces whenever they can.

Council Member Trost asked if this is a continuation of an existing contract. Ms. Frescaz reported this went out for rebid. Grande will be providing better services and offered the best deal.

Lori Blong moved to approve Resolution No. 2020-110; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

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9. 2020-113 – RESOLUTION AWARDING A CONTRACT FOR THE A STREET UTILITY IMPROVEMENTS PROJECT TO BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF $1,897,167.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)

Council Member Ladd asked about the scope of the project. Utilities Director Carl Craigo reported they will be doing all utilities: water, wastewater, and storm drains. This will tear up the whole street. Once awarded it will take at least two months to begin but likely about 3 months. When Council Member Ladd expressed concern about so many projects happening at once in his district, Engineering Services Director Jose Ortiz noted that some of the other projects will be finished prior to this one beginning. Their goal is to stagger projects to not have too big of an impact on constituents.

Jack Ladd moved to approve Resolution No. 2020-113; seconded by John Norman.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

16. 2020-119 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO COG OPERATING LLC (“OPERATOR”) TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN 2,260 FEET AND 2,380 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 243 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)

Council Member Robnett noted he will be abstaining from voting on this item.

Jack Ladd moved to approve Resolution No. 2020-119; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Payton, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: Robnett
ABSENT: None

18. 074-2020 – MOTION APPROVING A PROPOSED PRELIMINARY PLAT OF PARSELY ADDITION SECTION 2, BEING A PLAT OF A 30.42-ACRE TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF FM 715, APPROXIMATELY 1367 FEET NORTH OF EAST COUNTY ROAD 120 EXTRATERRITORIAL JURISDICTION (DEVELOPMENT SERVICES)

Council Member Ladd wanted to ensure that all of the recommendations or conditions have been agreed to by the Landgraff group. Development Services Director Chuck Harrington

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noted that due to the size, a preliminary plat is required. All of those conditions will be captured in the final plat.

Lori Blong moved to approve Motion No. 074-2020; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

19. 2020-121 – RESOLUTION APPROVING THE FISCAL YEAR 2020-2021 BUDGET FOR THE MIDLAND-ODESSA URBAN TRANSIT DISTRICT (DEVELOPMENT SERVICES)

Council Member Trost asked what was the total budget amount for the City of Midland. Development Services Director Chuck Harrington reported it is $600,000.00, the same as last year.

Mayor Payton asked that the transit district consider placing bus shelters at their stop noting the people are sweltering in the heat waiting for the bus. He suggested looking into public/private partnerships. Council Member Trost suggested MDC money could be used. City Attorney John Ohnemiller noted he would need to look into that and dig into the details.

Michael Trost moved to approve Resolution No. 2020-121; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

20. 075-2020 – MOTION ON REQUEST BY PARKHILL SMITH & COOPER, TO DEFER WATER, WASTEWATER, PAVING AND SIDEWALK IMPROVEMENTS FOR FIELD'S EDGE ADDITION, AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT $848,491.00, AN AMOUNT EQUAL TO THE ESTIMATED COST OF CONSTRUCTION. THE SUBJECT PROPERTY IS GENERALLY LOCATED ON THE SOUTH OF INTERSTATE 20 AND WEST OF SOUTH LOOP 250, INSIDE THE CORPORATE LIMITS OF THE CITY OF MIDLAND (ENGINEERING SERVICES)

Council Member Trost asked what was being waived. Engineering Services Director Jose Ortiz reported staff is recommending waiving improvements for this development as it is parallel to another development of an adjacent property. This applicant will be extending the water line and it doesn't make sense to extend other services at this time. Mayor Payton noted he had an opportunity to sit down with PSC and it is unreasonable to extend the sewer until future development shows up in the area. Council Member Ladd asked if the non profit will retain the ownership of the homes. Mayor Payton confirmed they would.

Lori Blong moved to approve Motion No. 075-2020; seconded by Spencer Robnett.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

23. 2020-122 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE RIGHT-OF-WAY LICENSE AGREEMENTS (UTILITIES)

Council Member Robnett noted that the City owns quite a bit of land that is considered rural and historically we have not had problems issuing right-of-way easements. He expressed concern for the loss of value in the land that may be needed for future development.

Council Member Ladd was in complete agreement and felt that at some point it is important to keep hold of the full use of the land.

Council Member Blong agreed, noting she did not want to tie future Council's hands in being able to fully develop in the future. Council Member Robnett asked staff to put together a map showing all easements going across rural lands owned by the City.

Spencer Robnett moved to approve Resolution No. 2020-122 ; seconded by Jack Ladd.

The motion failed by the following vote:
AYE: None
NAY: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
ABSTAIN: None
ABSENT: None

24. 2020-123 – RESOLUTION AMENDING THE WATER CONSERVATION PLAN FOR THE CITY OF MIDLAND, TEXAS (UTILITIES)

Council Member Ladd asked what is changing. Utilities Director Carl Craigo reported that they nearly hit all goals from five years ago and now they are adjusting down the goals.

Council Member Trost reported he didn't see anything about increasing watering days to four days a week. Mr. Craigo noted that the watering schedule is in the drought plan and can be adjusted at any time by the City Manager and is not a part of this plan. They will begin to push out more notifications of the changed schedule.

Jack Ladd moved to approve Resolution No. 2020-123; seconded by John Norman.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

DRAFT

SECOND READINGS

27. 10089 – AN ORDINANCE AMENDING TITLE I, "ADMINISTRATIVE", CHAPTER 7, "MUNICIPAL COURT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SECTION 20, "REIMBURSEMENT FEE FOR CREDIT OR DEBIT CARD PAYMENTS"; CONTAINING A CUMULATIVE CLAUSE; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE (MUNICIPAL COURT)

    Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10089.

    Michael Trost moved to approve the second and final reading of Ordinance No. 10089; seconded by Jack Ladd.

    The motion passed by the following vote:
    AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
    NAY: None
    ABSTAIN: None
    ABSENT: None

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

28. 080-2020 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PARSLEY ENERGY OPERATIONS, LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: HOGAN 1-13-D-2407H; HOGAN 1-24-F-2411H; AND HOGAN 1-24-H-2415H; SAID WELLS BEING GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 1,541 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION (DEVELOPMENT SERVICES)

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

    Chris Hamilton, Ft. Worth, representing Parsley Energy, was available to answer any questions.

    There being no one else wishing to speak, the public hearing was closed at 10:58 a.m.

29. 10090 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 8, EASTOVER ADDITION, THIRD EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST TEXAS AVENUE, APPROXIMATELY 50 FEET WEST OF NORTH TILDEN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 14, 2020)

    Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10090.

DRAFT

Mayor Payton opened the public hearing at 10:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Blong reported she received a question as to why the City of Midland does not allow anyone to build a mother-in-law suite or guest house and also noted that some people would like to offset their mortgage by being able to rent out a guest house. Development Services Director Chuck Harrington noted that in areas zoned single family, an accessory building can be built if it is absent one of the elements of housing: sleeping quarters, eating facilities or restrooms. For a true mother-in-law suite to take care of an ill or elderly family member, a person can apply for a specific use designation. He further clarified that single family zoning is designated in the code as one residential structure per lot.

Lori Blong moved to approve the first of two readings of Ordinance No. 10090; seconded by John Norman.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Ladd, Blong, Norman
NAY: None
ABSTAIN: None
ABSENT: None

30. 10091 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE WEST HALF OF LOT 1, BLOCK 4, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF SOUTH STREET, APPROXIMATELY 95 FEET WEST OF NORTH TYLER STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 14, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10091.

Mayor Payton opened the public hearing at 11:03 a.m.

Paola Ramirez, 3600 SCR 1230, reported her issue is the parking space. When they drive by there are plenty of businesses on Wall and Big Spring with small parking. Theirs is eight spaces. Their clients come by appointment and they have very few walk-ins.

Ramona Ruiz, 3600 SCR 1230, noted she has been renting for eight years and has saved money to buy her own shop. This is her opportunity.

Eleazor Sisneros, 509 Eugene Avenue, asked to have it changed back to commercial zoning so they can open their shop. He described several other businesses in the area that have similar parking. Council Member Ladd asked if they were asking for a parking exception. They said they were. Development Services Director Chuck Harrington clarified they have not made the official review of the site plan, but think that they can come back with a special exception for a reduction in the number of required parking spaces. It will

take at least three weeks from the time of the application to do the proper notice and bring back to Council for approval.

There being no one else wishing to speak, the public hearing was closed at 11:10 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10091 ; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

31. 10092 – AN ORDINANCE VACATING AND ABANDONING 0.097 ACRES OF RIGHT-OF-WAY, BEING A PORTION OF PARKER STREET RIGHT-OF-WAY AND AN ADJACENT PORTION OF RIGHT-OF-WAY OUT OF LOT 6, BLOCK 28, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST PARKER STREET AND NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,451.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 14, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10092.

Mayor Payton opened the public hearing at 11:13 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Development Services Director Chuck Harrington reported this was property that was originally transferred in from the County. The County needs the property back in order to fence in the cemetery.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10092; seconded by John Norman.

The motion passed by the following vote:
AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: None

MISCELLANEOUS

32. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (CITY SECRETARY'S OFFICE)

Scott Dufford moved to appoint Council Members Jack Ladd and John Norman to the EZ Rider Board; seconded by Michael Trost.

The motion passed by the following vote:

DRAFT

AYE: Payton, Robnett, Trost, Dufford, Blong
NAY: None
ABSTAIN: Norman, Ladd
ABSENT: None

EXECUTIVE SESSION

33. Pursuant to Texas Government Code § 551.101, the Council will hold an Executive Session which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

b. Section 551.072, Deliberation Regarding Real Property

b.1. Discuss the purchase, exchange, lease, or value of real property described as a 320.33-acre tract located in Section 4, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas

Mayor Payton noted that Executive Session would not be held.

All the business at hand having been completed, the meeting adjourned at 11:17 a.m.

PASSED AND APPROVED July 28, 2020

_____
Patrick Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

DRAFT

City Council Meeting

Item Number: 4

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Justine Ruff, Director

Subject: RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MAXWELL ASPHALT, INC., IN THE AMOUNT OF $1,275,240.00 FOR THE MAF AIRFIELD PAVEMENT MARKING IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (AIRPORTS)

Purpose:

Consider a resolution awarding the project described as MAF Airfield Pavement Marking Improvements Project (900330) at Midland International Air & Space Port to Maxwell Asphalt, Inc., of Salt Lake City, Utah, and appropriate necessary funds.

Recommended City Council Action:

Approve

Fiscal Impact:

City/Airport Share (100%)	$2,052,914.00

Breakout of Costs

Construction Phase Engineering Fee	$ 75,150.00
Construction Phase Surveying	$ 75,000.00
Construction Phase Testing	$ 85,000.00
Construction Phase Reimbursable Costs	$ 90,000.00
Construction Phase Resident Project Representative (RPR)	$ 325,000.00
Construction Improvements Bid	$1,275,240.00
Construction Contingency	$ 127,524.00
Total Recommended Construction Phase Appropriation	$2,052,914.00

Appropriation Language:

That the sum of $2,052.914.00 is hereby appropriated from the Airport Operating Fund (500) Unappropriated Fund Balance (35650) to the MAF Airfield Pavement Marking Improvement Project (900330).

Discussion:

The City Council approved the authorization to advertise for bids during their May 26, 2020 meeting. Two bids were received and the low bid was submitted by Maxwell Asphalt, Inc. in the amount of $1,275,240. Parkhill, Smith & Cooper has reviewed the bids and recommends that the project be awarded to Maxwell Asphalt, Inc., of Salt Lake City, Utah. This project includes restriping the pavement markings on Runways 10/28, 4/22 and 16L/34R. The project will also restripe all the airfield taxiways. Runways 4/22 and 16L/34R and Taxiway W will be rehabilitated by placing sealant in the surface cracks, applying a surface treatment and remarking the pavements.

This project is not included in an FAA Grant. The FAA is not currently supporting General Aviation Runways, and they look at runway painting as maintenance; therefore, there is no FAA funding for this project. However, the airfield pavement markings on all runways and taxiways were applied two years ago, and aircraft traffic, as well as age, have faded the markings and reduced the level of reflectance on the reflective beads. During the last FAA Certification Inspection, the inspector indicated that the markings on the runways and taxiways needed to be repainted. Due to the FAA currently not funding improvements to general aviation (GA) runways, a rehabilitation process is needed to extend the life of the asphalt pavements as long as possible before full reconstruction must occur, or the runways must be taken out of service.

City Manager's Office

RESOLUTION NO._____

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MAXWELL ASPHALT, INC., IN THE AMOUNT OF $1,275,240.00 FOR THE MAF AIRFIELD PAVEMENT MARKING IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

WHEREAS, the City Council previously approved the plans and specifications and authorized advertisement for bids for the MAF Airfield Pavement Marking Improvements Project at Midland International Air & Space Port; and

WHEREAS, on June 25, 2020, two (2) bids were received for said project with the lowest and most responsible bid being submitted by Maxwell Asphalt, Inc., for a total cost of $1,275,240.00, as shown on the bid tabulation attached hereto as Exhibit A and incorporated herein for all purposes; and

WHEREAS, the City Council finds the price proposed by Maxwell Asphalt, Inc., for said project to be fair and reasonable; and

WHEREAS, the City Council finds it to be in the public interest to award a contract to Maxwell Asphalt, Inc., for said project and to appropriate necessary funds therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the City Manager and the City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a contract with Maxwell Asphalt, Inc., in the amount of $1,275,240.00 for the MAF Airfield Pavement Marking Improvements Project at Midland International Air & Space Port. Said contract shall be on file in the office of the City Secretary referenced by the date and number of this Resolution.

SECTION TWO. That the sum of $2,052,914.00 is hereby appropriated from the Airport Operating Fund (500) Unappropriated Fund Balance (35650) to the MAF Airfield Pavement Marking Improvements Project (900330).

SECTION THREE. That the City Comptroller is hereby authorized and directed to pay Maxwell Asphalt, Inc., pursuant to the terms of said contract from funds available in the MAF Airfield Pavement Marking Improvements Project (900330) upon receipt of proper invoices or statements approved by the City Manager.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

_____
Mark Mason, Director of Finance

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Justine Ruff, Director of Airports

APPROVED ONLY AS TO FORM:

_____

John Ohnemiller, City Attorney

PARKHILL SMITH & COOPER

1700 W. Wall Street, Suite 100
Midland, Texas 79701
432.697.1447

MIDLAND INTERNATIONAL AIR & SPACE PORT

MAF Airfield Pavement Marking Improvements
Midland, Texas

2:30pm (CDT), Thursday, June 25, 2020
01.9772.20

Bidder	Bid Bond	Proposal Form	Addendum No. 01	Addendum No. 02	Base Bid	Additive Alternate	Total Bid
Maxwell Asphalt, Inc.	X	X	X	X	$1,198.680.00	$76,560.00 ~~$76,550.00~~	$1,275,240.00
American Road Maintenance	X	X	X	X	$1,521,600.00	$132,000.00	$1,653,600.00

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PARKHILL SMITH & COOPER

1700 W. Wall Street, Suite 100
Midland, Texas 79701
432.697.1447

MIDLAND INTERNATIONAL AIR & SPACE PORT

MAF Airfield Pavement Marking Improvements
Midland, Texas

2:30pm (CDT), Thursday, June 25, 2020
01.9772.20

Bidder	Bid Bond	Proposal Form	Addendum No. 01	Addendum No. 02	Base Bid	Additive Alternate	Total Bid
Maxwell Asphalt, Inc.	X	X	X	X	$1,198.680.00	$76,560.00 ~~$76,550.00~~	$1,275,240.00
American Road Maintenance	X	X	X	X	$1,521,600.00	$132,000.00	$1,653,600.00

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PARKHILLSMITH&COOPER

1700 W. Wall Street, Suite 100
Midland, Texas 79701
432.697.1447

July 13, 2020

Ms. Justine Ruff
Director of Airports
Midland International Air & Space Port
9506 La Force Blvd.
Midland, TX 79706

Re: Recommendation for Award of Construction Contract
Midland International Air & Space Port
MAF Airfield Pavement Marking Improvements (#900330)

Dear Ms. Ruff:

We have reviewed the bids received on June 25, 2020 for the above referenced project. All bids appear to have been submitted in accordance with guidelines established in the Bid Documents and those procedures adopted by the City of Midland.

The bid included a Base Bid and an Additive Alternate. The Additive Alternate was the substitution of the solvent based asphalt surface seal in lieu of the water based seal. We recommend that the Construction Contract for the MAF Airfield Pavement Marking Improvements be awarded to Maxwell Asphalt, Inc. of Salt Lake City, Utah for both the Base Bid and the Additive Alternate for a Total Contract Amount of $1,275,240.00.

If you have any questions on the bids received or the low bidder, please don't hesitate to give me a call.

Sincerely,

PARKHILL, SMITH & COOPER, INC.

By _____
Danny G. Winchester, P.E.
Firm Principal

Cc: Kim Watkins - City of Midland

City Council Meeting

Item Number: 5

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Morris WIlliams, Assistant City Manager

Subject: RESOLUTION APPROVING AN AMENDMENT TO THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SUSIE'S SOUTH FORTY CONFECTIONS, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY MANAGER'S OFFICE)

Purpose:

The Board of Directors of the Midland Development Corporation approved at a regular meeting on July 13, 2020 a Resolution authorizing the execution of an amendment to that certain economic development agreement between the Midland Development Corporation and Susie's South Forty Confections, Inc.

Recommended City Council Action:

Approve

Fiscal Impact:

None

Discussion:

This amendment lowers the payroll and job creation requirements made in the original agreement to reflect current economic conditions. In addition, the amendment eliminates a second disbursement of $20,000 from the Midland Development Corporation to Susie's South Forty Confections.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING AN AMENDMENT TO THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SUSIE'S SOUTH FORTY CONFECTIONS, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

WHEREAS, the Midland Development Corporation authorized the execution of an amendment to that certain economic development agreement with Susie's South Forty Confections, Inc.; and

WHEREAS, the City Council must consider and approve all economic development agreements approved by the Midland Development Corporation before the agreements can become effective; and

WHEREAS, the City Council finds it to be in the public interest to approve the amendment to that certain economic development agreement between the Midland Development Corporation and Susie's South Forty Confections, Inc.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

THAT the amendment to that certain economic development agreement between the Midland Development Corporation and Susie's South Forty Confections, Inc., which is attached hereto as Exhibit A and incorporated herein for all purposes, is hereby approved.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SUSIE'S SOUTH FORTY CONFECTIONS, INC.

THIS AMENDMENT is made and effective _____, 2020, by and between the Midland Development Corporation ("*MDC*"), a Type A corporation existing under the authority of Chapter 504 of the Texas Local Government Code, and Susie's South Forty Confections, Inc. ("*Company*").

WHEREAS, MDC and Company entered into that certain Economic Development Agreement dated January 24, 2018 (the "*Agreement*"), which was approved by the Midland Development Corporation Board of Directors and the Midland City Council; and

WHEREAS, the Agreement has been in full force and effect since its effective date and has not been allowed to lapse; and

WHEREAS, Company and MDC desire to make certain amendments to the Agreement as set forth below;

W I T N E S S E T H:

For and in consideration of the execution of this Amendment and the mutual promises and covenants of the parties hereto, it is mutually promised, understood and agreed as follows:

1) Section I.F of the Agreement is hereby amended to read in its entirety as follows:

Company anticipates maintaining Full-Time Jobs (as defined herein) at the Property by January 31, 2022, resulting in a total Annual Payroll (as defined herein) of not less than $620,000.00.

2) Section II.H of the Agreement is hereby amended to read in its entirety as follows:

"*Starting Payroll*" means $590,000.00.

3) Article IV of the Agreement is hereby amended to read in its entirety as follows:

A. **Annual Payroll Prior as of January 31, 2020.** By January 31, 2020, Company shall certify to MDC, as described in Section X.B below, that a minimum of $10,000.00 additional Annual Payroll has been made by Company, resulting in a new total Annual Payroll of at least $600,000.00.

B. **Annual Payroll as of January 31, 2021.** By January 31, 2021, Company shall certify to MDC, as described in Section X.B below, that a minimum of $20,000.00 additional Annual Payroll has been made by Company, resulting in a new total Annual Payroll of at least $610,000.00.

Exhibit A

C. **Annual Payroll as of January 31, 2022.** By January 31, 2022, Company shall certify to MDC, as described in Section X.B below, that a minimum of $30,000.00 additional Annual Payroll has been made by Company, resulting in a new total Annual Payroll of at least $620,000.00.

D. **Personal Property Investment.** By January 31, 2021, Company shall invest, or cause to be invested, a minimum of $95,000.00 in new Personal Property in the Business at the Property, and Company shall (i) maintain such minimum value of new Personal Property at the Property through December 31, 2022, and (ii) maintain said new Personal Property in good-working condition at the Business on the Property. Said investment in Personal Property in the Business at the Property facilities shall be evidenced by tax statements issued by the Midland Central Appraisal District, which shall be provided to MDC on a yearly basis during the term of this Agreement. Company shall provide paid invoices and certification that the Personal Property has been paid for, in full, and the Personal Property has been installed and is functioning properly.

E. **Annual Compliance Certifications.** Beginning in January 2019, and continuing every year during the term of this Agreement, each year by January 31 Company shall certify to MDC, as described in Section X.B below, the following:

1. The total Annual Payroll as of December 31 of the preceding year.

2. The total amount of Personal Property investment made at the Business on the Property as of December 31 of the preceding year. Company shall describe or list the Personal Property investment and provide certification as to the purchase price or cost of such Personal Property until such time as $95,000.00 has been invested in Personal Property.

Pursuant to this Section, there will be a total of five (5) Annual Compliance Certifications due, covering Full-Time Jobs created and maintained, and Personal Property expenditures in years 2018 through 2023.

F. **Security Agreement.** Company shall execute the Security Agreement in a form substantially similar to that of **Exhibit B**, attached hereto and incorporated herein for all purposes (the "*Security Agreement*"). MDC shall have the right to file a UCC-1 Financing Statement in the state of Company's incorporation in order to perfect a lien on the assets described in the Security Agreement. Company agrees that MDC may, in an event of default by Company under the Agreement, as amended, execute against Company's Personal Property pursuant to the terms of the Security Agreement.

4) Article V of the Agreement is hereby amended to read in its entirety as follows:

On or before February 28, 2018, MDC agrees to provide to Company an interest-free forgivable loan in the amount of $95,000.00 (the "*Loan*"). Company shall use the proceeds of the Loan in order to comply with the obligations set forth in Section IV.C. The Loan

shall be disbursed in a single lump sum subject to Company's obligations set forth in Section IV.

5) Article VI of the Agreement is hereby amended to read in its entirety as follows:

A. **Recapture of the Loan.** If the Loan was disbursed and not previously repaid, and the annual compliance certification demonstrates that Company has not maintained the obligations set forth in Section IV, then Company shall repay to MDC $95,000.00.

B. **Repayment Terms.** Any amount repayable to the MDC hereunder shall be repaid, without interest, within thirty (30) days after the MDC gives written notice to Company that Company is in default. Notwithstanding anything to the contrary contained anywhere in this Agreement, under no circumstances shall Company be obligated to repay MDC an amount in excess of the total dollar amount of the funds actually received by Company from MDC under this Agreement.

6) Section X.A of the Agreement is hereby amended to read in its entirety as follows:

Total Financial Commitment. Notwithstanding any other provision hereof which might be interpreted otherwise, MDC's total financial commitment during the term of this Agreement shall not exceed $95,000.00 in the aggregate.

7) Section X.B.1 of the Agreement is hereby amended to read in its entirety as follows:

As to the certifications required in Section IV.A, Section IV.B, and Section IV.C, Company shall provide reasonable evidence or supporting documentation. Documentation for employment numbers may be in the form of Texas Workforce Commission Employer Quarterly Reports, or certified employee rosters that show the hours worked and positions filled, or such other reports as may be agreed upon by MDC and Company. Upon a reasonable request, MDC may review Company's Texas Workforce Commission Employer Quarterly Reports in Midland, Texas, but may not copy or retain a copy of said reports

8) Section X.B.4 of the Agreement is hereby amended to read in its entirety as follows:

As to the certifications required by Section IV.D, Company shall provide a letter from Company's president or other executive officer.

9) Section X.B.6 of the Agreement is hereby deleted.

10) The Agreement, inclusive of this Amendment, is hereby ratified and affirmed by Company and MDC, and the Agreement shall in all respects remain in full force and effect in accordance with its provisions and as amended above.

[Signature Pages Follow]

EXECUTED by the duly authorized officials as of the day and year first above written.

MIDLAND DEVELOPMENT
CORPORATION

_____
Wesley Bownds, Chairman

ATTEST:

_____
Berry Simpson, Secretary

SUSIE'S SOUTH FORTY CONFECTIONS, INC.

_____

Susie Hitchcock-Hall, President/Owner

THE STATE OF TEXAS §
§
COUNTY OF MIDLAND §

BEFORE ME, _____, a notary public, on this day personally appeared Susie Hitchcock-Hall, President/Owner of Susie's South Forty Confections, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of said Company for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ day of _____, A.D., 2020.

_____

Notary Public, in and for
the State of Texas

City Council Meeting

Item Number: 6

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Isaac Garnett, Manager, Community Development

Subject: RESOLUTION APPROVING AND ADOPTING THE CITY OF MIDLAND'S ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR FISCAL YEARS 2020 THROUGH 2024 (DEVELOPMENT SERVICES)

Purpose:

Consider a resolution approving and the adoption of the City of Midland's 2020-2024 Analysis of Impediments to Fair Housing Choice.

Recommended City Council Action:

Approval

Fiscal Impact:

No Fiscal Impact on City Budget.

Discussion:

As a recipient of Community Development Block Grant (CDBG) Program funds, the City is required by the U.S. Department of Housing and Urban Development (HUD) to conduct an analysis of impediments (AI) to fair housing choice and to affirmatively further fair housing. The Community Development Office has overseen an AI, which has resulted in the attached draft document. The draft is in the process of a 30-day public review period that ends July 27, 2020. The AI will cover the City's fiscal years 2020 to 2024.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING AND ADOPTING THE CITY OF MIDLAND'S ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR FISCAL YEARS 2020 THROUGH 2024

WHEREAS, the City of Midland, as a recipient of Community Development Block Grant Program funds, is required by the U.S. Department of Housing and Urban Development to conduct an analysis of impediments to fair housing choice and to affirmatively further fair housing; and

WHEREAS, the City of Midland has conducted said analysis to develop strategies and appropriate actions to overcome the effects of identified impediments to fair housing choice in Midland, and the City of Midland certifies that it will affirmatively further fair housing; and

WHEREAS, the City Council finds it to be in the public interest to approve and adopt the City of Midland's Analysis of Impediments to Fair Housing Choice for Fiscal Years 2020 through 2024;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

THAT the City of Midland's Analysis of Impediments to Fair Housing Choice for Fiscal Years 2020 through 2024, is hereby approved and adopted, a copy of which is on file in the City Secretary's office and identified by the number and date of this resolution.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

CITY OF MIDLAND, TEXAS

Analysis of Impediments
to
Housing Choice

A Fair Housing Plan for
September 2020-2024

September 30, 2020

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Acknowledgements

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Patrick Payton

City Manager:
Courtney Sharp

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District 2: John Norman
District 3: Jack Ladd
District 4: Lori Blong
At-Large: Spencer Robnett
At-Large: Michael Trost

Assistant City Manager:
Robert Patrick

Assistant City Manager:
Morris Williams

Development Services:
Charles Harrington

Community Development Office Staff:
Isaac G. Garnett, Community Development Manager
Wanda Valles, CDBG Program Coordinator

EXECUTIVE SUMMARY

Midland Texas is quickly becoming the epicenter of the global energy sector for petroleum markets in the vast Permian Basin Region, which is the site of some of the largest oil and gas resources in the world. Midland County is also a location for substantial drilling and extraction activity. A combination of factors is causing dramatic changes in the City/County. Since 2010, the number of houses sold in the Midland MSA has increased, along with the average and median sales price, though fluctuations roughly corresponding to oil and gas activity levels which have occurred. For the most part, the number of listings and the months of inventory available in the area have decreased, though there have been market fluctuations. Activity has increased notably over the past two years. The number of home sales jumped 33.8% in 2017 and continued to increase in 2018. There were also approximately two months less of inventory available over the 2017-2018 period. There is a severe shortage of rental properties with a gross rent of $875 a month or less, and 45.2% of households in the Midland MSA reporting $35,000 to $49,999 in income are housing cost burdened (paying more than $875-$1,250 per month).

While a little over one-third of the population lives in renter-occupied housing units in the MSA area, gross rents have been increasing. According to Census Data, median gross rent (rent plus utility cost estimate) in the Midland area in 2017 was approximately $100 more per month compared to the median across Texas and the United States. More recent data from ApartmentList.com shows that in February 2019, the median apartment rent for a two-bedroom apartment was $1,553, much higher than $1,049 for Texas and $1,174 for the United States. Apartment rents had increased 2.5% from the previous month and 11.3% over the past year. The apartment rent for Texas was steady during the same month and had only increased 1.3% relative to the past year. The latest population estimates from the US Census Bureau indicate the Population for the City of Midland was 142,344 in 2018, while the county population is estimated at 165,386 in 2019. Midland County is the 26th most-populous county in the State of Texas and is the most populated county in the Permian Basin Region.

This AI includes a review of both public and private sector housing market data in the City of Midland to identify practices or conditions that may have a negative impact on fair housing choice in the city. An analysis of demographic, economic, and housing data included in the review establishes the context in which housing choices are being made. Demographic data indicate the sizes of racial and ethnic populations and other protected classes; economic and employment data show additional factors in influencing housing choice; and counts of housing by type, tenure, quality, and cost indicate the ability of the local housing inventory to meet the needs of the city's residents. The contextual analysis described above provides a foundation for a detailed review of fair housing laws, cases, studies, complaints, and public involvement data. The structure provided by local, state, and federal fair housing laws shapes the complaint and advocacy processes available in the city.

It is the private sector that has the greatest impact and influence in the homebuyer and rental markets; such as home mortgage, lending practices can substantially limit fair housing choices. Within the public sector, policies and practices can also significantly affect housing choice. HUD complaint data and AI public involvement feedback processes further help define problems and possible impediments to housing choice for persons of protected classes, and confirm suspected findings from contextual and supporting data.

For several years' since 2010 U.S. Census population count, the population of Midland has increased from strong economic growth and permanent residency due primarily to the energy sectors. The number of residents in all age groups increased, although in the case of residents aged over 65 data has shown only marginal increases in the number of residents in the same time period Residents aged 34 to 64 accounted for the largest share of residents in 2010 at around a quarter to half of the population. White residents accounted for the largest share of the overall population in 2000 and 2010; however, over the last decade as the number of white residents in the city flattened, the number of black residents grew slightly. Hispanic residents demonstrated the greatest increase; nearly doubled in number and as a share of the overall population.

The Fair Housing Act of 1968 states that it is the policy of the United States to provide for fair housing throughout the country and the Act prohibits any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including or otherwise making unavailable or denying a dwelling to any person because of race, color, religion, sex, national origin, handicap, or familial status. The State of Texas concur with this policy and adopted legislation protecting equal access to housing. Fair housing and impediments to fair housing are monitored by the United States Department of Housing and Urban Development (HUD) with Community Block Development Grant (CDBG) for fair housing advocacy groups. This role of HUD to act as an administrator of fair housing programs originated in 1968 with the passage of the Civil Rights Act. Each grantee, which receives CDBG funding under Title I of the Housing and Community Development Act, is required to further fair housing and fair housing planning by conducting an analysis to identify impediments to fair housing choice within those cities/communities within its jurisdiction.

Midland residents who believe that they have been subjected to unlawful discrimination in the housing market may seek recourse from agencies and organizations at the federal, state, and local levels. Fair Housing law and policy is directed at the national level by HUD, which accepts complaints from anyone who believes that he or she has been the victim of discrimination outlawed under the Fair Housing Act. The Texas Attorney General's Office of Civil Rights Enforcement enforces the state civil rights law. Midland residents may file complaints with the Office of Fair Housing and Equal Opportunity, which will conduct an investigation of the complaint and direct the complaint to the appropriate enforcement agency.

The City of Midland Community Development Office will also take appropriate actions to overcome the effects of any impediments identified and will maintain records, which reflect the analysis and actions taken in this regard. The purpose of this AI is to provide essential, specific, and detailed information and data to municipal officials and staff, policy makers, housing developers, lenders, and fair housing advocates. The AI helps build public support for fair housing efforts. This report represents Midland's efforts in making an objective assessment of the nature and extent of fair housing concerns in the City, and the potential impediments to making fair housing choice available to its residents.

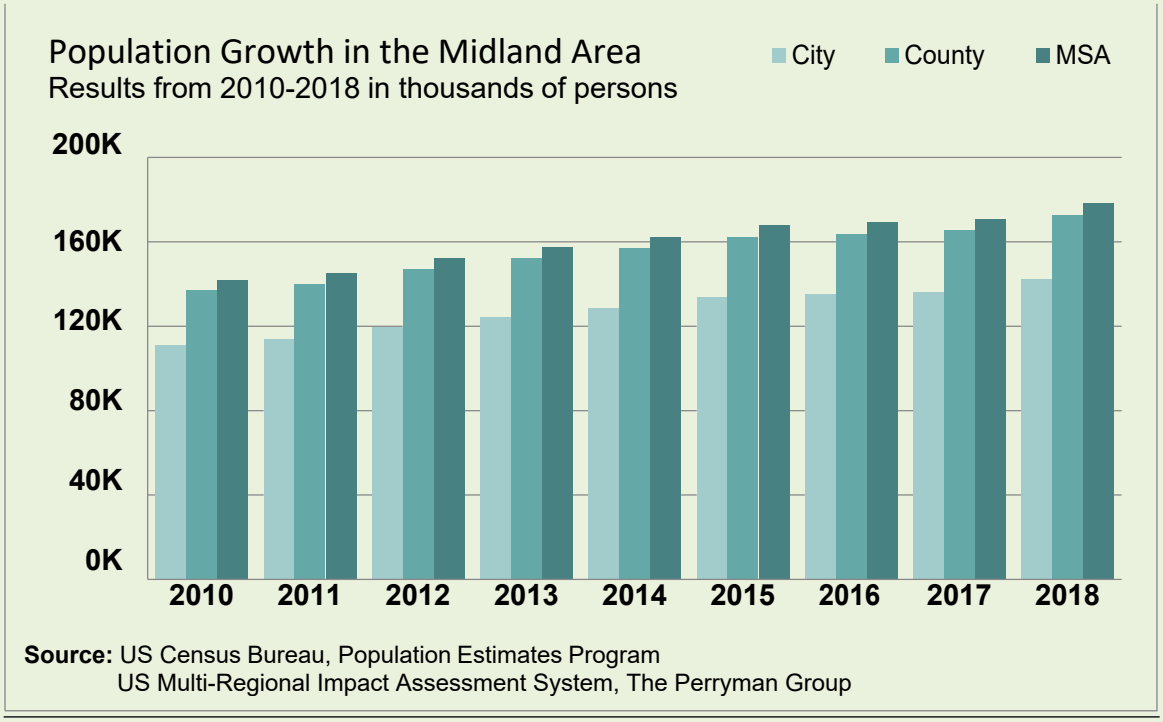
The plan of action for the current Analysis of Impediment is intended to be a five-year period corroboration of the corresponding to the City's 2020-2024 Consolidated Plan, which covers October 1, 2020 through September 30, 2024. Federal law prohibits discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services including otherwise making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap or familial status The AI is a review of public and private policies and practices to promote fair housing choice and to address any impediments to fair housing discovered through this review.

This AI resulted in a strategical continuation of the current AI and the identification of six critical impediments to address in the next five years.

- Lack of affordable housing
- Areas of minority and/or low income concentration
- Insufficient public awareness of fair housing
- Lack of affordable housing near high performing schools
- Private Loan market barriers that discourage homeownership
- Policy improvements needed for diverse community representation

The AI contains possible actions and strategies to address the impediments. These can form the outlines for annual action plans to affirmatively further fair housing. The AI involved a review of demographic information from the city. This includes population and housing characteristics and trends in Midland. The current fair housing legal status was reviewed, as were various laws, regulations, and administrative policies, procedures, and practices of the City of Midland. Examination of local housing programs and activities also occurred, as were private mortgage loan transactions. The AI was developed with citizen input and feedback. This was primarily in the form of community meetings and citizen's focus groups that decided the priority impediments to be addressed. Their involvement also aided in identifying strategies for addressing the impediments. Federal law prohibits discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services including otherwise making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap or familial status. The City of Midland as a recipient of Community Development Block Grant (CDBG) Program funds is required by the U.S. Department of Housing and Urban Development (HUD) to conduct an analysis of impediments (AI) to fair housing choice and to affirmatively further fair housing.

The AI is a review of public and private policies and practices to promote fair housing choice and to address any impediments to fair housing discovered through this review. The chart below indicates growth in population since 2010. The City of Midland grew by 27.91% from 2010 to 2018, a compounded annual growth rate of 3.12%. During the same period, the populations of Texas and the United States grew at notably slower annual paces of 1.62% and 0.70%, respectively. Year-over-year growth for the city is shown in the chart below, compared with that of Texas and the United States. The pattern of yearly population growth in the city largely follows that of the county and MSA, which peaked for all regions in 2012 during the height of the most recent shale oil boom. Midland households with mortgages had a selected monthly owner cost greater than 30% of their income compared with 25.7% for Texas and 27.5% for the United States.



[2] US Census Bureau, Population Estimates Program, as of July 1, 2018.

[3] US Census Bureau, Population Estimates Program, as of July 1, 2018.

[4] US Census Bureau, Population Estimates Program, as of July 1, 2018.

5 US Census Bureau, American Community Survey, 1-Year Estimates, DP04, 2017

6 US Multi-Regional Impact Assessment System, The Perryman Group

There has been a steady increase in housing prices over the last decade with an exponential increase in pricing since 2015. Therefore, it is likely that the number of homeowners facing housing cost burdens will continue to increase significantly in during this impediment period. As a result, the percentage of the population facing affordability challenges may not subside, the magnitude, and severity of housing issues for those at or just above the poverty line will be much more pronounced.

The AI process involves a thorough examination of a variety of data sets related to housing, particularly for persons who are protected under fair housing laws. AI sources include Census data, employment and income information, home mortgage application data, business lending data, fair housing complaint information, surveys of housing industry experts and stakeholders, and related information found in the public domain.

Relevant information was collected and evaluated using four applicable approaches:
- Primary Research, or the collection and analysis of raw data.
- Secondary Research, or the review of existing data and studies.
- Quantitative Analysis, or the evaluation of objective, measurable, and numerical data.
- Qualitative Analysis, or the evaluation and assessment of subjective data.

The Declaration of Independence states "that all men are created equal; that they are endowed by their Creator with certain unalienable rights," it was only after passage of the Civil Rights Act of 1966 that equal access to housing was delineated. It states, "All citizens shall have the same right to inherit, purchase, lease, sell, hold and convey real and personal property." Title VIII of the Civil Rights Act of 1968 (Public Law 90-294) was passed on April 11, 1968, and is more commonly known as the Fair Housing Act. Later that year, the U.S. Supreme Court ruled that the law prohibited all discrimination, private as well as public, in the sale or rental of property.

This law was amended on September 13, 1988 through the Fair Housing Amendments Act of 1988. Known as Public Law 90-294, the Fair Housing Act states that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States and prohibits any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services including otherwise making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, handicap or familial status." Similarly, the Texas Fair Housing Act offer protection for the same categories. This statue became effective September 1, 1993.

HUD is committed to eliminating racial and ethnic segregation and other discriminatory practices in housing, and will use all the programmatic and enforcement tools to achieve this goal. The fundamental goal of the HUD's fair housing policy is to make housing choice a reality through fair housing planning. HUD defined its position by reporting that "equal and free access to residential housing (housing choice) is fundamental to meeting essential needs and pursuing personal, educational, employment or other goals. Because housing choice is so critical, fair housing is a goal that government, public officials, and private citizens must achieve if equality of opportunity is to become a reality." The Community Development (CD) Office of the City of Midland conducted the AI. The community Development Office staff will have primary responsibility for implementation of City actions to overcome the effects of the impediments identified in the AI, and monitor progress reflecting the AI and actions in this regard.

Texas provides protections to individuals with disabilities in the sale or rental of housing.

The Texas Fair Housing Law is defined as discriminatory practices and exemptions from the housing provisions in the Texas Property Code, Title 15, and Chapter 301. The Texas Department of Housing and Community Affairs notes that the Fair Housing Act does not prohibit the denial of housing because of credit worthiness, previous rental history, or criminal record. Furthermore, the Fair Housing Act does not protect persons who present a direct threat to the persons or property of others. The Texas Workforce Commission notes that in specific circumstances, the law exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

In addition, housing developments that qualify as housing for persons age 55 or older may be exempt from the provisions barring discrimination based on familial status. The Texas law does stipulate that to increase a disabled person's ability to access a housing unit, providers must take steps to increase access. For example, the Fair Housing Act requires housing providers to make reasonable accommodations in rules, policies, practices, or services when doing so would allow a person with a disability the equal opportunity to use and enjoy their dwelling. The Fair Housing Act also allows persons with disabilities to make reasonable modifications to their home. Several statutes govern the relationship between Texas Property owners and their tenants, particularly Chapter 92 of the Texas Property Code, and by various court rulings. Which defines and describes rental agreements, proprietor obligations, tenant obligations, and enforcement and remedies. There are other sub-chapters of the Texas Property Code, the Texas Local Government Code, the Texas Health and Safety Code, the Texas Human Resources Code, the Texas Government Code, the Texas Civil Practices and Remedies

The City of Midland as a recipient of CDBG funds is required by HUD to conduct an analysis of impediments to fair housing choice and to affirmatively furthering fair housing. HUD requires the AI to include a review of the City's laws, regulations, and administrative policies, procedures, and practices; an assessment of how those laws, etc. affect the location, availability, and accessibility of housing; and an assessment of conditions, both public and private, affecting fair housing choice.

According to HUD, impediments to fair housing choice include any actions, omissions, or decisions that:

- Constitute violations, or potential violations, of the Fair Housing Act;
- Are counterproductive to fair housing choice, such as:
    - Resistance when minorities and/or low-income persons first move into white and/or moderate to high income areas, or

Resistance to the sitting of group homes for persons with disabilities because of the persons who will occupy the housing.

- Have the effect of restricting housing choices or the availability of housing choices based on race, color, religion, sex, disability, familial status or national origin.

Policies, practices or procedures that appear neutral on their face, but which

operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability status and families with children may constitute such impediments. The methodology for the AI included an analysis of demographic and geographic information on the City. Data sources included those of the U.S. Census Bureau and HUD. Statistics were also taken from the Census' American Community Survey (ACS). The AI also consisted of reviewing local housing programs including those of the City and examining public policy affecting location and development of housing as well as administrative polices. Private lending information was examined.

A review of discriminatory complaints was updated. An effort was made to secure input from the public by distribution of a fair housing choice questionnaire **(See copy below)** at community meetings and focus groups settings that the CD staff coordinated during the 2018 CDBG program year and the first quarter of the 2019 program year. Responses were submitted to the CD staff. Fifty rating surveys to community organizations were sent out to solicit responses to the AI. Specifically, attendees were asked to rate a number of possible impediments. The Appendix contains information on citizen participation surveys.

The Community Development Division of the Development Services Department of the City conducted the AI. CD Division staff is responsible for administration of the CDBG program and will have primary responsibility for implementation of City actions to overcome the effects of any impediments identified in the AI and maintaining records reflecting the AI and actions in this regard. HUD reviews the City's actions to ascertain if activities are carried out in a manner to affirmatively further fair housing in the public and private housing sectors. HUD issued a final rule on Affirmatively Furthering Fair Housing (AFFH) in 2015. HUD states that it believe the Fair Housing Act has two main goals: 1) ending housing discrimination; and 2) promoting diverse, inclusive communities.

While efforts to combat ongoing discrimination are important, they are also at the core of HUD's existing fair housing efforts. HUD's final rule is designed to support and facilitate those efforts, but goes further and addresses other significant barriers to fair housing choice that have been largely absent from HUD's fair housing policy initiatives. Specifically, HUD's rule is designed to help address the legacy of segregation and factors related to locational choice that have been influenced by race, national origin, disability, and other protected classes, but typically do not rise to the level of discriminatory actions that violate other sections of the Fair Housing Act.

Despite genuine progress and a landscape of communities transformed in the more than 40 years since the Fair Housing Act was enacted, the ZIP code in which a child grows up all too often remains a strong predictor of that child's life course. There are communities that remain segregated by classes protected by the Fair Housing Act with racially concentrated areas of poverty existing in virtually every metropolitan area. Disparities in access to important community assets prevail (Internet, Wi-Fi etc.) in many instances.

~~HUD does provide entitlement jurisdictions data that indicate disparities in access to~~

community assets that, on further analysis, appear to show acute discriminatory trends for low-moderate income residents, many of whom are racial and ethnic minorities. Using this information, entitlement jurisdictions may choose to reduce access disparities by encouraging development of new affordable units evenly disbursed throughout the community.

CITY OF MIDLAND - SURVEY ON HOUSING AND COMMUNITY DEVELOPMENT NEEDS

The City of Midland is preparing a plan that will guide the use of its federal community development and housing funds over the next five years. Complete the following to help us establish priorities for various needs.

Please select up to four (4) community facilities needs that are a priority for you.

- O Senior Centers
- D Youth Centers
- O Child Care Centers
- D Community Centers
- O Park and Recreational Facilities
- D Centers for the Handicapped
- D Health Care Facilities
- O Non-Residential Historic Preservation

Please select up to five (5) public service needs that are a priority for you.

- 0 Senior Services
- D Child Care Services
- D Youth Services
- D Handicapped Services
- O Legal Services
- D Transportation Services
- 0 Health Care Services
- O Services for Victims of Domestic Violence
- 0 Mental Health Services
- O Substance Abuse Services

Please select up to five (5) housing needs that are a priority for you.

- D Rental Housing for Seniors
- D Home Purchase Assistance
- D More Affordable Homes to Buy
- D Mortgage/Utility Assistance
- D Screening for Lead Poisoning
- D Special Housing for (specify)
- D Rental Assistance/Lower Rent Apartments
- 0 Assistance on Major Home Improvements
- O Assistance with Minor Home Repairs
- D Shelter/Housing for the Homeless
- O Housing Related Counseling/Education

Please select up to five (5) community needs that are a priority for you.

- D Street Improvements
- D Sidewalks
- D Business Loan Program
- O Employment Training
- D Code Enforcement
- O Mowing/Clearing Unsightly properties
- 0 Removal of Dilapidated Structures
- O Water/Sewer Improvements
- O Drainage Improvements
- D Removal of Architectural Barriers

Your zip code: _____

13

Fair Housing - it's the Law. The Federal Fair Housing Act prohibits discrimination in housing because of race, color, national origin, religion, sex, handicap or familial status

Please evaluate the following possible impediments to fair housing in Midland by marking your response.	Don't Know	Not an Issue	Yes an Issue
Discriminatory practices among apartment managers			
Discriminatory practices among bankers/lenders			
Discriminatory practices among insurance industry representatives			
Discriminatory practices among local housing programs			
Discriminatory practices among Realtors			
Discriminatory practices among single family unit landlords			
Inadequate advertising by local media including daily paper			
Lack of affordable apartments/rental houses			
Lack of affordable homes to buy			
Lack of affordable housing near the better schools			
Lack of apartments for the disabled			
Lack of funding for local fair housing activities including investigation and testing			
Lack of knowledge among households regarding fair housing			
Lack of local funding for affordable housing			
Lack of rental assistance			
Lack of transportation by households			
Language barriers			
Restrictions on locating group homes or community living facilities			

Strongly Agree
Agree
Somewhat
Somewh
Disag
Strongly Dis

Demographic and Housing Profile Analysis

Midland is experiencing growth in different directions. Since the 1990s, Midland's growth areas have been to the north and northwest. However, the decade from 2010 to 2017 showed that Northeast and Southeast Midland have experienced significant growth as seen in the population change from 2010 to 2017 census maps. Currently, growth is occurring in Central, North and Northeast Midland County.

Much of the information contained herein will be add to the City's 2020 to 2025 Consolidated Plan for Housing and Community Development Funds. The General Population and Housing Data Table provides comparisons of data from the 2010 Census. The base geography of Midland is on the maps entitled General Features and Census Tracts of the City of Midland. All maps are located in the Appendix.

The 2017 estimates by the American Census Survey are 165,368 in Midland County. This was a seventeen percent increase from the 2000 Census of 116,009 Midland County, according to the 2000 Census population count. Generally, the city accounts for about 67.22% of the county's population. The working age population in the area generally has more child-aged dependents than the larger areas, with a smaller percentage of residents of retirement age than Texas or the US. The child dependency ratio 7 for the Midland area ranges from 44.5 for the City of Midland to 46.1 for the MSA, compared to 42.1 for Texas and 36.6 for the US as a whole.

Midland's minority population statistics are presented on the General Population and Housing Data Table. While the percent of white population was relatively unchanged from 2010 to 2017, several race groups showed increases greater than the city's overall growth rate: Native Americans, Asian and Pacific Islanders and those of two or more races represent an increase in population.

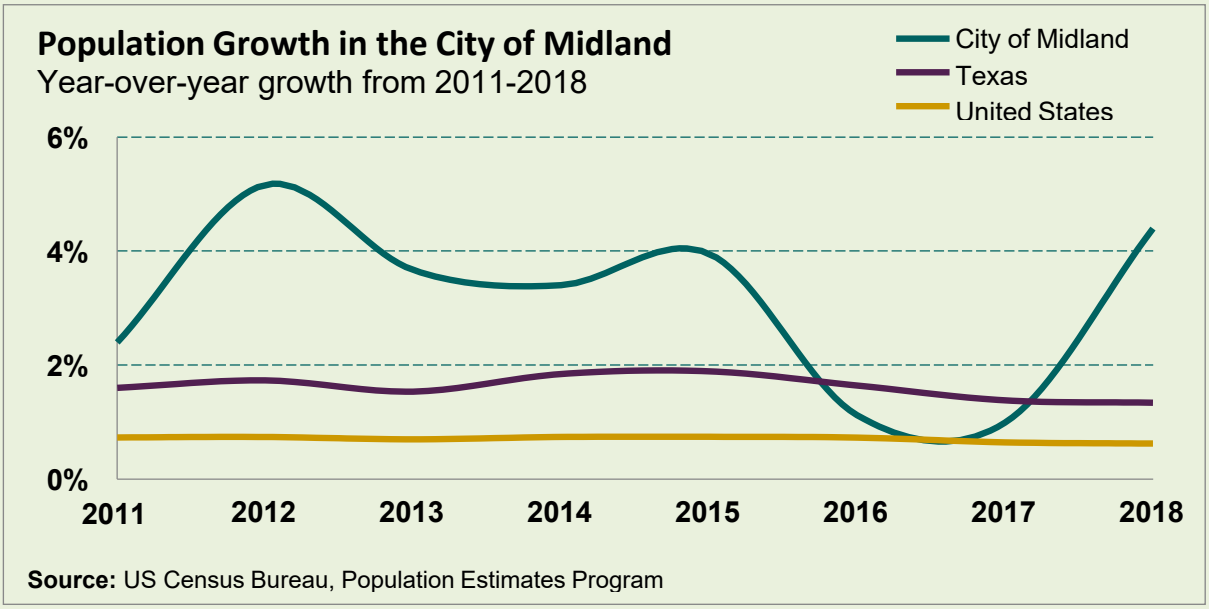
The share of homes in the Midland area where a language other than English is spoken is similar to the rest of the state. However, the area has a smaller percentage of people who speak English less than "very well" (10.3% for Midland MSA vs. 13.8% in Texas).14 The majority of the population 5 years and over that live in a non-English speaking household speaks Spanish (88.2% in the MSA).15 Only 8.9% of the population in the City of Midland and Midland County speak Spanish at home and English less than "very well" (8.8% in Midland MSA, compared with 11.7% for the state).

6US Multi-Regional Impact Assessment System, The Perryman Group

The Community Development Department staff conducted three publicized public Meetings and two public hearings held on March 9, March 11, March 13 and March 24. Public Hearing were held on May 12 and June 09. These hearings reviewed the basic elements of the AI and Con Plan, after which the city council open the public hearing for comments and questions. In addition, the Department conducted three focus group community meetings, inviting representatives from lending and financial services organizations, community service organizations, housing developers, housing advocacy groups, and government officials. Attendees at the focus group meetings and public hearings were encouraged to complete a survey that included questions on fair housing. The survey, in English and Spanish, was publicized and made available to City residents on the City website.

Fair housing is concerned with ensuring that: 1) all people are treated equally in the rental, sale, or occupancy of housing; and 2) a range in types and prices of housing is available. This chapter examines the population, housing, and special needs characteristics and trends in the City that may affect equal housing opportunity. This Community Profile provides insights for identifying potential impediments to fair housing choice. While not definitive indicators of impediments to fair housing choice in and of themselves, these data may point to conditions or situations that could be Indicators of impediments to fair housing choice. Observations about issues that could arise are made at the end of this section.

The tables below illustrates the racial composition of Midland with that of Texas and the United States, demonstrating significant racial diversity in the City. As can be seen, Midland has a higher percentage of White persons than the State. The percentage of African-Americans is well below that of the State. The percentage of Hispanic Americans is slightly higher than the state average. However, the percentage of Asian persons is well below the State, as is the Some Other Race category.



Source: US Census Bureau, Population Estimates Program

Demographic Chart-2

Race and Ethnicity

Results in 2017 for the Midland Area and Texas

Race/Ethnicity	City of Midland	Midland County	Midland MSA	Texas
White	82.6%	84.8%	84.8%	73.9%
Black	8.3%	6.9%	6.7%	12.1%
Asian	2.5%	2.2%	2.1%	4.8%
Other	6.6%	6.1%	6.4%	9.2%
Hispanic	43.7%	45.0%	44.9%	39.4%

Note: Other includes those who identified as more than one race; Hispanic includes those who identified as such, regardless of race.

Source: US Census Bureau, American Community Survey, 1-Year Estimates, DP05, 2017.
US Multi-Regional Impact Assessment System, The Perryman Group

Demographic Chart-3

Subject Poverty Status in the Past 12 Months 2013-2017 American Community Survey 5-year Estimates	Midland County, Texas				
	All families		Married-couple families		Female householder, no husband present
	Total	Percent below poverty level	Total	Percent below poverty level	Total
	Estimate	Estimate	Estimate	Estimate	Estimate
Families	38,371	6.7%	28,561	2.9%	7,014
With related children of householder under 18 years	20,670	10.4%	13,907	3.6%	5,301
With related children of householder under 5 years	4,532	19.7%	2,681	5.9%	1,479
With related children of householder under 5 years and 5 to 17 years	5,052	9.7%	3,918	5.5%	891
With related children of householder 5 to 17 years	11,086	7.0%	7,308	1.8%	2,931
RACE AND HISPANIC OR LATINO ORIGIN					
Families with a householder who is--					
White alone	32,882	6.5%	25,358	2.8%	5,404
Black or African American alone	2,031	5.5%	837	3.0%	925
American Indian and Alaska Native alone	251	0.0%	220	0.0%	31
Asian alone	596	4.4%	564	4.6%	19
Native Hawaiian and Other Pacific Islander alone	7	0.0%	7	0.0%	0
Some other race alone	2,113	13.0%	1,240	5.2%	546
Two or more races	491	8.1%	335	4.5%	89
Hispanic or Latino origin (of any race)	14,600	11.8%	9,485	5.8%	3,619
White alone, not Hispanic or Latino	20,728	3.4%	17,292	1.3%	2,387
Householder worked	30,283	4.3%	22,306	1.6%	5,395
Householder worked full-time, year-round in the past 12 months	23,659	1.7%	17,551	1.2%	3,921
Householder 65 years and over	5,251	5.4%	4,271	4.5%	827
Family received --					
Supplemental Security Income (SSI) and/or cash public assistance income in the past 12 months	1,604	12.3%	844	5.9%	602
Social security income in the past 12 months	7,007	5.2%	5,430	3.4%	1,130

CENSUS POPULATION AND HOUSING DATA

The 2018 economic study (Perryman Group) commissioned by Priority Midland and Midland Development Corporation examined the dynamics of housing in the Midland area, both by looking at the latest available comprehensive statistics from the US Census Bureau (2017) as well as more recent data in order to understand the current status and availability of housing, both in single-family homes and apartments for rent. The share of homes in the Midland area where a language other than English is spoken is similar to the rest of the state. The majority of the population live in a non-English speaking household. Midland MSA percentage of Spanish speaking households is 88.2%. Only 8.9% of the population in the City of Midland and Midland County speak Spanish at home and English less than "very well" (8.8% in Midland MSA). Rapid population growth in the area has caused strain in several areas of infrastructure and real estate, with the most significant being housing.

In 2020, the housing issue is expected to remain a challenge as oil prices steadily fluctuate between at $50 to $60 dollars per barrel. Data from the Real Estate Center at Texas A & M University shows that the inventory of homes for sale remain at an average 3 months high for the data-collecting period. The over sixty-five years of age, population in Midland is estimated at 10.6% in 2018. While the percent of elderly (those persons 62 years of age or older) in Midland has not increased which is indicative of the national trends, the absolute number of elderly has increased. The 2018 American Census Survey indicates that 8.8% of all persons in Midland that are five years of age or older have an ambulatory difficulty.

An indicator of the city's overall well-being is the number of persons with incomes below the federal poverty income level. In 2011, 13.4% of Midland's population was impoverished. The 2018 ACS reports that 10.1% of Midland population lives in poverty. The median family income (MFI) estimate for Midland by HUD as of March 2018 was $71,900. The ACS 2018 estimates median family income in Midland at $79,744. This certainly reflects the economic growth of Midland. For HUD programs, eligibility is often limited to low-income persons, meaning that an individual's or a household's income must be below eighty percent of MFI. According to HUD, over thirty-eight percent of Midland's population remain on the low-income scale and recent ACS Census data reflect the similar percentages. Census Tract Maps also displays the low-income data on the Percent Low Income Population. Census tracts with the greater percentage of low-income persons also have a greater percentage of minorities. The 2018 ACS Survey data reported the following median household incomes for Midland, which closely reflects the State and National median household income figures:

Median Household Income:	$79,744
Median Social Security Income	$18,069
Median Social Security (SSI)	$8,221
Temporary Assistance (TANF)	$5,537
Supplemental Nutrition (SNAP)	$3,790

The 2014 ACS estimated the city's housing count was 46,522. The count had increased to 60,214 by 2018. Over 70% of housing units are single family or manufactured dwellings. Multi-family units comprise 21% of the housing stock. The Appendix includes a map showing the locations of apartments in Midland and a map on the percent of renter occupied housing by census tract and another on owner occupied housing. The owner-occupied housing unit rate from 2014 to 2018 is 66.7% and the population growth was 26.1% during the same time-period. Since 2010, Midland's population and housing situation has changed drastically due to the oil boom. The Residential Permits from 2017 to 2018 reflect all housing unit at different square footage but the overall number of permits reflect housing units of Less Than 1,900 Square Feet. Various Resource Maps below are indicators of affordable housing development within Midland city/county that demonstrate a desire build on every available property within the MSA.

In 2019, the housing issue is expected to remain a challenge as oil prices steadily fluctuate between at $40 to $60 dollars per barrel. Data from the Real Estate Center at Texas A & M University shows that the inventory of homes for sale remain at an average 3 months high for the data-collecting period. Buyers have been at a disadvantage for several years and the trend do not appear to subside in the near future. The Consolidated Plan reports, "It is still a seller's market in Midland, which hinders purchases by low-income buyers, as the median sales price is hovered at $302,000.00 over the past year and a half. This is more than three times the annual income of a four-person low-income household." Low-income households also have a difficult time obtaining decent affordable rental housing in Midland. The Median Rent Value by Census Tract Map highlights tracts where rent was greater than the city average. The Median Value of Owner Housing by Census Tract reflect persons in poverty by tracts relative to the city's median value. See Appendix

The housing assistance needs being developed in the City's 2020-2025 Consolidated Plan reveal that low-income households are prone to structural problems and dilapidation forcing municipalities to take adverse actions with the home owner/renter. Some household groups do reflect a disproportionate need for affordable home repairs and new construction yet lack the income to make proper repairs. A disproportionate need is when a percentage of persons in an ethnic category of needs are also a member of a particular racial or ethnic group that is at a minimum of ten percentage points higher than the persons in the category as a whole. The following categories meet the criteria and are disproportionate need categories:

1. Lacks complete kitchen, bath, and or sleeping facilities.
2. Lacks complete plumbing or inoperable facilities.
3. More than two persons per room.
4. Cost Burden greater than 30% of poverty index

Small Area Income and Poverty Estimate (SAIPE) All Ages in Poverty 2018 - Selected State - Selected County

Year	ID	Name	Poverty Universe	Number in Poverty	90% Confidence Interval	Percent in Poverty	90% Confidence Interval
2018	00000	United States	319,184,033	41,852,315	41,619,366 to 42,085,264	13.1	13.0 to 13.2
2018	48000	Texas	28,074,669	4,181,623	4,132,580 to 4,230,666	14.9	14.7 to 15.1
2018	48329	Midland County (TX)	171,113	17,351	14,194 to 20,508	10.1	8.3 to 11.9

No racial or ethnic group met the criteria that their needs are 11% greater than the needs of the category as a whole. While not a disproportionate need, Black and Hispanic households experienced a rate higher than the rate of its category (households in the >50%- 100% of AMI). American Indian/Alaska Native households in the over 50% of AMI have a disproportionately greater need due to housing cost burden. Asian households in the 30 to over 50% of AMI also have a disproportionately greater need due to housing cost burden. Staff will update demographic data after the 2020 census count submission. Highlighted census tracts have a percentage of substandard housing greater than the citywide average and are generally located in older and minority influenced areas.

Subject Characteristic of levels of Poverty in the Past 12 Months	Midland County, Texas		
	Total	Less than 50 percent of the poverty	Less than 100 percent of the poverty level
	Estimate	Estimate	Estimate
Population for whom poverty status is determined	157,849	4.1%	8.7%
SEX			
Male	79,262	3.2%	7.0%
Female	78,587	5.0%	
AGE			
Under 18 years	44,040	5.8%	
Related children of householder under 18 years	43,977	5.7%	
18 to 64 years	97,857	3.5%	7.3%
65 years and over	15,952	3.1%	9.3%
RACE AND HISPANIC OR LATINO ORIGIN			
One race	154,470	4.0%	8.7%
White	130,843	4.0%	8.1%
Black or African American	9,643	4.6%	
American Indian and Alaska Native	727	2.8%	2.8%
Asian	3,079	2.1%	3.7%
Native Hawaiian and Other Pacific Islander	74	0.0%	0.0%
Some other race	10,104	4.4%	
Two or more races	3,379	5.9%	10.4%

Public (PHA) Housing Programs

Two public housing authorities (PHA) operate in Midland. The first PHA is the City of Midland Housing Authority that was established in 1971. The Midland City Council appoints the City Housing Authority Board of Commissioners. Otherwise, the City Housing Authority is independent of the City. The second housing authority is the Midland County Housing Authority that was created in 1988 by the Midland County government. The County Commissioners Court appoints the County Housing Authority Board of Commissioners. The County Housing Authority is also independent of the County government.

Two PHA's operates within Midland County: 173 Units, Hillcrest Manor, and Langtry Village, which are public housing properties. The Midland County PHA administers the rental voucher program in the city. Currently, 433 households receive rental voucher assistance. As per the Consolidated Plan, race characteristics of public housing and voucher recipients were as follows:

Race	Public Housing	PHA	Midland County				
		Hispanic	Voucher	Elderly	Hispanic	Family Unification Program	Disabled *
White	62	38	204	79	131	0	104
Black/African American	73	0	226	42	1	0	83
Asian	0	0	1	1	0	0	0
American Indian/Alaska Native	0	0	1	0	0	0	1
Native Hawaiian/ Pacific	0	0	1	0	1	0	0

The Inventory of Affordable Housing Properties Table identifies the publicly supported rental properties in Midland. The age of a property, the number of units, the population served and the number of units designed for disabled persons are shown on the Table. Properties listed include recent Low Income Housing Tax Credits complexes.

Information from the last four (covering the October 2015 to September 2020 period) Consolidated Annual Performance and Evaluation Reports submitted by the City to HUD reveal the following percentages of minorities served by each program.

Program - # of cases	% Black	White	% Asian *	% Hispanic
Homebuyer Assistance - 100	9	15	29	47
City Major Projects – 3	0	0	0	3
City Minor Repairs - 89	28	10	1	50
Transitional Housing – 0	0	0	0	0

It should be noted that CDBG supported activity, in order to meet federal requirements, may be limited to areas that have a high percent of low and moderate-income persons. These census tracts are also often the city's minority concentrated areas. Over the past five years, the city's housing programs have not been the subject of discrimination complaints. Both PHAs must administer the rental assistance programs consistent with the Fair Housing Act. Concerning other HUD supported housing programs in Midland; these seem to be consistent with the fair housing objectives, as minority households have not been excluded.

Average rent estimates by apartment type

Apartment	City of Midland	State of Texas	United States
Studio	$1,044	$731	$827
1-Bedroom	$1,236	$844	$946
2-Bedroom	$1,553	$1,049	$1,174
3-Bedroom	$1,945	$1,416	$1,577
4-Bedroom	$2,194	$1,745	$1,838

Source: Current Month Rent Estimates, February 2019, Apartment List, March 1, 2019, /www.apartmentlist.com/rentonomics/rental-price-data/.

Figures from the National Low Income Housing Coalition indicate that the Fair Market Rent in Midland for a two-bedroom apartment is $1,055 per month. According to the Coalition's figures, the monthly rent affordable to the mean renter wage ($15 per hour) is $1,850, which is $795 more than the Fair Market Rent figure. Thus, the worker making the mean/median renter wage would need only 0.11 jobs at that rate to afford the apartment. However, a minimum wage worker would need 2.9 jobs to afford the apartment.

Midland TX - Inventory of Affordable Housing Properties, 2019									
Development Name (Year Opened)	**Address**	**0-1 Bdrs**	**2 Bdrs**	**3+ Bdrs**	**Total units**	**Affordable Units**	**Population Served**	**Disabled Units**	**% Occupancy**
Village Square (1959)	1710 N "A"	18	39	0	57	57	General	0	100%
Chaparral Apartments (1972)	4201 N Garfield	48	52	24	124	124	General	0	100%
Hillcrest Manor (1976)	700 W. Scharbauer	94	4	0	98	98	Elderly Disabled	14	100%
Ranchland (1983)	1212 E Wadley	84	120	0	207	74	General	5	92%
Langtry Village (1985)	2200 N Pecos	84	0	0	84	84	Elderly Disabled	5	100%
Parker Place (1997)	508 E Parker	40	0	0	40	40	Elderly	4	100%
The Zone (2005)	2800 W Illinois	19	20	0	39	39	General	1	100%
Park Glen Apartments (2000)	2300 Camp Drive	42	72	46	160	160	General	10	85%
Santa Rita Apartments (2003)	1900 E. Golf Course Rd.	112	28	0	136	136	Elderly	0	85%
Sterling Springs Apartments (2005)	1701 Fairgrounds Road	28	28	40	96	96	General	9	85%
Constellation Ranch	1301 Latta	16	72	48	136	130	General	10	100%

Gateway Plaza Apt (2012)	1701 Tradewinds Blvd	not verified	not verified	0	96	95	General	0	85%
Playa Del Pueblo (2013)	611 E I20	12	48	36	96	96	General	7	100%
Pine Hurst	609 Watson	19	18	9	46	46	General	0	95%
Courtyard	2300 N. A Street	NA	NA	NA	NA	NA	NA	NA	95%
Hyde Park	3329 W. Wadley Ave	30	60	30	120	120	General	NA NA	95%
Warterford Lakes	516 N. Loop 250 W	NA	NA	NA	NA	NA	NA	NA	95%
Summerhill	3001 N. Midland Dr.	88	42	0	128	128	General	NA	95%
Northridge Court	3417 N. Midland Dr.	280	60	40	384	348	General	NA	95%
Renew Andrews	1902 N. Midland Dr.	106	106	0	212	212	General	NA	95%
Newport	5244 W. Loop 250 N	148	148	0	296	296	General	NA	95%
Renew Andrews-2	4400 Midland Dr.	106	106	0	212	212	General	NA	95%
Westridge	5200 Graceland	56	40	0	96	84	Elderly	5	85%

Lending Practices and Reason for the Denials.

The Home Mortgage Disclosure Act (HMDA) was enacted in 1975 and serves as the best source of information on lending practices to protected classes and in minority and low income neighborhoods. The Federal Financial Institutions Examination Council (FFIEC) collects the HDMA data submitted by financial institutions (certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions.). HMDA data sets contain loan application records with information on the race, ethnicity, gender, and income of the applicant, as well as loan terms.
However, the data is limited by lack of applicant credit information. Nonetheless, HDMA data can be useful in identifying areas of potential concern that may warrant further investigations such as to detect if applications of a certain gender, race or ethnicity are rejected at higher rates than applicants with other characteristics.

The Loan Denials by Race and Ethnicity in Midland, Texas continue to be an issue for a more equitable loan rates. For all loan types, minority applicants experienced a denial rate higher than Caucasians applicants did. As for gender, the overall denied rate when gender was identified remained higher in denials rates then male applications across all loan categories. When considering the results of the HMDA analysis, one should take caution as some of the samples for the different categories are relatively small which can skew the percentages.

Often, insufficient income or failing credit standards are the reasons for denials.
A review of reports generated by the Center for Housing Policy shows that Midland does not have a recent history of high foreclosure rates. Generally, the foreclosure rate has been three percent or lower. However, more current reports indicate a trend to increased delinquency rates on first lien mortgages in Midland.

Concerning local lending institutions complying with the federal Community Reinvestment Act (CRA), the overwhelming majority of local banks have been reviewed since 2018 and each has received a satisfactory rating. Banks have proven to be supportive of local community development and affordable housing efforts through financial aid to local non-profits housing organizations and the City's CD Department. Midland Habitat for Humanity, Visons 2000, Family Promise Inc., Fields Edge, and the Midland Community Development Corporation were recipients of local bank support.

Midland Aggregate Loans-MSA

Selected Variables	# of Records	$ Amount
1 - Conventional	7,166	1,838,820,000
2 - FHA	1,658	344,070,000
3 - VA	427	119,875,000
4 - USDA	2	200,000

MSA/MD Aggregate Reports

Disposition of applications by income, race, and ethnicity of applicant, 2018

MSA/MD: 33260 - MIDLAND,TX

Save as CSV

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
LESS THAN 50% OF MSA/MD MEDIAN														
RACE														
American Indian or Alaska Native	13	1605000	6	740000	1	135000	3	355000	2	320000	1	55000	1	55000
Asian	20	3280000	7	1015000	1	205000	7	1425000	3	475000	2	160000	1	145000
Black or African America	45	5725000	22	2990000	0	0	12	1640000	6	760000	5	335000	3	725000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
1Native Hawaiian or Other Pacific Islander	3	325000	2	190000	0	0	1	135000	0	0	0	0	0	0
White	668	83760000	299	39785000	18	2340000	239	27985000	75	9905000	37	3745000	56	8230000
2 or more minority races	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Joint	10	1470000	4	480000	1	205000	4	560000	1	225000	0	0	0	0
Free Form Text Only	1	25000	0	0	0	0	1	25000	0	0	0	0	0	0

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Race Not Available	165	16715000	56	4910000	6	740000	63	7115000	26	2850000	14	1100000	12	1840000
ETHNICITY														
Hispanic or Latino	417	42595000	172	18820000	12	1590000	160	14980000	43	4625000	30	2580000	17	2505000
Not Hispanic or Latino	418	60200000	200	28600000	14	2000000	135	19885000	50	7750000	19	1965000	45	6865000
Joint	10	1070000	4	480000	0	0	5	535000	0	0	1	55000	0	0
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Ethnicity Not Available	80	9040000	20	2210000	1	35000	30	384000	20	2160000	9	795000	11	1625000
50-79% OF MSA/MD MEDIAN														
RACE														
American Indian or Alaska Native	9	1395000	5	815000	0	0	2	160000	2	420000	0	0	0	0
Asian	33	5915000	22	4030000	2	36000	5	785000	4	740000	0	0	3	545000
Black or African American	44	8210000	28	5340000	2	36000	4	590000	9	1775000	1	145000	5	935000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Native Hawaiian or Other Pacific Islander	6	1210000	2	470000	0	0	2	90000	0	0	2	650000	0	0
White	1120	191040000	749	136755000	29	418500	163	20425000	145	25435000	34	4240000	159	33245000
2 or more minority races	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Joint	21	3425000	15	2265000	0	0	2	470000	4	690000	0	0	0	0
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Race Not	2K	3211500	125	1981500	5	615000	58	631000	23	426500	10	111000	0	814500

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Available														
ETHNICITY														
Hispanic or Latino	579	82785000	327	51425000	20	2680000	139	14715000	73	11855000	20	2110000	47	9785000
Not Hispanic or Latino	698	131350000	498	96990000	15	2385000	69	10565000	97	18445000	19	2965000	111	23205000
Joint	33	5335000	27	4605000	0	0	4	460000	1	105000	1	165000	7	1435000
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	1	295000
Ethnicity Not Available	144	23840000	94	16470000	3	455000	24	3090000	16	2920000	7	905000	40	8150000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
80-99% OF MSA/MD MEDIAN														
RACE														
American Indian or Alaska Native	5	805000	3	545000	2	260000	0	0	0	0	0	0	0	0
Asian	11	1955000	10	1720000	0	0	0	0	0	0	1	235000	2	300000
Black or African American	12	2030000	6	1320000	0	0	4	520000	0	0	2	190000	1	245000
Native Hawaiian or Other Pacific Islander	0	0	0	0	0	0	0	0	0	0	0	0	0	0

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
White	405	83875000	294	65250000	6	1070000	55	8075000	40	8390000	10	1090000	69	17065000
2 or more minority races	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Joint	6	790000	5	695000	0	0	1	95000	0	0	0	0	0	0
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Race Not Available	63	10755000	38	6750000	0	0	11	1395000	9	1985000	5	625000	9	2175000
ETHNICITY														

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Hispanic or Latino	171	28675000	118	22130000	2	260000	27	2525000	15	2775000	9	985000	15	3225000
Not Hispanic or Latino	272	59710000	204	47240000	5	975000	31	5285000	24	5180000	8	1030000	56	13920000
Joint	22	4320000	13	2795000	1	95000	4	570000	3	735000	1	125000	2	640000
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity Not Available	37	7505000	21	4115000	0	0	9	1705000	7	1685000	0	0	8	2000000
100-119% OF MSA/MD MEDIAN														

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
RACE														
American Indian or Alaska Native	13	2765000	7	1665000	0	0	2	300000	3	765000	1	35000	1	175000
Asian	28	6250000	17	3745000	3	55500	3	60500	3	85500	2	49000	7	186500
Black or African American	23	4825000	14	3360000	0	0	3	275000	5	109500	1	95000	2	480000
Native Hawaiian or Other Pacific Islander	2	460000	2	460000	0	0	0	0	0	0	0	0	1	205000
White	1074	237135000	711	170835000	28	5990000	705	211650000	151	33945000	32	5200000	261	467150000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
2 or more minority races	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Joint	16	3850000	10	2210000	0	0	3	765000	2	530000	1	345000	0	0
Free Form Text Only	1	65000	0	0	0	0	1	65000	0	0	0	0	0	0
Race Not Available	187	38085000	91	19365000	6	650000	46	8100000	37	8575000	7	1395000	30	8530000
ETHNICITY														
Hispanic or Latino	373	72625000	226	49280000	9	1775000	72	10160000	50	9510000	16	1900000	39	9425000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Not Hispanic or Latino	732	17353000	509	12408500	21	3935000	69	14035000	114	27470000	19	4005000	145	37135000
Joint	63	15655000	44	11000000	2	490000	7	1665000	9	2375000	1	125000	9	2455000
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity Not Available	139	31625000	73	17275000	5	995000	25	5415000	28	6410000	8	1530000	31	8955000
120% OR MORE OF MSA/MD MEDIAN														
RACE														
American Indian	14	3970000	9	2335000	0	0	2	640000	2	700000	1	29500	2	510000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
or Alaska Native														
Asian	62	20800000	39	14045000	2	780000	7	2115000	12	3200000	2	660000	13	3415000
Black or African American	45	10835000	24	6480000	1	1145000	12	1920000	7	1915000	1	375000	3	895000
Native Hawaiian or Other Pacific Islander	5	765000	2	570000	0	0	3	195000	0	0	0	0	0	0
White	1877	561055000	1331	415145000	56	15390000	183	42155000	252	78100000	55	10265000	391	125515000
2 or more minority races	3	1205000	1	215000	0	0	1	365000	1	625000	0	0	1	215000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Joint	61	17075000	39	12065000	4	760000	9	2145000	7	1735000	2	370000	7	2245000
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Race Not Available	278	75890000	182	50820000	6	219000	38	817000	45	132950000	7	141500	52	16630000
ETHNICITY														
Hispanic or Latino	365	91945000	220	59830000	12	2430000	64	12450000	48	13450000	21	3785000	47	14155000
Not Hispanic or Latino	1609	499155000	1158	371310000	48	14010000	146	35620000	224	70810000	33	7405000	350	113820000

INCOME, RACE AND ETHNICITY	Applications Received		Loans Originated		Apps. Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness		Purchased Loans	
	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount	Number	$Amount
Joint	110	27030000	73	19765000	2	490000	13	2265000	17	3685000	5	825000	21	5935000
Free Form Text Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity Not Available	261	73465000	176	50770000	7	2335000	32	7370000	37	11625000	9	1365000	51	15515000

Report date: 08/09/2019

Current Fair Housing Status

The City does not have a fair housing ordinance or resolution in effect. Rather, the City directs complaints alleging housing discrimination to the State of Texas or HUD. The Texas Workforce Commission Civil Rights Division is the entity responsible for the State law. Through November 2019, HUD had not filed fair housing discrimination charges against the City of Midland. There are also no court orders, consent degrees or HUD-imposed sanctions affecting the provision of assisted housing or fair housing remedies in Midland. The Department of Justice or private plaintiffs have not filed fair housing discrimination suits against the City.

As for impediments identified in the 2020 AI, the following highlights actions taken to meet original broad objectives of that AI:

Fair Housing Advocate – CD staff attended training, made referrals to HUD and the local legal aid agency, and created the MFHP. MFHP includes the Board of Realtors, the Midland Apartment Association, and the Midland Affordable Housing Alliance and others in its membership (see the Appendix).

Public Awareness – CD staff conducted low cost promotions; shared information at community functions, and celebrated Fair Housing Month with issuance of a fair housing month proclamation

Preparing Households/Individuals for Housing Choices – CD staff disseminated information on tenant rights and supported local financial educational programs.

Making Housing Choices Available – This was accomplished by implementing the City's Consolidated Plan. Housing programs were conducted by the CD Division, land was acquired and/or transfer to local non-profit affordable housing agencies.

City Policies, Procedures and Practices

As for the composition of bodies of elected or appointed individuals who make or recommend policy for the City of Midland, the publically elected City Council is made of seven members of which two represent census tracts with a poverty rate above 50%. The Mayor and City Council make all the appointments to the various Boards and Commissions of the city government. Interested citizens fill out applications that do not inquire about race, ethnicity or gender. (See copy in the Appendix). Some boards or commissions have qualifications determined by ordinance or State statute.

The City of Midland Comprehensive Plan (Tall City Tomorrow) provides a guide for future development policy. It is a tool to guide city priorities and directions, and provide context for making key land use and public investment decisions. The Midland 2025 Master Plan is the tool used to guide all rezoning requests and subdivision plats (including those within 3.5 miles of city limits).

Land use control is most commonly achieved by zoning ordinances such as those enacted in Midland. How land is zoned can support or hinder implementation of public policy that seeks to provide a mixture of housing, including affordable housing. A zoning ordinance can restrict the type of housing; determine the density of housing and the lot sizing. The effects can be exclusionary and/or the cost of housing unnecessarily increased. The City of Midland will continue to work towards an equitable distribution of stock (workforce housing, subsidized housing, market rate housing and supportive services housing.

The City may also use planned district zoning to allow residential development in a manner that conform to all requirements of the zoning district in place. Because of the net decline of available land and the variety of residential zoning districts available throughout most of Midland has become an additional affordable issue in Midland. The Residential Zoning Districts Map displays residential districts by the housing density allowed in individual districts. The City's public policies have resulted in the favorable allocation of land for development of multi-family sites located outside of minority-concentrated areas.

While neighborhoods need to have a strong role in decisions regarding development proposals, NIMBYism can be a significant barrier to affordable housing. NIMBY is short for "not in my backyard." Unfortunately, NIMBYism is usually associated with the misconception and preconceived notions of residents, the policies and practices of government entities can influence the role that NIMBYism plays in land use and zoning decisions promoting positive outcomes. Past actions and/or concerns about resistance by neighborhood groups can discourage developers from building in areas with NIMBY reputations. Housing proposals for persons with disabilities is most often affected by NIMBYism.

A city's subdivision code can also affect the cost of housing due to its public improvement requirements. Excessive design standards and infrastructure requirements (size of streets, curb and gutter, sidewalks, etc.) are passed on to the price of housing. Excessive public right-of-way requirements are a cost burden to developments. The City will waive these requirements for development under certain circumstances. Where excessive right-of-way exists, the City can issue right-of-way use permits thereby reducing the cost of installing off-street parking. The use of CDBG funds for public infrastructure (street paving, curb and gutter, sidewalks, etc.) also aids in keeping the cost of housing affordable.

Development standards such as building codes, housing standards and site requirements (parking, landscaping, etc.) add to the cost of housing especially if such standards are overly restrictive and excessive. The balance is the safety and quality assurances that are provided to citizens, especially those with limited options. The City updated its building codes 2018 to adhere to the following: International Building Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Residential Code and the International Energy Efficiency Code, all with local amendments. The National Electrical Code will remain in effect. The construction of affordable housing in Midland is significantly affected by these various governmental standards. All housing construction development requires compliance with the Texas Minimum Construction Standards and the Texas Accessibility Standards and the City's housing rehabilitation program.

The City also collects building permits and other charges. Under certain circumstances, some of these charges could be viewed as duplicative, onerous, inhibiting innovations or encouraging inequitable administration. Generally, Midland's building related fees are not excessive. City does not recover full cost of administering those permits. When the City (as opposed to a private property owner) initiates a process, fee payment from affected property owners can be waived. Steps to ensure that duplication does not occur have included the establishment of a coordinated development permit system.
The City will waive or reduce appropriate fees and charges (e.g., building permit fees, water and sewer taps) on non-profit sponsored housing development.

Local property taxes can also be viewed as contributing to the housing cost burden of individual households. The Midland County Appraisal District determines the appraised value of all taxable property in the city. This is based on its market value as of January 1st each year. A property can have as many as nine taxing entities in Midland County. To lower the property tax on their individual property, property owners may take available exemptions. State law for owner-occupied residential properties provides the general homestead exemption. The over 65 exemption is for all resident owners of age 65 or older. All taxing entities allow that exemption as well as the disabled veteran deduction. Other optional exemptions are the disability exemption and the surviving spouse resident who is 55 years or older.

Other Factors

Federal Executive Order 12898 directs Federal agencies to achieving environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. HUD has developed its environmental justice strategy. The State of Texas through the Health and Human Service Commission has established Disproportionality and Disparities Advisory Committees in each region of Texas to provide ongoing guidance for disproportionality planning and implementation work. Each region has advisory groups that meet to develop strategies and activities to eliminate disproportionality and disparities. The group in Region 9 serves Midland.

The General Features Map also displays the bus routes of EZ-Rider, the public transit system serving Midland and Odessa. As a recipient of federal transit funds, EZ Rider is subject to civil rights laws. It is governed by the Midland Odessa Urban Transit Board that is comprised of six individuals from both cities, appointed by their respective City Councils. Diversity on this board is evident.

Fair Housing & MISD Elementary Schools Performance Data

Fair housing choice throughout the community should include the availability of affordable housing within all public schools. To meet state statutory requirements, the Texas Education Agency's accountability system assigns ratings that designate acceptable and unacceptable performance for campuses and districts. In brief, a Met Standard performance is an acceptable rating assigned to districts and campuses that meet the target on all indexes for which it has performance data. Distinction designations are awarded in recognition of outstanding achievement in specific areas.

The MISD Elementary Schools Performance Map shows how each campus fared in TEA accountability. A map of the boundaries of all Midland Independent School District elementary campuses is also in the Appendix. For 2018, MISD has modified its elementary school boundaries.

The Appendix includes a data highlighting census tracts that have a greater than city average of Non-English speaking population. Most of the low income and minority concentrated areas are impacted by this factor.

Primarily all new single family housing that is constructed or substantially modified by HUD funding or City supported activity meets the State's viability standards. This means that the unit is designed in such a way that it can be lived in or visited by people with disabilities. Key features are no-step entrance, adequate width doors, hallways, and a first floor bath sufficient to allow a person in a wheelchair to enter and close the door.

IMPEDIMENTS TO FAIR HOUSING CHOICE

Along with the results of the preceding reviews, the City attempted two methods of soliciting input from the public on their fair housing choice experiences. One was the "analysis of impediments to fair housing choice questionnaire" (see copy in the Appendix) that was distributed at public meetings that the CD staff conducted as part of the developing both the Consolidated Plan and the AI. The questionnaire was also distributed at other groups meetings that CD staff participated in late 2019. Unfortunately, the return rate of the questionnaires was about 50% but the information was very informative and provided for a good road map in planning.

The second approach was a survey instrument that was distributed at the above referenced community meetings and other group meetings attended by CD staff during the first quarter of 2020. A copy of that instrument is in the Appendix. The intent of this tool was to query housing professionals, advocates and others interested in housing issues affecting various population categories such the poor, the disabled, homeless persons, etc. in Midland. Respondents were ask to evaluate a number of possible impediments to fair housing in Midland by replying if they thought an issue/item "was not, might be or was an impediment."

The survey's results are in the Appendix and summarized as follows:

- The majority of respondents thought these were impediments -
  Lack of affordable apartments/rental houses
  Lack of affordable homes to buy
  Lack of affordable senior housing

- The majority of respondents thought language barriers continue to be impediments

- The following were selected by most as being impediments -
  Discriminatory practices among apartment managers
  Discriminatory practices among bankers/lenders
  Discriminatory practices in fair housing activities/processes

- Conversely, the majority "did not know" about the following:
  Discriminatory practices among advertising by media
- Discriminatory practices among insurance industry
- Discriminatory practices among Realtors
  Discriminatory practices among single-family unit landlords

The Community Development Office focused on selecting impediments that presented opportunity for realistic improvements as HUD suggests a prioritized list of impediments to address. In priority order, the AI identified six impediments as follows:

In priority order, the AI identified six priority impediments as follows:

1. Lack of affordable housing - affordable housing is lacking; therefore, protected classes households have very limited housing choices. The need for affordable housing includes units for special needs subpopulations such as people with disabilities and senior housing units.

2. Census tracts of minority and/or low income concentrations – the lack of affordable housing outside of low income and minority concentrated areas exacerbates segregation. The lack of affordable housing disproportionately affects protected classes with lower incomes.

3. Insufficient public awareness of fair housing laws – the lack of knowledge about fair housing requirements creates barriers to affirmatively furthering fair housing.

4. Private market barriers exist – the protected classes experience more unsuccessful banking activity than other categories of applicants.

5. Lack of diverse policymaking bodies – diversity in the composition of policymaking may bring attention to housing choice issues when policy decisions are being considered.

The AI also identified several concerns as follows (these are not in priority order):

- Information on housing choice is not widely available. It also needs to be provided in languages other than English.

- Substandard housing conditions including lack of accessibility can improve housing choices.

- Not-In-My-Backyard or NIMBYism

FAIR HOUSING PLAN / STRATEGIES TO OVERCOME BARRIERS

For the priority impediments, possible actions are outlined below and will served as the basis for developing annual action plans to affirmatively further fair housing. Until such time that the AI is replaced by an AFFH, the below recommendations can comprise the annual fair housing programing for the City of Midland over the next five years – October 2020 to September 2024.

Additional activity that can be considered to address impediments of concern can be:

- Developing easy-to-find information with translation and accessible features
- on websites and in housing materials. It also needs to be provided in
- languages other than English.
- Assist developers in providing information about its affordable housing proposals to neighborhood groups/residents

Community Development staff prepares an annual action plan to be developed in consideration of funding source parameters. Since the CDBG funding cycle starts when applications are due in April, development of the annual plan should consider this requirement. CDBG funds can be used for fair housing programming as part of the CDBG Administration category, or as a public service; subject to the spending limitation on public services.

Impediment	Possible Actions to Address the Impediment
Lack of Affordable Housing	Implement the City's Consolidated Plan with regards to addressing priority housing needs Seek programming to aggregate land for future affordable housing units Assist the rental voucher program in identifying units for voucher holders Identify options for a sustainable local dedicated funding source for affordable housing Work with accessibility and/or disabled community/advocates to seek to increase supply of accessible units Seek to require enhanced local housing accessibility and visitability standards

Areas of minority and/or low income concentration	Institute a moratorium on affordable housing proposals in concentrated areas Seek incentives to encourage development of higher end housing in concentrated areas Encourage proposals that will provide affordable housing outside of concentration areas
Insufficient public awareness of fair housing	Continue the advocacy and public awareness programs of the 2020 Fair Housing Plan (Copy is in the Appendix) Facilitate and participate in forums for advocating fair housing Utilize the City's media outlets for awareness activity

Impediment	**Possible Actions to Address the Impediment**
Lack of Affordable Housing near the better schools.	Seek incentives to encourage development of higher end housing in concentrated areas Encourage proposals that will provide affordable housing outside of concentration areas
Private market barriers	Continue 2015 Fair Housing Plan activity to prepare households for housing choice (See the Appendix) with emphasis on credit and credit repair services Consider increasing the financial education requirements for receiving housing program benefits Assist lenders in pursuing options to better serve the under banked or unbanked Seek/encourage employer programs to complement banking options for protected classes households Conduct further studies/analysis of lending practices
Policy bodies not diverse	Encourage governing bodies to consider diversity when appointing members to its boards and commissions

SUMMARY

The citizens of Midland are protected from discrimination through states and local legislation and policies influencing the housing market. The federal Fair Housing Act serves as the foundation for fair housing policy in the United States, prohibiting discrimination on the bases of race, color, sex, religion, national origin, disability, and familial status. State law extends protections to Texans based on these same attributes; yet we must remain vigilant in rooting out housing discrimination. Illegal housing discrimination continues and may be manifested though covert actions. The City of Midland and the Community Development Office will continue to promote and advocate for fair housing and fair lending practices.

Appendix Contents

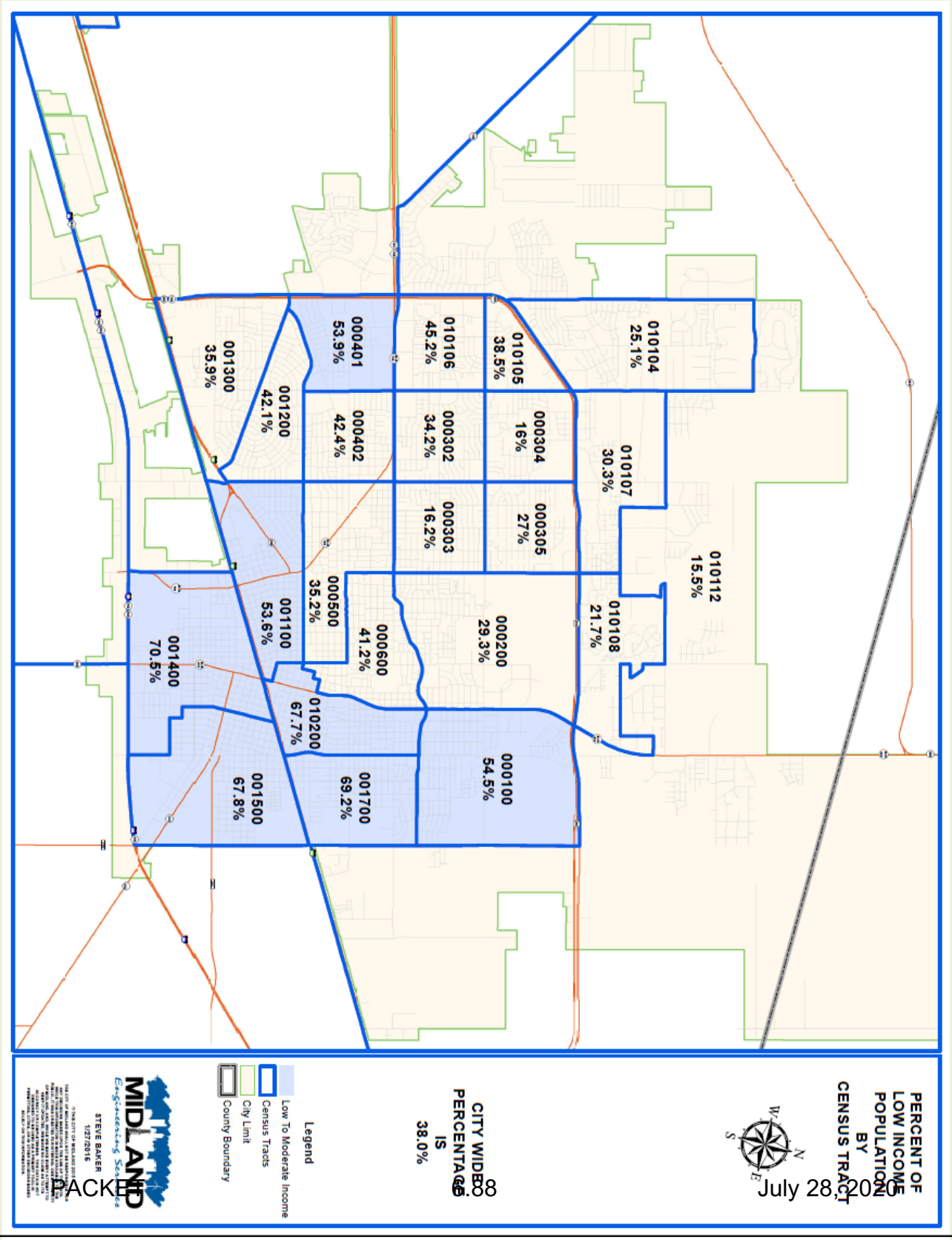
Sources/Reference Data:

- General Features Map
- 2018 Census Tracts Data
- Meeting Notice
- Population Change from 2010-2018
  Table White Population by Census
- Black Population by Census
- Asian Population by Census
- Hispanic Population by Census
- Low Income Population by Census
  Apartment Locations Map
- Percent of Renter Housing by Census
- Percent of Owner Housing by Census
- Median Rent by Census
- Median Value of Owner Housing by Census
- Percent Substandard Housing by Census
- Residential Permits 2015 to 2018
- Apartment Permits 2015 to 2018
- Mortgage Loan Denials
  2018
- MISD Elem. School Listing 2018
- MISD Elem. School Performance Listing
  2018

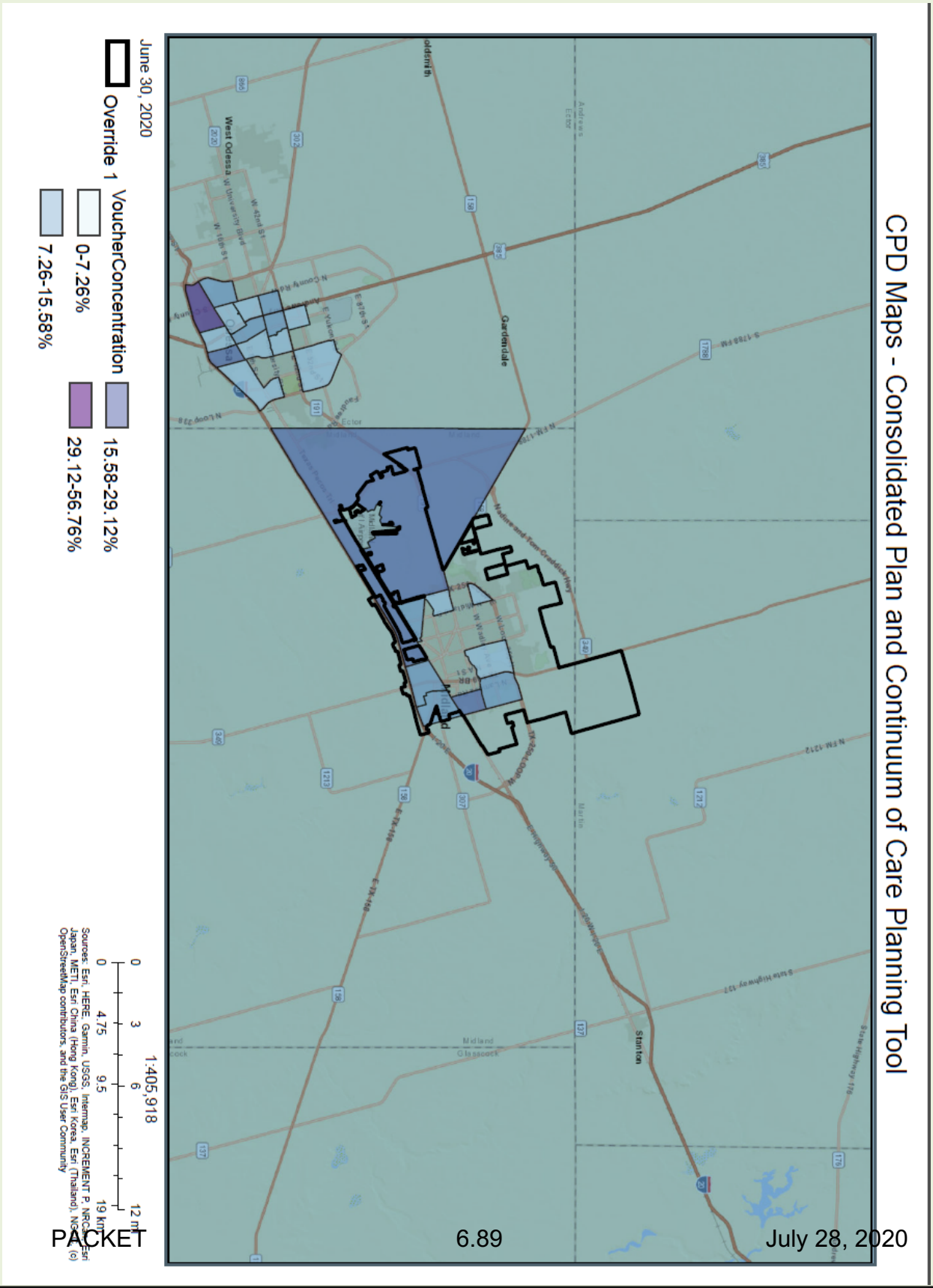
Impediments Rating Tool

- Results of Fair Housing Impediments Survey among Housing Advocates
  Citizen Questionnaire
- 2020 Fair Housing Plan Objectives
- How to Report Housing Discrimination
- Sheet Internet Resources-TEA, HMDA,
- U.S. Census
- City Board
  Applications

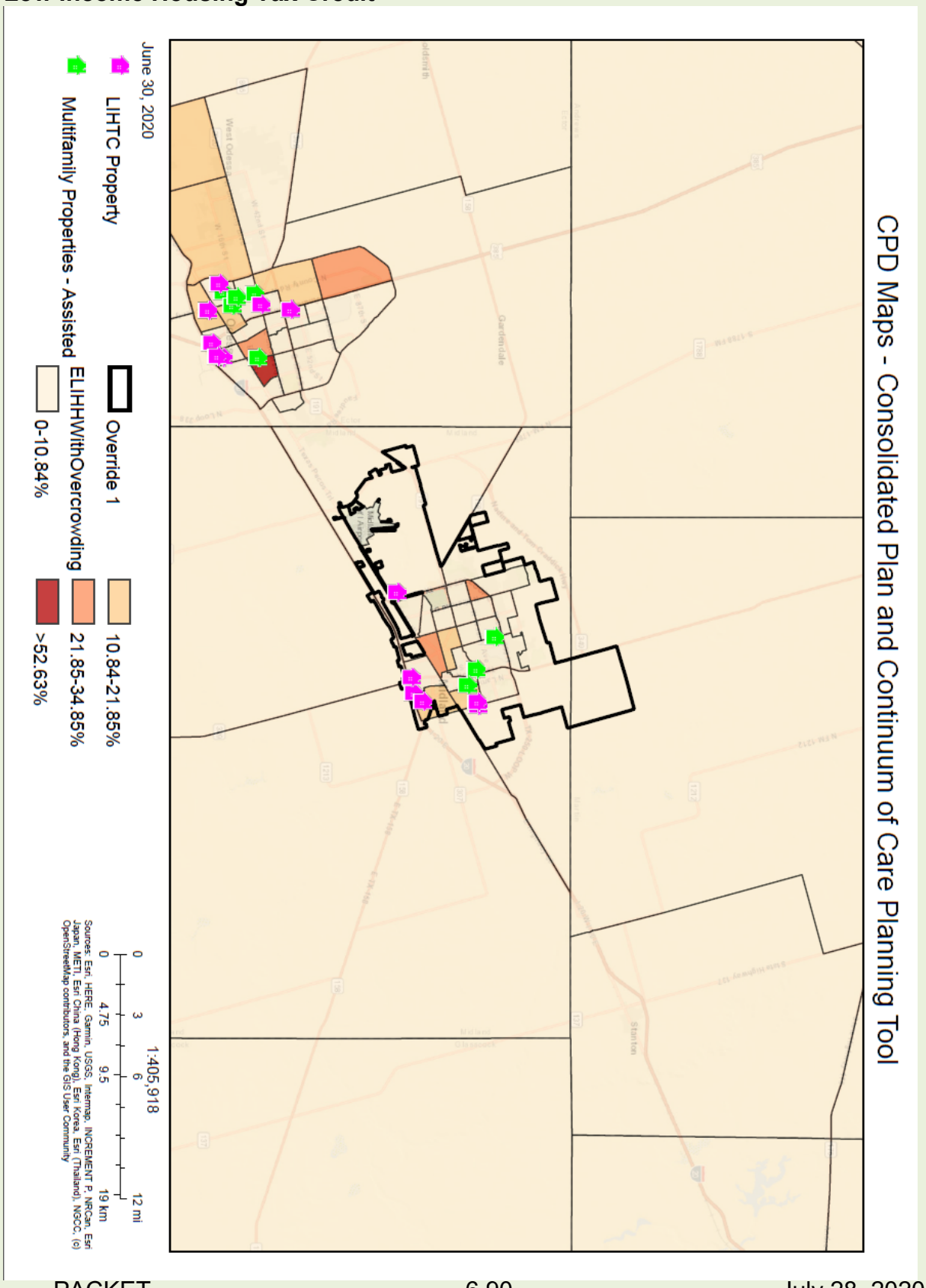
General Features Map by Poverty Rates



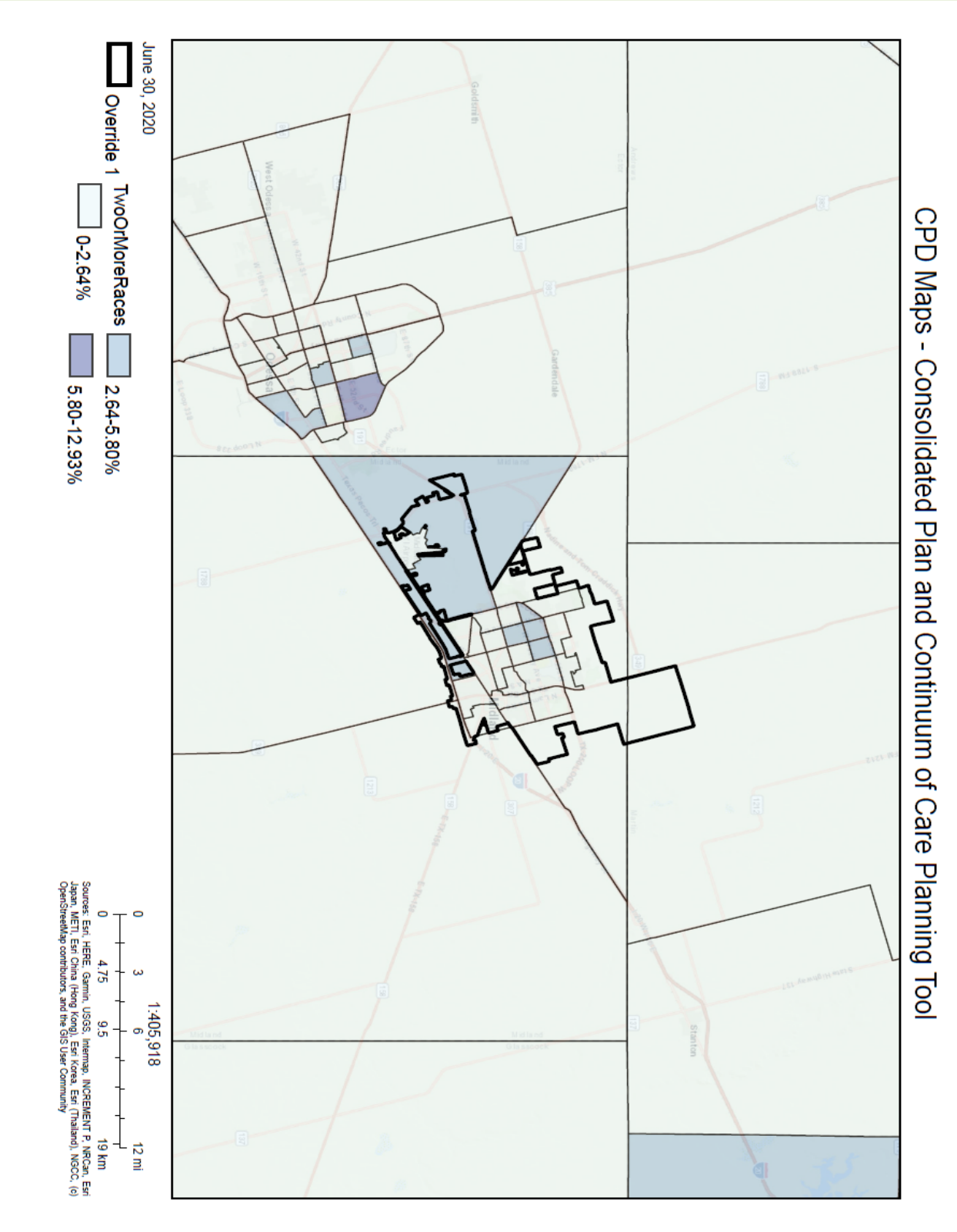
HUD Section 8 Voucher Concentration



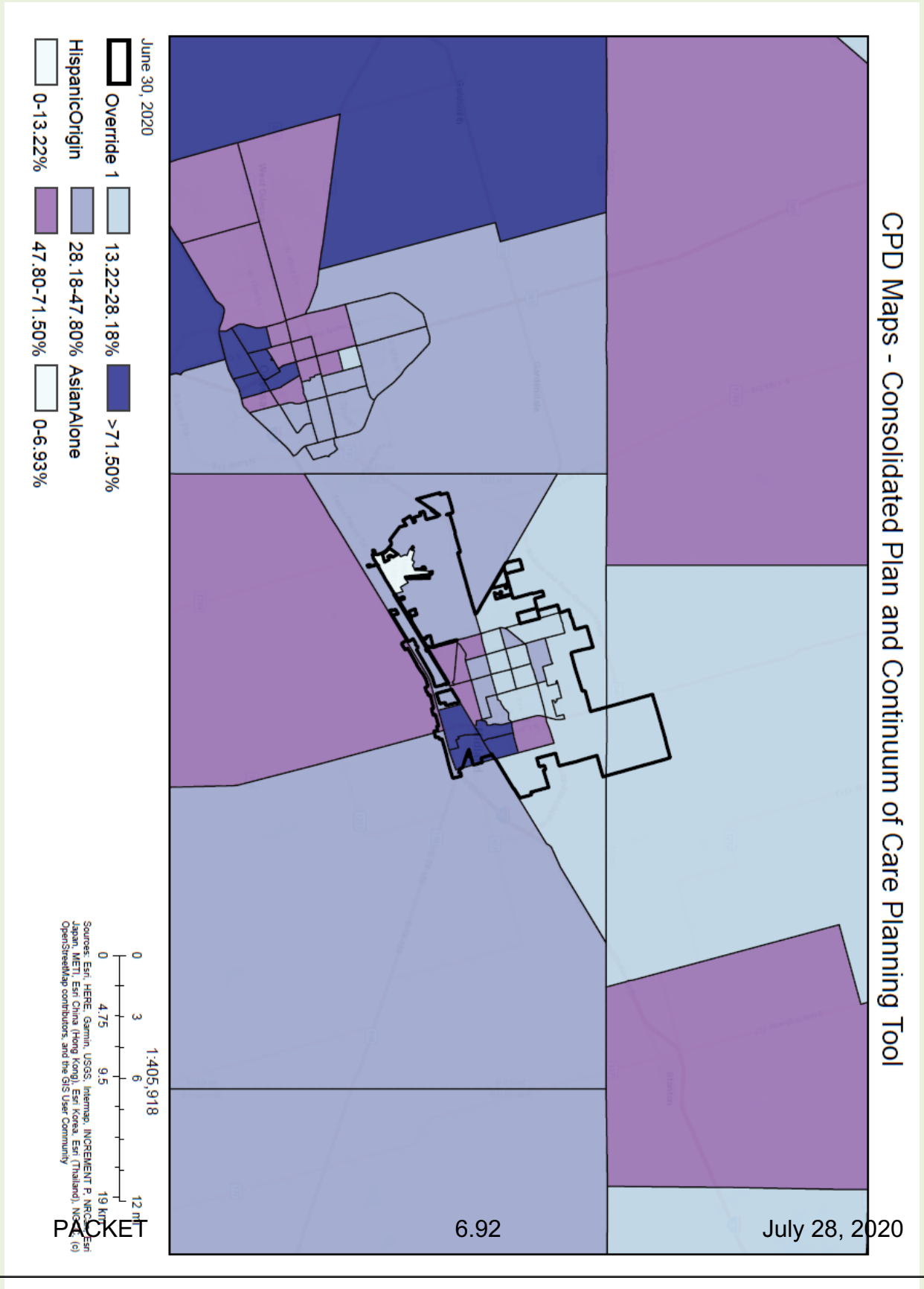
Low Income Housing Tax Credit



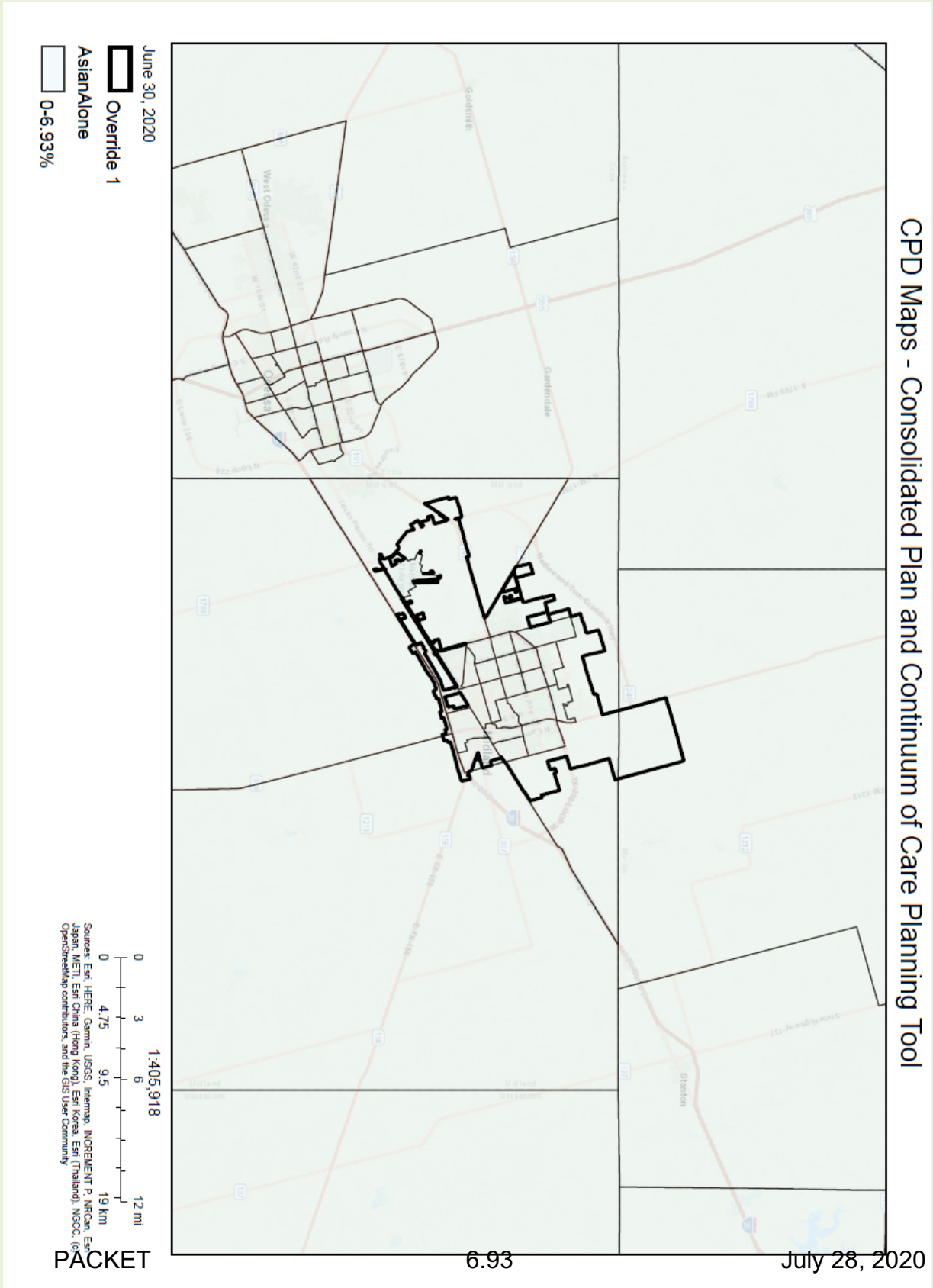
Demoraphics-Two or more Races



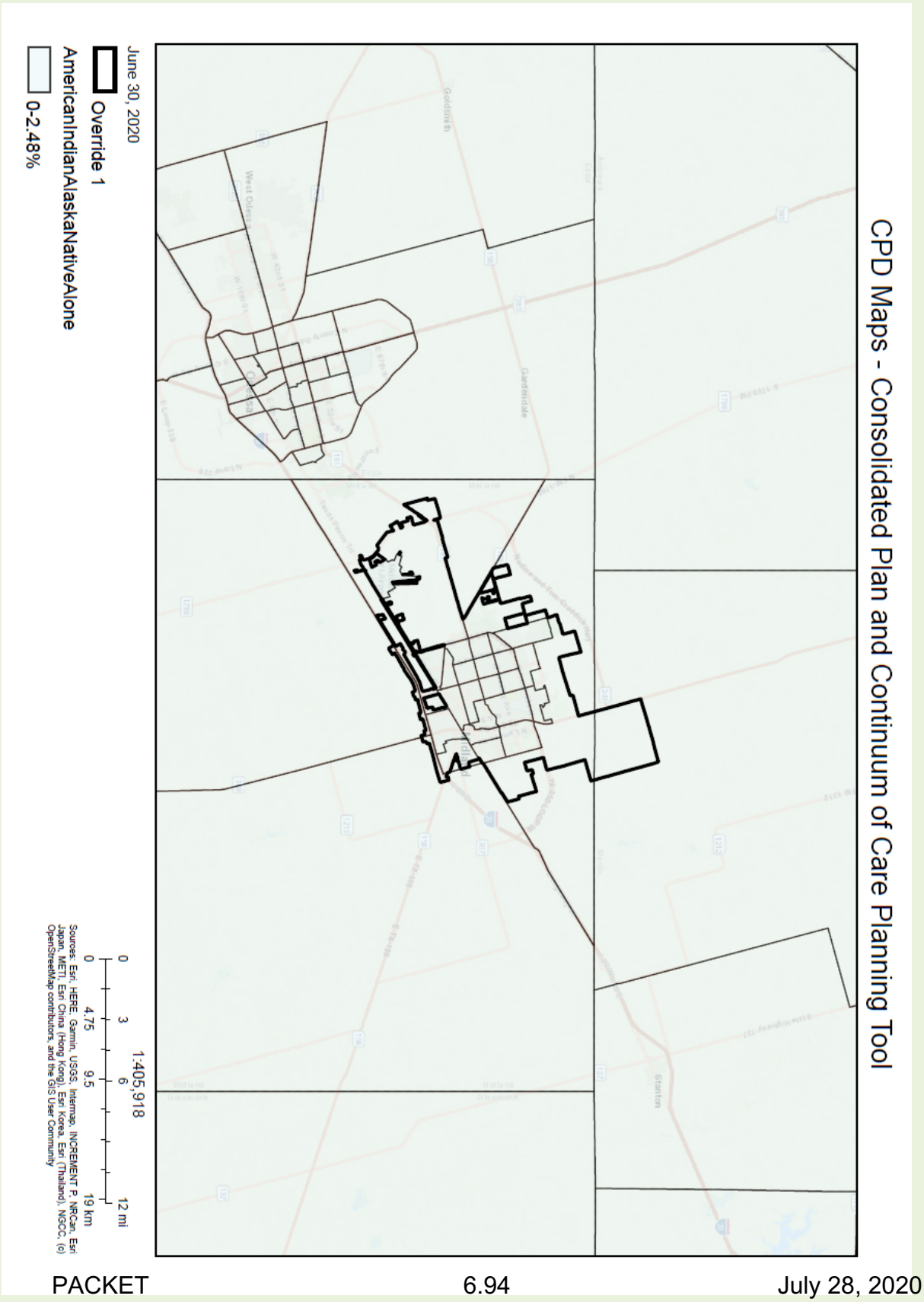
Demoraphics-Hispanic Origin



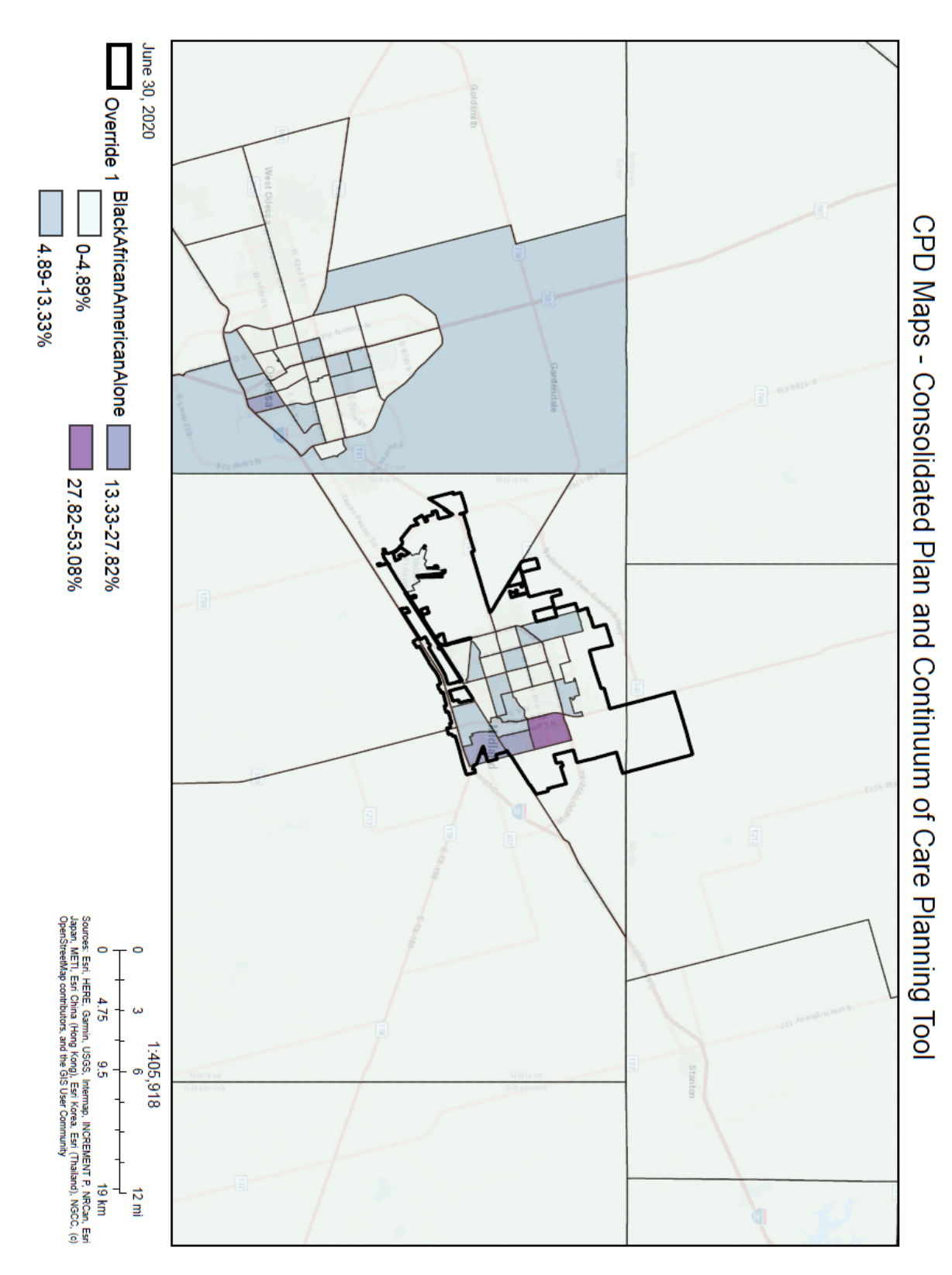
Demoraphics-Asian Alone



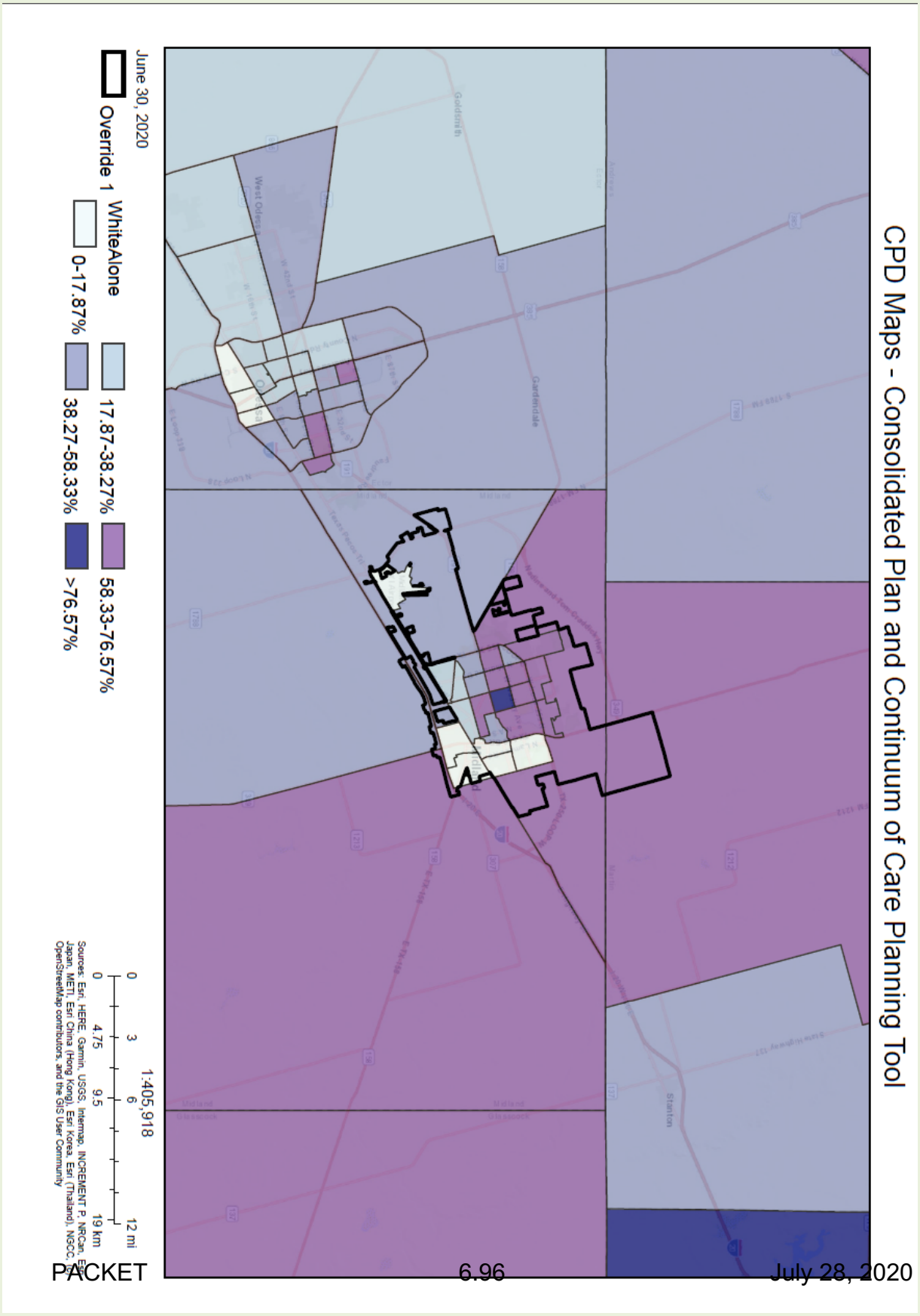
American Indian/Alaskan Native Alone



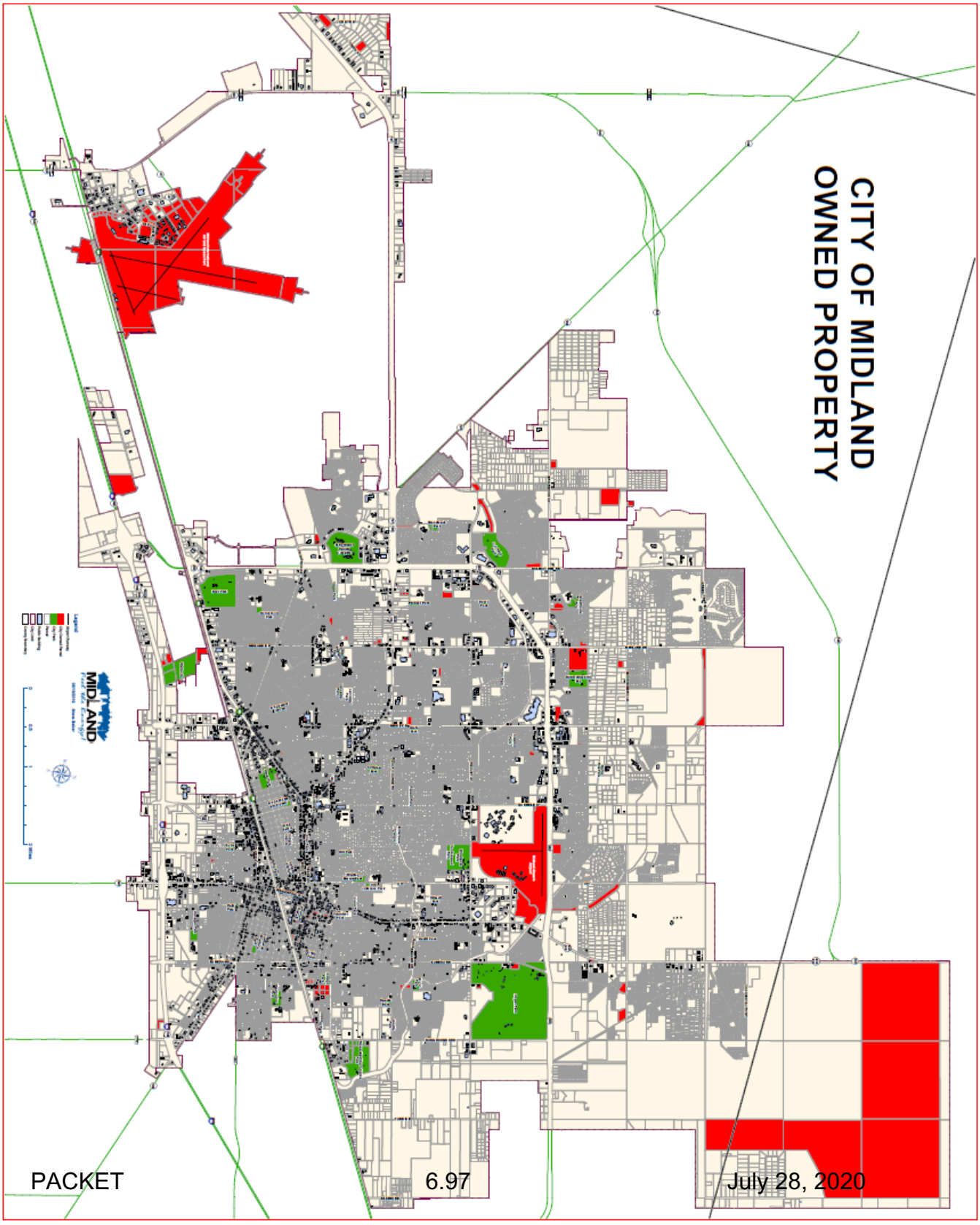
Black African American Alone



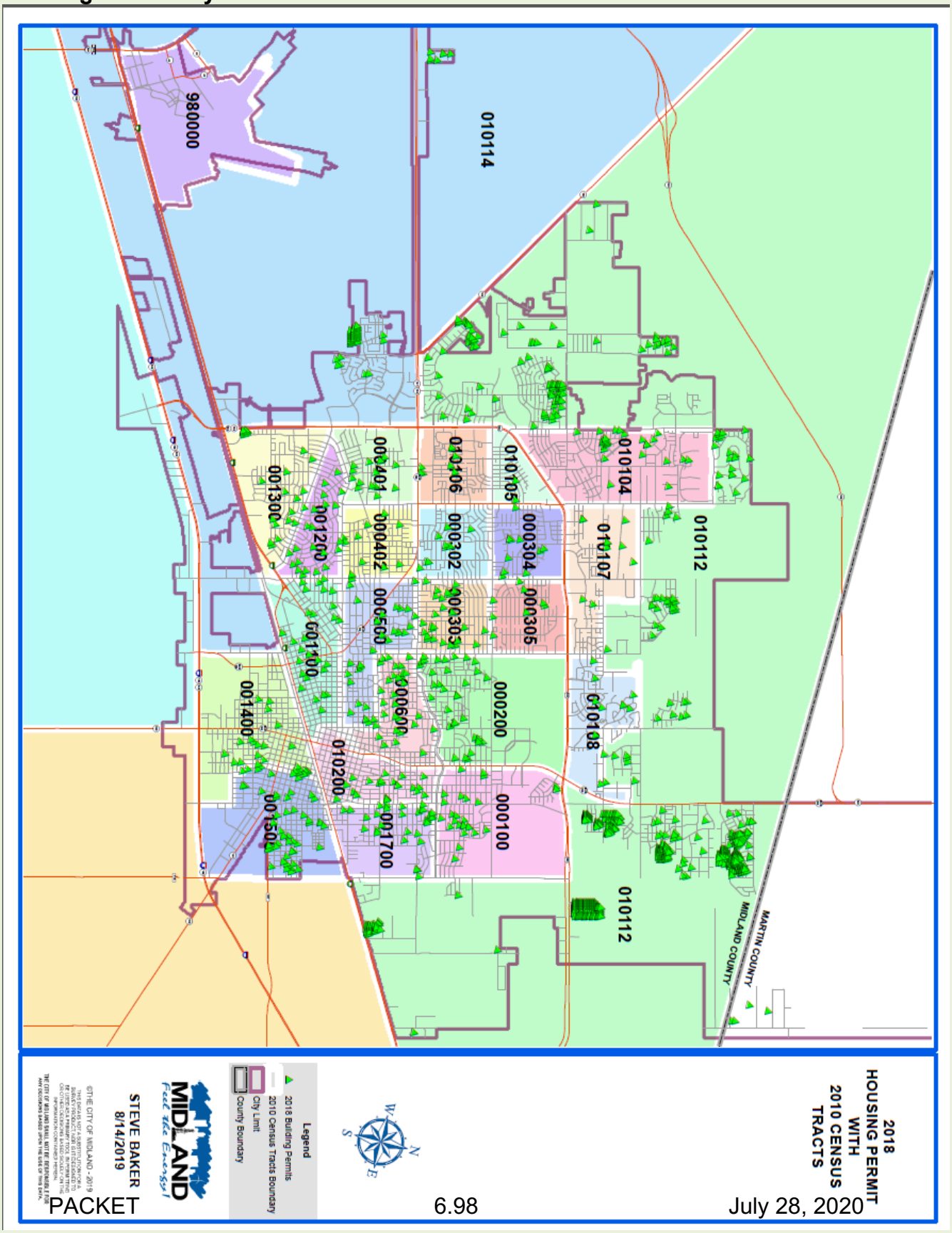
White Alone


CPD Maps - Consolidated Plan and Continuum of Care Planning Tool
June 30, 2020
Override 1
WhiteAlone
0-17.87%
17.87-38.27%
38.27-58.33%
58.33-76.57%
>76.57%
1:405,918
0
3
6
12 mi
0
4.75
9.5
19 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, OpenStreetMap contributors, and the GIS User Community

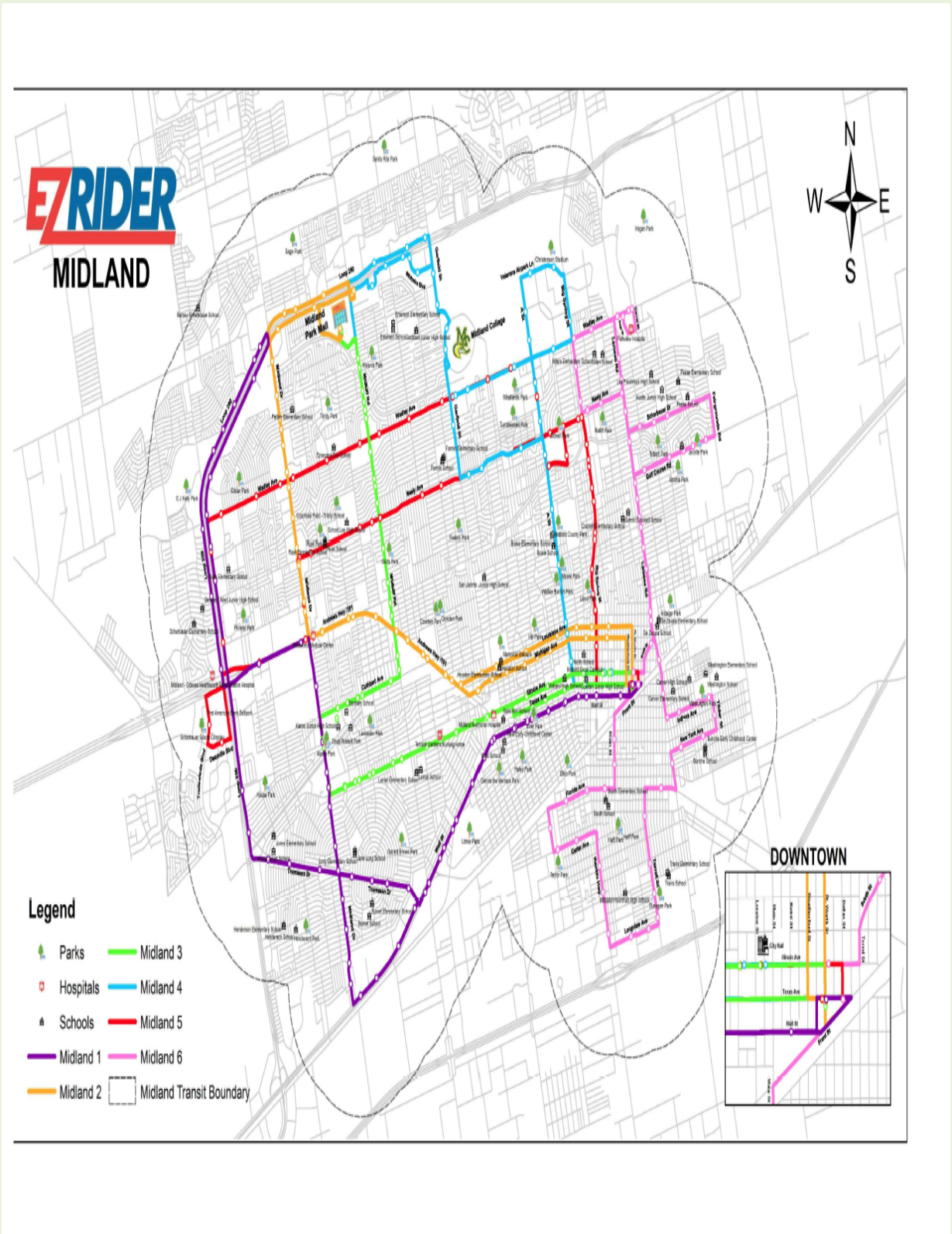
City of Midland Owned Property



Housing Permits by Location 2018



EZ Rider Midland



80% Rental Units (HAMFI)

Notices of Meetings

MIDLAND
Community Development

COMMUNITY MEETINGS

The City of Midland will hold the following public meetings regading the City's community development

March 9, 2020	March 11, 2020	March 13, 2020	March 24, 2020
Casa de Amigos,	MLK Community Center,	South East Senior Center,	City of Midland
1101 E Garden Lane	2300 Butternut Lane	1803 E Indiana Ave	Council Chambers
Meeting begins at 10:00 a.m.	Meeting begins at 6:30 p.m.	Meeting begins at 10:00 a.m.	Meeting begins at 6:00 p.m.

The City is preparing a new **Consolidated Plan** and a new **Analysis of Impediments** (AI) for the Community Development Block Grant (CDBG) program. The Consolidated Plan will provide priorities to various needs of the City's low-moderate income areas and will be a guide on the use of CDBG funds. The AI involves an assessment of how laws, regulations, policies and procedures affect the location, availability, accessibility, and conditions of fair housing choices.

The 2020/21 CDBG office anticipates funding in the amount of **$970,435** from the U.S. Department of Housing and Urban Development allocated to the city projects. The City expects to receive **$90,000** in Program Income for 2020/21. A minimum 70% of CDBG funds must be allocated to projects that benefit low and moderate-income persons. Examples of activities eligible for CDBG funding are: housing rehabilitation, sidewalks, street improvements, park improvements, code enforcement, lot clearance, economic development and public services.

For further information, call the Community Development Office at 685-7472 or 685-7408.

FAIR HOUSING is the LAW

The Federal Fair Housing Act prohibits discrimination in housing because of race, color, national origin, religion , sex, handicap or familial status. If you feel your rights have been violated , you may call HUD at 1-800-669-9777 (TOO) 1-800-927-9275).

Appendix

2018 Census Tracts Data

The Midland Texas census maps has data displaying the census tracts according to the percent of each racial or ethnic group compared to the citywide percentage of that group, selected characteristics of people in poverty, and educational attainment. The charts illustrates concentrations of minority areas in Midland expressed by Census tracts, poverty, age, and child characteristics: Tract 3.05, Census Tract 101.04,Census Tract 101.12, Census Tract 101.13 Census Tract 101.06,Census Tract 13, Census Tract 101.05, Census Tract 5, Census Tract 6, Census Tract 12, Census Tract 4.01, Census Tract 3.02, Census Tract 4.02, Census Tract 102, Census Tract 11, Census Tract 101.07, Census Tract 101.14, Census Tract 1, Census Tract 101.09, Census Tract 15,Census Tract 17, Census Tract 14. A minority concentrated tract means one having 100% more than the city average.

Geographic area	Total population	Race			
		One race			
		Total	White	Black or African American	American Indian and Alaska Native
Midland	136,872	133,602	105,302	9,087	1,013
Census	5,388	5,248	2,833	1,593	42
Census	4,928	4,802	3,928	500	20
Census	5,504	5,381	4,329	431	14
Census	4,258	4,209	3,975	29	31
Census Tract 3.04	3,962	3,888	3,376	135	18
Census	4,943	4,827	4,319	223	37
Census	3,435	3,320	2,790	203	15
Census	4,754	4,621	3,769	259	37
Census	4,771	4,636	3,777	237	52
Census	4,231	4,115	3,326	293	35
Census	5,130	4,916	3,310	276	42
Census	6,228	6,010	4,385	309	45
Census	5,971	5,812	4,537	316	53
Census	4,576	4,438	2,870	216	35
Census	4,262	4,164	1,957	1,247	35
Census	4,164	4,029	2,084	900	54
Census	6,978	6,814	5,741	270	51
Census	2,642	2,568	2,153	156	20
Census	5,451	5,352	4,429	258	34
Census	4,377	4,305	3,655	212	26
Census	3,370	3,318	3,071	90	11
Census	7,858	7,715	5,774	101	59
Census	11,417	11,221	9,971	227	83
Census	9,514	9,342	8,293	80	56
Census	5,331	5,251	4,631	57	70
Census	3,429	3,300	2,019	469	38
Census Tract 9800	0	0	0	0	0

Midland County Poverty Status

2013-2017 American Community Survey 5-Year Estimates	Midland County, Texas			
	Total	Less than 50 percent of the poverty level	Less than 100 percent of the poverty level	Less than 125 percent of the poverty level
	Estimate	Estimate	Estimate	Estimate
Population for whom poverty status is determined	157,849	4.1%	8.7%	11.9%
SEX				
Male	79,262	3.2%	7.0%	10.3%
Female	78,587	5.0%	10.3%	13.4%
AGE				
Under 18 years	44,040	5.8%	11.5%	15.8%
Related children of householder under 18 years	43,977	5.7%	11.4%	15.8%
18 to 64 years	97,857	3.5%	7.3%	10.0%
65 years and over	15,952	3.1%	9.3%	12.5%
RACE AND HISPANIC OR LATINO ORIGIN				
One race	154,470	4.0%	8.7%	11.7%
White	130,843	4.0%	8.1%	10.5%
Black or African American	9,643	4.6%	10.7%	19.8%
American Indian and Alaska Native	727	2.8%	2.8%	3.9%
Asian	3,079	2.1%	3.7%	3.7%
Native Hawaiian and Other Pacific Islander	74	0.0%	0.0%	0.0%
Some other race	10,104	4.4%	15.6%	21.9%
Two or more races	3,379	5.9%	10.4%	19.7%
Hispanic or Latino origin (of any race)	68,502	6.1%	13.2%	17.1%
White alone, not Hispanic or Latino	74,674	2.2%	4.5%	6.2%
LIVING ARRANGEMENT				
In family households	136,050	3.7%	7.9%	10.6%
In married-couple family	99,177	1.4%	3.5%	5.2%
In Female householder, no husband present households	26,391	12.3%	24.5%	31.4%
In other living arrangements	21,799	6.2%	13.8%	19.7%

Poverty Status in Last 12 Months of Families

2013-2017 American Community Survey 5-Year Estimates	Midland County, Texas				
	All families		Married-couple families		Female householder, no husband present
	Total	Percent below poverty level	Total	Percent below poverty level	Total
	Estimate	Estimate	Estimate	Estimate	Estimate
Families	38,371	6.7%	28,561	2.9%	7,014
With related children of householder under 18 years	20,670	10.4%	13,907	3.6%	5,301
With related children of householder under 5 years	4,532	19.7%	2,681	5.9%	1,479
With related children of householder under 5 years and 5 to 17 years	5,052	9.7%	3,918	5.5%	891
With related children of householder 5 to 17 years	11,086	7.0%	7,308	1.8%	2,931
RACE AND HISPANIC OR LATINO ORIGIN					
Families with a householder who is--					
White alone	32,882	6.5%	25,358	2.8%	5,404
Black or African American alone	2,031	5.5%	837	3.0%	925
American Indian and Alaska Native alone	251	0.0%	220	0.0%	31
Asian alone	596	4.4%	564	4.6%	19
Native Hawaiian and Other Pacific Islander alone	7	0.0%	7	0.0%	0
Some other race alone	2,113	13.0%	1,240	5.2%	546
Two or more races	491	8.1%	335	4.5%	89
Hispanic or Latino origin (of any race)	14,600	11.8%	9,485	5.8%	3,619
White alone, not Hispanic or Latino	20,728	3.4%	17,292	1.3%	2,387
Householder worked	30,283	4.3%	22,306	1.6%	5,395
Householder worked full-time, year-round in the past 12 months	23,659	1.7%	17,551	1.2%	3,921
Householder 65 years and over	5,251	5.4%	4,271	4.5%	827
Family received --					
Supplemental Security Income (SSI) and/or cash public assistance income in the past 12 months	1,604	12.3%	844	5.9%	602
Social security income in the past 12 months	7,007	5.2%	5,430	5.1%	1,130

MISD Enrollment

2013-2017 American Community Survey 5-Year Estimates	Midland County, Texas				
	Total	Percent	In public school	ent in public school	In private school
	Estimate	Estimate	Estimate	Estimate	Estimate
Population 3 years and over enrolled in school	40,804	(X)	(X)	84.7%	(X)
Nursery school, preschool	2,475	6.1%	1,435	58.0%	1,040
Kindergarten to 12th grade	30,953	75.9%	27,082	87.5%	3,871
Kindergarten	2,357	5.8%	2,003	85.0%	354
Elementary: grade 1 to grade 4	10,208	25.0%	8,809	86.3%	1,399
Elementary: grade 5 to grade 8	9,714	23.8%	8,410	86.6%	1,304
High school: grade 9 to grade 12	8,674	21.3%	7,860	90.6%	814
College, undergraduate	5,852	14.3%	5,048	86.3%	804
Graduate, professional school	1,524	3.7%	987	64.8%	537
Population enrolled in college or graduate school	7,376	18.1%	6,035	81.8%	1,341
Males enrolled in college or graduate school	3,036	14.9%	2,367	78.0%	669
Females enrolled in college or graduate school	4,340	21.3%	3,668	84.5%	672
Population 3 to 4 years	5,383	(X)	(X)	(X)	(X)
3 to 4 year olds enrolled in school	1,983	36.8%	1,136	57.3%	847
Population 5 to 9 years	12,565	(X)	(X)	(X)	(X)
5 to 9 year olds enrolled in school	11,863	94.4%	10,066	84.9%	1,797
Population 10 to 14 years	11,730	(X)	(X)	(X)	(X)
10 to 14 year olds enrolled in school	11,544	98.4%	10,094	87.4%	1,450
Population 15 to 17	6,605	(X)	(X)	(X)	(X)
15 to 17 year olds enrolled in school	6,507	98.5%	5,806	89.2%	701
Population 18 to 19 years	4,006	(X)	(X)	(X)	(X)
18 and 19 year olds enrolled in school	2,656	66.3%	2,430	91.5%	226
Population 20 to 24 years	11,585	(X)	(X)	(X)	(X)
20 to 24 year olds enrolled in school	2,553	22.0%	2,126	83.3%	427

MISD Enrollment Continued

2013-2017 American Community Survey 5-Year Estimates	Midland County, Texas				
	Total	Percent	In public school	Percent in public school	In private school
	Estimate	Estimate	Estimate	Estimate	Estimate
Population 25 to 34 years	27,570	(X)	(X)	(X)	(X)
25 to 34 year olds enrolled in school	2,312	8.4%	1,855	80.2%	457
Population 35 years and over	72,069	(X)	(X)	(X)	(X)
35 years and over enrolled in school	1,386	1.9%	1,039	75.0%	347
Population 18 to 24 years	15,591	(X)	(X)	(X)	(X)
Enrolled in college or graduate school	3,898	25.0%	3,361	86.2%	537
Males 18 to 24 years	8,025	(X)	(X)	(X)	(X)
Enrolled in college or graduate school	1,715	21.4%	1,446	84.3%	269
Females 18 to 24 years	7,566	(X)	(X)	(X)	(X)
Enrolled in college or graduate school	2,183	28.9%	1,915	87.7%	268

Children Characteristics

Subject	Midland County, Texas	Midland County, Texas	Midland County, Texas	Midland County, Texas
	Total	In male householder, no wife present, family household	In married-couple family household	In female householder, no husband present, family household
	Estimate	Estimate	Estimate	Estimate
Children under 18 years in households	44,594	2,913	30,463	10,899
AGE				
Under 6 years	35.6%	37.8%	35.2%	36.6%
6 to 11 years	34.7%	32.9%	34.7%	35.4%
12 to 17 years	29.7%	29.4%	30.1%	28.0%
RACE AND HISPANIC OR LATINO ORIGIN				
One race	96.2%	94.6%	97.1%	94.5%
White	81.7%	81.6%	86.0%	70.5%
Black or African American	5.9%	2.4%	2.2%	17.2%
American Indian and Alaska Native	0.1%	0.0%	0.0%	0.4%
Asian	2.0%	2.2%	2.4%	0.7%
Native Hawaiian and Other Pacific Islander	0.1%	0.0%	0.1%	0.0%
Some other race	6.2%	8.4%	6.3%	5.6%
Two or more races	3.8%	5.4%	2.9%	5.5%
Hispanic or Latino origin (of any race)	53.9%	62.6%	51.5%	59.0%
White alone, not Hispanic or Latino	36.3%	33.5%	42.3%	20.0%
RELATIONSHIP TO HOUSEHOLDER				
Own child (biological, step or adopted)	85.9%	67.6%	90.9%	79.2%
Grandchild	8.8%	9.2%	6.3%	16.0%
Other relatives	3.9%	16.0%	2.6%	4.6%
NATIVITY				
Native	96.4%	93.6%	96.9%	96.1%
Foreign born	3.6%	6.4%	3.1%	3.9%
PRESENCE OF OTHER ADULTS				

School Enrollment

Subject	Midland County, Texas				
	Total	Percent	In public school	Percent in public	In private school
	Estimate	Estimate	Estimate	Estimate	Estimate
Population 3 years and over enrolled in school	40,804	(X)	(X)	84.7%	(X)
Nursery school, preschool	2,475	6.1%	1,435	58.0%	1,040
Kindergarten to 12th grade	30,953	75.9%	27,082	87.5%	3,871
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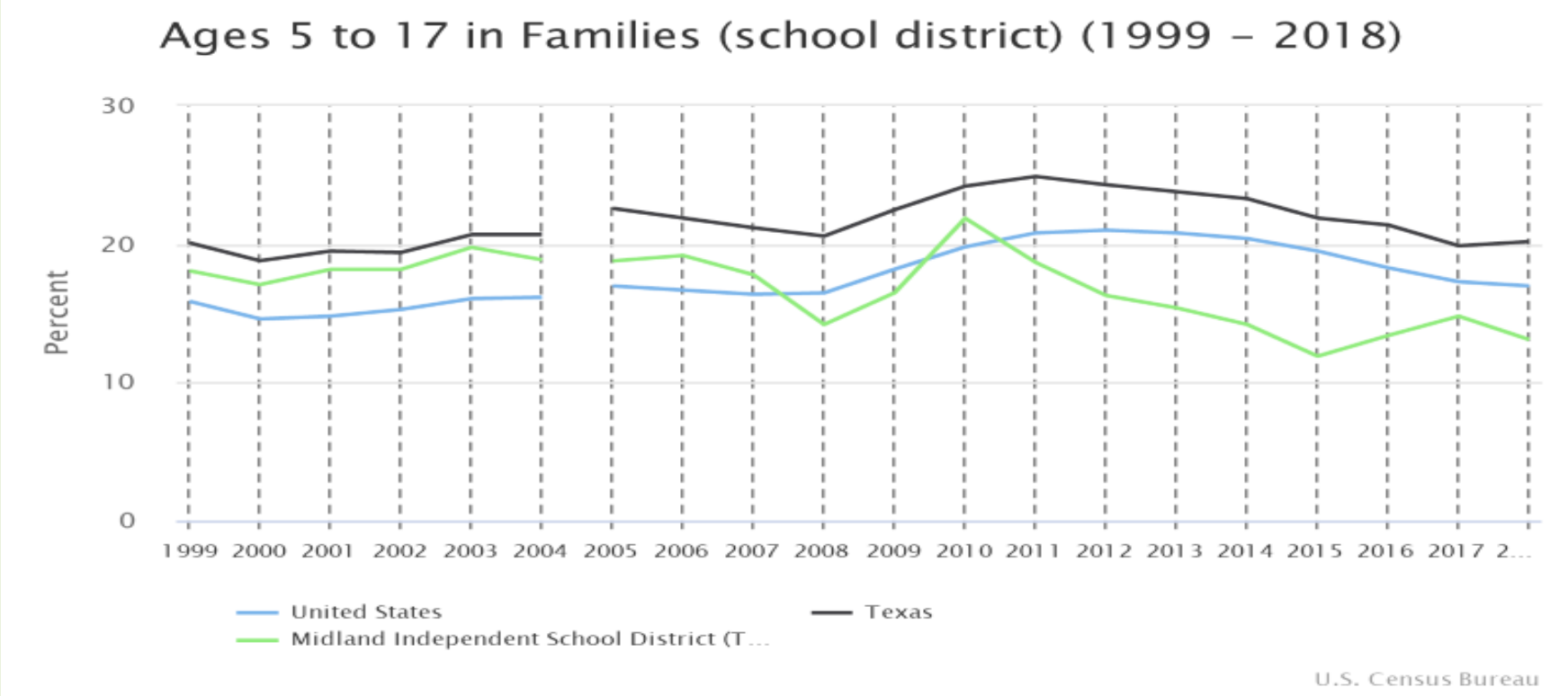
18 and 19 year olds enrolled in school	2,656	66.3%	2,430	91.5%	226
Population 20 to 24 years	11,585	(X)	(X)	(X)	(X)
20 to 24 year olds enrolled in school	2,553	22.0%	2,126	83.3%	427

Midland Independent School District Poverty Chart



All Ages (state/county) (1997 – 2018)

Midland County Projected Growth 2019-2030

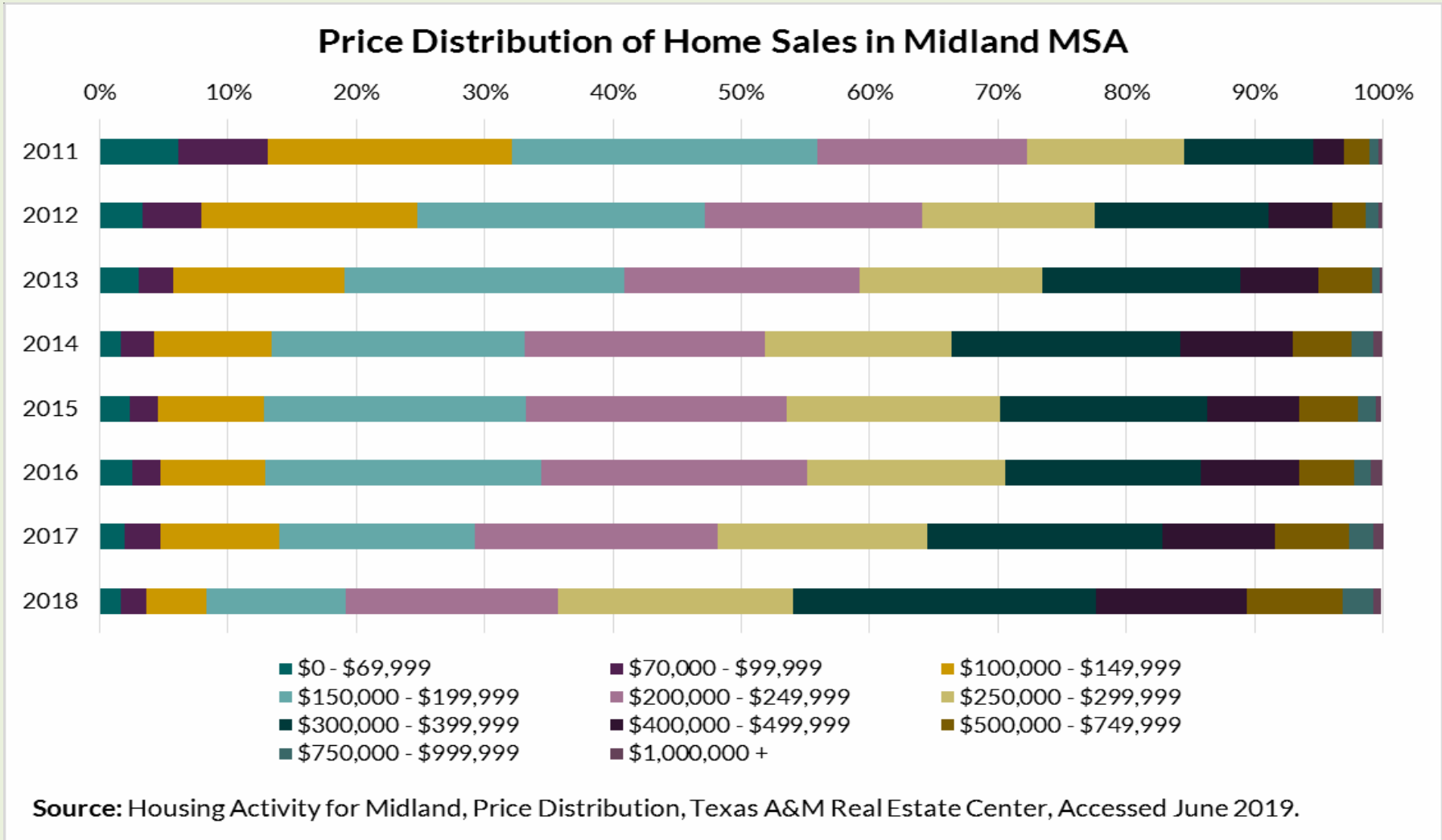
Projected Midland MSA Population Growth

Results by varying oil price assumptions, absolute growth

Age Group	Baseline		Low Oil Prices		High Oil Prices	
	2019-25	2019-30	2019-25	2019-30	2019-25	2019-30
Under 5	+3,709	+6,267	+2,435	+5,012	+5,607	+7,756
5 to 14	+7,812	+14,563	+5,376	+12,055	+11,444	+17,537
15 to 24	+6,935	+13,742	+4,719	+11,423	+10,238	+16,493
25 to 34	+9,055	+13,598	+6,194	+10,848	+13,320	+16,860
35 to 44	+12,408	+23,420	+9,898	+20,603	+16,150	+26,761
45 to 54	+5,224	+14,087	+3,614	+12,177	+7,624	+16,353
55 to 64	-666	+643	-1,893	-499	+1,162	+1,999
65 and Over	+4,248	+28	+23	+3,210	+6,492	+35
Total, All Ages	**+48,726**	**+93,013**	**+33,085**	**+76,860**	**+72,036**	**+112,169**

Source: US Multi-Regional Econometric Model, The Perryman Group

Declining Affordable Housing Distribution 2011-2018



Source: Housing Activity for Midland, Price Distribution, Texas A&M Real Estate Center, Accessed June 2019.

Source: The Perryman Group

Fair Housing Survey

Fair Housing – it's the Law. The Federal Fair Housing Act prohibits discrimination in housing because of race, color, national origin, religion, sex, handicap or familial status.

Please evaluate the following possible impediments to fair housing in Midland by marking your response.	It is not an impediment	It might be	Yes, it is	I don't know
Discriminatory practices among apartment managers				
Discriminatory practices among bankers/lenders				
Discriminatory practices among insurance industry representatives				
Discriminatory practices among local housing programs				
Discriminatory practices among Realtors				
Discriminatory practices among single family unit landlords				
Inadequate advertising by local media including daily paper				
Lack of affordable apartments/rental houses				
Lack of affordable homes to buy				
Lack of affordable housing near the better schools				
Lack of apartments for the disabled				

Lack of funding for local fair housing activities including investigation and testing				
Lack of knowledge among households regarding fair housing				
Lack of local funding for affordable housing				
Lack of rental assistance				
Lack of transportation by households				
Language barriers				
Restrictions on locating group homes or community living facilities				
Other (Describe)				

Fair Housing Impediments Survey-Housing Advocates

	Discriminatory practices among apartment managers	Discriminatory practices among bankers lenders	Discriminatory practices among insurance industry representatives	Discriminatory practices among local housing programs	Discriminatory practices among Realtors	Discriminatory practices among single family unit landlords	Inadequate advertising by local media including daily paper	Lack of affordable apartments rental houses	Lack of affordable homes to buy	Lack of affordable housing near the better schools
Is not	1	5	5	5	2	1	3	0	1	0
Might be	9	8	5	6	7	4	6	3	0	0
Yes it is	4	1	0	1	2	8	5	20	18	17
Don't know	13	13	17	15	16	14	13	4	8	10
total	27	27	27	27	27	27	27	27	27	27
Is not	3.70%	18.52%	18.52%	18.52%	7.41%	3.70%	11.11%	0.00%	3.70%	0.00%
Might be	33.33%	29.63%	18.52%	22.22%	25.93%	14.81%	22.22%	11.11%	0.00%	0.00%
Yes it is	14.81%	3.70%	0.00%	3.70%	7.41%	29.63%	18.52%	74.07%	66.67%	62.96%
Don't know	48.15%	48.15%	62.96%	55.56%	59.26%	51.85%	48.15%	14.81%	29.63%	37.04%
over 50% rated it is or might be a								YES	YES	YES

Fair Housing Impediments Survey- Housing Advocates

	Lack of apartments for the disabled	Lack of funding for local fair housing activities including investigation	Lack of knowledge among households regarding fair housing	Lack of local funding for affordable housing	Lack of rental assistance	Lack of transportation by households	Language barriers	Restrictions on locating group homes or community living facilities
Is not	2	1	2	2	0	2	1	0
Might be	1	1	1	0	0	2	2	3
Yes it is	17	8	15	19	19	15	17	11
Don't know	9	19	11	8	10	10	9	15
total responses	29	29	29	29	29	29	29	29
Is not	6.89%	3.44%	6.89%	3.44%	0.00%	6.89%	3.44%	0.00%
Might be	3.44%	3.44%	3.44%	0.00%	0.00%	6.89%	6.89%	10.34%
Yes it is	58.62%	24.13%	51.72%	65.51%	65.51%	51.72%	58.62%	37.93%
Don't know	31.03%	65.51%	37.93%	31.03%	34.48%	34.48%	31.03%	51.72%
over 50% rated it is or might be a problem	YES		YES	YES	YES	YES	YES	YES

Analysis of Impediments to Fair Housing Choice Questionnaire

The City of Midland is preparing an analysis of impediments (AI) to fair housing choice. The AI helps identify barriers and the necessary actions for fair housing in Midland. To aid in the AI, we want your input if you feel that you have been discriminated against or if you have encountered obstacles in seeking housing. Return by April 21, 2015 to Community Development, PO Box 1152, Midland, Texas 79702 or by email to scantu@midlandtexas.gov. Submitted forms must include valid responses to the first line. Individual responses will remain confidential. Thank you for your participation.

Zip Code of Current Residence: _____

Are you a: ☐ Renter ☐ Homeowner ☐ Living in Temporary Housing

What is your race (check all that apply): ☐ African American ☐ Asian ☐ Caucasian

☐ Native American ☐ Other (specify) _____

Are you Hispanic: ☐ Yes ☐ No

Check all that apply :

☐ Male ☐ Female ☐ Veteran ☐ Disabled ☐ Children reside with you

What is your gross household annual income:

☐ less than $30,000 ☐ from $30,000 to $60,000 ☐ more than $60,000

Was refusal of available housing made on the following grounds (Check all that apply):

☐ Age ☐ Race ☐ Color ☐ National Origin ☐ Disability ☐ Sex ☐ Religion

☐ Family status (children living with you) ☐ other (describe): _____

When did it occur: ☐ within the last 3 years ☐ more than 3 years ago

Please identify who was involved in refusing available housing to you:

☐ Lender ☐ Landlord ☐ Apartment Manager ☐ Realtor

☐ Service Provider ☐ Other (specify) _____

_____

Did you file a complaint: ☐ Yes ☐ No If **yes,** with whom did you file a complaint:

_____

_____

If not, why not**:** _____

_____

To avoid/limit such experiences, what action by whom would be helpful? _____

_____

_____

_____

_____

Please use the back of this form or include additional sheets as needed.

See http://portal.hud.gov/portal/page/portal/HUD/program_offices/fair_housing_equal_opp on the Internet for further information on fair housing.

EQUAL HOUSING OPPORTUNITY

2020 FAIR HOUSING PLAN

Lack of a fair housing advocate – need an entity for enhanced advocacy and coordination of fair housing activity.

- Support the establishment of an entity to advocate fair housing
- Communicate designation to the public
- Secure cooperative commitments from housing related groups to actively support fair housing
- Assist public in filing complaints with State of Texas or HUD
- Monitor local public programs for compliance
- Review and disseminate pertinent data
- Coordinate forum for advocating fair housing

Insufficient public awareness of fair housing – overall promotion of fair housing and education of it and housing choice needs improvement.

- Develop an annual action plan of educational and promotional programs
- Disseminate informational materials to partner groups
- Institute low cost promotional activities (PSA, ad, flyers, etc.)
- Include 2-1-1 for referrals on housing choice inquiries
- Issue a fair housing proclamation
- Make available information to target groups at community functions

Households Individuals ill-prepared for housing choice – need to support a wide range of activities/program aimed at preparing people to increase their housing choice options whether as homeownership or rental.

- Support educational programs for homebuyer preparedness, homeownership responsibility and homebuyer assistance that are consistent with housing choice
- Disseminate information on tenant/landlord rights and responsibilities
- Support efforts designed to repair credit
- Support financing alternatives to coincide with housing choice and seek to regulate wrong options
- Create an environment for people to access traditional financing

Insufficient housing choices – need to support programs that will enable the provision of affordable housing, both rental and for ownership, so that housing choice options are improved especially for lower income households.

- Support implementation of local housing standards law (activate City Board)
- Implement the housing objectives of the City's Consolidated Plan.
- Build new affordable units for purchase
- Build new rental units
- Encourage private sector to invest in housing projects

How to Report Housing Discrimination

1. If you believe you have experienced housing discrimination, you can call HUD's Office of Fair Housing and Equal Opportunity toll-free at 1-800-669-9777.

You can file a complaint using HUD's online form at www.HUD.gov.

You can print out the form, complete it, and mail it to:

Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
Room 5204
451 Seventh St. SW
Washington, DC 20410-2000

You can write HUD a letter with:

- Your name and address
- The name and address of the person your complaint is about
- The address of the house or apartment you were trying to rent or buy
- The date when this incident occurred
- A short description of what happened

The local HUD Office for a housing discrimination complaint is HUD, Southwest Office of Fair Housing and Equal Opportunity, 801 Cherry Street, Unit #45, Suite 2500, Fort Worth, Texas 76102 or 1-888-560-8913.

2. Or, you can contact the Texas Workforce Commission Civil Rights Division.

- Complaint in person by coming to the Division office located at 1117 Trinity St., Room 144-T in Austin, Texas.
- You may call the Division office using the toll free number: 1-888-452-4778, between the hours of 8:00 AM and 5:00 PM.
- You may also write the Division at:

  Texas Workforce Commission
  Civil Rights Division
  1117 Trinity Street, Rm. 144-T
  Austin, Texas 78701

EQUAL HOUSING OPPORTUNITY

Internet Resources

http://www.justice.gov/crt/housing/title8.php)

www.statutes.legis.state.tx.us)

www.justice.gov

www.huduser.org

www.hud.gov

http://www.tdhca.state.tx.us/fair-housing/policy-guidance.htm

U.S. Census.gov

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date:_____

Name:_____

Phone:_____**(Home)**

Address:_____

_____**(Business)**

Email:_____

_____

(City) **(State)** **(Zip)**

I am_____I am not_____a U.S. Citizen

Please tell us about yourself:

Are you a graduate of Midland 101? ____yes _____no

I have lived in Midland _____years. **Occupation:_____Professional and or Community Activities:**

_____

_____

_____

What is your personal vision for the City?

_____

_____

_____

Please specify any time constraints you may have.

_____

_____

_____

Please list below the Board(s) or Commission(s) on which you are interested in serving: (You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

_____

_____

_____

Please tell us why you are interested in serving on this board or commission.

_____

_____

What contribution would you most like to make?

_____

_____

_____

Additional pertinent information or references:

_____

_____

(2) Name of Board Commission:

_____

_____

_____

What contribution would you most like to make?

_____

_____

_____

Additional pertinent information or references:

_____

_____

_____

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

_____

Applications may be submitted online via email or print in order to send by mail or fax:

City Council Meeting

Item Number: 7

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Isaac Garnett, Manager, Community Development

Subject: RESOLUTION ADOPTING THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR FISCAL YEARS 2020 THROUGH 2024 (OCTOBER 2020 TO SEPTEMBER 2024) AND THE 2020-2021 ACTION PLAN TO SAID CONSOLIDATED PLAN; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (DEVELOPMENT SERVICES)

Purpose:

Consider a resolution adopting the City of Midland's 2020-2024 Five Year Consolidated Plan and First-Year 2020-2021 Action Plan to said Consolidated Plan and authorizing the execution of an application for the Community Development Block Grant funds for Fiscal Years 2020-2021.

Recommended City Council Action:

Approve

Fiscal Impact:

No fiscal impact on City Budget.

Discussion:

The Consolidated Plan establishes Midland's long-range strategy for investment of its U.S. Department of Housing and Urban Development (HUD) resources and other resources linked to activities directed at the community development, housing, and homeless service's needs. The overall goal of the Consolidated Plan is to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for low- and moderate-income persons. The First Year Action Plan describes

specific priorities and objectives to be addressed and how HUD resources are to be distributed. Funding will consist of the 2020/2021 CDBG entitlement grant of $ 970,435 and an estimated $90,000 in program income from prior Owner-Occupied Housing Major Projects. Therefore, the total CDBG budget will be $1,060,435. The Action Plan also serves as the City's application for 2020-2021 CDBG funds. To develop the Plan, we have undertaken a lengthy process allowing for citizen participation culminating in a draft plan document including the first-year action plan that underwent a 30-day public review period. The review period was completed on July 27, 2020. Therefore, the City can finalize and submit the Plan to HUD who must receive the Plan by August 14, 2020.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION ADOPTING THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR FISCAL YEARS 2020 THROUGH 2024 (OCTOBER 2020 TO SEPTEMBER 2024) AND THE 2020-2021 ACTION PLAN TO SAID CONSOLIDATED PLAN; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the Community Development Division of the Department of Development Services has prepared a draft of the Consolidated Plan for Community Development and Housing Funds for the City's Fiscal Years 2020 through 2024, inclusive, which plan sets forth the City of Midland's strategy for the use of Community Development Block Grant funds for said fiscal years; and

WHEREAS, notice was published in the Midland Reporter-Telegram of a thirty day public review and comment period regarding the draft plan, which period has now expired; and

WHEREAS, the City Council finds it to be in the public interest to adopt the Consolidated Plan for Community Development and Housing Funds for the City's Fiscal Years 2020 through 2024 and to submit the Plan for approval to the United States Department of Housing and Urban Development; and

WHEREAS, the Department of Housing and Urban Development requires the recipients of Community Development Block Grant Funds to prepare a yearly action plan to the Consolidated Plan for Community Development and Housing Funds for fiscal years 2020 through 2024; and

WHEREAS, the City Council of the City of Midland, Texas, finds it to be in the public interest to adopt the 2020-2021 Action Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the City Council of the City of Midland, Texas, hereby approves and adopts the Consolidated Plan for Community Development and Housing Funds for the City's Fiscal Years 2020 through 2024, a copy of said document being on file with the City Secretary's office referenced by date and number of this resolution and incorporated herein by reference.

SECTION TWO. That the Mayor is hereby authorized and directed to execute on behalf of the City of Midland an application, No. B-20-MC-48-0023, to the United States Department of Housing and Urban Development for Community Development Block Grant Funds in the amount of $1,060,435.00 for fiscal year 2020-2021, by GSA Standard Form 424 with budgetary attachments, copies of which are attached hereto and are incorporated within the City of Midland 2020-2021 Action Plan and made a part hereof for all legal purposes.

SECTION THREE. That the City will receive $970,435.00 in Community Development Block Grant Funds for fiscal year 2020-2021, and an estimated amount of $90,000.00 in program income will be received for fiscal year 2020-2021, thus resulting in a total of $1,060,435.00 in Community Development Block Grant funds that will be available in 2020-2021.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

_____
Mark Mason, Director of Finance

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

City of Midland Community Development

2020-2024 Consolidated Plan for Housing and Community Developoment

2020-2021 First Year Action Plan

City of Midland

Consolidated Plan for Community Development and Housing Funds

October 2020 to September 2024

Mayor:
Patrick Payton

City Council Members:
District 1: Scott Dufford
District 2: John Norman
District 3: Jack Ladd
District 4: Lori Blong
At-Large: Spencer Robnett
At-Large: Michael Trost

City Manager:
Courtney Sharp

Assistant City Manager:
Robert Patrick

Assistant City Manager:
Morris Williams

Development Services:
Charles Harrington

Community Development Office Staff:
Isaac G. Garnett, Community Development Manager
Wanda Valles, CDBG Program Coordinator

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Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

eConsolidated Plan establishes Midland's long-range strategy for investment of its U.S. Department of Housing and Urban Development (HUD) resources and other resources linked to activities directed at the community development, housing and homeless service's needs. The overall goal of the Consolidated Plan is to develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities principally for low- and moderate-income persons. The Consolidated Plan is also the means to meet the application requirements for four HUD programs. The City of Midland has only applied for and received the Community Development Block Grant (CDBG) program.

The Plan covers a five-year period, beginning October 1, 2020 and ending September 30, 2024. The City has also prepared the first year Action Plan and it is included with the Consolidated Plan. It covers the October 1, 2020 to September 30, 2021 period.

Overview. Every five years, the City of Midland (City) develops a five-year strategic plan as required by the U.S. Department of Urban Development (HUD). On behalf of the City, Community Development Department developed the 2020-2024 Consolidated Plan (Con Plan). The Con Plan details how the City plans to invest its resources to meet Houston's ongoing affordable housing, community development, economic development, and public service needs during the five-year period from October 1, 2020 to September 30, 2024. There sources that will be used to address priorities in the Con Plan.

The objectives of the 2020-2024 Con Plan are to

1. Improve housing opportunities by creating and preserving decent, safe affordable rental and homeowner housing.
2. Expand sustainable homeownership opportunities for low- and moderate-income families.
3. Reduce homelessness by assisting individuals and families to stabilize in permanent housing after experiencing a housing crisis or homelessness by providing appropriate housing and supportive service solutions.
4. Enhance quality of life for residents by ensuring access to appropriate services.
5. Strengthen neighborhoods by investing in infrastructure, enforcement of safety codes, and public facilities that maximize impact by providing access to services.
6. Create and maintain healthy and safe environments and homes by removing health and safety hazards from homes.
7. Enhance the City's economic stability and prosperity by increasing opportunities for job readiness and investing in economic growth to increase the number of jobs or goods and services available.

8. Promote and ensure fair access to housing for all residents.

Priorities and objectives from the 2020-2024 Con Plan align directly with CDBG's vision to create a city where everyone has a safe home they can afford in a community where they can thrive. The Consolidated Annual Performance and Evaluation Report (CAPER) is published to provide information to HUD and citizens about that year's accomplishments towards achieving the goals and objectives identified for that year. The 2020 Annual Action Plan represents the first-fifth year of the 2020-2024 Con Plan. The Annual Action Plan (Plan) is the City's official application for HUD entitlement grants and proposes programs and services to be funded during the City's Fiscal Year (FY) 2020 Program Year. The Annual Action Plan provides a concise summary of specific actions that will take place during the program year to address the priority needs and goals identified in the Consolidated Plan.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

Annual Objectives. The Plan identifies programs and activities that will be used to meet CDBG goals. As required by HUD, each activity is linked to one of three federal program objectives: 1) decent housing, 2) suitable living environment, or 3) economic development. Each objective is matched with one of three outcomes: 1) availability/accessibility, 2) affordability, or 3) sustainability.

Decent Housing

Facilitate making decent housing more available, accessible, affordable, and sustainable for low- and moderate- income residents through acquisition, rehabilitation, and new construction of multifamily properties.

- Down payment and closing cost assistance to increase low-moderate-income persons' access to homeownership.
- Single-family home repair and development to preserve existing and expand new housing stock.
- Suitable Living Environment Make suitable living environments more available, accessible, affordable, and sustainable for low-and moderate-income residents through.
- Building/rehabilitating neighborhood facilities
- Code enforcement
- Support services for populations with special needs (e.g. elderly, persons with disabilities)
- Economic Development/Opportunities Increase access to economic opportunity for low- and moderate-income communities through
- Expansion of business products based on community need
- Business development services The "high" priority needs of the Plan are:
- Affordable home owner housing
- Affordable rental housing for the elderly

- Affordable rental housing
- Home owner home improvements
- Homeless services
- Special needs housing
- Street improvements
- Multi-purpose public facility
- Public services

Almost 99% of all the public service activities have been completed. These activities include providing health safety and general public services elderly persons, and persons with disabilities. The Single Family Home Repair Program achieved 99% of its 2015-2020 consolidated goals and the Single Family Homebuyer Assistance Program achieved 84% of its 2015-2020 Consolidated Plan goals; additionally, other activities will meet or be very close to the goals by the end of the Consolidated Planning period in October 2020. The CDBG office will work to carry out the remainder of the 2015-2020 Consolidated Plan goals listed in the prior plan.

Community Needs for 2020-2021:

Homebuyers Assistance Project- 97,000

Owner Housing Minor Repairs Project - $50,000

South Fort Worth Street Improvement Project - $400,000

Senior Nutrition Program- $68,000

Home Cleaning Program - $40,000

Take Home Terrific Program - $30,000

Midland Parks & Rec - $75,000

Administration- $200,000

Contingency $100,435

3. Evaluation of past performance

The CDBG office achieved many of the goals set for the period of July 1, 2015 to June 30, 2020. The following will review the goals and outcomes of the past five-year period June 30, 2019. A review of the fifth and final year of the past strategic plan period will be presented in the 2019 CAPER available in the fall of 2020. The CDBG Housing Rehabilitation and housing repair project has been successful for many years. The goals for homebuyer's assistance, housing minor repairs, street paving, sidewalk improvements, and neighborhood parks improvements, public services for senior citizens has been met with the final year accomplishments being completed by September 30, 2020. The housing reconstruction program has been met at 100% on an emergency basis only.

4. Summary of citizen participation process and consultation process

In the development of the 2020-2024 Consolidated Plan, 2020 Annual Action Plan, and the 2020 Analysis of Impediments to Fair Housing Choice (AI), the Housing and Community Development Department (CDBG) planned an extensive citizen participation and stakeholder consultation process. CDBG worked with a number of City departments, the Midland Housing Authorities, non-profit organizations, and other stakeholders to ensure that the planning process was both comprehensive and inclusive. CDBG solicited information from other City departments, the private sector, non-profits, neighborhood-based organizations, and residents regarding existing conditions and strategies for addressing current needs. CDBG recognizes that Midland residents are the center of, and partners in, the development and execution of these Plans.

Opportunities for citizen input were provided throughout the planning process through

1. • Publications and Postings
2. • Public Hearings
3. • Community Meetings
4. • Listening Sessions
5. • Community Needs Survey and the Fair Housing Survey

The CDBG office adhered to its CDBG Citizen Participation Plan. Specifically, publicity for scheduled meetings and events was made, a citizen survey was conducted, community meetings were conducted, three focus groups arrived at recommended priorities and goals, and the Midland City Council held two public hearings. Efforts were made to include as many sub-populations/groups and/or advocate groups for them in the process.

5. Summary of public comments

A summary of citizen comments on the 2020-2024 Consolidated Plan and 2020 Annual Action Plan. Comments from the public comment period will be included in the final plan. The Appendix contains comments made at community meetings and by those completing a citizen survey.

6. Summary of comments or views not accepted and the reasons for not accepting them

Such comments or views will be available once the development process is completed. CDBG considered all comments and views and did not reject any responses specifically.

7. Summary

During the next five years, CDBG will build upon experience and new strategies striving to meet the new strategic goals set in this Con Plan. CDBG will continue to focus on using data-driven approaches and utilize various citizen and stakeholder participation techniques to validate the needs and priorities set in the Con Plan. CDBG continues to make great strides in addressing the community's needs and the Consolidated Plan priorities through community involvement, evaluating past performance, and responding to experience with improved efficiency. This document has been developed to satisfy the Consolidated Planning requirements of HUD. Goals are principally those that can be funded, assuming availability of funds, by the CDBG program or that can be administratively supported by City staff and/or the Midland City Council. The Plan consists of a needs assessment, a housing market analysis, the strategy plan and the first year annual action plan. Lead-based paint concerns, barriers to affordable housing, the citizen participation process and an anti-poverty strategy are also discussed.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MIDLAND	Community Development Division

Table 1 – Responsible Agencies

Narrative

The lead agency for overseeing the development of the Consolidated Plan is the City of Midland's Department of Development Services through its Community Development Division or CDBG Office. Major public and private agencies responsible for administering programs covered by the Consolidated Plan are the City of Midland, local housing authorities and numerous housing and social service non-profits.

Consolidated Plan Public Contact Information

Community Development Manager

City of Midland

300 N Loraine, Suite 410

P.O. Box 1152

Midland, Texas 79702

432-685-7408

PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(I) and 91.315(I)

1. Introduction

The City of Midland recognizes that partnerships with public and private entities are vital to the provision of effective services to the Midland community. Each strategy prioritized by the City of Midland is only accomplished through effective collaborations with community partners. These partners provide the expertise needed to ensure quality service provision, housing development, and neighborhood revitalization efforts. In preparation for this Con Plan, CDBG office performed extensive outreach to both residents and stakeholders. These stakeholders included people who work with low- and moderate-income persons, persons with special needs, persons of protected classes, or work in low- and moderate-income areas. Coordination and consultation with public and private agencies is important to the City of Midland when developing its Consolidated and Annual Action Plans. CDBG will continue to work with a number of City departments, both Midland Housing Authorities, major non-profit organizations, and other stakeholders to ensure that the planning process is both comprehensive and inclusive. CDBG secures information from stakeholders and residents regarding existing conditions and strategies for addressing current needs. With respect to economic development, we coordinated with private industry, businesses, developers, and social service agencies. In PY 2020, CDBG plans to continue to obtain meaningful input to strengthen programming and activities through the consolidated planning process.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

The City of Midland strives to collaborate with public and private agencies to ensure funding priorities are in line with current community development goals. CDBG is involved in many community collaborations with an aim to enhance coordination between housing and service providers in order to better serve the community. CDBG continues to lead a community-wide effort to create subsidized affordable housing units that are linked to mainstream and social supports, including primary and behavioral health care and housing in partnership with Midland PermiaCare and Midland Housing Authorities. The Community Development Office has long standing, working relationships with both housing authorities in the city. All are members of the Midland Affordable Housing Alliance and participants in the Homeless Coalition as part of the Remainder of State for West Texas. The same relationships exist with other local housing providers. Through the Homeless Coalition, the City maintains relationships with mental health providers and homeless shelter and services providers with specific responsibilities for homeless individuals and families. The City also participates in other umbrella/coalition efforts that seek to address other issues that relate to housing and public service needs.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

As a member of the Midland Homeless Coalition, the City participates in monthly meetings, annual Point-In-Time counts, and a range of support for the efforts of the individual agencies making up the Coalition.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The City does not receive ESG funds; yet we strive to address as best as we can the issue of homelessness in the Midland community. The local HMIS is handled by local past recipients of State of Texas ESG funds. The strategy developed in the Midland area for homelessness prevention prioritizes people who are at-risk of homelessness and who have experienced homelessness in the past under the HEARTH Act. Activity priorities will be assist in making referrals for homeless prevention and rapid rehousing service where available. Rapid rehousing activities will target those that: are veterans homeless, are part of a family that is homeless, and are fleeing/attempting to flee domestic violence.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Permian Basin Community Centers
	Agency/Group/Organization Type	Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Service-Fair Housing Services - Victims Health Agency Child Welfare Agency Publicly Funded Institution/System of Care Other government - Local Regional organization Foundation Grantee Department Major Employer Neighborhood Organization Private Sector Banking / Financing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans HOPWA Strategy Economic Development Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Contacted by email and phone to respond to community needs. WE all need to improve outreach into communities of low-income census tracts.

2	**Agency/Group/Organization**	Midland Affordable Housing Alliance
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with Disabilities Services-homeless Services-Health Planning organization Business Leaders Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Homelessness Strategy Homeless Needs - Families with children Homelessness Needs - Veterans Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Contacted by email and phone to respond to community needs. WE all need to improve outreach into communities of low-income census tracts.
3	**Agency/Group/Organization**	MIDLAND HABITAT FOR HUMANITY
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-homeless Service-Fair Housing Civic Leaders Foundation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	They were communicated with at various meetings during the five-year plan implementation. They are key to identification of needs and formulating strategies to address needs.

4	**Agency/Group/Organization**	MIDLAND COUNTY HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Other government - County Grantee Department
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans HOPWA Strategy Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	They were communicated with at various meetings during the five-year plan implementation. They are key to identification of needs and formulating strategies to address needs.

Identify any Agency Types not consulted and provide rationale for not consulting

The City is not aware that any agency type has not been consulted. CDBG contacted many organizations through various outreach techniques including meetings, e-mails, phone calls, and surveys to solicit input and participation in the planning process. CDBG believes that all critical agency were consulted and did not intentionally fail to consult with any particular agency.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Continuum of Care	The goals should be consistent, as Coalition, members comprised the citizen group that made the City's recommendations.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

The City communicates and coordinates with other Midland governmental entities, local housing authorities, the City of Odessa and various State departments on an as needed basis. The City provided copies of the draft Consolidated Plan to the following governmental entities: Permian Basin Regional Planning Commission, Midland Housing Authorities and Midland County Housing Authority, Midland County, Midland Community Health Systems and Priority Midland/Midland Development Corp. Coordination of efforts remains a high priority for the City of Midland. CDBG continues to broaden its outreach efforts and has been able to gather and provide more strategic input into the planning process this year.

Narrative (optional):

We will continues to work closely with other nongovernmental agencies in the area, the state, and the federal government to receive feedback for and implementation of the Consolidated Plan.

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

The CDBG office recognizes that Midland residents are the center of, and partners in, the development and execution of the Con Plan. The Citizen Participation Plan (CPP) establishes a means by which residents, public agencies, and other interested parties can actively participate in the development of the Con Plan, Annual Action Plan, Substantial Amendments, and the Consolidated Annual Performance and Evaluation Report (CAPER). It also sets forth the jurisdiction's policies and procedures for citizen participation. Using the CPP as a guide, this office aggressively solicited community involvement and provided residents with every opportunity to become involved in the development of this Con Plan. The priority needs for the City of Midland 2020-2024 Consolidated Plan were determined through analysis of information gathered from a variety of sources. The department utilized numerous focus groups, one-on-one interviews, public meetings, and survey instruments to get input from organizations and the public. A summary of all data collected was presented to the HUD and a list of potential needs were developed by the City's CDBG Administration. The priority needs were presented to the public at a series of meetings throughout the City, where citizens were given the chance to prioritize the needs they believed should be addressed throughout the next five years. In addition to this, an online survey was conducted allowing citizens an additional method of ranking the potential needs. There was concerted effort to reach out to diverse populations including outreach to minorities, non-English speaking persons, persons with disabilities, and special needs populations. The following is a summary of these efforts.

1. Held public hearings in the evening after regular working hours and attended other community meetings at night and during the day to make in-person public input opportunities available throughout the day for residents.
2. Advertise public hearings and the Community Needs Survey in community newspaper Midland Reporter Telegram.
3. Published in Spanish and made the Community Needs Survey available in English and Spanish.
4. Made staff available to attend and present at any organization's request from October through February 2020.
5. Attended community meetings in areas of the City with a high number of minority residents and low-moderate-income populations.

6. Held Focus Groups with stakeholders, including housing advocates, financial institutions, housing providers, persons with disabilities, and Fair Housing advocates. The City's Citizen Participation Plan for the CDBG program provides policies and procedures that assure that the public has adequate notice and opportunities to provide input into the development of the Consolidated Plan and the Annual Action Plan. Beside normal publicity for scheduled meetings and events, direct notification to organizations and interested citizens (50 of each respectively) was made. A citizen survey was conducted using the internet and community meetings. Three community meetings were

conducted and three focus groups aided in analyzing the results and arriving at recommended priorities and goals. The Midland City Council held two public hearing. Efforts were made to include as many sub-populations/groups and/or advocate groups for them in the process.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Three community (Neighborhood) at different locations were conducted with attendance ranging from 7 to 30 persons. One meeting was in the evening and two in the afternoon. Spanish facilitators were available. Attendees were asked to prioritize which goals they felt were most important to accomplish during the course of the consolidate Plan.	Speakers expressed the need for improved transportation services, greater access to fresh food, educational programs, employment training, job creation and retention, increased access to affordable housing, housing rehabilitation, demolition and clearance, services for the Homeless, education, and supportive services.	Some comments were very specific city service concerns. These were passed on to the appropriate City Departments on the following days. All comments were considered in the prioritization of needs process.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Newspaper Ad	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	No responses reported to this office	No comments received to this office	All comments were considered in the prioritization of needs process	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Hearing	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	5 persons attended the two public hearings conducted by the City Council.	Citizens were in support of affordable housing programming and public services for which applications had been submitted to the City.	All comments were considered in the prioritization of needs process.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Focus Groups (3)	Minorities Non-English Speaking - Specify other language: Spanish	11 attended the focus groups. Attendees included representatives from social service and housing agencies.	Participants expressed the need for better mobility access for the elderly. There was general satisfaction with the bus service for those who could use it, but transportation to appointments and door-to-door service for those less mobile is scarce.	All comments were considered in the prioritization of needs process.	

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The City of Midland faces overwhelming housing needs. To better understand community needs, the City examines needs based on household income level as defined by the HUD Area Median Family Income (HAMFI).

The development of the 2020-2024 Con Plan coincided with the drafting of the 2020 Analysis of Impediments to Fair Housing Choice (AI) allowing for research and coordination of public engagement, demographic research and analysis, program evaluation, and development. Research has highlighted some of the following problems.

- Income deficiency
- Financial literacy
- Housing cost burden/affordability
- Aging and limited housing stock
- The lack of homeownership opportunities/programs for most City residents
- Gentrification
- Incongruity of jobs, wages, rent, and for-sale prices
- Accessibility
- Insufficient neighborhood amenities
- Availability of amenities and the mobility of persons with disabilities Developing a picture of the current needs in the City begins by looking at broad trends in population, income, and household demographics. Once that data has been gathered they can be examined with a more nuanced analysis of variables, such as how family and household dynamics relate to race and housing problems. Whenever possible, each of these issues is juxtaposed with economic and demographic indicators to determine if certain groups carry a disproportionate burden. Understanding the magnitude and prevalence of these issues in the City of Midland is crucial in aiding in setting evidence-based priorities for entitlement programs. Principally relying on data provided by HUD and the Census Bureau's American Community Survey, the needs assessment looks at housing needs from the perspective of households and their income levels. These data sets quantify housing problems, such as overcrowding and cost burden, and housing condition (lack of complete kitchen or plumbing facilities) to a degree. Additionally, the needs assessment is an opportunity to analyze homeless, public housing, community development, and non-homeless special needs.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

The housing needs of a community are, like all items in the market economy, a product of supply and demand. However, determining the factors that influence supply and demand is much more complicated than building one house for one household. Changes in population, household size, availability of rental housing, income, and the condition of a property all work to shift the community's housing needs. Since 2010, the population of Midland has increase at an exponentially high rate to an average median home valuation index of $260,600 at present and home listings at above $300,000; well above other parts of the State. In the last decade, the city/county has grown more than 74,000 people in 2019, which represents approximate 28% growth. The number of homes needed at a rent-reasonable price in the Midland community has dramatically gone up which points to an even greater need for antipoverty and substandard living strategies to be implemented immediately.

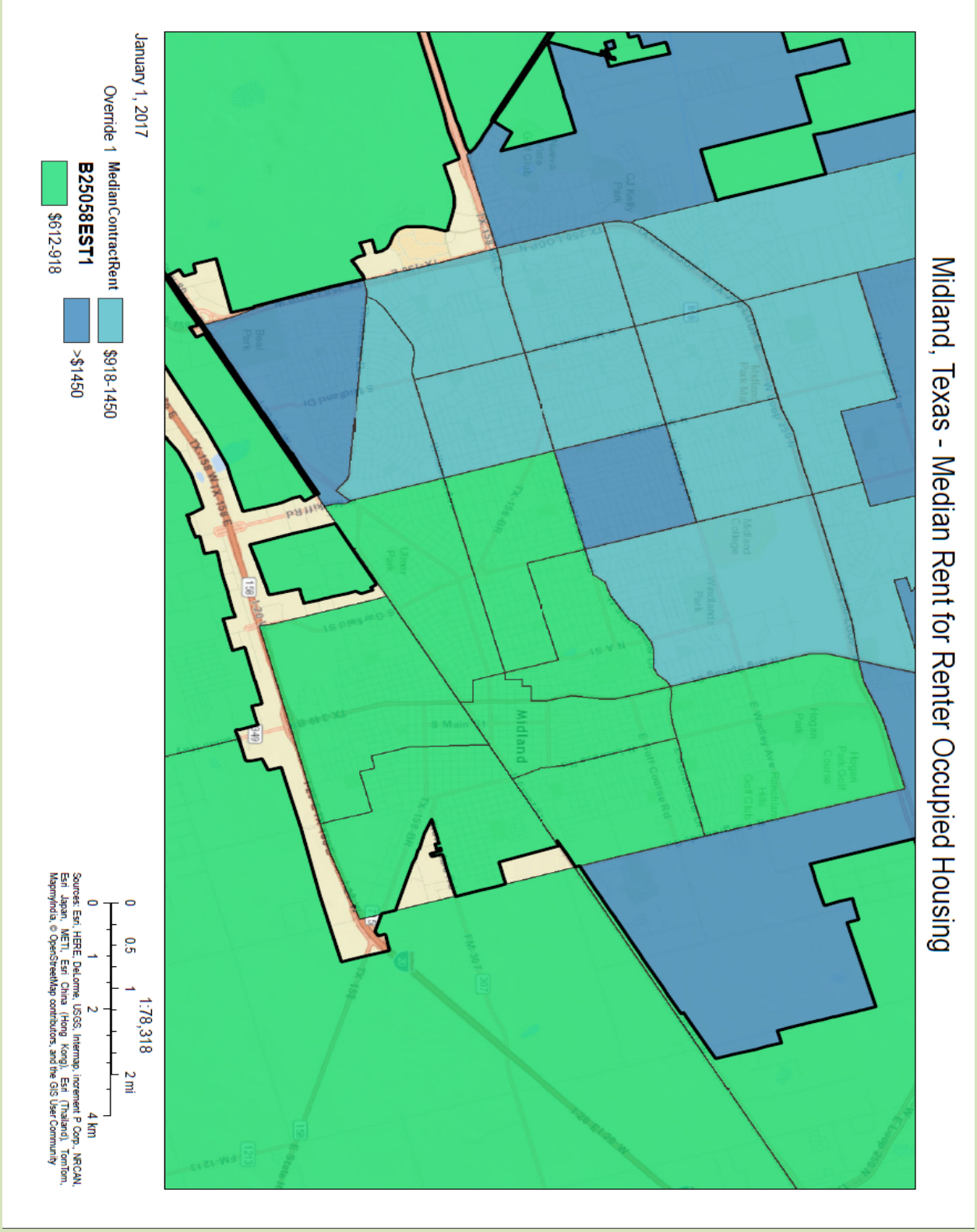
Many Residents today have a minimum income 26% higher than they did in 2010. Unfortunately, due to Inflation they have less buying power. The median household income in 2010 of ($67,144) had a greater buying power than the median average wage of ($75,266) in 2017. Financially, residents buying power has not kept pace with inflation thus creating a scenario of some Midlanders being worse off now while making more than before. The implication are reflected in the American Community Survey Estimates below.

The following data serves as an analysis of housing problems in Midland according to the U.S. Census Bureau information provided by American Community Survey 5-Year Estimates. The term extremely low income (XLI) refers to a household with income from 0%-30% of AMFI (area median family income); very low income (VLI) refers to a household with income from >30%-50% of AMFI and could include XLI households; and low income (LI) refers to a household with income from >50%-80% of AMFI and could include VLI households.

Demographics	Base Year: 2012	Most Recent Year: 2017	% Change
Population	111,147	157,849	42%
Households	38,931	55,980	44%
Median Income	$52,054.00	$75,266.00	45%

Table 5 - Housing Needs Assessment Demographics

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:


Midland, Texas - Median Rent for Renter Occupied Housing
January 1, 2017
Override 1 MedianContractRent
B25058EST1
$612-918
$918-1450
>$1450
Midland
1:78,318
0 0.5 1 2 mi
0 1 2 4 km
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	4,425	5,130	7,410	4,200	22,335
Small Family Households	1,404	2,259	3,302	2,209	13,631
Large Family Households	255	461	1,055	794	2,331
Household contains at least one person 62-74 years of age	1,038	838	1,215	672	3,730
Household contains at least one person age 75 or older	1,049	993	1,116	341	1,537
Households with one or more children 6 years old or younger	982	1,038	1,754	1,304	2,739

Table 6 - Total Households Table

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	2,303	5,694	4,340	32,73	45,00	3,818	4,180	1,726	2,780	12,54
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	11	155	78	62	306	15	0	58	15	88
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	239	17	160	105	521	36	45	216	210	507
Housing cost burden greater than 50% of income (and none of the above problems)	1,621	971	99	0	2,691	1,021	494	261	15	1,791
Housing cost burden greater than 30% of income (and none of the above problems)	261	1,310	1,485	311	3,367	445	622	895	993	2,955

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Zero/negative Income (and none of the above problems)	121	0	0	0	121	200	0	0	0	200

Table 7 – Housing Problems Table

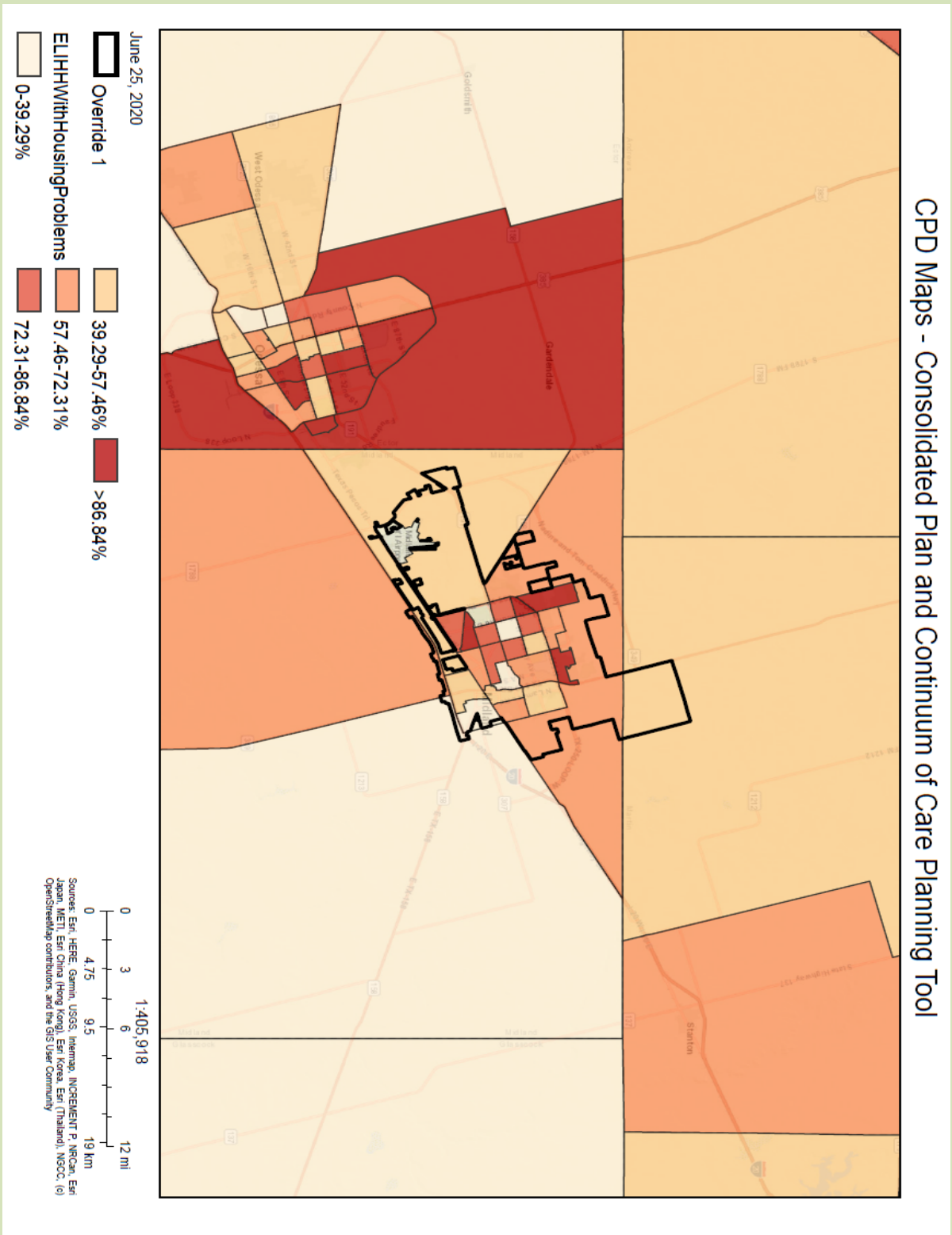
Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	2,026	1,249	411	172	3,858	1,418	530	653	261	2,862
Having none of four housing problems	544	1,648	2,886	1,415	6,493	899	1,881	4,340	2,803	9,923
Household has negative income, but none of the other housing problems	122	0	0	0	122	222	0	0	0	222

Table 8 – Housing Problems 2

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:


CPD Maps - Consolidated Plan and Continuum of Care Planning Tool
June 25, 2020
Override 1
ELIHHWithHousingProblems
0-39.29%
39.29-57.46%
57.46-72.31%
72.31-86.84%
>86.84%
1:405,918
0 3 6 12 mi
0 4.75 9.5 19 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	611	1,238	666	2,515	449	527	660	1,636
Large Related	211	155	18	384	22	93	176	291
Elderly	677	488	116	1,281	772	389	250	1,411
Other	682	633	738	2,053	272	144	205	621
Total need by income	2,181	2,514	1,538	6,233	1,515	1,153	1,291	3,959

Table 9 – Cost Burden > 30%

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

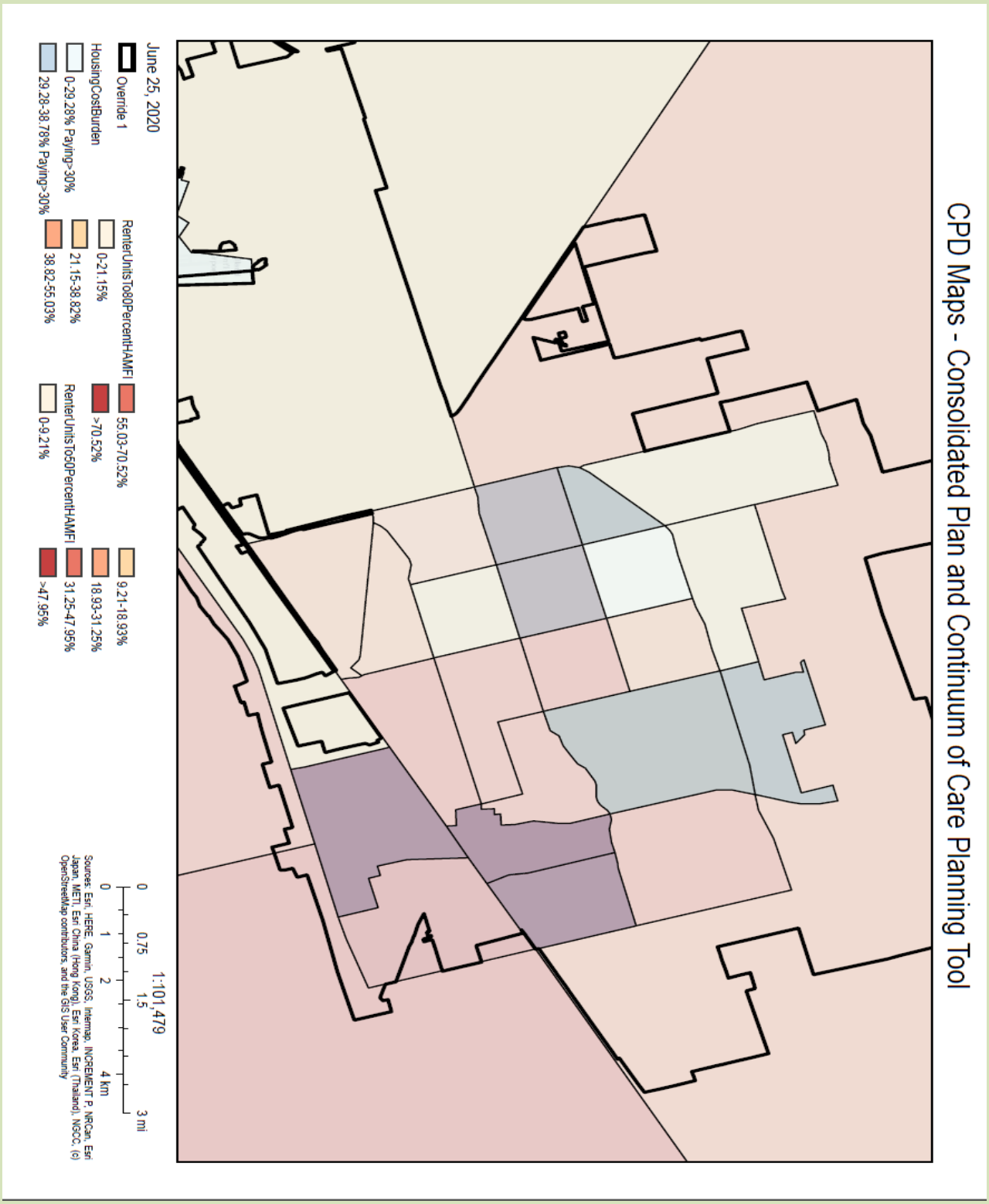
4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	521	400	28	949	361	294	100	755
Large Related	178	122	0	300	7	7	7	21
Elderly	549	244	16	809	506	205	89	800
Other	638	316	51	1,005	183	28	99	310
Total need by income	1,886	1,082	95	3,063	1,057	534	295	1,886

Table 10 – Cost Burden > 50%

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

CPD Maps - Consolidated Plan and Continuum of Care Planning Tool
June 25, 2020
Override 1
PovertyRate
0-9.21% Poverty
9.21-17.64% Poverty
17.64-28.17% Poverty
HousingCostBurden
0-29.28% Paying>30%
29.28-38.78% Paying>30%
RenterUnitsTo80PercentHAMFI
0-21.15%
21.15-38.82%
38.82-55.03%
55.03-70.52%
>70.52%
RenterUnitsTo50PercentHAMFI
0-9.21%
9.21-18.93%
18.93-31.25%
31.25-47.95%
>47.95%
1:101,479
0 0.75 1.5 3 mi
0 1 2 4 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community


CPD Maps - Consolidated Plan and Continuum of Care Planning Tool
June 25, 2020
Override 1
HousingCostBurden
0-29.28% Paying>30%
29.28-38.78% Paying>30%
RenterUnitsTo80PercentHAMFI
0-21.15%
21.15-38.82%
38.82-55.03%
55.03-70.52%
>70.52%
RenterUnitsTo50PercentHAMFI
0-9.21%
9.21-18.93%
18.93-31.25%
31.25-47.95%
>47.95%
1:101,479
0 0.75 1.5 3 mi
0 1 2 4 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	216	117	200	105	638	0	33	172	210	415
Multiple, unrelated family households	33	56	0	56	145	32	17	111	39	199
Other, non-family households	0	0	22	0	22	0	0	0	0	0
Total need by income	249	173	222	161	805	32	50	283	249	614

Table 11 – Crowding Information – 1/2

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	2,205	2,945	3,660	8,810	2,130	2,570	3,600	8,300

Table 12 – Crowding Information – 2/2

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Describe the number and type of single person households in need of housing assistance.

The number of householders living alone in Midland is 41,190, which accounts for one-third (19.1%) of all households. Using the statistics of the total population of Midland, it is estimated that approximately half of the single-person households, or 24,000 single-person households, are low- and moderate-income and therefore, at this time we do not have sufficient data to substantiate a number. There are at least 230 homeless single individuals in need of housing assistance per the most recent Point in Time (PIT) Count as conducted by the Midland Homeless Coalition in January 2020.

The CHAS/ACS data reveals that the following household types as most in need:

- VLI households containing at least one person age 62 years or older
- LI households with one or children 6 years old or younger
- Households most likely to live in substandard housing conditions are VLI renters. Overcrowded households are more apt to be single-family households, either renters or owners.
- Among renter households, the greatest number of cost burden households are ELI renters; however, cost burdened renters in the >50%-80% of AMI represent a significant number in need.
- Among owner households, the >30% income category especially the elderly is most affected by severe housing cost burdens.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

It is estimated that Midland has nearly 18,000 low- and moderate-income families with children with disabilities who may be in need of housing assistance. The needs of families with an individual with a disability vary greatly depending on the disability and severity of the disability. Not all persons with disabilities are in need of housing assistance, and those have different needs ranging from minor modifications for better physical mobility in a home to social services tied with housing. Safe Place of Midland and the Genesis Center both provide emergency and short-term shelter for victims of domestic violence. However, neither has the requested information.

What are the most common housing problems?

Thousands of households in the city have moderate to severe housing problems. This is not surprising given the cost of home repairs is higher in Midland than many other Texas cities which discourages low- and moderate-income families to put off need repairs. Housing cost burden is the need for a household to pay more than 30% of the household's income for housing and a severe housing cost burden is the

need for a household to pay more than 50% for housing costs. By far, housing cost burden is the most common housing problem in Midland, affecting 35,880 low-moderate income. A related problem is a high rate of overcrowded housing, meaning that there is more than one person per room, or it is severely overcrowded, meaning more than 1.5 persons per room. Approximately, 21,000 households earning below the 80% area median family income have overcrowding issues. These are the two most common housing problems for Midland's low- and moderate-income households. There are still households without complete plumbing or kitchen facilities, yet in recent years, our housing surveys have suggested a trend towards fewer households having these two housing problems.

Are any populations/household types more affected than others by these problems?

According to 2012-2016 CHAS data for Midland, low-income households are more affected by housing problems than other groups in Midland. When reviewing all income categories, approximately 20% of homeowners and 43% of renters have housing problems. However, for households earning below 80% of the AMI, 48% of homeowners and 73% of renters have housing problems. In addition, the number of renters affected outweighs the number of homeowners; subsequently, renters experience housing problems at a much higher rate than that of homeowners. In addition, certain persons or households face greater challenges than the general population in finding housing given their unique special needs or circumstances. These categories of families are generally fixed income, limited mobility and large family units.

Like many communities across throughout the country, cost burdened residents is the most common housing problem. When residents pay over 30% of their income to housing costs they are at an increased risk of homelessness and substandard living conditions. Resources spent on housing become unavailable for transportation, health care, childcare, and education. All these factors reinforce each other creating an economic situation that is difficult to overcome. High housing costs reduce the availability of reliable transportation, which prevents access to new economic opportunities, which then makes it difficult to earn enough money to cover housing expenses. Housing problems are most apparent in low-income neighborhoods, which are generally disproportionately minority. An analysis of race and cost burden is conducted in the Market Analysis section of this report.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

Many very low-income households are rent burdened, have low paying jobs or are unemployed, and/or are uninsured. Most are at risk of losing their housing through eviction due to inability to pay rent. Single-headed families earn less than married couples earn and therefore are at greater risk of losing housing. Comparing single-headed households by sex of the head of household reveals a stark difference between median-incomes. Female-headed family households, with and without children, made up over a quarter of the family households in Midland. Extremely low-income seniors and persons with disabilities represent two other groups that are at high risk of homelessness due to their limited income and additional needs.

CDBG has been working with our local PHA's to target and assist in rapid rehousing though the Midland Homeless Network, Salvation Army and the Big Spring VA Regional Health Care Systems to those that: are first time homeless, chronically homeless, are part of a family that is homeless, and are fleeing/attempting to flee domestic violence.

Approximately 46.5% of the renters in Midland have rental obligations that consume more than 30% of their household income. This presents an unreasonably large burden on such households; one for which increasing income is the most likely cure. Homelessness prevention programs sponsored by Midland Hospitality Network are designed to assist at-risk renters before they reach an unresolvable impasse with their landlords needs sufficient funding and the necessary level of promotions so that the community know how and when to take advantage of them.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The City does not have a methodology for estimating the number of at-risk households.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

For many people, limited or lack of income can be linked to instability and risk of becoming homeless; particularly, when income exceeds the cost of living, individuals may be less able to maintain stability. There are large numbers of households in Midland paying half of their gross monthly income for housing costs. Other expenses such as transportation, food, utilities, healthcare, and other costs decrease dispensable income and a household's ability to save. Consequently, a household can be more vulnerable if unexpected life issues such as natural disasters, illness, job loss or another circumstance that causes a loss of income/family member or an unexpected expense. Additionally, lack of housing options that suit household's needs may exacerbated mental illness, physical illness, and chronic substance abuse.

The factors that contribute to an increased risk of homelessness are as varied as the populations Served by the programs available to address them. Lack of sufficient income or the employment stability needed to generate adequate income is a key element. Health issues (both mental and physical) and the lack of education or having job skills that aren't valued or needed by employers can heavily influence the amount of income available to pay for a family's housing. Substance abuse, criminal background, prior evictions, high levels of debt and the loss of benefits (such as housing vouchers or Temporary Assistance for Needy Families (TANF)) can adversely influence the stability of a family's housing situation. Incidences of domestic violence or human trafficking can also greatly diminish one's ability to afford housing, especially when children are involved.

Discussion

Reviewing the data provided above along with the comments received during the consultation process it is clear that access to decent affordable housing remains paramount for the overall well-being of working families in Midland. Many residents are cost-burdened which puts a financial strain on the households. This was taken into account when creating the priorities, needs, and goals; however, with limited funds, and a large number of families in need, solutions to these issues must be targeted towards the highest priorities.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

According to HUD's eCon Planning Suite desk guide, a disproportionately greater need exists when the members of a racial or ethnic group at an income level experience housing problems at a greater rate (10% or more) than the needs of that category of need as a whole. The following will provide an assessment on the disproportionate housing need in the City of Midland based on race and ethnicity. The following series of tables looks at the existence of housing problems amongst different racial and ethnic groups across the 0%-30%, 30%-50%, 50%-80%, and 80%-100% AMI cohorts.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,879	688	344
White	1,770	272	161
Black / African American	483	111	56
Asian	39	0	35
American Indian, Alaska Native	17	0	0
Pacific Islander	0	0	0
Hispanic	1,504	305	94
0	0	0	0

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,780	1,604	0
White	1,854	705	0
Black / African American	538	155	0
Asian	0	33	0
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	1,376	710	0
0	0	0	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,330	4,895	0
White	1,560	2,226	0
Black / African American	327	333	0
Asian	56	56	0
American Indian, Alaska Native	0	15	0
Pacific Islander	0	0	0
Hispanic	1,321	2,231	0
0	0	0	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,243	3,419	0
White	566	1,582	0
Black / African American	0	333	0
Asian	71	22	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	594	1,460	0
0	0	0	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

Discussion

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

According to HUD's eCon Planning Suite desk guide, a disproportionately greater need exists when the members of a racial or ethnic group at an income level experience housing problems at a greater rate (10% or more) than the needs of that category of need as a whole. The following will provide an assessment on the disproportionate housing need in the City of Midland based on race and ethnicity.

The following series of tables looks at the existence of housing problems amongst different racial and ethnic groups across the 0%-30%, 30%-50%, 50%-80%, and 80%-100% AMI cohorts.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	3,213	1,548	344
White	1,545	465	145
Black / African American	515	215	50
Asian	35	15	0
American Indian, Alaska Native	55	0	0
Pacific Islander	0	0	0
Hispanic	1,580	720	110
0	0	0	0

Table 17 – Severe Housing Problems 0 - 30% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,848	3,529	0
White	925	1,375	0
Black / African American	160	465	0
Asian	0	30	0
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	565	1,320	0
Other	0	0	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,735	6,510	0
White	1,285	3,085	0
Black / African American	280	560	0
Asian	40	90	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	1,100	2,660	0
Other	0	0	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,050	3,800	0
White	590	1,905	0
Black / African American	55	320	0
Asian	25	80	0
American Indian, Alaska Native	0	15	0
Pacific Islander	0	0	0
Hispanic	355	1,495	0
Other	0	0	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

Discussion

The percent of the population with severe housing problems earning below 100% AMI is 39.5%. In all income categories except for 50-80% AMI, Whites have between approximately 13-29% more need than the Jurisdiction as a whole. For the income category of 30-50% AMI, whites have experienced housing problems at 54% compared to the Jurisdiction as a whole, and for the income category of 80-100%, whites experienced housing problems at 46% lower than that of the Jurisdiction as a whole. However, the absolute number of households in this category is relatively comparable to other racial groups.

Although there are only several hundred households showing a disproportionate need in NA-15, this does not mean the level of housing problems experienced is low. Of the 17,966 households included in these tables, 82.2% households have one or more of the four housing problems. Analysis of data in the Disproportionally Greater Need 0-30% AMI table:

Housing Problems shows that:

- **Analysis of data in the Disproportionally Greater Need 30-100% AMI table: Housing Problems shows that:**
- 82.2% of households in this income bracket have one or more housing problems, ranging from 67.0% to 94.4% in each racial and ethnic category.
- The highest incidence of problems within a racial/ethnic group (73.4%) occurred in the white racial category, which represented 47% of the population for the total income brackets.
- Whites are also disproportionately impacted with 37.5% having one or more of the four housing problems.
- 43.6% of other racial/ethnic groups that include those who are of multiple races also have severe housing problems.
- Of the jurisdiction as a whole, the highest number of problems occurred in the white racial category, which represented 47% of the population for this income bracket.
- **Analysis of data in the Disproportionally Greater Need 50-80% AMI table: Housing Problems shows that:**
- 43.7% of households in this income bracket have one or more housing problems, ranging from 40.4% to 53.0% in each racial and ethnic category.
- The highest incidence of problems within a racial/ethnic group (56.3%) occurred in other racial/ethnic categories, which represented less than 1% of the population for this income bracket. 51.0% of the white racial/ethnic group also have severe housing problems, and this group makes up 11.0% of the 50-80% income bracket.
- **Analysis of data in the Disproportionally Greater Need 80-100% AMI table: Housing Problems shows that**
- 100% of households in this income bracket have one or more housing problems, ranging from 8.5% to 54.5% in each racial and ethnic category.
- The two highest incidence of no problems within a racial/ethnic group occurred in the white (36.5%), and the Hispanic (28.7%) racial category, which combined represented 98.3% of the population with no housing problems in this income bracket.
- Of the jurisdiction as a whole, the lowest number of no problems occurred in the black, Asian, and Native American racial category, which is represented 8.9% of the population for this income bracket.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

This section seeks to identify if any racial or ethnic group has a disproportionately greater need due to housing cost burden.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	32,200	6,040	4,610	370
White	19,280	2,995	2,505	205
Black / African American	1,840	710	460	50
Asian	320	135	40	35
American Indian, Alaska Native	135	0	25	0
Pacific Islander	0	0	0	0
Hispanic	10,315	2,145	1,575	110

Table 21 – Greater Need: Housing Cost Burdens AMI

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Discussion:

Over two-third of Midland households (77.4%) are cost burdened, paying over 30% of their household income for housing expenses. Almost three-fifth of households, or 45.3%, in Midland are cost burdened paying between 30%-50% of their household income for housing expenses, and another one-fifth of these households were severely cost burdened (19.9%) paying over 50% of their household's income on housing expenses. Whites have a disproportionate need more than other racial/ethnic groups in the severely cost burden category. Of Hispanic households, 27.6% are severely cost burdened. Almost a quarter (21.9%) of Black / African American households and 18.7% of Hispanic households are also severely cost burdened.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Generally, whites in the 50% to 100% of AMI have a disproportionately greater need due to housing problems.

If they have needs not identified above, what are those needs?

Not applicable.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

Overall, irrespective of race, more people experience disproportionate need with severe housing problems. While smaller in representation, American Indian/Alaskan Natives are racial groups with a higher number of households that are housing cost burdened at an AMI below 30%. The number of African American experience severe housing burdens with an AMI under 30% are almost two times the number of African Americans whose AMI exceeds 30%. Additionally, whites have a higher percentage of households with severe housing problems as compared with the jurisdiction as a whole. Hispanics make up almost one-third (32.6%) of the households with severe housing problems. White households make up 35.8% of those who are housing cost burdened while Blacks or African Americans make up 18.4%. Whites experience housing problems, including cost burden, than any racial group. All racial/ethnic groups have households that are severely cost burdened, and just over two-third of Midlanders have the greatest disproportionate need when compared to other racial/ethnic groups.

NA-35 Public Housing – 91.205(b)

Introduction

Two housing authorities operate in Midland. One is the City of Midland Housing Authority that was established in 1971 by the City of Midland. The Midland City Council appoints the City Housing Authority Board of Commissioners. Otherwise, the City Housing Authority is independent of the City. The second housing authority is the Midland County Housing Authority that was created in 1988 by the Midland County government. The County Commissioners Court appoints the County Housing Authority Board of Commissioners. The County Housing Authority is independent of the County government. The City PHA operates the Hillcrest Manor public housing property. The County PHA manages the rental vouchers program.

Totals in Use

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	0	96	372	0	366	6	0	0

Table 22 - Public Housing by Program Type

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Alternate Data Source Name:
2012-2017 ACS DATA

Data Source Comments: City of Midland Housing Authority data.

Characteristics of Residents

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project - based	Tenant - based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	0	9,600	13,917	0	14,004	8,621	0
Average length of stay	0	0	10	5	0	5	0	0
Average Household size	0	0	1	2	0	2	1	0
# Homeless at admission	0	0	0	3	0	0	3	0
# of Elderly Program Participants (>62)	0	0	58	51	0	51	0	0
# of Disabled Families	0	0	38	103	0	98	5	0
# of Families requesting accessibility features	0	0	96	372	0	366	6	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Alternate Data Source Name:
2012-2017 ACS DATA

Data Source Comments: City of Midland Housing Authority.

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	0	84	175	0	173	2	0	0
Black/African American	0	0	12	196	0	192	4	0	0
Asian	0	0	0	0	0	0	0	0	0
American Indian/Alaska Native	0	0	0	1	0	1	0	0	0
Pacific Islander	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 24 – Race of Public Housing Residents by Program Type

Alternate Data Source Name:
2012-2017 ACS DATA

Data Source Comments: City of Midland Housing Authority.

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	0	22	119	0	119	0	0	0
Not Hispanic	0	0	74	253	0	247	6	0	0

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 25 – Ethnicity of Public Housing Residents by Program Type

Alternate Data Source Name:

2012-2017 ACS DATA

Data Source Comments: city of Midland Housing Authority.

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

Midland PHA's have completed reviews and modifications to comply with Section 504. Generally, the availability of 504 meets the needs of the tenants on the waiting list.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

Households on the voucher program waiting list are in need of accessible units and especially units with sufficient bedrooms. The public housing waiting list is limited to the households eligible for the City PHA's programs that are only for elderly and disabled households. In the following tables are the Public Housing income tier waitlist and waitlist by bedroom size along with the Section 8 waitlist. The immediate need for Public Housing residents is an increase in housing unit's availability, specifically for those who are extremely low-income (30%-50%) and those who are need of a one bedroom. This was seen to be a clear trend throughout the existing waiting list as well as the site-based waiting. The voucher program for those families with children are primarily in need of three and four bedroom units based on the PHA waiting list.

How do these needs compare to the housing needs of the population at large

The individuals and families applying for public housing or vouchers are predominately low-income or very low-income, earning below 50% of the AMI. The needs of those on the waiting list for public housing and Section 8 are similar to the population at large in that the needs are associated with economic barriers that intensify the problem of housing affordability in the area. The majority of those on the waitlist for public housing are extremely low-income, earning below 30% of the AMI, and are waiting for one-bedroom units. This illustrates how very low-income house percentage of housing problems and therefore are most likely in need of housing assistance. A 2017 study by the National Low Income Housing Coalition found a shortage of more than 600,000 homes across Texas. In the Midland area, the same report finds that there is a deficit of 1,500 affordable and available rental units for individuals/families at or below extremely low income and an additional deficit of more than 1,000 affordable and available rental units for those at or below 50% AMI. These numbers far exceed the number of individuals and families on the PHA's waitlists. The majority of those on the Section 8 waiting list are families with children, making up 87% of the waiting list. This shows how families with children are cost burdened and reinforces the need for large family rental apartments near higher performing schools that are affordable for low-income families, including families receiving vouchers or other assistance.

Discussion

The demand for public housing and vouchers in Midland continues to increase, as does the number of low-and-moderate-income residents. While PHA's only administered 366 vouchers in September 2019, several hundred families applied, and approximately 80 were pulled to be added to the Housing Choice Vouch waitlist. This shows a clear need in the community for additional ways to subsidize rents for low-income families.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The annual Point-in-Time Homeless Count & Survey is a requirement of the U.S. Department of Housing and Urban Development (HUD) for the local Continuum of Care (CoC) Balance of State. The Count illustrates trends over time (increases or decreases) in homelessness and provides insights into the effectiveness of a community's housing programs and homeless services. The Midland Homeless Coalition of Midland County serves as lead agency and coordinates the Count as part of those responsibilities. A Point-In-Time (PIT) Homeless Count & Survey of sheltered (i.e., those in emergency shelters, transitional housing, or safe haven) and unsheltered persons experiencing homelessness in the midland County area was held on the night of January 21, 2020. The purpose of the Count is to determine the number of persons experiencing homelessness [defined by the Department of Housing and Urban Development (HUD) as those staying in emergency shelter, transitional housing, or safe haven programs with beds dedicated for homeless persons or those persons who are unsheltered (i.e., staying in a place not meant for human habitation)] on a single night. The Count is a federal requirement for all communities receiving McKinney-Vento funding from HUD. Due to the size of the geographic area covered by the Count, we know that not all unsheltered persons experiencing homelessness can be identified in a short period of time (we are more confident about counting the number of those experiencing homelessness who are sheltered). The Count gives a good assessment of the extent of the problem in the region and can allow for comparisons over time to help understand how well a community is solving the problem of homelessness.

The 2019 Count included individuals staying in emergency shelters, transitional housing units, and safe havens on the night of 21 January based on reports received from the programs and data entered into the Homeless Management Information System (HMIS). Individuals experiencing unsheltered homelessness (those sleeping on the streets or in other places not meant for habitation) were counted using direct engagement and interviews when possible, and observation if not. Teams walked under bridges, along the highways and other areas where encampments of unsheltered individuals experiencing homelessness had been identified. They also investigated abandoned buildings where persons experiencing homelessness have may have been residing. The information below describes the results of the 2019 PIT count as well as information from the Homeless Information Management System (HMIS). HMIS s a computerized data collection tool specifically designed to capture client-level, system-wide information over time on the characteristics and services needs of men, women and children experiencing homelessness. HMIS allows the aggregation of client-level data across homeless service agencies to generate unduplicated counts and service patterns of clients served. The City relies on the efforts of the Midland Homeless Coalition (MHC) for counting the homeless in Midland. The MHC has been in existence since the late 1990s and has had the lead role in developing the homeless strategy of the City's Consolidated Plans since 2000. The

City's Community Development Office has been active in the MHC since its inception. The Network is a statewide non-profit and receives some of its funding from the Texas Department of Housing and Community Affairs and the Texas Department of State Health Services.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Housing is the solution to homelessness for low-income families. Most families would benefit from assistance to help them rapidly reconnect to permanent housing. Rapid re-housing provides help with housing search, financial assistance, and case management services to help families quickly transition out of shelter and back into housing of their own. A small subset of families may require more intensive or long-term support, through the provision of transitional housing, permanent rental assistance, or permanent supportive housing to escape homelessness. Families can also benefit from connection to other supports designed to strengthen and improve their lives, such as childcare, employment assistance, early childhood services, income support, or mental health counseling. Veterans are not unlike civilians when it comes to homelessness. They must navigate the lack of affordable housing and economic hardship that everyone faces in addition to the challenges brought on by multiple and extended deployments. Taken together, these factors create a population that deserves–but can often struggle with housing stability. Research indicates that those who served in the late Vietnam and post-Vietnam eras are at the greatest risk of becoming homeless but that veterans from more recent wars and conflicts are showing great concern. Veterans returning from deployments in Afghanistan and Iraq often face invisible wounds of war, including traumatic brain injury and post-traumatic stress disorder, both of which correlate with homeless.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	0	0
Black or African American	0	0
Asian	0	0
American Indian or Alaska Native	0	0
Pacific Islander	0	0
Ethnicity:	**Sheltered:**	**Unsheltered (optional)**
Hispanic	0	0
Not Hispanic	0	0

Data Source Comments:

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

PIT estimates that an additional 400 individuals have permanent housing issue on a daily basis. When compared to the general population of Midland; low-income and homeless families, children experiencing homelessness have been shown to:

- Have higher levels of emotional and behavioral problems;
- Have increased risk of serious health problems;
- Are more likely to experience separations from their families; and
- Experience more school mobility, repeat a grade, be expelled or drop out of school, and have lower academic performance.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

Most minority groups in the United States experience homelessness at higher rates than Caucasians, and therefore make up a disproportionate share of the homeless population. Nationally, the most striking disproportionality can be found among African Americans, who make up 40 percent of the homeless population despite only representing 13 percent of the general population. From slavery to segregation, African Americans have been systematically denied equal rights and opportunities. The effects of long-standing discrimination linger and perpetuate disparities in poverty, housing, criminal justice, and health care are major contributors to homelessness. Poverty, particularly deep poverty, is a strong predictor of homelessness, and African American households are much more likely to experience poverty than their other ethnic groups. More than one in five (21.4 percent) African Americans live in poverty — 2.5 times the rate of Caucasians (8.8 percent).

Rental Housing Discrimination

Black families are more likely to live in areas of concentrated poverty — areas that have limited economic opportunities, fewer services, and poorer educational resources. People who become homeless are likely to have lived in these neighborhoods immediately before their homelessness. Data show that African Americans often face barriers when attempting to move to neighborhoods that are more favorable.

Incarceration

The incarceration rate for African Americans tripled between 1968 and 2016 and is more than six times the Caucasian incarceration rate. A history of involvement with the criminal justice system can keep people from successfully passing background checks needed to secure housing or employment. People exiting jails and prisons face significant problems in accessing safe and affordable housing, which can result in homelessness.

Mental Health Treatment.

People whose serious mental illness goes untreated are particularly vulnerable to homelessness; both poverty and lack of access to care contribute to disparities in mental health. African Americans are 10 percent more likely to report psychological distress than Caucasians and are far more likely to be uninsured. More than half of U.S. residents without health insurance are people of color.

Recent PIT Counts in Midland county indicate that two in three individuals are Caucasian while one in four are African American and less than half of the homeless are Hispanic.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Rental Housing Discrimination

Black families are more likely to live in areas of concentrated poverty — areas that have limited economic opportunities, fewer services, and poorer educational resources. People who become homeless are likely to have lived in these neighborhoods immediately before their homelessness.

Data show that African Americans often face barriers when attempting to move to more favorable neighborhoods. People sleeping on park benches and street corners are the most visible reminder of the United States' continuing struggle with homelessness. According to the 2020 Annual Homeless Assessment Report to Congress published by HUD, on any given night in the U.S., over half a million people experience homelessness and over two hundred thousand individuals are unsheltered, sleeping outside or in places not meant for human habitation. Information about unsheltered homeless people is useful for: (1) service planning; (2) demonstrating a need for resources in the Continuum of Care application; (3) raising public awareness about the issue of homelessness; (4) accurately measuring and identifying the needs of populations that are the hardest to serve (chronically homeless); and (5) measuring performance in eliminating homelessness, particularly chronic homelessness.

Psychiatric disorders and co-occurring substance abuse disorders are disproportionately present among the homeless. Nationally, more than 10 percent of people who seek substance abuse or mental health treatment in our public health system are homeless. And people who are in early recovery from these conditions are often at risk of homelessness. People suffering from mental illness or substance use disorders may be left without a steady source of income, stable housing, or social support as a result of their illness. Recent PIT Counts in Midland indicate that about four in six homeless persons are typically sheltered overnight in the winter months.

Incarceration

The incarceration rate for African Americans tripled between 1968 and 2016 and is more than six times the Caucasian incarceration rate. A history of involvement with the criminal justice system can keep people from successfully passing background checks needed to secure housing or employment. People exiting jails and prisons face significant problems in accessing safe and affordable housing, which can result in homelessness.

Mental Health Treatment.

People whose serious mental illness goes untreated are particularly vulnerable to homelessness; both poverty and lack of access to care contribute to disparities in mental health. African Americans are 10 percent more likely to report psychological distress than Caucasians and are far more likely to be uninsured. More than half of U.S. residents without health insurance are people of color. Recent PIT Counts in Midland County indicate that two in three individuals are Caucasian while one in four are African American and less than half of the homeless are Hispanic.

Discussion:

The 2020 Homeless Count results also prove that CoC's programs work. Permanent housing combined with supportive services is the key to solving homelessness, and our community's progress in this area has been tremendous compared to other major cities. However, CoC has plateaued in its progress for the past four years, which confirms that the demand for permanent housing is greater than our region's availability. The City of Midland will continue to encourage other systems to come to the table and collaborate with us to help reduce some of negative impact of unsheltered persons into our homeless response system. The number of homeless persons counted has gone unchanged as a percentage since 2016 and the number of unsheltered homeless has gone unchanged as a percentage of sheltered homeless. This statistic directly correlates to the City's focus on ending chronic homelessness and its initiatives to create more permanent supportive housing units and investment towards making homelessness brief and non-reoccurring.

Anecdotal evidence of households who have been assessed for homeless housing resources have reported that the higher than average economic conditions in the Permian basin is a direct cause or a contributing factor to their current homelessness. Intake data from the Homeless Information Management System (HMIS) reveals that an average of 10 new households per month seeking homeless assistance, indicated that the oil economy is the contributor of their homelessness. Resources must be aligned to address the issue. To end homelessness, a community-wide coordinated approach to delivering services, housing, and programs is needed. This means, a coordinated approach that shifts from a collection of individual programs to a community-wide response that is strategic and data driven. The solution to homelessness is not simple – although rapid rehousing initiative are helping housing crisis. The services level needs of people experiencing homelessness vary based on their personal circumstances. Sometimes people need longer-term rental assistance and services supports to achieve stability. Permanent supportive housing is a proven solution to homelessness for the most vulnerable. Other individuals may require rapid re-housing which provides short-term rental assistance and services to help people obtain housing quickly, increase self- sufficiency, and stay housed. An effective crisis response system is able to identify and quickly connect people who are experiencing or are at risk of experiencing homelessness to housing assistance and other services.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

Cost burden and overcrowding are the two housing problems that affect Midland the most. In addition, certain persons or households face greater challenges than the general population in finding or maintaining housing given their unique special needs and circumstances. Such circumstances range from fixed incomes to limited mobility to large households. Not all housing units in the general housing stock can meet the housing needs of persons or households with special needs. This section reviews the needs of persons who are not homeless but may require supportive housing, meaning housing with services.

This includes but not limited to

- Elderly (defined as 62 and older)
- Frail elderly (defined as an elderly person who requires assistance with three or more activities of daily living, such as bathing, walking, and performing light housework)
- Persons with mental, physical, and/or developmental disabilities
- Persons with alcohol or other drug addiction
- Persons with HIV/AIDS and their families to the greatest extent possible, the City should estimate the number of persons in various subpopulations that are not homeless but may require housing or supportive services, including the elderly, frail elderly, persons with disabilities (mental, physical, developmental, persons with HIV/AIDS and their families), persons with alcohol or other drug addiction, and any other categories the City may specify and describe their supportive housing needs.

Describe the characteristics of special needs populations in your community:

Many Midlander's have special needs due to their physical, intellectual, or mental circumstances. These special populations are often those with very little income. In addition, non-public transit mobility is limited to what income provides and the ability to drive. Persons with physical, mental, and development disabilities often require special housing considerations to accommodate their unique conditions. Some may face unique problems in obtaining affordable and adequate housing, due to accessibility issues dictated by their disability such as additional handrails, ramps, and wider doorways. Others may be affected by discriminatory actions of housing providers or be stigmatized when looking for housing. The majority of all persons with a disability living in midland are of working age, between 18 and 64 years old, there are often limited employment opportunities. This may also contribute to the lack of financial others may require some sort of living assistance in special housing that can offer support

either with daily tasks or provide a more supportive living environment. It is difficult to get an accurate count for these populations. On a national basis, almost 20% of the population is estimated to have a disability. The number of elderly (sixty-two years of age and older) grew by 14.0% from 2011 to 2017. The Census also reported that a greater percentage of elderly have a disability as compared to the rest of the adult population. The Permian Basin Area Agency on Aging had previously reported that one in ten Texans over sixty-five years of age have Alzheimer's disease and may have limited availability of needed services.

What are the housing and supportive service needs of these populations and how are these needs determined?

Many of the needs of these special populations are the same as the community as a whole. Needs are determined through data analysis and results from public participation and consultation efforts. For instance, housing and transportation are services needed for the general population. However, special accommodations in both transportation and housing are also needed for special needs populations as well. Results from HCDD's 2019 Community Needs Survey and the 2019 HIC counts suggest that that senior services, homeless shelters, and supportive services for the elderly. Housing and supportive service needs of these populations are arrived through consultation with service providers

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

Persons living with HIV/AIDS face an array of barriers to obtaining and maintaining affordable, stable housing. For persons living with HIV/AIDS access to safe, affordable housing is as important to their general health and well-being as access to quality health care. For many, the shortage of stable housing is the primary barrier to consistent medical care and treatment. Those with HIV/AIDS may also face discrimination due to their status. No current information on the actual number of persons with HIV/AIDS in the city is available. Nationally, about 0.4% of all persons have HIV/AIDS. This would equate to about plus 500 persons in Midland. The 2017 Texas HIV Surveillance Report by the Texas Department of State Health Services shows a declining trend in the number of cases of HIV/AIDS diagnosis in Midland.

Discussion:

In general, many different providers and entities in the community address the needs of non-homeless special needs populations. However, it is the consensus of housing and social service agencies in Midland that housing for these groups especially those with mental disabilities is lacking in the community.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

Public facilities are needed in neighborhoods throughout Houston to enhance the quality of life. Both the enhancement of existing public facilities and the creation of new public facilities are needed in Midland. Improving the accessibility for persons with special needs to access and easily use public facilities is also needed. In some neighborhoods in which private market forces are strong, many public facilities are provided, at least in some way, by the private entitles. But in some neighborhoods, many times in low- and moderate-income neighborhoods, public facilities are lacking in some way. For instance, public facilities are needed to provide more amenities in neighborhoods. These include many publicly owned buildings such as parks, libraries, multi-service centers, and fire and police stations. Other private amenities, such as improved commercial development, providing services in neighborhoods, such as grocery stores, are also needed. Public facilities are also needed to provide specific services or nearby services for low- and moderate-income residents or persons with special needs. These include health clinics, educational facilities, park/ recreational facilities, and facilities with services assisting special needs populations. For purposes of the Consolidated Plan, public facilities needs are limited to those that would serve low/moderate income areas. Facilities from which multiple activities can occur are found lacking. Such facility should be able to house youth programming and other general community needs.

How were these needs determined?

Needs for expanded and improved public facilities were determined through the community input process including a community survey, public hearings and discussion groups with community members, and focus groups with stakeholders. The Community Needs Survey found that the most needed neighborhood facilities in neighborhoods in Midland were health and safety driven improvements. The greatest needs for improvement revealed a need for improvements in infrastructure (which includes streets, sidewalks, and drainage), restaurants/entertainment, parks/recreation facilities, grocery stores, and health facilities/clinics. The sentiments were reiterated in the qualitative assessment of neighborhoods received during the public participation process through focus groups, discussion groups, and listing sessions. The City disseminated a survey to residents and service providers. The survey was mailed out, distributed by email, published in the daily newspaper, and made available online. It was also made available at community meetings and other gatherings attended by City Community Development staff. The survey responses were compiled by staff and were analyzed by focus groups that made the recommendations as to priority needs. The groups also provided input on related goals.

Describe the jurisdiction's need for Public Improvements:

The City of Midland public infrastructure and improvements are often in need of enhancement. Street maintenance, sidewalk maintenance, and flood drainage improvements are the top three most important needs to Midlanders. The top five neighborhood amenity improvements that need to be

made, according to 2019 Community Needs Survey takers, are infrastructure (which includes streets, sidewalks, and drainage) restaurants/entertainment, parks/recreation facilities, grocery stores, and health facilities/clinics. This shows that there is a deficit in the quality of health-related services and food options available to people in their neighborhoods. There is a need for infrastructure improvements that influence transportation, walkability, accessibility, and flood drainage. Improvements for pedestrians can often mean safer access to nearby services and to public transportation services. Neighborhoods without or with limited sidewalk access can force individuals into the street, which is a safety concern. In addition, sidewalks, ramps, and other pedestrian improvements and continued maintenance are necessary for more inclusive and accessible housing options and services for persons with disabilities. These are two needs to be addressed in Midland. Code enforcement activities can often help to create a better neighborhood by educating residents about cleanliness and safety codes as well as enforcing these codes. According to the Community Needs Survey that enforcement of cleanliness /safety codes and the cleaning of illegal dumping sites, were two of the top five neighborhoods services needing improvement. Residents and businesses in Houston should have equal access to adequate utilities and transportation systems. Midland's infrastructure is aging and may be in need of replacement. Other public improvements needed may have to do with water and wastewater services or other services that may not be noticed by residents until they become a problem. These may also be in need of updating. Many of these public improvements are similar to the needs listed in the prior Consolidated Plan. For purposes of the Consolidated Plan, public improvements are limited to those that would serve low/moderate income areas. Street and sidewalk improvements are priorities. Such improvements are most needed to help solve drainage issues and provide safe routes for pedestrians

How were these needs determined?

Meeting public service needs is of high priority for CDBG. Public services can help assist and stabilize households in Midland. The citizen participation process also influenced the needs for public services. According to the 2019 Community Needs Survey, the four highest rated supportive services needing the most improvement in Midland were housing services, senior services, job/employment training, and Infrastructure. Additionally, the Community Needs Survey and other forms of public engagement revealed that the groups in most need of supportive service in Midland were persons with physical disabilities and the elderly. These public service needs were reiterated in other public participation efforts including through public hearings and discussion groups, focus groups with stakeholders meetings. The City disseminated a survey to residents and service providers. The survey was mailed out, distributed by email, published in the daily newspaper, and made available online. It was also made available at community meetings and other gatherings attended by City Community Development staff. The survey responses were compiled by staff and were analyzed by focus groups that made the recommendations as to priority needs. The groups also provided input on related goals.

Describe the jurisdiction's need for Public Services:

For purposes of the Consolidated Plan, public services needs are limited to those that would serve low/moderate income persons. Public services found to be most desired would be those directed at seniors, the youth, child care, disabled groups, and employment and training.

How were these needs determined?

The City disseminated a survey to residents and service providers. The survey was mailed out, distributed by email, published in the daily newspaper, and made available online. It was also made available at community meetings and other gatherings attended by City Community Development staff. The survey responses were compiled by staff and were analyzed by focus groups that made the recommendations as to priority needs. The groups also provided input on related goals.

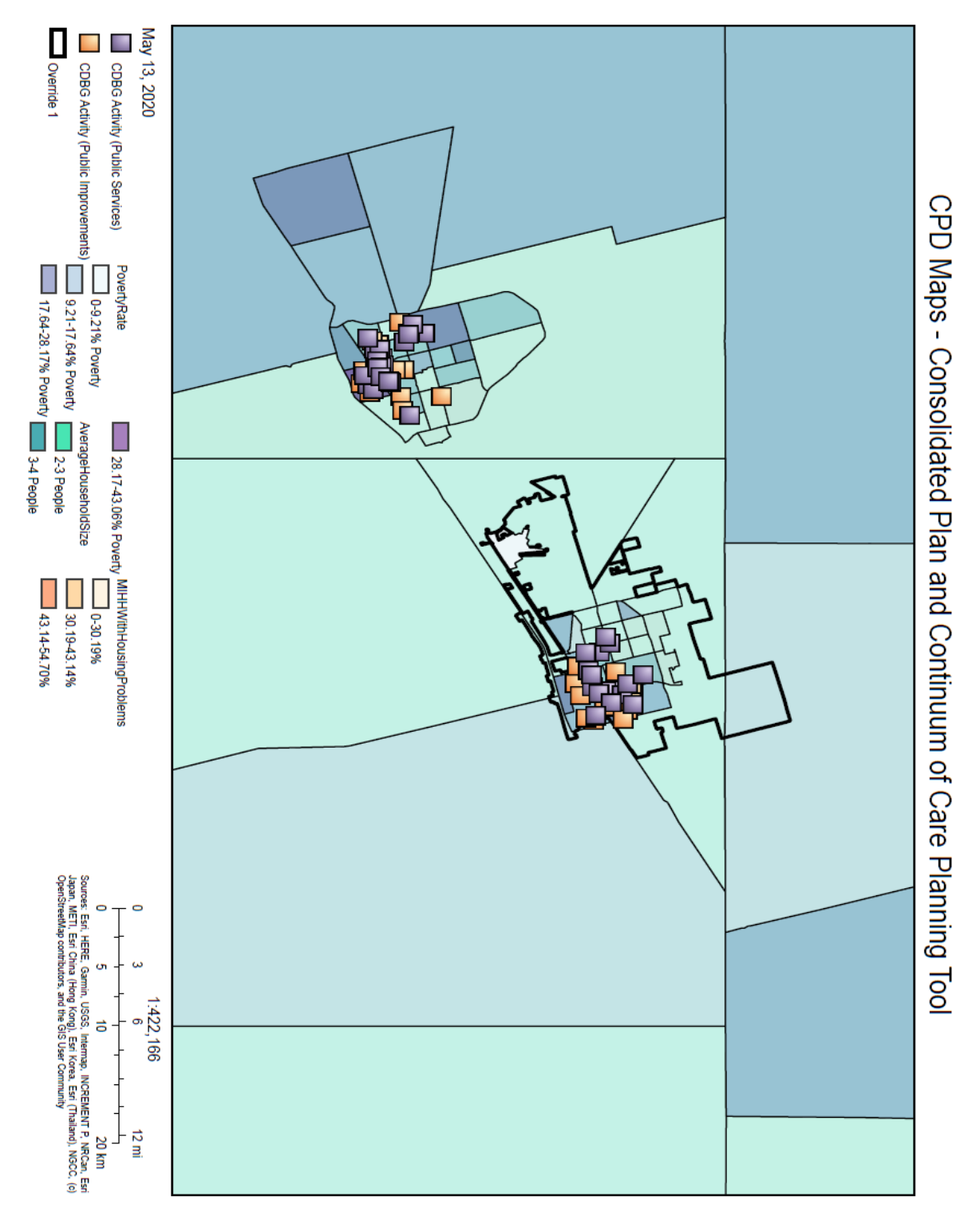
Housing Market Analysis

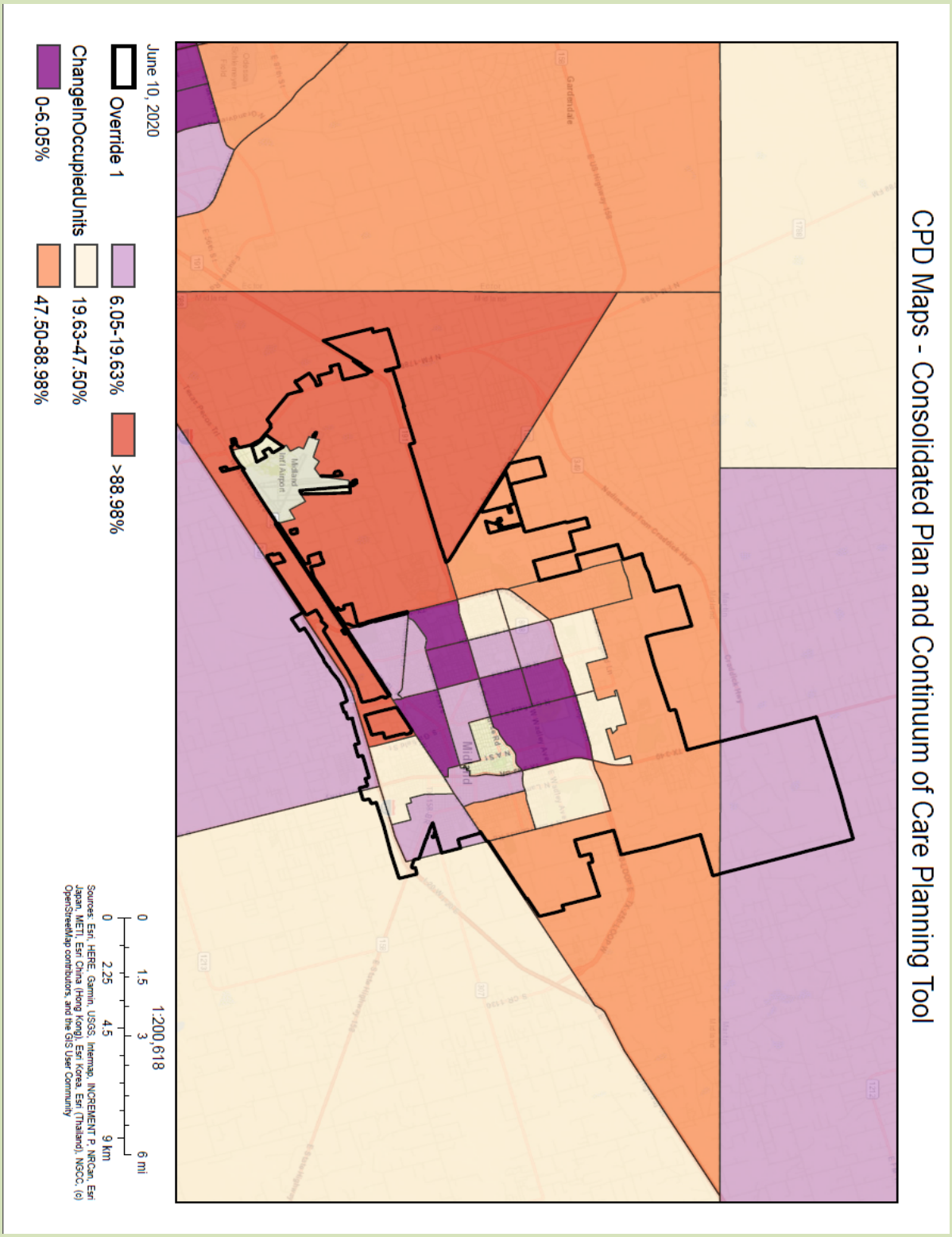
MA-05 Overview

Housing Market Analysis Overview:

In this section, the City must describe the significant characteristics of the housing market in terms of supply, demand, condition, and the cost of housing. Generally, the housing market in Midland has been a tight one over the past five years as population increases have caused a housing shortage. Labor shortages have also contributed to an inability of housing construction to keep up with demand. Consequently, the cost of housing has escalated. It is our hope that the current slump in oil prices will permit housing construction to catch up and for overall availability and affordability to stabilize.

The **General Features Map** shows the basic layout of the city of Midland. Midland lies in Midland County that is adjacent to Ector County. Ector County contains the City of Odessa, another CDBG entitlement community. Other nearby similarly sized CDBG entitlement cities are Abilene and San Angelo. However, among the four cities, Midland receives a smaller CDBG allocation and no direct HOME funds.


CPD Maps - Consolidated Plan and Continuum of Care Planning Tool
May 13, 2020
CDBG Activity (Public Services)
CDBG Activity (Public Improvements)
Override 1
PovertyRate
0-9.21% Poverty
9.21-17.64% Poverty
17.64-28.17% Poverty
28.17-43.06% Poverty
AverageHouseholdSize
2-3 People
3-4 People
MIHHWithHousingProblems
0-30.19%
30.19-43.14%
43.14-54.70%
1:422,166
0 3 6 12 mi
0 5 10 20 km
Sources, Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MSGC, (c) OpenStreetMap contributors, and the GIS User Community


CPD Maps - Consolidated Plan and Continuum of Care Planning Tool
June 10, 2020
Override 1
ChangeInOccupiedUnits
0-6.05%
6.05-19.63%
19.63-47.50%
47.50-88.98%
>88.98%
1:200,618
0 1.5 3 6 mi
0 2.25 4.5 9 km
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, (c) OpenStreetMap contributors, and the GIS User Community

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

The "General Population and Housing Data" Table in the Appendix provides a comparison of Midland from 2011 to 2017. The number of housing units increased by 12.2% from the 2011 Census to the 2017 Census. However, the population growth during the same period was 17.0%. This produces a housing vacancy of 6.3% it was 12% in 2010, including substandard housing. Sixty-nine percent of Midland housing units are single-family dwellings. Multi-family units comprise 19% of the housing stock. Mobile homes are over four percent of the total. About two thirds of all households are homeowners and most (87%) live in housing units with three or more bedrooms. Renters are more evenly distributed among the different unit sizes. The ACS data shows that about two thirds of all renters live in apartment units. Since 2010, Midland's population and housing situation has changed drastically due to the recent oil boom. The Census Bureau estimated Midland's population at 157,849,000 in 2017. This is a 19% increase from the 2010 Census. Over the same period, 3,230 new homes (See Residential Permits Table in the Appendix) have been constructed and an equal number (3,362) of multi-family units have been permitted. Due to many who stay in Midland on a temporary basis, population estimates are unreliable and available housing was non-existent for a period as all hotel/motel rooms were also occupied and man camps were evident outside of city corporate limits. More recently, the situation has lessen as oil prices have slumped. Data from the Real Estate Center at Texas A & M University shows that the inventory of homes for sale over the last five years was over 2 1/2 months in the beginning, dropped to two months and is nearing 3 months at the end of 2019. Obviously, buyers are at a disadvantage

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	34,588	65%
1-unit, attached structure	2,652	5%
2-4 units	2,615	5%
5-19 units	7,715	14%
20 or more units	4,495	8%
Mobile Home, boat, RV, van, etc.	1,192	2%
Total	***53,257***	***100%***

Table 26 – Residential Properties by Unit Number

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	401	1%	2,016	10%
1 bedroom	974	2%	14,605	67%
2 bedrooms	8,853	21%	17,206	78%
3 or more bedrooms	72,933	175%	10,014	46%
Total	***83,161***	***199%***	***43,841***	***201%***

Table 27 – Unit Size by Tenure

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

For homeowner programming, the City has provided homebuyer assistance programming for over thirty years and has supported affordable housing development efforts since the mid 1990's. Complementing this is direct housing development by the local non-profits such as Habitat for Humanity and Midland Community Development Corporation (CDC). Typically, the programs assist on an annual basis over twenty households of incomes generally from 50% to 80% of AMI. For renter assistance, the two PHAs assist through the public housing and rental vouchers programs as well as other rental properties owned/operated by the two PHAs. Additionally, a number of low income housing tax credits comprised the affordable housing inventory. See the "Inventory of Affordable Housing Properties" Table and the Locations of Affordable Housing Map in the Appendix.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

Built in the early 1980s or earlier, many of the HUD insured mortgage properties no longer operate under initial affordability requirements. Newer properties under the Low Income Housing Tax Credit Program still operate under the initial affordability contracts and will do so for some time into the immediate future.

Does the availability of housing units meet the needs of the population?

Until the beginning of 2015, housing was greatly unavailable regardless of income or housing type desired. Ongoing construction activity is beginning to catch up with the demand. However, the issue is affordability of decent units especially for households with less than 60% of AMI.

Describe the need for specific types of housing:

Local housing providers indicate the need for larger size units for renter households. Assessable units in all sizes is also a need.

Discussion

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The National Low Income Housing Coalition has reported that the 2015 National Housing Wage is $19.35 per hour. A family of four at 50% of AMI in Midland makes less than that rate yet local housing rents far exceed 30% of such a family's income. Prior to the beginning of the year, rents for two-bedroom apartments were over $1,400.00, yet the above family should only pay $1,006 for housing cost as a maximum. Data compiled by the Real Estate Center at Texas A & M University shows that the cost of housing increased by 50% from early 2010 to the end of 2014 when the median home sold for about $250.000.00. This is more than four times the annual income of a four-person low-income household (meaning a family below 80% of AMI).

Cost of Housing

	Base Year: 2009	Most Recent Year: 2017	% Change
Median Home Value	113,700	267,033	135%
Median Contract Rent	568	1,452	156%

Table 28 – Cost of Housing

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Rent Paid	Number	%
Less than $500	2,060	12.2%
$500-999	7,975	47.2%
$1,000-1,499	4,806	28.4%
$1,500-1,999	1,526	9.0%
$2,000 or more	561	3.3%
Total	***16,928***	***100.1%***

Table 29 - Rent Paid

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	688	No Data

% Units affordable to Households earning	Renter	Owner
50% HAMFI	2,664	2,980
80% HAMFI	8,092	8,414
100% HAMFI	No Data	12,021
Total	***11,444***	***23,415***

Table 30 – Housing Affordability

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Monthly Rent

Monthly Rent ($)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	0	0	0	0	0
High HOME Rent	0	0	0	0	0
Low HOME Rent	0	0	0	0	0

Table 31 – Monthly Rent

Data Source Comments:

Is there sufficient housing for households at all income levels?

Based on the number of lower income households and the number of units that are affordable to households of different income, there is a need for more affordable units for lower income households

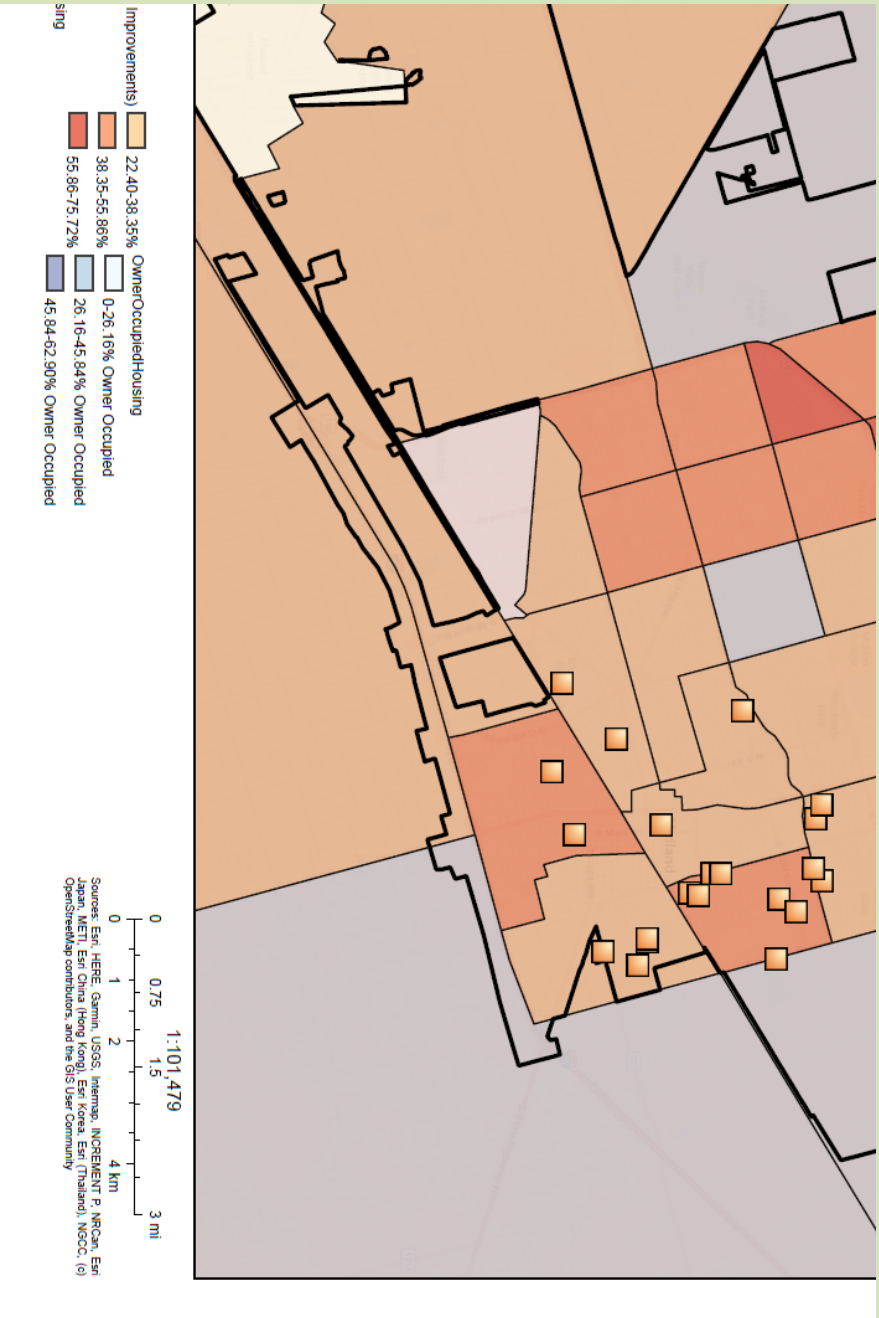
How is affordability of housing likely to change considering changes to home values and/or rents?

It is not likely that housing will become affordable to lower income households in the immediate future. However, moderate-income households may begin to see a softening in prices and have greater choice in housing.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

The City does not have HOME rental units. In any case, HUD fair market rents are substantially below median rents in Midland. As of May 2017, a two-bedroom unit averaged $1,430.00 per month. The strategy in Midland is to secure and/or maintain any affordable housing whether it is new construction or preservation.

Discussion


Improvements)
22.40-38.35%
38.35-55.86%
55.86-75.72%
OwnerOccupiedHousing
0-26.16% Owner Occupied
26.16-45.84% Owner Occupied
45.84-62.90% Owner Occupied
1:101,479
0
0.75
1.5
3 mi
0
1
2
4 km
Sources, Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

For purposes of the Consolidated Plan the City will use the following definitions:

- Substandard condition – a unit failing to meet either the City's Building and Minimum Housing Standards Code or HUD's Housing Quality Standards
- Substandard condition but suitable for rehabilitation – a unit that can have its deficiencies addressed at a cost that does not exceed 75% of the estimated after-rehabilitation value of the unit and meet City Building Codes.

Definitions

- Substandard condition – a unit failing to meet either the City's Building and Minimum Housing Standards Code or HUD's Housing Quality Standards
- Substandard condition but suitable for rehabilitation – a unit that can have its deficiencies addressed at a cost that does not exceed 75% of the estimated after-rehabilitation value of the unit and meet City Building Codes.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	5,972	21%	6,982	46%
With two selected Conditions	122	0%	777	5%
With three selected Conditions	28	0%	0	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	24,936	89%	9,152	60%
Total	***31,058***	***110%***	***16,911***	***111%***

Table 32 - Condition of Units

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	3,969	14%	2,015	13%
1980-1999	7,770	28%	6,405	42%
1950-1979	14,255	51%	6,310	41%
Before 1950	1,990	7%	515	3%
Total	***27,984***	***100%***	***15,245***	***99%***

Table 33 – Year Unit Built

Data Source: 2011-2015 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	16,245	58%	6,825	45%
Housing Units build before 1980 with children present	4,035	14%	2,320	15%

Table 34 – Risk of Lead-Based Paint

Data Source: 2011-2015 ACS (Total Units) 2011-2015 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

Table 35 - Vacant Units

Data Source: 2005-2009 CHAS

Need for Owner and Rental Rehabilitation

Older units (those built prior to 1980) still comprise a majority of the owner occupied housing stock. Over half of all renter units will have been built since 1980 once more recent units are included in the inventory. Obviously, rehabilitation is still a great need in Midland especially for owner households. Many older multi-family properties are in need of repairs and upgrading. The owner repair programs in Midland remain in great demand

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

Based on the number of units built prior to 1980 and with children present, the overall risk is not as great as only 10% of those units had children present according to the ACS data. When the City had LBP qualified housing inspectors, LBP inspections reveal little evident of LBP in older single family units occupied by rehabilitation program applicants. Most multi-family units in Midland have been constructed since 1978. Nonetheless, housing assistance programs needs to proceed with caution and conduct programs accordingly to minimize risk to children.

Discussion

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

Two housing authorities operate in Midland. One is the City of Midland Housing Authority that was established in 1971 by the City of Midland. The Midland City Council appoints the City Housing Authority Board of Commissioners. Otherwise, the City Housing Authority is independent of the City. The second housing authority is the Midland County Housing Authority that was created in 1988 by the Midland County government and it conducts the rental voucher program in Midland. The County Commissioners Court appoints the County Housing Authority Board of Commissioners. The County Housing Authority is independent of the County government. The City Housing Authority (HA) operates a 98-unit low-income public housing project named Hillcrest Manor.

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available				458			0	0	0
# of accessible units			96						

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Table 36 – Total Number of Units by Program Type

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Describe the supply of public housing developments:

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

All properties of the City PHA are rated in the high 90s.

Public Housing Condition

Public Housing Development	Average Inspection Score
Lang Tree Village	95
Hill Crest Manner	95

Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

Timely upgrading would be needed. While in very good condition, the City's PHA properties are nonetheless older units. The exception being Parker Place that was built in 1997 but is no longer under the management of the PHA's.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

The City's PHA property is only for elderly and handicapped households/individuals. Over the years, the PHA has routinely secured HUD public housing capital improvements funds for its properties. This City of Midland and the PHA's are exploring stogies to increase the overall housing units for disable and families with children

Discussion:

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

This section provides a summary of facilities, housing, and services that meet the needs of homeless persons in Midland. In the Appendix, the Facilities and Housing Targeted to Homeless Populations Table will supplement the following information.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	184	0	156	0	0
Households with Only Adults	20	0	92	0	0
Chronically Homeless Households	0	0	0	0	0
Veterans	0	0	0	12	0
Unaccompanied Youth	2	0	0	0	0

Table 38 - Facilities and Housing Targeted to Homeless Households

Data Source Comments:

Describe mainstream services, such as health, mental health, and employment services to the extent those services are use to complement services targeted to homeless persons

To supplement the capacity of the shelter/facility operators in Midland, a number of non-profit social service agencies and faith-based groups also provide emergency shelter via temporary lodging at local hotels/motels or rental assistance. These groups include Casa de Amigos, Area Methodist Outreach Services, Helping Hands, First Baptist Church, St. Vincent De Paul Society, St. Andrews Presbyterian Mission and the American Red Cross. The Salvation Army also offers meals, clothing, medical, day care and furniture. Because the level of assistance (number of people that could be helped) will vary from month to month, these services are not included in the available shelter capacity for the homeless. Often, these services are provided to those who are at risk of being homeless. The Red Cross assists victims of natural disasters with temporary emergency relief. Mental and physical health care are available through clinics and social services agencies. Legal services are also available to the homeless. The Women, Infants and Children (WIC) program has life skills training for adults. Family Promise, Midland Fair Havens, Buckner and Family Promise provide case management and life skills training for their clients. Support with other activities for daily living (including meals and clothing) are provided by many social service agencies. Entities that provide outreach and assessment include Casa de Amigos, Crisis Intervention Center (CIC), Salvation Army and several benevolent groups

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

The homeless in Midland are served by a wide range of organizations that provide housing and/or services as identified in MA-35 and SP-40 and the Facility and Housing Targeted to Homeless Populations Table in the Appendix.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

To the extent information is available, the City should describe the facilities and services that assist persons who are not homeless but require supportive housing, and programs for ensuring persons returning from mental and physical health institutions receive appropriate supportive housing. These persons include the elderly, the frail elderly, those with severe mental illness, those with developmental disabilities, or who are physically disabled, persons with alcohol or other drug addictions, persons with HIV/AIDS and other locally impacted groups. The Permian Basin Community Centers (PBCC) for Mental Health/Mental Retardation (MH/MR) manages group homes in its residential mental retardation program. It also provides supervision for self-reliant clients. Midland Association of Retarded Citizens (MARC) operates residential group homes for the mentally retarded. MARC also provides supervision and other support services to various independent clients. MARC, Adult Protective Services (APS) of the Texas Department of Human Services and MH/MR all offer supportive and housing services to persons with disabilities. Facilities and services for those with psychiatric, psychological and substance abuse problems are provided by various groups. A number of agencies provide supportive services to persons with alcohol or other drug addictions. Hillcrest, Langtry Village and Parker Place are facilities providing housing for the elderly under independent living situations. Other accommodations include Manor Park and several nursing homes, which house the frail elderly population. The state's Adult Protective Services division provides temporary housing (adult foster care), food stamps, wheel chairs and wheel chair ramps for the elderly. Midland has local crises intervention services, a rape crisis center and an emergency shelter specifically for female victims of domestic violence and their children. Two group homes are available for HIV and AIDS patients. Midland Area AIDS Support (MAAS) provides support and education for people with AIDS and others

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

These populations can best be served by improving the capacity of facilities and/or services for the elderly, frail elderly, physically handicapped individuals, individuals with mental disabilities and individuals with mental illnesses. Increased number of and suitable housing units are needed. For, some elderly the best solution is "stay at home" programming

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

An array of agencies have facilities and services for those with psychiatric, psychological and substance abuse problems. Staff with such groups provide the referral and case management needed to help these persons obtain appropriate supportive housing.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The City plans to provide support to the elderly and handicapped populations by funding public services and designing housing assistance programs to provide as much assistance as possible to those populations. Support of and participation in umbrella coordinative efforts will be continued.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

The City plans to provide support to the elderly and handicapped populations by funding public services and designing housing assistance programs to provide as much assistance as possible to those populations. Support of and participation in umbrella coordinative efforts will be continued.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

Land use control is most commonly achieved by zoning ordinances such as those enacted in Midland. A zoning ordinance can restrict the type of housing; determine the density of housing and the lot sizing. The effects can be exclusionary and/or the cost of housing unnecessarily increased. For example, zoning can prohibit certain housing (multi-family, manufactured). Requirements for large lots or a large (floor area) housing unit makes housing unaffordable. Because of the abundance of land and the variety of residential zoning districts available throughout most of Midland, zoning has not generally been a barrier to affordable housing in Midland. A city's subdivision code can also affect the cost of housing due to its public improvement requirements. Excessive design standards and infrastructure requirements (size of streets, curb and gutter, sidewalks, etc.) are passed on to the price of housing. Excessive public right-of-way requirements are a cost burden to developments. The subdivision code requirements can pose as barriers to affordable housing.

Development standards such as building codes, housing standards and site requirements (parking, setbacks, landscaping, etc.) add to the cost of housing especially if such standards are overly restrictive and excessive. The balance is the safety and quality assurances that are provided to citizens, especially those with limited options. Housing rehabilitation program standards also increase the cost of achieving decent, affordable housing. The construction of affordable housing in Midland is significantly affected by various governmental standards. The City's building codes can also be viewed as barriers although the intent is for the protection of occupants.

The City also collects building permits and other charges. Under certain circumstances, some of these charges could be viewed as duplicative, onerous, inhibiting innovations or encouraging inequitable administration. The availability and location of appropriately sized land for housing development are also barriers to affordable housing. Too often, undeveloped adjacent small parcels in Midland are owned by different persons making aggregation difficult to do. Local property taxes also increase the monthly housing cost of individual households. In addition to barriers affecting the development of housing, there are also barriers affecting the financing of affordable housing.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

The following data will allow an examination of the economic status of Midland

Economic Development Market Analysis

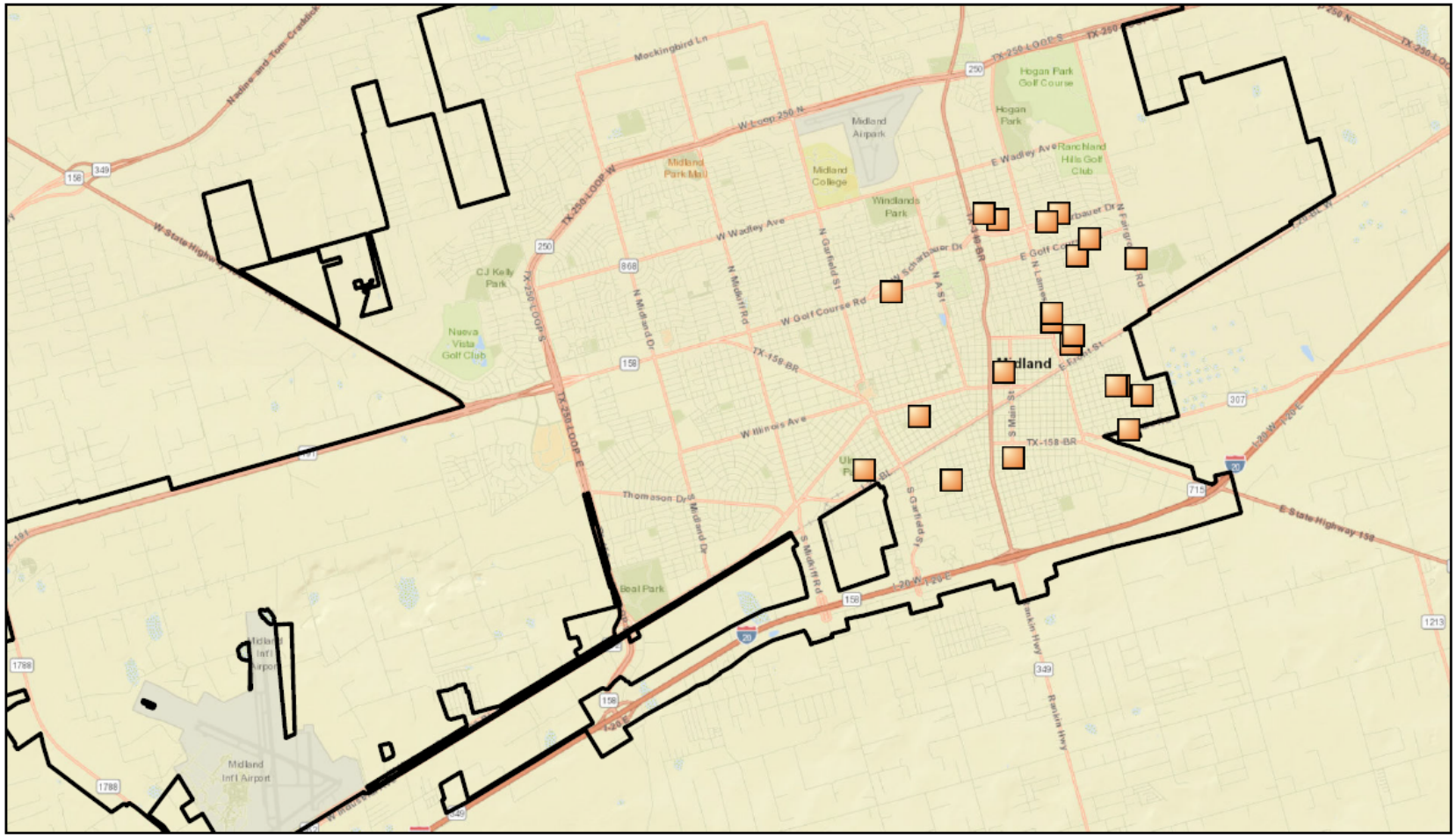
Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	132,256	16,607	77	27	-50
Arts, Entertainment, Accommodations	5,907	7,897	3	13	10
Construction	3,878	3,553	2	6	4
Education and Health Care Services	5,083	6,884	3	11	8
Finance, Insurance, and Real Estate	2,850	3,256	2	5	3
Information	557	586	0	1	1
Manufacturing	2,422	1,435	1	2	1
Other Services	1,830	2,117	1	3	2
Professional, Scientific, Management Services	4,068	5,715	2	9	7
Public Administration	0	0	0	0	0
Retail Trade	7,132	8,521	4	14	10
Transportation and Warehousing	2,450	2,043	1	3	2
Wholesale Trade	3,382	2,310	2	4	2
Total	171,815	60,924	--	--	--

Table 39 - Business Activity

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

CPD Maps - Consolidated Plan and Continuum of Care Planning Tool



June 25, 2020

CDBG Activity (Public Improvements)

Override 1

1:101,479

0 0.75 1.5 3 mi

0 1 2 4 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Labor Force

Total Population in the Civilian Labor Force	72,527
Civilian Employed Population 16 years and over	69,797
Unemployment Rate	3.64
Unemployment Rate for Ages 16-24	15.49
Unemployment Rate for Ages 25-65	2.15

Table 40 - Labor Force

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Occupations by Sector	Number of People
Management, business and financial	19,301
Farming, fisheries and forestry occupations	2,997
Service	6,122
Sales and office	18,437
Construction, extraction, maintenance and repair	10,849
Production, transportation and material moving	4,373

Table 41 – Occupations by Sector

Alternate Data Source Name:
2012-2017 ACS DATA
Data Source Comments:

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	50,755	83%
30-59 Minutes	7,685	13%
60 or More Minutes	2,380	4%
Total	***60,820***	***100%***

Table 42 - Travel Time

Data Source: 2011-2015 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	6,475	370	3,055

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
High school graduate (includes equivalency)	11,785	280	2,930
Some college or Associate's degree	17,565	545	3,755
Bachelor's degree or higher	14,130	245	2,490

Table 43 - Educational Attainment by Employment Status

Data Source: 2011-2015 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	205	335	945	2,610	2,075
9th to 12th grade, no diploma	2,065	1,980	1,725	2,305	1,070
High school graduate, GED, or alternative	5,045	4,790	3,395	6,815	2,865
Some college, no degree	4,415	6,120	4,080	7,145	3,080
Associate's degree	660	1,650	885	1,985	770
Bachelor's degree	820	3,955	2,345	5,855	2,205
Graduate or professional degree	85	1,165	1,320	2,225	1,095

Table 44 - Educational Attainment by Age

Data Source: 2011-2015 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	30,228
High school graduate (includes equivalency)	112,955
Some college or Associate's degree	75,896
Bachelor's degree	61,256
Graduate or professional degree	78,922

Table 45 – Median Earnings in the Past 12 Months

Alternate Data Source Name:

2012-2017 ACS DATA

Data Source Comments:

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Without question, the local economy is centered on employment in and services related to the oil industry. Historically, one in five jobs is energy related. Over the recent past, Midland has had among the lowest unemployment rates in the nation. Midland is a highly educated community as it serves as headquarters or has regional offices for a number of oil-based corporations. Along with Odessa, Midland serves as regional centers for many needs – medical, education, retail, transportation, etc.

Describe the workforce and infrastructure needs of the business community:

Attracting a trained workforce can be a challenge when recruitment extends beyond the immediate region. Maintaining facilities and programming to educate/train the local labor force is always on the forefront.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

Further consultation with the local workforce development agency is in progress. However, CDBG resources are not expected to be directed into specific economic development activity; rather, performance of some CDBG activity may be dependent on a trained workforce. For example, licensed plumbers and electricians are needed for the housing repairs program.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Further consultation with the local workforce development agency is in progress on this matter.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

Further consultation with the local workforce development agency is in progress. However, CDBG resources are not expected to be directed into specific economic development activity; rather, performance of some CDBG activity may be dependent on a trained workforce. For example, licensed plumbers and electricians are needed for the housing repairs program.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Yes

Discussion

The City is part of a regional CEDS. The City does not plan on using CDBG/HUD resources towards economic development initiatives. Rather, it would be anticipated that initiatives can help address any workforce deficiency that may exist for future CDBG work contracting needs.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

The City's low/moderate income census tracts (see Census Tract Map and Percent of Low Income Population Map in the Appendix) are those where more than 51% of the population is low/moderate income. These areas are also characterized by an older (units build before 1980) housing stock

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

The City's low/moderate income census tracts (see Map in the Appendix) are those where more than 51% of the population is low/moderate income. These areas are also characterized by an older (units build before 1980) housing stock.

What are the characteristics of the market in these areas/neighborhoods?

As noted above, these areas contain substandard housing, an aged housing stock and other unsightly conditions. Dilapidated structures can be seen as well as unkempt properties – some on which demolition/clearance has occurred in the past. City code compliance can be an issue. The description of being "neglected areas" of the city can be made. However, decent housing is normally 100% occupied – signifying a solid homeownership rate. While vacant or underutilized commercial and industrial properties abound, new commercial activity is evident on certain business/traffic corridors.

Are there any community assets in these areas/neighborhoods?

Principal assets in the areas are the abundance of vacant land, most that has available public infrastructure. Raw, undeveloped property on the fringes (meaning next to city limit boundaries) is also an asset. A strong homeownership base is another plus when considering sites for new development. Existing public facilities (parks and other public or private facilities) and church facilities are other resources in these areas.

Are there other strategic opportunities in any of these areas?

The City's older neighborhoods and low-income census tracts provide great opportunity for redevelopment and new development by the private sector as land prices in other parts of Midland become obstacles.

MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

The lack of Internet and broadband have historically been absent from poorer communities and now the most completing evidence of lack of Wi-Fi service is in the MISD survey of children being able to complete subject matter task at home due to COVID-19 global health crisis.

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

The need for competition is good for our local markets to maintain affordable pricing targeted towards low-moderate income families.

MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

The City is in communications and coordination with local, state and federal agencies to address environmental issues.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

Historically, communities of color and poor communities are forced to reside in area of the city that are of highest risk for environmental exposures due to selective planning and zoning regulations related to industrial zone platting.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The strategic plan describes how the City plans to use its CDBG funds over the next five years to provide new or improved availability, affordability, and sustainability of decent housing, a suitable living environment, and economic opportunity, principally for extremely low-, low-income, and moderate-income residents. The priorities were determined through consultation with service providers, consideration of a community survey and community meetings. Final recommendations were developed with the input of several citizen task forces engagements.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 46 - Geographic Priority Areas

1	**Area Name:**	BRADFORD PARK/2004 TARGET AREA
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
2	**Area Name:**	City of Midland
	Area Type:	City-wide
	Other Target Area Description:	City-wide
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	

	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
3	**Area Name:**	Greenwood Addition
	Area Type:	Strategy area
	Other Target Area Description:	
	HUD Approval Date:	10/1/2019
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
4	**Area Name:**	Greenwood Development Addition
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	

	Are there barriers to improvement in this target area?	
5	**Area Name:**	Low and Moderate Income Census Tracts
	Area Type:	Low/Moderate Income
	Other Target Area Description:	Low/Moderate Income
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
6	**Area Name:**	MLK
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	

7	**Area Name:**	MULBERRY DRAW
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
8	**Area Name:**	Ratliff Park 2017
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
9	**Area Name:**	SAN JUAN CHURCH/2006 TARGET AREA

	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
10	**Area Name:**	SPARKS PARK
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
11	**Area Name:**	Southern Addition
	Area Type:	Strategy area

	Other Target Area Description:	
	HUD Approval Date:	10/1/2020
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	
12	**Area Name:**	WASHINGTON PARK/2005 TARGET AREA
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	
	Include specific housing and commercial characteristics of this target area.	
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	
	Identify the needs in this target area.	
	What are the opportunities for improvement in this target area?	
	Are there barriers to improvement in this target area?	

General Allocation Priorities

Generally, the City will direct its CDBG funding geographical to areas with concentration of low and moderate-income households/individuals. These areas are the most racially and ethnically concentrated areas as well (See Maps in the Appendix). However, programs providing individual financial assistance for housing purposes could have service areas to include the entire city.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 47 – Priority Needs Summary

1	**Priority Need Name**	Expand & Improve Public Infrastructure & Facilities
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Persons with Physical Disabilities
	Geographic Areas Affected	Low/Moderate Income Southern Addition
	Associated Goals	Infrastructure Improvements
	Description	Expand and improve public infrastructure through activities for LMI persons and households. Some activities will include ADA compliance for curb ramps and sidewalks and roadway safety projects. Improve access to public facilities that will benefit LMI persons and households. Funds will be used to improve public facilities such as recreational parks and community centers throughout the City.
	Basis for Relative Priority	Through community participation and consultation of local stakeholder partners and organizations, the need to Preserve & Develop Affordable Housing was identified.
2	**Priority Need Name**	Preserve & Develop Affordable Housing
	Priority Level	High

	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA Low/Moderate Income Greenwood Addition Southern Addition
	Associated Goals	
	Description	Provide for owner occupied housing rehabilitation in target areas of the jurisdiction. Increase homeownership opportunities for LMI households through homeowner housing added. These activities will benefit LMI households.
	Basis for Relative Priority	Provide for owner occupied housing rehabilitation in target areas of the jurisdiction. Increase homeownership opportunities for LMI households through homeowner housing added. These activities will benefit LMI households.
3	**Priority Need Name**	Affordable Home Owner Housing
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents

	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA City-wide Low/Moderate Income Greenwood Development Addition Greenwood Addition Southern Addition
	Associated Goals	Affordable Homebuyers Housing Assistance Affordable Housing Development
	Description	Support affordable housing opportunities for home ownership by low and moderate-income households.
	Basis for Relative Priority	The CHAS housing needs data shows a large number and high percentage of low and moderate-income renter households with housing needs that could be satisfied by homeownership. Local input from community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Affordable Housing Alliance confirmed this priority.
4	**Priority Need Name**	Affordable Rental Housing for Seniors
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Elderly Public Housing Residents Elderly Frail Elderly
	Geographic Areas Affected	City-wide Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	Rental Housing Subsidies
	Description	The CHAS housing needs data shows that housing needs exist for low and extremely low-income households with at least one person age 62 or older. Local input from community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Affordable Housing Alliance confirmed this priority.

	Basis for Relative Priority	The CHAS housing needs data shows that housing needs exist for low and extremely low-income households with at least one person age 62 or older. Local input from community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Affordable Housing Alliance confirmed this priority.
5	**Priority Need Name**	Affordable Rental Housing
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Public Housing Residents Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Areas Affected	SAN JUAN CHURCH/2006 TARGET AREA City-wide Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	Rental Housing Subsidies

	Description	The CHAS housing needs data shows that housing needs exist for all low-income renter households. Data supports that households with young children are often in need. Low-income renter households frequently live in substandard or overcrowded conditions and are cost burdened as well. Accommodating households with disabilities is also a concern. Local input from community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Affordable Housing Alliance confirmed this priority.
	Basis for Relative Priority	The CHAS housing needs data shows that housing needs exist for all low-income renter households. Data supports that households with young children are often in need. Low-income renter households frequently live in substandard or overcrowded conditions and are cost burdened as well. Accommodating households with disabilities is also a concern. Local input from community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Affordable Housing Alliance confirmed this priority.
6	**Priority Need Name**	Home Owner Home Improvements
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	

	Description	The CHAS housing needs data shows that housing needs exist for lower income homeowner households. Elderly and very low-income households are most affected by housing needs. Census data also show that numerically many homeowners live in older homes. Assistance for those on fixed income and with disabilities is a local preference. Local input at community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Affordable Housing Alliance confirmed this priority.
	Basis for Relative Priority	The CHAS housing needs data shows that housing needs exist for lower income homeowner households. Elderly and very low-income households are most affected by housing needs. Census data also show that numerically many homeowners live in older homes. Assistance for those on fixed income and with disabilities is a local preference. Local input at community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Affordable Housing Alliance confirmed this priority.
7	**Priority Need Name**	Homeless Services
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence

	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	Emergency Shelter
	Description	Local input at community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Homeless Coalition confirmed this priority.
	Basis for Relative Priority	Local input at community forums and a citizen survey support this is a high priority need. A task force meeting with the Midland Homeless Coalition confirmed this priority.
8	**Priority Need Name**	Special Needs Housing
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents Mentally Ill Persons with HIV/AIDS Victims of Domestic Violence Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence
	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low/Moderate Income Greenwood Development Addition Southern Addition

	Associated Goals	
	Description	
	Basis for Relative Priority	Local input at community forums and a citizen survey support this is a high priority need. Task forces meetings with the Midland Homeless Coalition and the Midland Affordable Housing Alliance confirmed this priority.
9	**Priority Need Name**	Public Services
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Elderly Chronic Homelessness Families with Children veterans Victims of Domestic Violence Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities
	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	Public Services Essential Services
	Description	Local input from community forums and a citizen survey support this is a high priority need. A citizen task force confirmed this priority.
	Basis for Relative Priority	Local input from community forums and a citizen survey support this is a high priority need. A citizen task force confirmed this priority.
10	**Priority Need Name**	Employment Training

	Priority Level	Low
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Public Housing Residents Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	SAN JUAN CHURCH/2006 TARGET AREA Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	Economic Development
	Description	Training to enable at-risk populations to attain increased income and economic status
	Basis for Relative Priority	Local input from community forums and a citizen survey support this is a high priority need. A citizen task force confirmed this priority.
11	**Priority Need Name**	Housing Acquisition, Construction & Rehabilitation
	Priority Level	Low
	Population	Extremely Low Low Moderate Middle Families with Children Elderly
	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	

	Description	Outreach and data analysis indicate a need for more affordable housing in the City as both renters and owners are cost burdened. Needed activities may include rehabilitation of owner-occupied single-family housing, new construction of single-family housing for homeownership, provision of down payment assistance, and development of affordable rental housing.
	Basis for Relative Priority	Data and Market analysis; perspectives collected through community survey, community focus groups and stakeholder's interviews.
12	**Priority Need Name**	Demolition of Substandard Buildings
	Priority Level	Low
	Population	Extremely Low Low Moderate Middle Large Families Families with Children Elderly
	Geographic Areas Affected	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low/Moderate Income Greenwood Development Addition Southern Addition
	Associated Goals	Clearance and Demolition
	Description	Community outreach indicated a need to address blighted properties to make way for greater community redevelopment and growth.
	Basis for Relative Priority	Data and Market Analysis; perspectives collected through community survey, community focus groups and stakeholder interviews.

Narrative (Optional)

The City conducted surveys, community focus groups, listening sessions of residents through a survey instrument and public meetings posted on the City's website and hard copy surveys distributed at all Fair Housing focus group sessions and Consolidated Plan community meetings. City staff to allocate priorities among the various facility, infrastructure, service, and economic development needs listed above used the results of these surveys. Use of Community Development Block Grant funds is limited to those activities deemed to have "High" priorities.

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The City of Midland has identified the specific need for rental assistance, but more pressing is the number of affordable housing units available and the critical nature for families in the area to become stable.
TBRA for Non-Homeless Special Needs	The long-term subsidy assistance, Section 8 Voucher Program, needed for special needs populations maintains a waiting list of approximately 200 applicants. The inability to obtain Section 8 assistance prolongs a client's need for TBRA assistance. In order for clients diagnosed with HIV/AIDS to remain stable, housing options need not only be affordable but with access to public transportation, health care, food resources and case management services. The lack of affordable housing unit's available forces placement into housing that may not necessarily create the most stable housing situation.
New Unit Production	The low rental vacancy rates in Midland, the continued upswing in the housing market, and continued access to LIHTC opportunities in Texas have all contributed to new interest in the production of affordable senior housing in unserved or underserved areas of the City.
Rehabilitation	Continued economic challenges of low-income residents that have characteristics of low-income neighborhoods has made popular the City's single-family housing rehabilitation activities. Many of Midlands low-income rental housing developments are aging and in need of significant rehabilitation. With an identified shortage of affordable housing, especially for the extremely low-income population, the City anticipates leveraging limited grant dollars to collaborate with nonprofit and for-profit developers to revitalize and retain the current housing stock and those located in strategic public transportation corridors.
Acquisition, including preservation	While median sales prices have largely stabilized to pre-crash levels, the volume of sales is still high because of historically low interest rates. Although tighter lending restrictions combined with continued uncertainty in the job markets are resulting in a slower closings of homebuyer acquisition activities.</p>

Table 48 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Currently, the City of Midland receives CDBG funding. These funding sources are expected to be available over the next five years. In FY 2020, the City has been allocated $1,060,435 in CDBG funds. It is anticipated that funding levels will be similar over the five years of this Consolidated Plan. These anticipated amounts are noted in the chart below. As all funding sources are subject to annual Congressional appropriations, as well as potential changes in funding distribution formulas, these figures are subject to change.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	970,435	90,000	0	1,060,435	3,881,740	PI includes estimated ($90,000) for ED activity and EN ($970435). Remainder includes estimated future Annual Allocations plus approximate RL (3.0m) in ED activity.

Table 49 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The federal, state, and local resources available to address the needs identified in the plan include federal formula grant funds under CDBG. The local Continuum of Care (CoC) also awards grant funds under the competitive McKinney-Vento Homeless Assistance Act. These funds may be leveraged with the City's general funds, various state and county resources, local nonprofit resources, and private foundation grants. Essential service projects will concentrate efforts to address the needs of families, children and youth in high-risk populations consistent with the identified priority needs. Use of CDBG funds will leverage other nonprofit resources and private foundation funds to assist low-income households.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Midland has tracts of land and abandoned properties that may be made available during the five-year term of the ConPlan.

Discussion

The Expected Amount Available for the Remainder of ConPlan is an estimate of the funds expected to be received over the remaining four years of the Consolidated Plan. Estimates were calculated using the confirmed funding to be received during the first year of the Consolidated Plan plus expected program income. The CDBG program income total includes an estimated $970,435,000 per year received through economic development activities and an additional $90,000 in general program income.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
MIDLAND COUNTY HOUSING AUTHORITY	PHA	Homelessness Rental	Jurisdiction
Midland Affordable Housing Alliance	Non-profit organizations	Homelessness Non-homeless special needs Ownership Planning Rental	Other
MIDLAND HABITAT FOR HUMANITY	Community/Faith-based organization	Ownership	Other
Permian Basin Community Centers			
Midland CDC	CHDO	Economic Development Ownership neighborhood improvements	Jurisdiction

Table 50 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

The above-described institutional structure is one that has the capability to undertake the various projects and programs identified in the Consolidated Plan. Generally, the housing providers have arrived at a level of stability and ability that is needed for effective program delivery. The weakness would be for addressing special needs populations. Overall, the Midland Affordable Housing Alliance and the Midland Homeless Coalition provide general support and direction. The City of Midland is responsible for public infrastructure and some public facilities. The weakness is that the City does not own or operate community centers serving the entire community. As for public services, many public and private agencies form the delivery system. A significant strength is the overall experience of these agencies that includes benevolent groups and churches. Further, a number of umbrella and/or coordinative efforts that encourage collaborations enhances the system. Cooperative efforts are evidenced by the 2-1-1 Information and Referral system, the Family Health Coalition, the Permian Basin Community Service Organization, CrossCheck, the United Way and the funders group.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	X
Legal Assistance	X	X	
Mortgage Assistance	X		
Rental Assistance	X	X	
Utilities Assistance	X	X	
Street Outreach Services			
Law Enforcement	X		
Mobile Clinics	X		
Other Street Outreach Services		X	
Supportive Services			
Alcohol & Drug Abuse	X	X	
Child Care	X	X	
Education	X	X	
Employment and Employment Training	X	X	
Healthcare	X	X	X
HIV/AIDS	X	X	X
Life Skills	X	X	X
Mental Health Counseling	X	X	X
Transportation	X	X	
Other			
	X	X	

Table 51 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Multiple agencies within the community engage the unsheltered homeless and provide connections to services and housing. Family and Children's Services program provides outreach and services for homeless mentally ill living on the streets. Breaking Bread a nonprofit team provide an array of assertive treatments for unsheltered homeless with options to continue after being housed. Midland County Sheriff's Jail Diversion program have been instrumental in providing services to domestic violence clients. Improving crisis response capacity with coordination across community agencies remains a

priority. The Continuum's Participant Advisory Group, composed of homeless, formerly homeless and network coalition agencies help to eliminate homelessness.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

Generally, the system is one available to all. However, this means that special needs populations and persons experiencing homelessness are not receiving priority for needed services, unless the service is specific to the target groups. Gaps of the service delivery system relating to the HIV/AIDS population include a lack of an integration program for re-entry to society after discharge from prison. Homeless shelters are not appropriate for HIV positive individuals, yet readily available housing is not accessible for this population. Clients in the waiting period for disability, have no options for supplemental income to allow them to live above the poverty level during the waiting period.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

The foundation of the strategy is to continue the many cooperative efforts with the goal of identifying collaborations that can address gaps.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Homebuyers Housing Assistance	2020	2024	Affordable Housing	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Affordable Home Owner Housing	CDBG: $350,000	Direct Financial Assistance to Homebuyers: 70 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Affordable Housing Development	2020	2024	Affordable Housing	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Affordable Home Owner Housing	CDBG: $350,000	Homeowner Housing Rehabilitated: 4 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Public Services	2020	2024	Non-Housing Community Development	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Greenwood Addition Southern Addition	Public Services	CDBG: $560,000	Public service activities other than Low/Moderate Income Housing Benefit: 1680 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Infrastructure Improvements	2020	2024	Non-Housing Community Development	SAN JUAN CHURCH/2006 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Expand & Improve Public Infrastructure & Facilities	CDBG: $1,600,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 4300 Persons Assisted
5	Clearance and Demolition	2020	2024	Removal of dilapidated housing from neighborhoods	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Demolition of Substandard Buildings	CDBG: $100,000	Buildings Demolished: 10 Buildings

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Emergency Shelter	2020	2024	Homeless	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Homeless Services	CDBG: $100,000	Homelessness Prevention: 210 Persons Assisted
7	Rental Housing Subsidies	2020	2024	Affordable Housing	BRADFORD PARK/2004 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Affordable Rental Housing for Seniors Affordable Rental Housing	CDBG: $264,000	Homelessness Prevention: 100 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
8	Economic Development	2020	2024	Non-Housing Community Development	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Employment Training	CDBG: $100,000	Jobs created/retained: 15 Jobs

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
9	Essential Services	2020	2024	Non-Housing Community Development	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Public Services	CDBG: $400,000	Public service activities other than Low/Moderate Income Housing Benefit: 460 Persons Assisted

Table 52 – Goals Summary

Goal Descriptions

1	**Goal Name**	Affordable Homebuyers Housing Assistance
	Goal Description	Affordable Home Owner Housing.
2	**Goal Name**	Affordable Housing Development
	Goal Description	Homeowner Housing ReHabitation and Reconstruction: 04 Household Housing Unit.

3	**Goal Name**	Public Services
	Goal Description	Non-Housing Community Development
4	**Goal Name**	Infrastructure Improvements
	Goal Description	Public Infrastructure - Streets Public Infrastructure - Sidewalks.
5	**Goal Name**	Clearance and Demolition
	Goal Description	Demolition of Substandard Buildings.
6	**Goal Name**	Emergency Shelter
	Goal Description	Shelter operations and services for the homeless and special populations.
7	**Goal Name**	Rental Housing Subsidies
	Goal Description	Rental housing subsidies, which will assist households to become or remain, housed, including households with disabilities and special needs.
8	**Goal Name**	Economic Development
	Goal Description	Assistance in the form of loans, grants or technical assistance to private for profit entities for creation or retention of jobs or for provision of goods and services. Technical assistance and training for microenterprise activities.
9	**Goal Name**	Essential Services
	Goal Description	Crisis services for children, adults, and special populations, educational programs for children and youth, employment training and placement services, food security, services for seniors and the homeless, shelter operations and services, housing counseling, and transportation services.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

Midland is fortunate to have a well-developed and experienced institutional infrastructure for the delivery of housing and community development programs. We have a list of great partnering agencies that provide funding and/or administer programs within the City of Midland. The CDBG office is knowledgeable and skilled to develop and facilitate a citywide housing strategy to create new housing, improve the quality of existing units, and address homelessness. These efforts will include all housing types, include all income levels, and leverage additional city revenue streams for development. Through its CDBG funding, the City anticipated that 70 households would be provided affordable housing during the five years of the Consolidated Plan.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

The City of Midland does not operate the local housing authorities. However, the sole public housing property in Midland does have accessible units. The Community Development Office is a non-voting member Liaison for the City of Midland and the PHA board of directors

Activities to Increase Resident Involvements

The Community Development Office is working to increase participation with the PHA and resident council members.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the 'troubled' designation

NA

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Land use control is most commonly achieved by zoning ordinances such as those enacted in Midland. A zoning ordinance can restrict the type of housing; determine the density of housing and the lot sizing. The effects can be exclusionary and/or the cost of housing unnecessarily increased. For example, zoning can prohibit certain housing (multi-family, manufactured). Requirements for large lots or a large (floor area) housing unit makes housing unaffordable. Because of the abundance of land and the variety of residential zoning districts available throughout most of Midland, zoning has not generally been a barrier to affordable housing in Midland. A city's subdivision code can also affect the cost of housing due to its public improvement requirements. Excessive design standards and infrastructure requirements (size of streets, curb and gutter, sidewalks, etc.) are passed on to the price of housing. Excessive public right-of-way requirements are a cost burden to developments. The subdivision code requirements can pose as barriers to affordable housing.

Development standards such as building codes, housing standards and site requirements (parking, setbacks, landscaping, etc.) add to the cost of housing especially if such standards are overly restrictive and excessive. The balance is the safety and quality assurances that are provided to citizens, especially those with limited options. Housing rehabilitation program standards also increase the cost of achieving decent, affordable housing. The construction of affordable housing in Midland is significantly affected by various governmental standards. The City's building codes can also be viewed as barriers although the intent is for the protection of occupants.

The City also collects building permits and other charges. Under certain circumstances, some of these charges could be viewed as duplicative, onerous, inhibiting innovations or encouraging inequitable administration. The availability and location of appropriately sized land for housing development are also barriers to affordable housing. Too often, undeveloped adjacent small parcels in Midland are owned by different persons making aggregation difficult to do. Local property taxes also increase the monthly housing cost of individual households. In addition to barriers affecting the development of housing, there are also barriers affecting the financing of affordable housing.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Public policies are meant to address the overall needs of citizens in the City. Yet, there are times where they may have a negative effect on certain aspects of the community, specifically affordable housing and residential investment. Affordable housing and public and private residential investments are key components in furthering fair housing in any community. The primary tool communities have for identifying contributing factors for these barriers to housing is an assessment of fair housing and fair housing choice. To counteract any negative effects of zoning, the City adheres to a model neighborhood concept that allows for a variety of densities and housing types. Planned districts are available to enable unique designs of housing developments in Midland. City staff is sensitive to affordable housing issues in their review of zoning considerations and will take, as appropriate, the lead role in rezoning situations that support affordable housing. In addition to supporting affordable housing sites, proposals to permit development of smaller residential lots will be supported where reasonable.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The strategy for reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs will be to continue available outreach efforts of the many entities involved the local continuum of care system. Emphasizing case management by the various providers is a component. Outreach by the Midland Homeless Coalition members is another approach. Entities like the Salvation Army, the Church under the Bridge Midland among others are important in reaching out to the unsheltered. Coordination will also occur via the CrossCheck Information System of benevolent groups in Midland and the Midland Homeless Management Information System participants. The continued refinement of the Homeless Network coordinated assessments tools and referral process will greatly facilitate the exchange of information necessary to provide the most expeditious and effective delivery of services to a homeless person or family presenting for the first time. Regular meetings of the governance network are held to discuss issues and trends on which the homeless services provider community can focus and divert resources, as needed.

Addressing the emergency and transitional housing needs of homeless persons

Providing readily accessible emergency shelter and basic needs services to meet the immediate need those experiencing homelessness is a critical component of the community's crisis response system. Nightly shelter capacity exceeds 80 units including specialized services for families, victims of domestic violence and youth.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The Network has a common assessment tool to aid in the identification of those with the most critical need for housing assistance. The homeless persons' self-reported data is entered into the HMIS database, which is shared by all housing service providers, to facilitate the area-wide effort of tracking and assisting each individual or family. Upon initial evaluation, the type and amount of assistance deemed appropriate will be offered to ensure the individual's or family's needs are met to regain housing stability. Through various local coordinative efforts, it is intended that homeless or near homeless persons can get in position to achieve permanent housing, including permanent supportive housing for special needs populations. Providers of essential services (case management, counseling,

referrals, etc.) including financial assistance programs (homebuyer assistance, temporary rental/mortgage assistance) need to be supported so that these services are not lost to the community.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

The Network's plan supports the jurisdiction’s cons Individuals and families being discharged from publically funded institutions or system of care are at a high risk of becoming homeless or returning to homelessness. State Statutes require that all publically funded institutions, including mental health, corrections, health care and the foster care system, have discharge plan to provide “Access & Availability to Decent Housing” for low-income and moderate-income families with targeted financial and support services to disadvantaged minorities.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

Using Environmental Protection Agency (EPA) guidelines along with ACS data, it is estimated that there are approximately 38,322 (23%) occupied homes in Tulsa which are likely to contain LBP hazards. A high percentage of pre-1978 homes are located in LMI census tracts, where large volumes of homes are in need of rehabilitation. Although, the City does not currently fund programs that directly address LBP hazards, over the course of this Consolidated Plan, the City will continue to conduct housing rehabilitation projects that require sub-recipients to follow lead safe working practices. In addition to homeowner rehabilitation programs, this Consolidated Plan may also address rental rehabilitation in an attempt to increase the quality of rental units available. Any program funded will be required to incorporate lead safe working practices. In addition to the above, the City will also attempt to increase access to decent affordable housing without LBP hazards through funding projects for down payment and closing cost assistance for first time homebuyers and acquisition or new construction of affordable multi-family rental units, with special consideration given to housing for rental units available. Any program funded will be required to incorporate lead safe working practices. In addition to the above, the City will also attempt to increase access to decent affordable housing without LBP hazards through funding projects for down payment and closing cost assistance for first time homebuyers and acquisition or new construction of affordable multi-family rental units, with special consideration given to housing for seniors.

How are the actions listed above related to the extent of lead poisoning and hazards?

Many of the applicants on the homeowner rehabilitation programs waiting lists are living in areas typically consisting of older housing stocks and therefore have a higher risk of containing LBP.

How are the actions listed above integrated into housing policies and procedures?

All housing rehabilitation projects are required to comply with the HUD Lead Safe Housing Rule. This includes, but is not limited to notifying all homeowners of lead hazard information. Testing for LBP in all homes built prior to 1978 conducted by a certified LBP Inspector or Risk Assessor. Implementing lead safe working practices conducted by certified firms using certified renovators and other trained workers on all homes where LBP is to be disturbed. Performing a clearance test of the worksite upon completion of work undertaken where LBP was disturbed. Down payment and closing cost assistance programs are also required to conduct LBP assessments prior to approval of funding.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

Poverty is a regional, national and sometimes generational issue and many factors contributing to poverty lie outside of local control. According to Midland statistics, over 20% of Midland residents live in poverty. To reduce these numbers and attempt to turn the cycle of poverty around, Midland places an emphasis on programs designed with this end in mind. Coordination amongst the various social service and housing agencies in Midland helps to direct limited resources to the most needy and reduce duplication of benefits. Examples of activity where coordination occurs include the CrossCheck Information System, the Homeless Coalition and the participants in the Homeless Management Information System, Casa de Amigos' social service program, the Family Health Coalition, the United Way and 2-1-1. The concept of coordination with local agencies is central to the self-sufficiency effort that the County Housing Authority provides for its self-sufficiency families. The Family Self-Sufficiency program and similar approaches are crucial strategies to combating poverty. Programs that can help build financial assets for education, homeownership or entrepreneurship purposes need to be available to poverty income individuals/families. Other economic empowerment tools for helping people out of poverty are making available vital services such as childcare and public transportation. Housing assistance programs can make stepping out of poverty a reality.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The City's anti-poverty efforts complement its plans to preserve and improve existing affordable housing by providing additional stability and resources to low and moderate income households. Many self-sufficiency program participants feed into affordable housing programs, such as down-payment assistance and other homeownership programs. The City works closely with a variety of non-profit service providers who work with homeless clients and other lower income households to assist them in improving their housing situations. These providers provide programs that help locate and secure affordable housing. Some even work to develop new affordable housing, often funded partially with City grant funds. The City also operates programs to provide down payment and closing cost assistance. The homeowner repair programs are also of help to lower income households. Whether it is constructing new housing designed for lower maintenance or repairing homes with the same objective in mind, lower monthly housing cost and utilities bills is another way of helping poverty level households manage their limited resources.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Every project utilizing HUD funding undergoes a risk rating evaluation covering different evaluation criteria, each with a different weight. The four major categories that are evaluated assess past compliance issues, project specific factors, capacity, and complexity of the program or project. An onsite monitoring schedule is proposed for the grant year based on the assessment process and other factors. Monitored projects include those with the highest scores. Projects not considered at risk may also be monitored if they have not been monitored recently. New projects or agencies new to HUD grants are usually given an on-site "wellness" visit in order to ensure compliance and minimize or eliminate any potential risks. Any deficiencies identified during the wellness visit are corrected through discussion, negotiation, or technical assistance. Construction inspections are made on-site during the "build" phase of each project, and Housing Property Standards inspections are made at all HOME rental housing locations.

Information regarding the financial and project performance of each HUD awardee is performed via a desk monitoring each month along with a review of any required single audits. Random client file spot checks of source documentation will be conducted on those projects where agencies pay expenses on behalf of clients using HUD funding.

The CD Office will monitor programs supported with CDBG Entitlement funds, or other HUD funds received by the City. Written agreements with sub recipients containing provisions on complying with HUD requirements will be enforced. In addition to requiring program and financial reporting, the City will perform on-site monitoring. The number of monitoring visits will be included in the written agreements and will be determined by annual risk assessments. Program objectives will be stated in measurable terms in the agreements. City staff will attend HUD sponsored training to help maintain the capacity needed to monitor programs effectively.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Currently, the City of Midland receives CDBG funding. These funding sources are expected to be available over the next five years. In FY 2020, the City has been allocated $1,060,435 in CDBG funds. It is anticipated that funding levels will be similar over the five years of this Consolidated Plan. These anticipated amounts are noted in the chart below. As all funding sources are subject to annual Congressional appropriations, as well as potential changes in funding distribution formulas, these figures are subject to change.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	970,435	90,000	0	1,060,435	3,881,740	PI includes estimated ($90,000) for ED activity and EN ($970435). Remainder includes estimated future Annual Allocations plus approximate RL (3.0m) in ED activity.

Table 53 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The federal, state, and local resources available to address the needs identified in the plan include federal formula grant funds under CDBG. The local Continuum of Care (CoC) also awards grant funds under the competitive McKinney-Vento Homeless Assistance Act. These funds may be leveraged with the City's general funds, various state and county resources, local nonprofit resources, and private foundation grants. Essential service projects will concentrate efforts to address the needs of families, children and youth in high-risk populations consistent with the identified priority needs. Use of CDBG funds will leverage other nonprofit resources and private foundation funds to assist low-income households.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Midland has tracts of land and abandoned properties that may be made available during the five-year term of the ConPlan.

Discussion

The Expected Amount Available for the Remainder of ConPlan is an estimate of the funds expected to be received over the remaining four years of the Consolidated Plan. Estimates were calculated using the confirmed funding to be received during the first year of the Consolidated Plan plus expected program income. The CDBG program income total includes an estimated $970,435,000 per year received through economic development activities and an additional $90,000 in general program income.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Homebuyers Housing Assistance	2020	2024	Affordable Housing	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA City of Midland Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Affordable Home Owner Housing	CDBG: $97,000	Direct Financial Assistance to Homebuyers: 7 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Affordable Housing Development	2020	2024	Affordable Housing	BRADFORD PARK/2004 TARGET AREA SAN JUAN CHURCH/2006 TARGET AREA MULBERRY DRAW Low and Moderate Income Census Tracts Greenwood Development Addition Southern Addition	Housing Acquisition, Construction & Rehabilitation	CDBG: $50,000	Homeowner Housing Rehabilitated: 20 Household Housing Unit
3	Public Services	2020	2024	Non-Housing Community Development	SAN JUAN CHURCH/2006 TARGET AREA Low and Moderate Income Census Tracts Greenwood Development Addition	Public Services	CDBG: $138,000	Public service activities other than Low/Moderate Income Housing Benefit: 430 Persons Assisted
4	Infrastructure Improvements	2020	2024	Non-Housing Community Development	Low and Moderate Income Census Tracts Southern Addition	Expand & Improve Public Infrastructure & Facilities	CDBG: $400,000	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 1500 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Economic Development	2020	2024	Non-Housing Community Development	City of Midland		CDBG: $200,000	Other: 2 Other

Table 54 – Goals Summary

Goal Descriptions

1	**Goal Name**	Affordable Homebuyers Housing Assistance
	Goal Description	Direct Financial Assistance to Homebuyers: 7 Households Assisted
2	**Goal Name**	Affordable Housing Development
	Goal Description	Homeowner Housing Improvements
3	**Goal Name**	Public Services
	Goal Description	Public service activities other than Low/Moderate Income Housing Benefit: 430 Persons Assisted
4	**Goal Name**	Infrastructure Improvements
	Goal Description	South Fort Worth Street Improvements, curb, gutter, streets, ADA ramps etc.
5	**Goal Name**	Economic Development
	Goal Description	CDBG administrative cost

Projects

AP-35 Projects – 91.220(d)

Introduction

Of the proposals received for funding consideration, the following projects were recommended by the Midland City Council CDBG Committee with input from city staff for funding from the CDBG funds expected to be available for program year 2020-2021.

Projects

#	Project Name

Table 55 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The projects listed above were selected by the Council CDBG Committee from the total of all project proposals received during the open application process for the 2020/2020 CDBG program.

AP-38 Project Summary

Project Summary Information

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

In the development of the Consolidated Plan, two specific target areas were defined and approved beyond the City Wide target area. These areas all suffer with high levels of poverty and unemployment, and with the exception of a small proportion of the Peoria BRT route, all are occupied by LMI census tracts.

Geographic Distribution

Target Area	Percentage of Funds
BRADFORD PARK/2004 TARGET AREA	
WASHINGTON PARK/2005 TARGET AREA	
SAN JUAN CHURCH/2006 TARGET AREA	
SPARKS PARK	
MULBERRY DRAW	
City of Midland	
Low and Moderate Income Census Tracts	70
Greenwood Development Addition	
Ratliff Park 2017	
MLK	10
Greenwood Addition	
Southern Addition	20

Table 56 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Concentrating resources in specific geographies is necessary to adequately address the scale of needs and achieve short and long-term improvements to identified substandard conditions such as deteriorated housing and infrastructure, access to lead-based paint free housing, reconstruction, and overall revitalization. The City elects to focus activity in the areas of high concentration of poverty, unemployment and basic needs. As well as areas where other city funds and private investments are anticipated as a basis for allocating investments geographically with the jurisdiction. The result of geographical allocation of HUD funding is an effective use of the funds to elevate and create more opportunities for areas where the needs are the greatest.

Discussion

The City's rationale for its geographic distribution of CDBG funds is based on compliance with the CDBG Primary Objective - the development of viable urban communities, by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income. Generally, CDBG supported public services are available on a citywide basis to income eligible households or persons. However, public capital improvements and other development projects are specifically directed at sites within low- and moderate-income neighborhoods.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City's CDBG program for 2020-2021 will result in affordable housing through its homebuyer assistance program and affordable housing repair programs (AHRP). At this time, it is not known if additional units will be supported by the AHRP or funds will be needed to continue the AHRP location selected for the 2020-2021 CDBG program year.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	22
Special-Needs	0
Total	22

Table 57 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	7
Rehab of Existing Units	20
Acquisition of Existing Units	0
Total	27

Table 58 - One Year Goals for Affordable Housing by Support Type

Discussion

AP-60 Public Housing – 91.220(h)

Introduction

The only public housing project in Midland is for the elderly and is in good condition but was built in 1976.

Actions planned during the next year to address the needs to public housing

The City will remain receptive to assisting the PHAs, upon request, on their “resident initiative" activity and will continue to provide information on homeownership opportunities to households assisted by the PHAs. The CD Office provides its housing brochure to the PHAs for distribution at its offices, and the PHAs reciprocate.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

See above.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The PHA is not designated as troubled.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Not counting the CDBG program, the City does not receive any funds to carryout homeless programs. Therefore, the City relies on other organizations to pursue funds to serve homeless needs. For the 2020/2021 program, the City does not anticipate using CDBG funds that will directly support programs that serve the homeless. Being an active partner in the Midland Homeless Coalition, and the Midland Affordable Housing Alliance, the City aims to work toward addressing gaps within the Midland continuum of care for the homeless and eliminating chronic homelessness. Collaborations with the United Way and local foundations are vital in efforts to ensure current funding levels are sustained and that federal/state funding opportunities are not missed in order to apply for shelter and transitional housing needs. The United Way of Midland has collaborated with Family Promise of Midland to achieve – six transitional housing units to date

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Midland does not receive an ESG allocation.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City shall continue to participate in the Midland Homeless Coalition and support individual efforts of agencies comprising the Coalition

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

See above

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services,

employment, education, or youth needs

It is anticipated that the public service programs supported by CDBG will aid low-income individuals and families avoid becoming homeless by providing meals to them.

Discussion

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Public policies are meant to address the overall needs of citizens in the City. Yet, there are times where they may have a negative effect on certain aspects of the community, specifically affordable housing and residential investment. Affordable housing and public and private residential investments are key components in furthering fair housing in any community. The primary tool communities have for identifying contributing factors for these barriers to housing is an assessment of fair housing and fair housing choice. In 2020, the City updated the previous 2015 assessment. Analysis from the 2020 update has found:

- A limited supply of affordable housing and extensive cost burden, especially for extremely low- and very low- income renters, causing those renters to face significant affordability "gaps"; and
- Fair housing education is lacking and impede and these elements must be better understood by community residents and property owners.

The City plans corresponding actions designed to strengthen the supply of affordable housing and narrow the affordability "gaps." Elements of those actions appear within this Consolidated Plan and beyond. Additionally, the City anticipates a review of public policies that may impede the development of affordable housing and to improve the understanding of their consequences.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City shall continue to be receptive to cases supporting the objective. Often, favorable outcomes can be achieved when re-zoning cases, mobile home occupancy permit and sidewalk waivers are considered. The City shall also strive to reduce or waive certain development and building fees for affordable housing projects and use local funds to pay for public improvements and the disposal of site clearance debris on affordable housing sites. Services such as platting and surveying aspects can also be considered for non-profit developers. The City uses its Street Fund that is generated from each building permit for street improvements primarily within the city's low-income areas. The City shall strive to use City resources for street improvements, primarily in Midland's south and east sides. Continuation of CDBG funding for the housing improvement program contributes toward this objective. These actions also have the effect of fostering and maintaining affordable housing

Discussion:

It is also hoped that actions implementing recommendations in a new Analysis of Impediments to Fair Housing Choice in Midland will also help reduce barriers to affordable housing in Midland

AP-85 Other Actions – 91.220(k)

Introduction:

The following actions will be pursued by the City towards meeting Consolidated Plan regulations on other actions

Actions planned to address obstacles to meeting underserved needs

The CDBG housing assistance and elderly programs specifically target underserved populations. The targeting techniques include providing higher levels of assistance for lower income applicants and limiting assistance to low income areas. The City shall encourage and assist, as appropriate, other private and/or public entities see funds for programs designed for the underserved.

Actions planned to foster and maintain affordable housing

The City shall continue to be receptive to cases supporting the objective. Often, favorable outcomes can be achieved when re-zoning cases, mobile home occupancy permit and sidewalk waivers are considered. The City shall also strive to reduce or waive certain development and building fees for affordable housing projects and use local funds to pay for public improvements and the disposal of site clearance debris on affordable housing sites. Services such as platting and surveying aspects can also be considered for non-profit developers. The City uses its Street Fund that is generated from each building permit for street improvements primarily within the city's low-income areas. Continuation of CDBG funding for the housing programs contribute toward this objective. These actions also have the effect of fostering and maintaining affordable housing.

Actions planned to reduce lead-based paint hazards

The City will implement its CDBG-aided activities consistent with the lead-based paint hazard reduction objective. Specifically, prospective households shall be made aware of the potential hazard and appropriate evaluation and reduction steps will be pursued in rehabilitation programs. Referrals to services for testing of children by local health and child welfare agencies will be made as needed. Information for providers and contractors will be passed-through. The City of Midland ensures that inspections for lead-based paint (LBP) hazards will occur, as required, for all funded housing activities. Proper notifications will be provided regarding lead-based paint hazards. All housing units constructed prior to 1978 will be tested for LBP by a certified LBP inspector or Risk Assessor. If LBP is detected, all covered renovations will follow HUDs Lead Safe Housing Rules and be performed by certified firms using certified renovators and other trained workers.

Actions planned to reduce the number of poverty-level families

The City will continue its overall anti-poverty strategy that revolves around economic development – using the economic development sales tax to create jobs for Midland. Unfortunately, the current oil price slump has resulted in uncertainty for continued economy growth. Other aspects of the local strategy are to continue to direct assistance programs towards the neediest households, employment-training programs and the hiring of low-income individuals on federally supported contracts. Small businesses that hire low-income persons typically are vendors in housing assistance programs. Adherence to HUD's Section 3 requirements is another way to help eliminate poverty. CDBG supported public services also aid participating clients to benefit economical, even if the dollar amount is nominal to many.

Actions planned to develop institutional structure

Major changes to the institutional structure described in the Consolidated Plan are not anticipated in the coming year. The City will continue to support activity by the various providers and encourage them to seek other funding sources to enhance the service delivery system in Midland. City staff and/or elected officials will continue to be involved in housing and homeless concerns that seek to improve service delivery. For example, the City will continue to participate in the Midland Affordable Housing Alliance and the Midland Homeless Coalition among others. The City will provide necessary CDBG related training to its sub recipients.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to cooperate with private housing providers and social service agencies, including participation in MAHA and the Homeless Coalition. The long-standing, good working relationship with both PHAs will be continued. The City will continue to accommodate the PHAs in their planning requirements.

Discussion:

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

This section provides details on program specific requirements on the Community Development Block Grant that the City will receive

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

Only the 2020-2021 Program year with CDBG Entitlement Grant # B-20-MC-48-0023 and program income to be received during the year is covered by this Action Plan.

Appendix - Alternate/Local Data Sources

1	**Data Source Name** Maplebrook Neighborhood
	List the name of the organization or individual who originated the data set. City Planning staff
	Provide a brief summary of the data set. Maplebrook needs study
	What was the purpose for developing this data set?
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?
	What time period (provide the year, and optionally month, or month and day) is covered by this data set?
	What is the status of the data set (complete, in progress, or planned)?
2	**Data Source Name** 2012-2017 ACS DATA
	List the name of the organization or individual who originated the data set. American Census Survey
	Provide a brief summary of the data set. All relevant data associated with Housing and poverty demographics.
	What was the purpose for developing this data set? Demonstrate need for more affordable housing and related services.
	Provide the year (and optionally month, or month and day) for when the data was collected. January 1, 2012 to January 1, 2017

	Briefly describe the methodology for the data collection.
	Describe the total population from which the sample was taken. Midland County
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. Data set related to Midland County population.
3	**Data Source Name** 2012-2016 CHAS DATA
	List the name of the organization or individual who originated the data set. City of Midland Community Development
	Provide a brief summary of the data set. All demographic and economic data related to poverty risks.
	What was the purpose for developing this data set? Establish strategy to address poverty in Midland
	Provide the year (and optionally month, or month and day) for when the data was collected. 2012-2016
	Briefly describe the methodology for the data collection.
	Describe the total population from which the sample was taken. All sectors of Midland population and demographics.
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. Cross population data sets.

City Council Meeting

Item Number: 8

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Jeff Pinkstaff,

Subject: RESOLUTION GRANTING A VARIANCE FOR LOT 6, BLOCK 2, LOST MOUNTAIN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,800 FEET EAST OF NORTH MIDKIFF ROAD AND APPROXIMATELY 960 FEET NORTH OF PASSAGE WAY), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND ACCESSORY STRUCTURES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DEVELOPMENT SERVICES)

Purpose:

Consider a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Lost Mountain Addition, Section 3, Lot 6, Block 2, City and County of Midland, Texas, (Generally located approximately 1,800 feet east of N. Midkiff Road and approximately 960 feet north of Passage Way) by permitting construction of residential buildings where no portion of any structure is closer than 135 feet of an existing oil and gas well (Chaps #4).

Recommended City Council Action:

Approve

Fiscal Impact:

NA

Discussion:

Ordinance 8769 states from the application filing date of the oil and gas well permit, any building permit for construction of a building within 500 feet of the well, requires a distance

variance.

The applicant, Kevin Myers, is the owner of the described property within 500 feet of previously permitted oil and gas wells. He now wishes to construct residential structures in Lost Mountain addition, Section 3, Lot 6, Block 2. The applicant is requesting this variance to allow 135 feet for the development of this property. Upon granting of the variance, building permits meeting the allowed distance, may be issued.

The ordinance states, “In no event shall a building permit be issued by the City of Midland for any private residence or commercial building to be constructed, either in whole or in part, within three hundred (300) feet of a previously permitted but undrilled Oil and Gas Well or one hundred thirty-five (135) feet of an existing oil and gas well or within one hundred fifty (150) feet of a previously permitted tank battery.”

The Chaps #4 is currently operated by Parsley Energy and have been notified of the variance request and have no objections

Previously variances have been granted for other properties within the city limits to allow permits to be issued for residences and commercial buildings as close as 135 feet of existing oil and gas well. Therefore staff recommends approval of this variance.

Attachments: Request letter, Endeavor/Property owner agreement, Survey

Robert Patrick

City Manager’s Office

RESOLUTION NO. _____

RESOLUTION GRANTING A VARIANCE FOR LOT 6, BLOCK 2, LOST MOUNTAIN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,800 FEET EAST OF NORTH MIDKIFF ROAD AND APPROXIMATELY 960 FEET NORTH OF PASSAGE WAY), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND ACCESSORY STRUCTURES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

WHEREAS, pursuant to Section 6-1-23(H)(2)(c) of the City Code of Midland, Texas, the owner of the property described in Section One hereof has applied for a variance in order to receive building permits for the construction of a residence and accessory structures where no portion of any structure is closer than 135 feet of an oil and gas well; and

WHEREAS, the City Council finds and determines that granting a variance for such purpose will not present a health or safety risk to the applicant or subsequent occupants of the structures;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That a variance is hereby granted for Lot 6, Block 2, Lost Mountain Addition, Section 3, City and County of Midland, Texas, by permitting construction of a residence and accessory structures where no portion of a structure is closer than 135 feet of an oil and gas well.

SECTION TWO. That the Building Official is hereby authorized and directed to issue building permits to the applicant and to other appropriate parties, entities, individuals, successors or assigns for such purpose with the following notation: "This building permit is issued for a structure to be constructed on a lot or tract located within 500 feet of a previously permitted Oil and Gas Well, but no portion of the structure shall be closer than 135 feet of a previously permitted Oil and Gas Well."

On motion of Council member _____, seconded by Council member

_____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

City Council Agenda

MEETING DATE: July 28, 2020

TO: CITY COUNCIL/CITY MANAGER

FROM: Jeff Pinkstaff, Building Official

SUBJECT: **Consider a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for a residential accessory structures, to be issued in the future, where the proposed residence and accessory structures, either in whole or part is no closer than 135 feet of an existing oil and gas well (Chaps #4).**

Purpose:

Consider a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Lost Mountain Addition, Section 3, Lot 6, Block 2, City and County of Midland, Texas, (Generally located approximately 1,800 feet east of N. Midkiff Road and approximately 960 feet north of Passage Way) by permitting construction of residential buildings where no portion of any structure is closer than 135 feet of an existing oil and gas well (Chaps #4).

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

NA

Discussion:

Ordinance 8769 states from the application filing date of the oil and gas well permit, any building permit for construction of a building within 500 feet of the well, requires a distance variance.

The applicant, Kevin Myers, is the owner of the described property within 500 feet of previously permitted oil and gas wells. He now wishes to construct residential structures in Lost Mountain addition, Section 3, Lot 6, Block 2. The applicant is requesting this variance to allow 135 feet for the development of this property. Upon granting of the variance building permits meeting the allowed distance may be issued.
The ordinance states, *"In no event shall a building permit be issued by the City of Midland for any private residence or commercial building to be constructed, either in whole or in part, within three hundred (300) feet of a previously permitted but undrilled Oil and Gas Well or one hundred thirty-five (135) feet of an existing oil and gas well or within one hundred fifty (150) feet of a previously permitted tank battery."*

The Chaps #4 is currently operated by Parsley Energy and have been notified of the variance request and have no objections

Previously variances have been granted for other properties within the city limits to allow permits to be issued for residences and commercial buildings as close as 135 feet of existing oil and gas well. Therefore staff recommends approval of this variance.

Attachments: Request letter, Endeavor/Property owner agreement, Survey

June 20, 2020

Kevin A. Myers
303 S. Terrell Street
Midland, Texas
79701

432 - 413 - 4322

Mr. Steve Thorpe
City of Midland
300 N. Loraine
Midland, Texas 79701

Re: Proposed Variance from Ordinance #8769
Lot 6, Block 2, Lost Mountain Addition Section 3
3012 Passage Way, Midland, Texas

Dear Mr. Thorpe:

I am the owner of 13.6 acres described as Lot 6, Block 2, Lost Mountain Addition Section 3, and located at 3012 Passage Way, lying just within the northern Midland city limits. I am requesting that a variance for this property be granted from Ordinance #8769 of the "Midland Texas Code of Ordinances" regarding "Oil and Gas Well Permits".

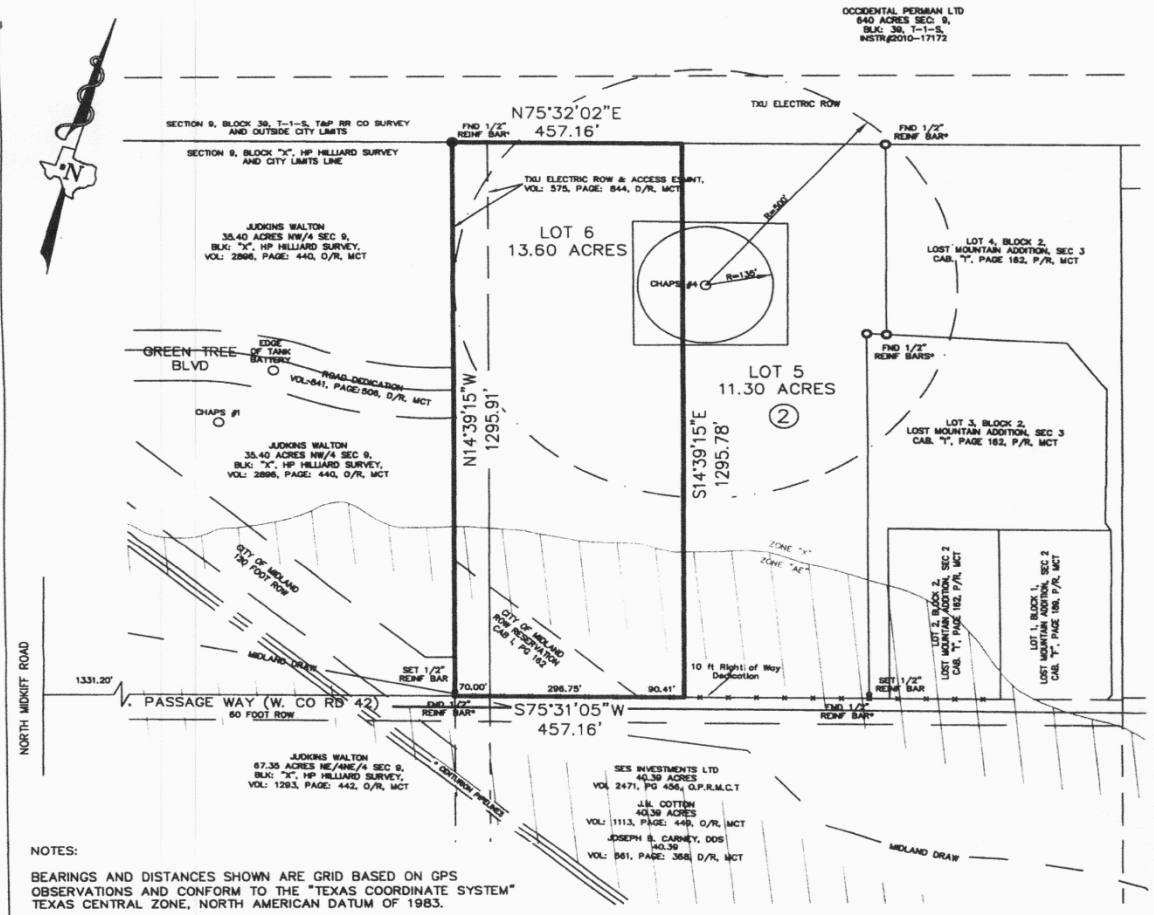
The attached survey shows the location of the well known as Chaps #4 in relation to my property (dark outline), and hereby request a variance to build structures within 200 feet of the Chaps #4. Without this variance, I would be prevented from building on the vast majority of my property due to a combination of proximity to the well (see 500 ft limit, dashed circle on survey plat), presence of the 100 year flood plain (see Zone "AE" on attached survey), and existing electric utility easement (west 70 feet of property).

I request that the city grant a variance from the specified section of the City of Midland Code of Ordinances to allow a building permit to be granted for the property referred to above. I also ask for this item to be placed on the agenda of the Midland City Council, at the next possible date, for consideration.

Sincerely,

Kevin A. Myers

Enclosure



NOTES:

BEARINGS AND DISTANCES SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

THIS SURVEY SHALL NOT REPRESENT WARRANTY OF TITLE OR GUARANTEE OF OWNERSHIP.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT. NOT ALL EASEMENTS OR MATTERS OF TITLE MAY BE SHOWN.

* ASTERISK DENOTES CONTROLLING MONUMENT

MONUMENTS ARE A 1/2" REINFORCING BAR SET WITH PLASTIC CAP STAMPED "SCHUMANN" UNLESS OTHERWISE NOTED.

FOR FLOOD INSURANCE RATING PURPOSES: THIS PROPERTY LIES WITHIN FLOOD INSURANCE ZONE DESIGNATION "AE" & "X" AS DEPICTED ON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 48329-C0059F & 48329-C0067F, MIDLAND COUNTY, TEXAS AND INCORPORATED AREAS EFFECTIVE DATE, SEPTEMBER 16, 2005, AS ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

CENSUS TRACT NO. 101.12

TO THE LIENHOLDERS, DARREN PRINTZ

(OWNER) OF THE PREMISES AND TO THE ISSUING TITLE INSURANCE UNDERWRITER: THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO KNOWN DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON.

DATED THIS 21ST DAY OF AUGUST, 2014

STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR

RJ DAUM
TEXAS RPLS 4826

SURVEY PLAT

LOT 6

BLOCK 2

LOST MOUNTAIN ADDITION
SECTION 3

AN ADDITION TO THE CITY OF MIDLAND, AS PER PLAT OF RECORD IN CABINET "I", PAGE 162, PLAT RECORDS, MIDLAND COUNTY, TEXAS

SCALE: 1" = 300'

PROJECT: 74490BL
JOB NO.: 74,490-B

SCHUMANN ENGINEERING CO., INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
LICENSED STATE LAND SURVEYORS
REGISTERED PROFESSIONAL CIVIL ENGINEERS
TEXAS and NEW MEXICO
Civil Engineering ~ Land Surveying
TEXAS FIRM No. F1880
TEXAS FIRM No. 10149500
408 N. PECOS STREET - P. O. BOX 504
MIDLAND, TEXAS 79702-0504
Office (432) 684-5548
Fax (432) 684-6973

From the Endeavor/property owner agreement

4.15 Should Owner, or its successor or assigns, desire to place a building(s) or structure(s) closer than 500', which will require a variance pursuant to City of Midland Ordinance No. 8769, Operator agrees to not protest such variance request, unless the location of such building or structure will impede or restrict Operator's access to and from such location and/or its operations of such well, or cause a safety or health issue.

4.16 There shall be no tank batteries or compressors located on Land or other Production and Marketing Facilities as defined in Article 1.2.

ARTICLE 5
Environmental Protection

5.1 **Liability for any Environmental Liability or Obligations Attributable to Oil and Gas Activities and Other Surface Use Activities.**

(a) It is the express intent of the parties to this Agreement that Operator assume responsibility for complying with all pollution laws, environmental laws, or other applicable laws now in affect or hereafter enacted applicable to Operator's operations on the Lands. Operator, in accordance with its legal obligations, shall be responsible for any cleanup costs and/or damages that result, directly or indirectly, from the actions or failures to act of Operator, or its agents, contractors, employees, subcontractors or others on the Lands on behalf of Operator (collectively "Operator Parties").

(b) **Underground Storage Tanks On the Lands.** Neither Operator nor Owner shall place any underground storage tanks on the Lands throughout the term of the Lease.

(c) **PCBs On the Lands.** To the best of their knowledge, Operator and Owner promise that none of the equipment or substances owned, used or brought on to the Lands by them shall contain any polychlorinated biphenyls (PCBs).

(d) **Operator to Properly Dispose of Substances Produced.** Operator shall store and dispose of oil, gas, and other substances produced from the Lands pursuant to the terms hereof in accordance with all applicable laws and pollution laws.

ARTICLE 6
Miscellaneous

6.1 This Agreement shall be binding upon and shall inure to the benefit of each of the parties and their respective heirs, personal representatives, successors and assigns, and it is agreed that the terms hereof shall run with the Lands.

6.2 This Agreement shall remain in full force and effect from the effective date and for a period of 12 months following the expiration of the Lease.

City Council Agenda

Approved for Agenda:

City Manager's Office

MEETING DATE: 7/28/2020

TO: City Council / City Manager

FROM: Jose Ortiz, Engineering Services Director

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A 0.0503-ACRE TRACT OF LAND AND A 0.0525-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (THE "CONVEYED TRACTS"), TO THE OWNER OF PROPERTY ABUTTING THE CONVEYED TRACTS IN EXCHANGE FOR SAID ABUTTING PROPERTY OWNER CONVEYING TO THE CITY A 0.204-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (THE "ACQUIRED TRACT"); AUTHORIZING THE CITY MANAGER TO ACCEPT THE ACQUIRED TRACT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO CONVEY THE CONVEYED TRACTS AND ACCEPT THE ACQUIRED TRACT, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT CONVEYING TO THE CITY THE ACQUIRED TRACT

Purpose:

Consider a resolution authorizing the City Manager to convey a 0.0503- acre tract of land and a 0.0525-acre tract of land out of Section 25, Block 40, Township 1 South, T&P RR Co. Survey, Midland County, Texas to the abutting land owner in exchange for a 0.204-acre tract of land out of Lot 1, Block 21, Grassland Estates, Section 16.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No fiscal impact, property dedicated as right of way

Discussion:

Resolution 2017-022, authorized the City Manager to acquire property for the extension of Wadley Avenue and the realignment of Jal Draw. City staff has been engaged in the planning and design of the Wadley Avenue extension from Highway 158 to a point approximately 600 feet west of Calloway Drive.

During the design phase it was determined that the proposed right-of-way needed to be adjusted to accommodate the final design of the roadway extension. In order to make that adjustment engineering staff determined that a portion of property from two City owed parcels needed to be conveyed in order to facilitate a land swap with the adjacent property owner, the Midland-Odessa Golf Corporation. Approximately 0.0503-acre is required from the first City parcel and 0.0525-acre is required from the second City parcel for a total of 0.1028 acre (4,477 square feet). The acreage being conveyed by the City on both parcels are **undevelopable** and has negligible value according to the Midland Central Appraisal District (MCAD). The proposed roadway alignment requires an additional 0.204 acre (8,886 square feet) from the adjacent land that will be exchanged with the conveyance of the 0.1028-acre City owned properties. According to MCAD the current value on the 0.204 acre land parcel is valued at $3000.00 per acre...this would make the 0.204 tract of land valued at $ 612.00.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A 0.0503-ACRE TRACT OF LAND AND A 0.0525-ACRE TRACT OF LAND OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (THE "CONVEYED TRACTS"), TO THE OWNER OF PROPERTY ABUTTING THE CONVEYED TRACTS IN EXCHANGE FOR SAID ABUTTING PROPERTY OWNER CONVEYING TO THE CITY A 0.204-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (THE "ACQUIRED TRACT"); AUTHORIZING THE CITY MANAGER TO ACCEPT THE ACQUIRED TRACT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO CONVEY THE CONVEYED TRACTS AND ACCEPT THE ACQUIRED TRACT, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT CONVEYING TO THE CITY THE ACQUIRED TRACT

WHEREAS, it has been determined by the Midland City Council that a 0.0503-acre tract of land and a 0.0525-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, as described in Exhibits "A" and "B" attached hereto and made a part hereof for all legal purposes (the "Conveyed Tracts"), are no longer needed for public use; and

WHEREAS, Section 272.001 of the Texas Local Government Code provides that a political subdivision may not convey, sell, or exchange its interest in land without observing notice and bid requirements, or for less than fair market value, unless (i) the conveyance is to one or more abutting property owners and (ii) the land or real property interest is a type of land or interest described in Section 272.001(b)(1)-(7); and

WHEREAS, the Council finds that each of the Conveyed Tracts is a narrow strip of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances, as described in Section 272.001(b)(1) of the Texas Local Government Code; and

WHEREAS, the City's Engineering Services Department desires to obtain a 0.204-acre tract of land out of Lot 1, Block 21, Grassland Estates, Section 16, City and County of Midland, Texas (the "Acquired Tract"), as described in Exhibit "C", from the abutting property owner (the "Abutting Owner") to use for the final alignment of the extension of Wadley Avenue to State Highway 158; and

WHEREAS, the Council finds the total value of the City's property interest in the Conveyed Tracts to be $44.85 and the value of the Abutting Owner's property interest in the Acquired Tract to be equal to or greater than the total value of the Conveyed Tracts; and

WHEREAS, the City's Engineering Services Department and the Abutting Owner propose that the City convey the Conveyed Tracts to the Abutting Owner in exchange for the Abutting Owner conveying the Acquired Tract to the City; and

WHEREAS, the Council finds it to be in the public interest to authorize the City Manager to convey the Conveyed Tracts to the Abutting Owner and to accept the Acquired Tract from the Abutting Owner;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the City Manager is hereby authorized and directed to convey to the Abutting Owner, on behalf of the City of Midland, any and all real property interests in the surface of the Conveyed Tracts by any instruments of conveyance necessary or appropriate; provided, however, that in exchange for said conveyances, the City Manager shall acquire and accept, on behalf of the City of Midland, any real property interests in the Acquired Tract necessary or appropriate, by any instrument of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith.

SECTION TWO. That the City Manager is hereby authorized and directed to

negotiate, execute and file all documents necessary to convey the Conveyed Tracts and accept the Acquired Tract, purchase title insurance policies and hold the closings.

SECTION THREE. That the City Secretary is hereby authorized and directed to file, or ensure that the title company files, the instrument conveying the Acquired Tract to the City in the Deed Records of Midland County, Texas. A copy of said instrument of conveyance shall be maintained on file in the City Secretary's Office.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

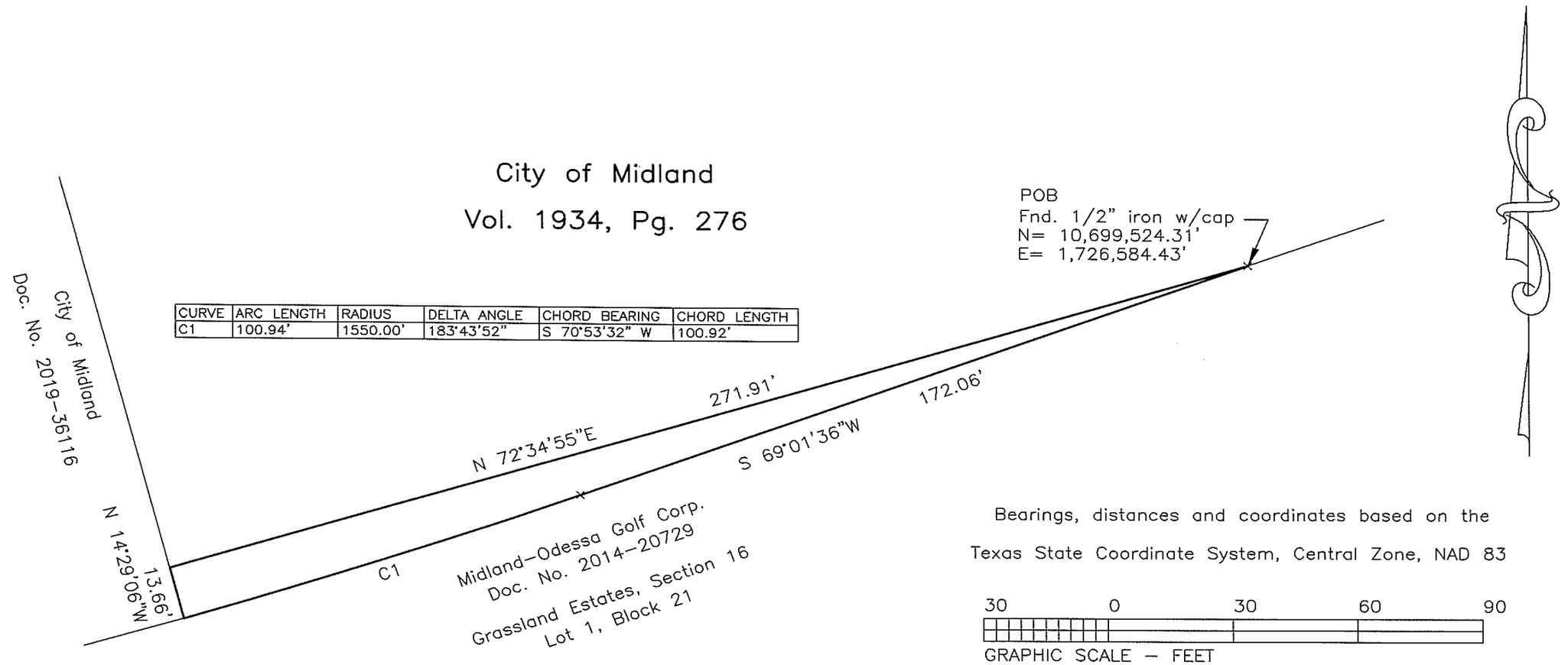
_____
Robert Patrick, Assistant City Manager

_____
Jose Ortiz, Director of Engineering Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Exhibit showing a 0.0503 Ac. Tract
located in Section 25, Block 40, T–1–S,
T. & P. RR. Co. Survey, Midland County, Texas



Bearings, distances and coordinates based on the
Texas State Coordinate System, Central Zone, NAD 83

30 0 30 60 90
GRAPHIC SCALE – FEET

(Field Notes to accompany this exhibit)

EXHIBIT "A"

PACKET
9.298
July 28, 2020

Proposed 0.0503 Ac. Tract

For a proposed 0.0503 acre tract located in Section 25, Block 40, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas and being a portion of the land conveyed to the City of Midland by deed as recorded in Vol. 1934, Pg. 276 of the Midland County Deed Records and being more fully described as follows;

Beginning at a found ½" diameter iron rod with cap in the north line of Lot 1, Block 21, Grassland Estates, Section 16 and having a coordinate of N= 10,699,524.31 ft., E= 1,726,584.43 ft., the southwest corner of the said City of Midland tract bears S 69° 01' 36" W a distance of 172.06 ft. and S 70° 53' 32" W a distance of 100.92 ft.,

Thence S 69° 01' 36" W along the north line of said Lot 1 a distance of 172.06 ft. to a set ½" diameter iron rod with cap at the beginning of a curve to the right,

Thence along said curve to the right having a radius of 1550.00 ft., an arc length of 100.94 ft. with a chord bearing of S 70° 53' 32" W and a chord distance of 100.92 ft. to a point at the southwest corner of the said City of Midland tract and the southeast corner of another tract to the City of Midland, Texas as recorded in Doc. No. 2019-36116 of the said deed records in the north line of said Lot 1 at the end of this curve,

Thence N 14° 29' 06" W along the common line of the said City of Midland tracts a distance of 13.66 ft. to a set ½" diameter iron rod with cap,

Thence N 72° 34' 55" E along the north line of the herein described tract a distance of 271.91 ft. to the place of beginning and containing 0.0503 acres.

Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

Richard A. Shelton 3-9-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7295

Exhibit showing a 0.0525 Ac. Tract

located in Section 25, Block 40, T-1-S,

T. & P. RR. Co. Survey, Midland County, Texas

City of Midland

Vol. 1934, Pg. 276

City of Midland

Doc. No. 2019-36116

S 14°29'06"E

13.66'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	74.59'	1550.00'	2°45'25"	S 74°08'11" W	74.58'

C1

N 72°34'55"E 302.11'

S 75°30'54"W 227.16'

POB

N= 10,699,409.30'

E= 1,726,256.67'

Fnd. 1/2" Iron rod w/cap

Midland-Odessa Golf Corp.

Doc. No. 2014-20729

Grassland Estates, Section 16

Lot 1, Block 21

Bearings, distances and coordinates based on the Texas State Coordinate System, Central Zone, NAD 83

30 0 30 60 90

GRAPHIC SCALE - FEET

PACKET

9.300

July 28, 2020

EXHIBIT "B"

(Field Notes to accompany this exhibit)

Proposed 0.0525 Ac. Tract

For a proposed 0.0525 acre tract located in Section 25, Block 40, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas and being a portion of the land conveyed to the City of Midland, Texas by deed as recorded in Doc. No. 2019-36116 of the Midland County Deed Records and being more fully described as follows;

Beginning at a found ½" diameter iron rod with cap in the north line of Lot 1, Block 21, Grassland Estates, Section 16 and having a coordinate of N= 10,699,409.30 ft., E= 1,726,256.67 ft., a found ½" diameter iron rod w/cap for the southeast corner of said Doc. No. 2019-36116 bears N 74° 08' 11" E a distance of 74.58 ft.,

Thence S 75° 30' 54" W along the north line of said Lot 1 a distance of 227.16 ft. to a set ½" diameter iron rod with cap for the west corner of the herein described tract,

Thence N 72° 34' 55" E along the north line of the herein described tract a distance of 302.11 ft. to a set ½" diameter iron rod with cap for the northeast corner of the herein described tract and in the east line of the said City of Midland tract,

Thence S 14° 29' 06" E along the east line of the said City of Midland tract and the west line of another tract to the City of Midland as recorded in Vol. 1934, Pg. 276 of the said deed records a distance of 13.66 ft. to a found ½" diameter iron rod in the north line of said Lot 1 at the beginning of a curve to the right,

Thence along said curve to the right having a radius of 1550.00 ft. with an arc length of 74.59 ft., a chord bearing of S 74° 08' 11" W and a chord distance of 74.58 ft. to the place of beginning and containing 0.0525 acres.

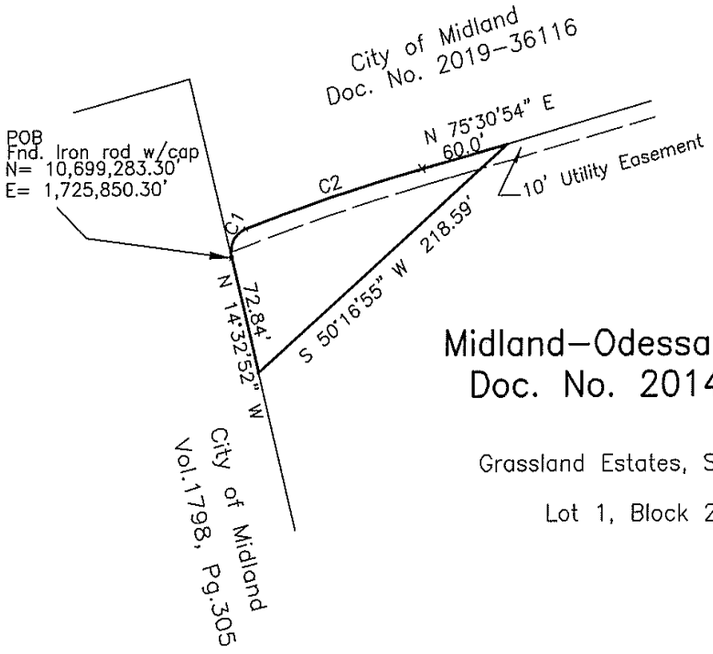
Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

3-9-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7295

PACKET
9.301
July 28, 2020

Exhibit showing a 0.204 Ac. Tract located in Section 25, Block 40, T–1–S T. & P. RR. Co. Survey, Midland County, Texas



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	22.29'	15.00'	85°07'53"	N 27°46'01" E	20.29'
C2	124.32'	1450.00'	4°54'44"	N 73°03'32" E	124.28'

Bearings, distances and coordinates based on the Texas State Coordinate System, Central Zone, NAD 83

100 0 100 200 300

GRAPHIC SCALE – FEET

(Field Notes to accompany this exhibit)

EXHIBIT "C"

PACKET
9.302
July 28, 2020

Proposed 0.204 Ac. Right-of-Way Tract

For a proposed 0.204 acre Right-of-Way tract located in Lot 1, Block 21, Grassland Estates, Section 16, an addition to the City of Midland, Midland County, Texas as recorded in Cabinet F, Page 157 of the Midland County Plat Records and being a portion of the land conveyed to Midland-Odessa Golf Corp. by deed as recorded in Doc. No. 2014-20729 of the Midland County Deed Records and being more fully described as follows;

Beginning at an iron rod with cap found in the west line of said Lot 1 at the beginning of a curve to the right and having a coordinate of N= 10,699,283.30 ft., E= 1,725,850.30 ft., an iron rod with cap found for the northwest corner of said Lot 1 bears N 14° 32' 51" W a distance of 13.78 ft.,

Thence along said curve to the right having a radius of 15.00 ft., an arc length of 22.29 ft. with a chord of 20.29 ft. and chord bearing of N 27° 46' 01" E to a found iron rod with cap at the end of this curve and the beginning of another curve to the right,

Thence along the north line of said Lot 1 and said curve to the right having a radius of 1450.00 ft., an arc length of 124.32 ft. with a chord of 124.28 ft. and a chord bearing of N 73° 03' 32" E to a found iron rod with cap at the end of this curve,

Thence N 75° 30' 54" E along the north line of said Lot 1 a distance of 60.0 ft. to a set ½" diameter iron rod with cap for the east corner of the herein described tract,

Thence S 50° 16' 55" W along the southeast line of the herein described tract a distance of 218.59 ft. to a set ½" diameter iron rod with cap for the south corner of same,

Thence N 14° 32' 52" W along the west line of said Lot 1 a distance of 72.84 ft. to the place of beginning and containing 0.204 acres.

Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

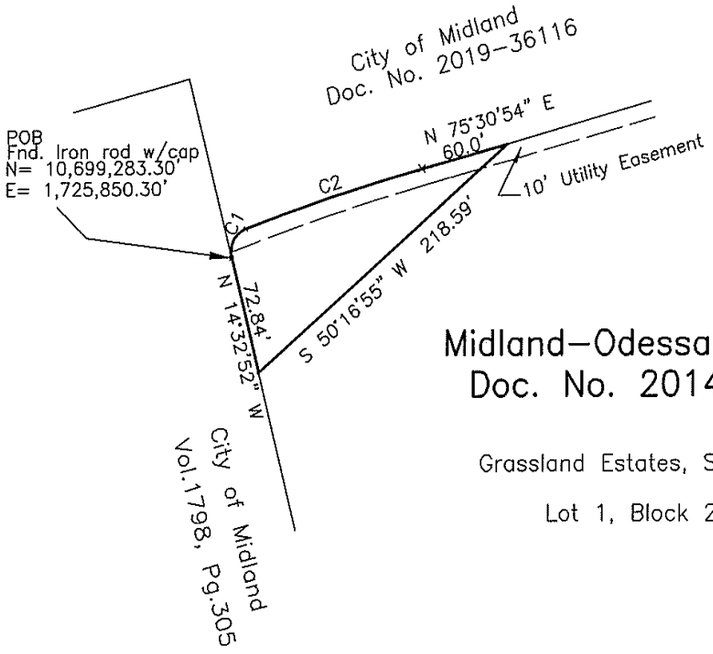
R A. Shelton 3-9-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7295

Wadley Extension - ROW

Exhibit showing a 0.204 Ac. Tract located in Section 25, Block 40, T–1–S T. & P. RR. Co. Survey, Midland County, Texas

TO BE AQUIRED



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	22.29'	15.00'	85°07'53"	N 27°46'01" E	20.29'
C2	124.32'	1450.00'	4°54'44"	N 73°03'32" E	124.28'

Bearings, distances and coordinates based on the Texas State Coordinate System, Central Zone, NAD 83

100 0 100 200 300

GRAPHIC SCALE – FEET

(Field Notes to accompany this exhibit)

PACKET
9.305
July 28, 2020

Proposed 0.204 Ac. Right-of-Way Tract TO BE AQUIRED

For a proposed 0.204 acre Right-of-Way tract located in Lot 1, Block 21, Grassland Estates, Section 16, an addition to the City of Midland, Midland County, Texas as recorded in Cabinet F, Page 157 of the Midland County Plat Records and being a portion of the land conveyed to Midland-Odessa Golf Corp. by deed as recorded in Doc. No. 2014-20729 of the Midland County Deed Records and being more fully described as follows;

Beginning at an iron rod with cap found in the west line of said Lot 1 at the beginning of a curve to the right and having a coordinate of N= 10,699,283.30 ft., E= 1,725,850.30 ft., an iron rod with cap found for the northwest corner of said Lot 1 bears N 14° 32' 51" W a distance of 13.78 ft.,

Thence along said curve to the right having a radius of 15.00 ft., an arc length of 22.29 ft. with a chord of 20.29 ft. and chord bearing of N 27° 46' 01" E to a found iron rod with cap at the end of this curve and the beginning of another curve to the right,

Thence along the north line of said Lot 1 and said curve to the right having a radius of 1450.00 ft., an arc length of 124.32 ft. with a chord of 124.28 ft. and a chord bearing of N 73° 03' 32" E to a found iron rod with cap at the end of this curve,

Thence N 75° 30' 54" E along the north line of said Lot 1 a distance of 60.0 ft. to a set ½" diameter iron rod with cap for the east corner of the herein described tract,

Thence S 50° 16' 55" W along the southeast line of the herein described tract a distance of 218.59 ft. to a set ½" diameter iron rod with cap for the south corner of same,

Thence N 14° 32' 52" W along the west line of said Lot 1 a distance of 72.84 ft. to the place of beginning and containing 0.204 acres.

Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

Richard A. Shelton 3-9-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7295

PACKET
9.306
July 28, 2020

Exhibit showing a 0.0503 Ac. Tract
located in Section 25, Block 40, T–1–S,
T. & P. RR. Co. Survey, Midland County, Texas

TO BE CONVEYED

City of Midland
Vol. 1934, Pg. 276

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	100.94'	1550.00'	183°43'52"	S 70°53'32" W	100.92'

POB
Fnd. 1/2" iron w/cap
N= 10,699,524.31'
E= 1,726,584.43'

City of Midland
Doc. No. 2019–36116

N 14°29'06"W 13.66'

C1

N 72°34'55"E 271.91'

S 69°01'36"W 172.06'

Midland–Odessa Golf Corp.
Doc. No. 2014–20729

Grassland Estates, Section 16
Lot 1, Block 21

Bearings, distances and coordinates based on the
Texas State Coordinate System, Central Zone, NAD 83

30 0 30 60 90
GRAPHIC SCALE – FEET

(Field Notes to accompany this exhibit)

PACKET
9.307
July 28, 2020

TO BE CONVEYED

Proposed 0.0503 Ac. Tract

For a proposed 0.0503 acre tract located in Section 25, Block 40, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas and being a portion of the land conveyed to the City of Midland by deed as recorded in Vol. 1934, Pg. 276 of the Midland County Deed Records and being more fully described as follows;

Beginning at a found ½" diameter iron rod with cap in the north line of Lot 1, Block 21, Grassland Estates, Section 16 and having a coordinate of N= 10,699,524.31 ft., E= 1,726,584.43 ft., the southwest corner of the said City of Midland tract bears S 69° 01' 36" W a distance of 172.06 ft. and S 70° 53' 32" W a distance of 100.92 ft.,

Thence S 69° 01' 36" W along the north line of said Lot 1 a distance of 172.06 ft. to a set ½" diameter iron rod with cap at the beginning of a curve to the right,

Thence along said curve to the right having a radius of 1550.00 ft., an arc length of 100.94 ft. with a chord bearing of S 70° 53' 32" W and a chord distance of 100.92 ft. to a point at the southwest corner of the said City of Midland tract and the southeast corner of another tract to the City of Midland, Texas as recorded in Doc. No. 2019-36116 of the said deed records in the north line of said Lot 1 at the end of this curve,

Thence N 14° 29' 06" W along the common line of the said City of Midland tracts a distance of 13.66 ft. to a set ½" diameter iron rod with cap,

Thence N 72° 34' 55" E along the north line of the herein described tract a distance of 271.91 ft. to the place of beginning and containing 0.0503 acres.

Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

Richard A. Shelton 3-9-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7295

PACKET
9.308
July 28, 2020

Exhibit showing a 0.0525 Ac. Tract
located in Section 25, Block 40, T–1–S,
T. & P. RR. Co. Survey, Midland County, Texas

City of Midland
Doc. No. 2019–36116

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	74.59'	1550.00'	2°45'25"	S 74°08'11" W	74.58'

City of Midland
Vol. 1934, Pg. 276

S 14°29'06"E
13.66'

C1

N 72°34'55"E 302.11'

S 75°30'54"W 227.16'

POB
N= 10,699,409.30'
E= 1,726,256.67'
Fnd. 1/2" Iron rod w/cap

Midland–Odessa Golf Corp.
Doc. No. 2014–20729
Grassland Estates, Section 16
Lot 1, Block 21

Bearings, distances and coordinates based on the Texas State Coordinate System, Central Zone, NAD 83

30 0 30 60 90

GRAPHIC SCALE – FEET

(Field Notes to accompany this exhibit)

TO BE CONVEYED

PACKET
9.309
July 28, 2020

TO BE CONVEYED

Proposed 0.0525 Ac. Tract

For a proposed 0.0525 acre tract located in Section 25, Block 40, T-1-S, T. & P. RR. Co. Survey, Midland County, Texas and being a portion of the land conveyed to the City of Midland, Texas by deed as recorded in Doc. No. 2019-36116 of the Midland County Deed Records and being more fully described as follows;

Beginning at a found ½" diameter iron rod with cap in the north line of Lot 1, Block 21, Grassland Estates, Section 16 and having a coordinate of N= 10,699,409.30 ft., E= 1,726,256.67 ft., a found ½" diameter iron rod w/cap for the southeast corner of said Doc. No. 2019-36116 bears N 74° 08' 11" E a distance of 74.58 ft.,

Thence S 75° 30' 54" W along the north line of said Lot 1 a distance of 227.16 ft. to a set ½" diameter iron rod with cap for the west corner of the herein described tract,

Thence N 72° 34' 55" E along the north line of the herein described tract a distance of 302.11 ft. to a set ½" diameter iron rod with cap for the northeast corner of the herein described tract and in the east line of the said City of Midland tract,

Thence S 14° 29' 06" E along the east line of the said City of Midland tract and the west line of another tract to the City of Midland as recorded in Vol. 1934, Pg. 276 of the said deed records a distance of 13.66 ft. to a found ½" diameter iron rod in the north line of said Lot 1 at the beginning of a curve to the right,

Thence along said curve to the right having a radius of 1550.00 ft. with an arc length of 74.59 ft., a chord bearing of S 74° 08' 11" W and a chord distance of 74.58 ft. to the place of beginning and containing 0.0525 acres.

Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

3-9-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7295

PACKET
9.310
July 28, 2020

City Council Meeting

Item Number: 10

Meeting Date: July 28, 2020

To: City Council / City Manager

From: John Simmons, Manager, Right-of-Way

Subject: **Motion accepting a 11.653-acre Right of Way Dedication out of sections 11 & 12, Block 40, T-2-S, T & P RR. Co Survey, Midland County, Texas, from the Kenneth Huseman Family Partnership, L.P; a copy of the Right of Way Dedication Deed being on file in the City Secretary's office referenced by the date and number of this motion; and ordering the City Secretary to record said instrument in the official real property records of Midland County, Texas . (ENGINEERING SERVICES)**

Purpose:

This motion accepts a Right of Way Dedication Deed from Kenneth Huseman Family Partnership, L.P., for an 80' wide right of way for future road and utility access to currently undeveloped parcels. Said Right of Way Dedication is part of the plat map requirements for completion of the mapping process and future land use.

Recommended City Council Action:

Approve

Fiscal Impact:

This Right of Way is being dedicated to the City of Midland at no cost to the City.

Discussion:

This Right of Way dedication will be used to provide future right of way for road access and public utilities as this area is mapped and developed and is part of the Engineering Services plan review approval process.

The Right of Way Dedication Deed is attached, as is a plat showing the proposed easement,

Staff supports accepting this dedication.

City Manager's Office

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

RIGHT OF WAY DEDICATION DEED

THE STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MIDLAND §

WHEREAS, **KENNETH HUSEMAN FAMILY PARTNERSHIP, L.P.**, hereinafter called "Grantor," is the owner of a certain tract of land lying and being situated in Midland, Midland County, Texas, and desires to dedicate to the use by the public a parcel of land lying and being situated in said tract;

NOW, THEREFORE, for and in consideration of Ten dollars ($10.00) and other good and valuable consideration, including the enhancement in value of Grantor's abutting property to be realized from the dedication, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby GIVE, GRANT, DEDICATE AND CONVEY to the City of Midland, Texas, hereafter referred to as "Grantee," whose mailing address is P.O. Box 1152, Midland, Texas 79702, for the use and benefit of the public for street, road, drainage, and public utility purposes, and for any other ancillary public use as usual and customary in connection therewith, a right-of-way easement in, on, upon, over, under, across, along and through the following described property:

AN 11.68 ACRE TRACT OF LAND LOCATED IN SECTIONS 11 & 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN FOR ALL PURPOSES.

TO HAVE AND TO HOLD the above described premises, together with all the rights and appurtenances thereto in anywise belonging unto the said public generally for the purposes hereinabove recited.

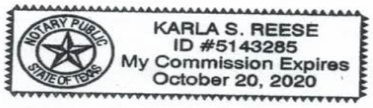
WITNESS THE EXECUTION HEREOF this the 16th day of July, 2020.

GRANTOR
KENNETH HUSEMAN FAMILY PARTNERSHIP, L.P.

By: *JOHNATHAN HUSEMAN, MANAGER*

STATE OF TEXAS §
Tarrant §
COUNTY OF ~~MIDLAND~~ §

BEFORE ME, the undersigned authority, on this day personally appeared **JONATHAN HUSEMAN, MANAGER** of **KENNETH HUSEMAN FAMILY PARTNERSHIP, L.P.** known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed and delivered the foregoing instrument for the purposes and consideration therein expressed on behalf of **KENNETH HUSEMAN FAMILY PARTNERSHIP, L.P.**.



Karla S. Reese
Notary Public, State of Texas

My Commission Expires: 10/20/2020

EXHIBIT "A"

PARKHILLSMITH&COOPER

4222 85th Street
Lubbock, Texas 79423
806.473.2200

AN 80-FOOT WIDE RIGHT-OF-WAY DEDICATION IN SECTIONS 11 & 12, BLOCK 40, T-2-S, T. & P. RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

An 80-foot wide public right-of-way dedication in Sections 11 and 12, Block 40, Township, 2-South, T. & P. RR. Company Survey, Midland County, Texas, situated in those certain tracts of land conveyed to the Kenneth Huseman Family Partnership, L.P., described in deeds recorded in Instrument Number 2012-21093, Instrument Number 2011-23417 and Volume 2717, Page 743 of the Official Public Records of Midland County, Texas, said right-of-way dedication contains 11.653 acres (507,608 square feet) being further described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with a plastic cap marked “PSC RPLS 6453” set in the existing south right-of-way line of Cholla Road, dedicated with the plat of Southwest Crossing, Section 1, recorded in Plat Cabinet “I”, Page 168 of the Plat Records of Midland County, Texas, at the original northwest corner of Block 2 of said Southwest Crossing, for the southeast corner of this dedication, said beginning point having coordinates of NORTHING: 10,675,469.97 and EASTING: 1,734,776.63, Texas Coordinate System, Central Zone 4203, North American Datum of 1983, whence a 1/2-inch iron rod with a plastic cap marked “STARK 5084” bears *North 74 degrees 06 minutes 53 seconds East* a distance of 0.70 feet and a 1-1/2” black iron pipe found at the south common corner of said Sections 11 and 12 bears *South 75 degrees 45 minutes 08 seconds West* a distance of 3018.79 feet and *South 14 degrees 14 minutes 52 seconds East* a distance of 1689.89 feet;

(1) THENCE *South 59 degrees 13 minutes 09 seconds West* a distance of 1174.38 feet to a 1/2-inch iron rod with a plastic cap marked “PSC RPLS 6453” set at a point of intersection for a corner of this dedication;

(2) THENCE *South 59 degrees 44 minutes 17 seconds West*, at a distance of 1968.66 feet pass a 1/2-inch iron rod with a plastic cap marked “PSC RPLS 6453” set in the common line of said Sections 11 and 12, continuing for a total distance of 2283.52 feet to a 1/2-inch iron rod with a plastic cap marked “PSC RPLS 6453” set at a point of intersection for a corner of this dedication;

(3) THENCE *South 58 degrees 29 minutes 44 seconds West* a distance of 20.00 feet to a 1/2-inch iron rod with a plastic cap marked “RPLS 5707” found at the most northerly northeast corner of a tract of land conveyed to Field’s Edge, Inc., described in a gift deed recorded in Instrument 2019-6035 of the Official Public Records of Midland County, Texas, at a point of intersection for a corner of this dedication;

(4) THENCE *South 59 degrees 44 minutes 49 seconds West* a distance of 2721.94 feet to a 1/2-inch iron rod with a plastic cap marked “RPLS 5707” found in the south line of said Section 11, at the southwest corner of said Field’s Edge tract, for the southwest corner of this dedication;

(5) THENCE *South 75 degrees 09 minutes 13 seconds West*, along the south line of said Section 11, a distance of 301.00 feet to a 5/8-inch iron rod with a 2-inch aluminum cap marked “PLS 1974” found in the north line of said tract described in Volume 2717, Page 743, in the south line of a tract of land conveyed to Cumberland and Western Resources, LLC, described as “Tract Twenty” in a deed recorded in Volume 3131, Page 210 of the Official Public Records of Midland County, Texas, for the northwest corner of this dedication, said point having coordinates of NORTHING: 10,672,259.23 and EASTING: 1,729,136.10, Texas Coordinate System, Central Zone 4203, North American Datum of 1983;

Texas Registered Surveying Firm # 10194091

(6) THENCE *North 59 degrees 44 minutes 17 seconds East*, along the common line of said Cumberland and Western tract and said Kenneth Huseman Family Partnership tract, at a distance of 3369.93 feet pass a 5/8-inch iron rod with a 2-inch aluminum cap marked “PLS 1974” found in the common line of said Sections 11 and 12, continuing for a total distance of 5315.45 feet to a 5/8-inch iron rod with a 2-inch aluminum cap marked “PLS 1974” found at the southwest corner of said Cumberland and Western tract, at a point of intersection for a corner of this dedication;

(7) THENCE *North 59 degrees 13 minutes 09 seconds East* a distance of 1174.54 feet to a 1/2-inch iron rod with a plastic cap marked “PSC RPLS 6453” set in the existing north right-of-way line of said Cholla Road for the northeast corner of this dedication;

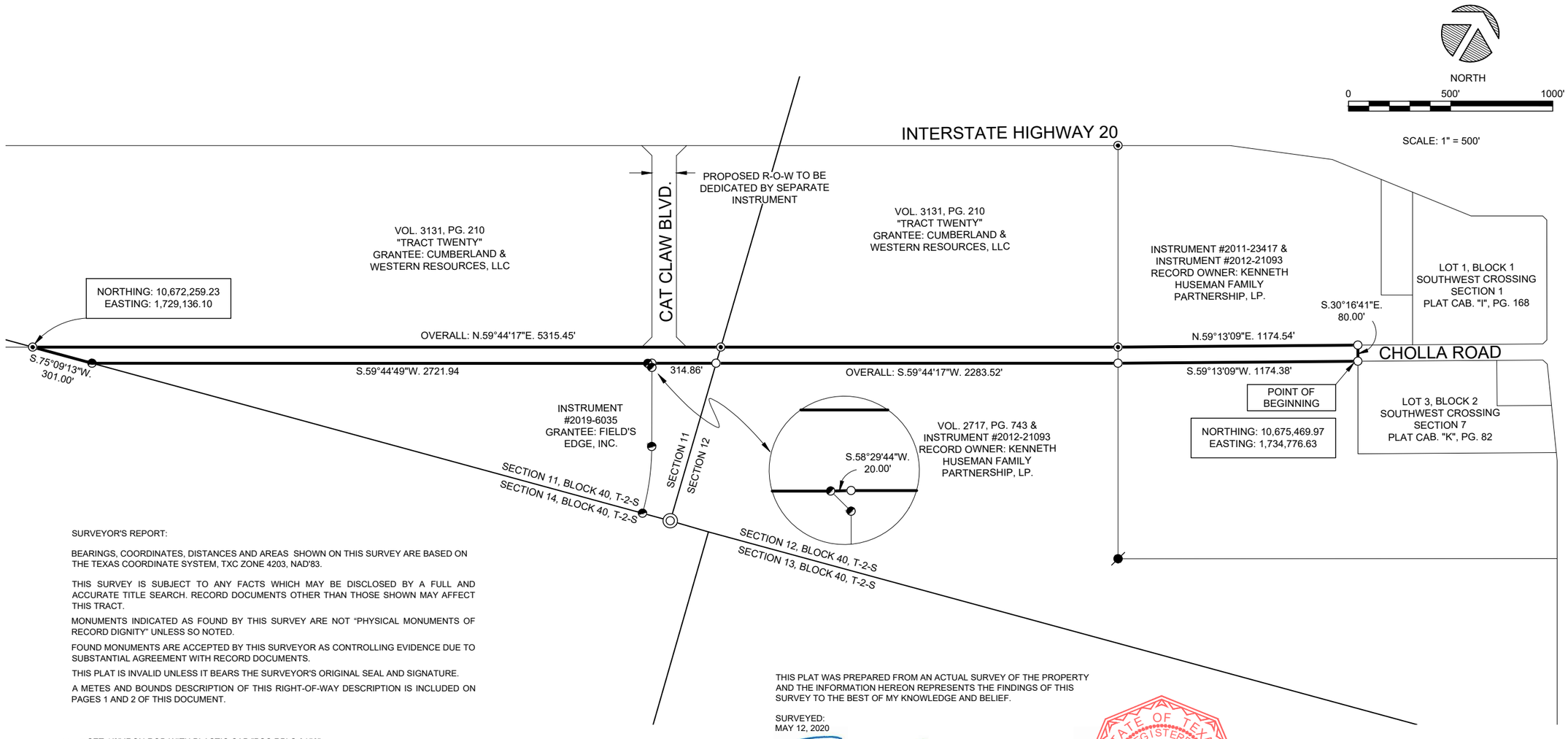
(8) THENCE *South 30 degrees 16 minutes 41 seconds East* a distance of 80.00 feet to the **POINT OF BEGINNING**. Bearings, coordinates, distance and areas called in this description are based on the Texas Coordinate System, Central Zone 4203, North American Datum of 1983. This survey is subject to any facts which may be disclosed by a full and accurate title search. Record documents other than those shown may affect these tracts. A plat of this survey is included on page 3 of this document.
This description was prepared from an actual survey of the property and the information hereon represents the findings of this survey to the best of my knowledge and belief.

Surveyed: May 12, 2020

Samuel Wyatt, R.P.L.S. 6453

80-FOOT WIDE RIGHT-OF-WAY DEDICATION IN SECTIONS 11 & 12, BLOCK 40, T-2-S, T. & P. RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

PARENT TRACTS: INSTRUMENT 2012-21093, 2011-23417 & VOL. 2717, PG. 743,
OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS



SURVEYOR'S REPORT:

BEARINGS, COORDINATES, DISTANCES AND AREAS SHOWN ON THIS SURVEY ARE BASED ON THE TEXAS COORDINATE SYSTEM, TXC ZONE 4203, NAD'83.

THIS SURVEY IS SUBJECT TO ANY FACTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. RECORD DOCUMENTS OTHER THAN THOSE SHOWN MAY AFFECT THIS TRACT.

MONUMENTS INDICATED AS FOUND BY THIS SURVEY ARE NOT "PHYSICAL MONUMENTS OF RECORD DIGNITY" UNLESS SO NOTED.

FOUND MONUMENTS ARE ACCEPTED BY THIS SURVEYOR AS CONTROLLING EVIDENCE DUE TO SUBSTANTIAL AGREEMENT WITH RECORD DOCUMENTS.

THIS PLAT IS INVALID UNLESS IT BEARS THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE.

A METES AND BOUNDS DESCRIPTION OF THIS RIGHT-OF-WAY DESCRIPTION IS INCLUDED ON PAGES 1 AND 2 OF THIS DOCUMENT.

○ = SET 1/2" IRON ROD WITH PLASTIC CAP "PSC RPLS 6453"

◉ = FOUND 5/8" IRON ROD WITH 2" ALUMINUM CAP "PLS 1974"

◔ = FOUND 1/2" IRON ROD WITH PLASTIC CAP "LCA"

◒ = FOUND 1/2" IRON ROD WITH PLASTIC CAP "RPLS 5707"

◎ = FOUND 1-1/2" BLACK IRON PIPE

THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY AND THE INFORMATION HEREON REPRESENTS THE FINDINGS OF THIS SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEYED:
MAY 12, 2020

SAMUEL WYATT
R.P.L.S. 6453

STATE OF TEXAS
REGISTERED
SAMUEL WYATT
6453
PROFESSIONAL
LAND SURVEYOR

PARKHILL SMITH & COOPER
TBPELS FIRM REGISTRATION NO. 10194091
4222 85TH STREET
LUBBOCK, TX. 79423
806.473.2200

June 16, 2020

Parkhill, Smith & Cooper, Inc.
1700 West Wall
Midland, TX 79701

Re: Request for attorney's title opinion, Proposed Fields Edge Addition

Proper Legal Description ("the Property"): **TRACT ONE: Being 23.66 acres, more or less, out of Section 11, Block 40, T-2-S, T & P Ry. O. Survey, Midland County, Texas, more particularly described by metes and bounds in the deed attached as Exhibit "A":**

TRACT TWO: Being 11.653 acres, more or less, out of Sections 11 and 12, Block 40, T-2-S, T & P Ry. O. Survey, Midland County, Texas, more particularly described by metes and bounds in the deed attached as Exhibit "B":

I have examined title to the Property based upon the records of Permian Abstract Company certified through May 29, 2020 ("Certification Date"). Based upon my examination, I would advise you as follows:

FEE SIMPLE TITLE:

TRACT ONE: The Field's Edge, Inc.

TRACT TWO: The Kenneth Huseman Family Partnership, L.P.

The Property is subject to the following matters of record:

1. TRACT ONE: Prior reservation or conveyance of all oil, gas and other minerals by Deed recorded Volume 2740, Page 749, Official Records of Midland County, Texas, and the rights of the owners thereof. The title to those minerals has not been reviewed subsequent to the reservation.

2. TRACT TWO: Prior reservation or conveyance of all oil, gas and other minerals by Deed recorded Volume 283, Page 293, corrected Volume 283, Page 300, and Volume 283, Page 302, Deed Records of Midland County, Texas, and the rights of the owners thereof. The title to those minerals has not been reviewed subsequent to the reservation.

3. TRACT ONE of the Property is a part of a larger tract or tract that is subject to blanket or unlocated easements or rights of way. These will be described on Schedule B of any policy to be issued unless we are provided a survey and verification from the surveyor that the following blanket or unlocated easements or rights of way do not cross or touch the Property:

   (A) Easement to Atlantic Oil Producing Company recorded Volume 38, page 429, as corrected Volume 538, Page 320, Deed Records of Midland County, Texas;
   (B) Easement to Texas Electric Service Company recorded Volume 129, page 256, Volume 533, Page 613, Volume 811, Page 123, Deed Records of Midland County, Texas;
   (C) Easement to Pioneer Natural Gas Company recorded Volume 577, page 791, Volume 578, Page 118,Deed Records of Midland County, Texas;
   (D) Low Level Windshear Lease to the United States of America, Department of Transportation, Federal Aviation Administration recorded Volume 2775, page 16, Deed Records of Midland County, Texas;
   (E) Easement to EGL Resources, Inc. recorded Document Number 2011-007241, Official Records of Midland County, Texas;

4. TRACT TWO of the Property is a part of a larger tract or tract that is subject to blanket or unlocated easements or rights of way. These will be described on Schedule B of any policy to be issued unless we are provided a survey and verification from the surveyor that the following blanket or unlocated easements or rights of way do not cross or touch the Property:

   (A) Easement to Atlantic Oil Producing Company recorded Volume 38, page 438, Deed Records of Midland County, Texas;
   (B) Easement to Texas Pipeline Company recorded Volume 98, page 9, Deed Records of Midland County, Texas;
   (C) Easement to Texas Electric Service Company recorded Volume 439, page 316,

Volume 484, Page 243,Deed Records of Midland County, Texas;

This title opinion does not address matters such as access to the Property; or liens, unrecorded instruments, leases, oil and gas leases, utility liens, or property taxes that may be owed with respect to the Property.

Very truly yours,

HARRIS E. KERR

City Council Meeting

Item Number: **11**
Meeting Date: **July 28, 2020**
To: **City Council / City Manager**
From: **Jose Ortiz, Director**

Approved for Agenda:

City Manager's Office

2020-130

Subject: RESOLUTION SUPPORTING THE 2021 UNIFIED TRANSPORTATION PLAN (ENGINEERING SERVICES)

Purpose:

Consider a resolution supporting the 2021 Unified Transportation Program (UTP) of certain Texas Department of Transportation (TxDOT) projects

Recommended City Council Action:

Approve

Fiscal Impact:

No Funding Required

Discussion:

This resolution will serve as the City of Midland's support of the proposed 2021 Unified Transportation Program (UTP) and the allocation of the remaining $235 million in additional funding previously dedicated by the Commission in the 2020 UTP Revision.

The Texas Transportation Commission and TxDOT use the Unified Transportation Program (UTP) as TxDOT's 10-year plan to guide transportation project development. The UTP is developed annually in accordance with the Texas Administrative Code (TAC §16.105) and is approved by the Texas Transportation Commission annually prior to Aug. 31. The UTP authorizes projects for construction, development and planning activities and includes projects

involving highways. Additional information regarding the UTP is available on TxDOT's webpage at http://ftp.dot.state.tx.us/pub/txdot/tpp/utp/2021-utp.pdf

RESOLUTION NO. _____

RESOLUTION SUPPORTING THE 2021 UNIFIED TRANSPORTATION PLAN

WHEREAS, the Permian Basin has seen unprecedented economic growth, and nowhere is that more apparent than in the 12-county Texas Department of Transportation ("*TxDOT*") Odessa District; and

WHEREAS, the Permian Basin accounts for approximately ten percent (10%) of state revenues, while comprising a much smaller percentage of population; and

WHEREAS, the recovery of the Permian Basin's energy sector can have an exponential effect on recovery of the State of Texas' economy; and

WHEREAS, The Permian Basin Freight Study, undertaken by TxDOT to better understand freight movement and traffic in the Permian Basin, indicates that there has been an increase of approximately 106,000 daily truck trips in the Permian Basin as compared to previous estimates; and

WHEREAS, the Texas State Demographer has forecasted a combined population increase of over 725,000 in Ector and Midland Counties by 2050, which would bring the Midland-Odessa Combined Statistical Area population to over 1.1 million residents; and

WHEREAS, Midland and Odessa through their respective cities and development corporations have leveraged $30 million in local tax dollars to facilitate transportation improvements to the state highway system to improve safety and capacity; and

WHEREAS, businesses and other communities have also helped leverage area projects for the long-term benefit of the State of Texas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Midland City Council supports the proposed 2021 Unified Transportation Plan (UTP) and the allocation of the remaining $235 million in additional funding previously dedicated by the Commission in the 2020 UTP Revision.

SECTION TWO. That the Midland City Council respectfully requests that the Transportation Commission continue additional funding for the Permian Basin in the next

UTP cycle to allow for (i) the completion of certain projects with funding gaps and (ii) the development of additional critical infrastructure projects that will support the growth of the economies of the Permian Basin and the State of Texas.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

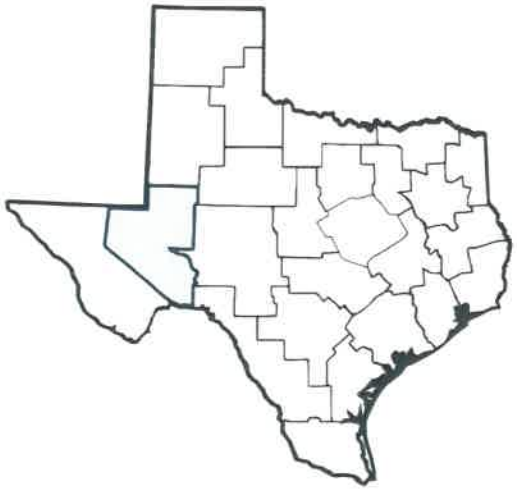
RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Odessa District
2021 Unified Transportation Program (UTP)



DISTRICT FACTS

Population	418,800
Square Miles	18,300
Daily Vehicle Miles	16.5 million
Highway Lane Miles	8,200

REGIONAL PLANNING CONTACTS

- Odessa TxDOT District *page*
- MPO: *Permian Basin Metropolitan Planning Organization*

Make sure to visit TxDOT's Project Tracker website to view up-to-date information on transportation projects: www.TxDOT.gov/pt

DISTRICT HIGHLIGHTS & PRIORITIES

The energy sector is a vital component of both the Texas and Odessa District economies. The district works strategically to invest resources not only to adapt infrastructure to support the energy sector's needs, but also to accommodate increasing demand on district roads and highways. The district works with energy sector and community partners to find solutions to the unique challenges of the industry. At any given time, the transportation infrastructure must be able to handle both a significant workforce influx and shifting traffic patterns.

Additionally, as oil production grows, energy sector traffic grows. This combination of factors leads to an increase in the amount of both industry and passenger traffic. The district's priorities focus on addressing those challenges through the use of Category 11 funding. This strategy allows for the district to focus Category 4 funding on rural connectivity projects. Additionally, Category 1 funding helps address maintenance issues created by increased traffic.

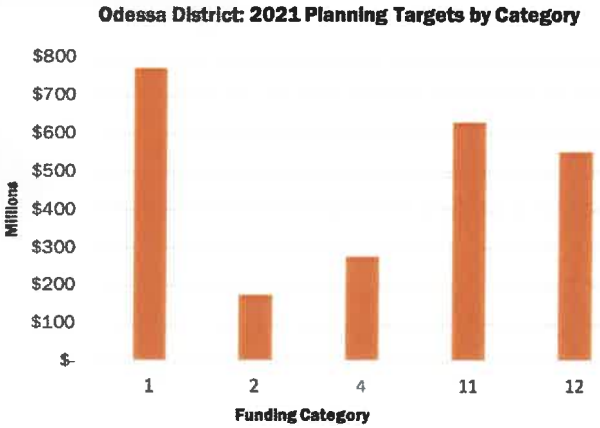
KEY PROJECTS

Short Term (Four or fewer years)

- IH 20, Ector and Midland Counties: reconstruct frontage roads, ramps, and interchanges
- US 285, Reeves and Pecos Counties: reconstruct and add passing lanes
- US 67, Upton and Pecos Counties: reconstruct and add passing lanes
- SH 18, Winkler and Ward Counties: reconstruct and add passing lanes

Long Term (Five or more years)

- IH 20, Midland County: reconstruct frontage roads, ramps, and interchanges
- US 385, Ector County: construct new interchange at South LP 338
- FM 1053, Pecos County: relocate existing road
- US 285, Reeves County: construct City of Pecos East Relief Route

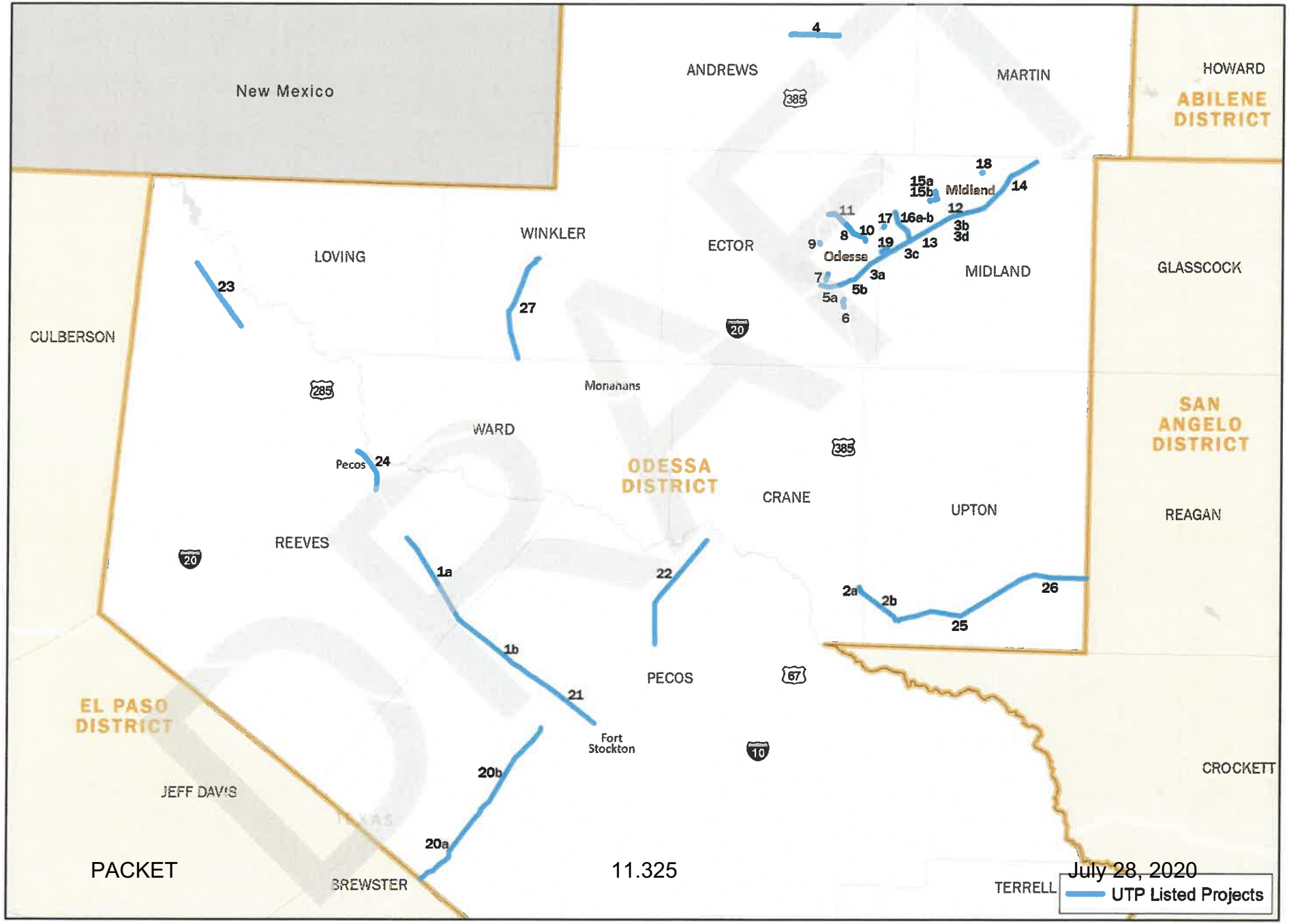


12
TxDOT FUNDING CATEGORIES

1 Preventive Maintenance and Rehabilitation
2 Metropolitan and Urban Area Corridor Projects
3 Non-Traditionally Funded Transportation Projects
4 Statewide Connectivity Corridor Projects
5 Congestion Mitigation and Air Quality Improvement
6 Structures Replacement and Rehabilitation
7 Metropolitan Mobility and Rehabilitation
8 Safety
9 Transportation Alternatives Program
10 Supplemental Transportation Projects
11 District Discretionary
12 Strategic Priority

@TXDOTODESSA GENE.POWELL@TXDOT.GOV 3901 E. HIGHWAY 80, ODESSA, TX 79761 (432) 332-0501

Odessa District
Listed Projects



Odessa - Listed Projects

Map ID	Highway	Project Name/ Project ID (CSJ Number)	From	To	Est Let Date Range	Construction Cost Estimate	UTP Action	Toll	Authorized Construction Funding by Category		Tier
Multi-County Projects											
1a	US 285	Passing Lanes (Super 2) - Reeves Co. (Reeves County) 0139-06-021	2.0 MI SOUTH OF CR 113	PECOS COUNTY LINE	FY 2021-2024	$27,800,000	No Funding Change	No	Cat. 4 Regional TOTAL	$27,800,000 $27,800,000	1
1b	US 285	Passing Lanes (Super 2) - Pecos Co. (Pecos County) 0139-07-025	REEVES COUNTY LINE	0.3 MI SOUTH OF FM 1776	FY 2021-2024	$28,000,000	No Funding Change	No	Cat. 4 Regional TOTAL	$28,000,000 $28,000,000	1
2a	US 385	Widen Non-Freeway - McCamey (Crane County) 0229-03-040	LATCH RANCH ROAD	UPTON COUNTY LINE	FY 2025-2030	$5,000,000	No Funding Change	No	Cat. 4 Regional TOTAL	$5,000,000 $5,000,000	1
2b	US 385	Widen Non-Freeway - McCamey (Upton County) 0229-04-057	CRANE COUNTY LINE	NIMITZ STREET IN MCCAMEY	FY 2025-2030	$30,000,000	No Funding Change	No	Cat. 4 Regional TOTAL	$30,000,000 $30,000,000	1
3a	IH 20	I-20 Project 3 - Widen Freeway (Ector County) 0005-13-064	EAST OF JBS PARKWAY	MIDLAND COUNTY LINE	FY 2025-2030	$28,600,000	New Authorization	No	Cat. 2 Cat. 12 Permian TOTAL	$1,000,000 $27,600,000 $28,600,000	1
3b	IH 20	I-20 Project 3 - Widen Freeway (Midland County) 0005-14-092	EAST OF CR 1250	EAST OF SH 349	FY 2021-2024	$75,800,000	Scope Change	No	Cat. 2 Cat. 12 Permian TOTAL	$6,250,000 $69,550,000 $75,800,000	1
3c	IH 20	I-20 Project 3 - Widen Freeway (Midland County) 0005-14-093	ECTOR COUNTY LINE	EAST OF CR 1300	FY 2025-2030	$149,500,000	New Authorization	No	Cat. 2 Cat. 3 Local Cat. 12 Permian TOTAL	$5,500,000 $2,000,000 $142,000,000 $149,500,000	1
3d	IH 20	I-20 Project 3 - Widen Freeway (Midland County) 0005-14-094	EAST OF CR 1300	EAST OF CR 1250	FY 2025-2030	$86,300,000	New Authorization	No	Cat. 2 Cat. 12 Permian TOTAL	$6,500,000 $79,800,000 $86,300,000	1
Andrews County											
4	SH 176	Widen Non-Freeway - Andrews 0548-01-047	SH 115 E OF ANDREWS	FM 1788	FY 2025-2030	$25,900,000	New Authorization	No	Cat. 12 Permian --Remaining funding TBD-- TOTAL	$10,000,000 $15,900,000 $25,900,000	2
Ector County											
5a	IH 20	I-20 Project 4 - Widen Freeway 0004-07-135	WEST OF FM 1936	MONAHANS DRAW	FY 2025-2030	$122,000,000	New Authorization	No	Cat. 2 Cat. 12 Permian --Remaining funding TBD-- TOTAL	$9,750,000 $71,050,000 $41,200,000 $122,000,000	1
5b	IH 20	I-20 Project 4 - Widen Freeway 0005-13-063	MONAHANS DRAW	EAST OF JBS PARKWAY	FY 2025-2030	$92,950,000	New Authorization	No	Cat. 2 Cat. 12 Permian --Remaining funding TBD-- TOTAL	$9,750,000 $44,200,000 $39,000,000 $92,950,000	1
6	US 385	Interchange at SL 388 - Odessa 0229-01-042	AT SOUTH SL 338	.	FY 2021-2024	$23,000,000	No Funding Change	No	Cat. 2 Cat. 3 Local TOTAL	$21,000,000 $2,000,000 $23,000,000	1
7	SH 302	Interchange at W 8th St - Odessa 2224-01-110	AT WEST 8TH STREET	.	FY 2025-2030	$21,760,000	No Funding Change	No	Cat. 2 Cat. 3 Local TOTAL	$19,760,000 $2,000,000 $21,760,000	2
8	SL 338	Interchange at E Yukon Rd - Odessa 2224-01-099	AT EAST YUKON RD	.	FY 2021-2024	$19,200,000	No Funding Change	No	Cat. 2 Cat. 3 Local TOTAL	$17,200,000 $2,000,000 $19,200,000	1
9	SL 338	Signal Improvements - Odessa 2224-01-111	AT W. YUKON RD	.	FY 2021-2024	$2,480,000	No Funding Change	No	Cat. 2 TOTAL	$2,480,000 $2,480,000	3
10	SL 338	Interchange at 52nd/56th - Odessa 2224-01-116	AT 52ND/56TH INTERCHANGE	.	FY 2025-2030	$28,000,000	New Authorization	No	Cat. 2 --Remaining funding TBD-- TOTAL	$2,500,000 $25,500,000 $28,000,000	3

Odessa District

Map ID	Highway	Project Name/ Project ID (CSJ Number)	From	To	Est Let Date Range	Construction Cost Estimate	UTP Action	Toll	Authorized Construction Funding by Category		Tier
11	SL 338	Upgrade to Freeway - Odessa 2224-01-117	YUKON RD E	US 385 N	FY 2025-2030	$19,600,000	New Authorization	No	Cat. 2 --Remaining funding TBD-- TOTAL	$2,500,000 $17,100,000 $19,600,000	1
Midland County											
12	IH 20	I-20 Project 1 - Interchange at Midkiff 0005-14-067	SL 250	0.5 MILES EAST OF MIDKIFF RD	FY 2021-2024	$36,800,000	No Funding Change	No	Cat. 2 Cat. 3 Local Cat. 4 Urban Cat. 11 Energy Sector TOTAL	$14,160,000 $2,000,000 $12,000,000 $8,640,000 $36,800,000	1
13	IH 20	I-20 Project 2 - Interchange at CR 1250 0005-14-084	AT CR 1250	.	FY 2021-2024	$50,000,000	No Funding Change	No	Cat. 4 Connectivity Cat. 4 Urban Cat. 11 Energy Sector TOTAL	$9,710,000 $19,840,000 $20,450,000 $50,000,000	1
14	IH 20	I-20 Project 5 - Widen Freeway 0005-15-093	EAST OF SH 349	EAST OF FM 1208	FY 2025-2030	$216,800,000	New Authorization	No	Cat. 2 Cat. 12 Permian --Remaining funding TBD-- TOTAL	$9,750,000 $58,250,000 $148,800,000 $216,800,000	1
15a	SH 158	Ramp Reconfiguration - Midland 0463-02-075	AVALON DRIVE	LOOP 250	FY 2021-2024	$12,630,000	No Funding Change	No	Cat. 2 Cat. 3 Local TOTAL	$11,630,000 $1,000,000 $12,630,000	1
15b	SL 250	Ramp Reconfiguration - Midland 1188-02-100	BS 158-B	WADLEY AVENUE	FY 2021-2024	$12,630,000	No Funding Change	No	Cat. 2 Cat. 3 Local TOTAL	$11,630,000 $1,000,000 $12,630,000	1
16a	SH 349	Non-Freeway Improvements - Midland 1718-01-035	BI 20-E	IH 20	FY 2025-2030	$1,433,040	No Funding Change	No	Cat. 2 TOTAL	$1,433,040 $1,433,040	1
16b	SH 349	Non-Freeway Improvements - Midland 1718-07-043	SH 191	BI 20-E	FY 2025-2030	$6,966,960	No Funding Change	No	Cat. 2 TOTAL	$6,966,960 $6,966,960	1
17	SH 191	Interchange at Yukon Rd - Odessa 2296-02-026	AT YUKON RD	.	FY 2021-2024	$18,560,000	No Funding Change	No	Cat. 2 Cat. 4 Urban TOTAL	$6,560,000 $12,000,000 $18,560,000	2
18	SL 250	Interchange at Todd Rd - Midland 1188-02-111	AT TODD RD.	.	FY 2025-2030	$28,000,000	New Authorization	No	Cat. 2 --Remaining funding TBD-- TOTAL	$2,500,000 $25,500,000 $28,000,000	3
19	BI 20E	Interchange at Faudree Rd - Odessa 0005-02-119	AT FAUDREE	.	FY 2025-2030	$21,120,000	No Funding Change	No	Cat. 2 Cat. 3 Local Cat. 4 Urban TOTAL	$8,370,000 $2,000,000 $10,750,000 $21,120,000	2
Pecos County											
20a	US 67	Passing Lanes (Super 2) - Fort Stockton 0075-02-026	16.8 MI SOUTH OF IH 10	BREWSTER COUNTY LINE	FY 2021-2024	$13,995,600	No Funding Change	No	Cat. 4 Regional TOTAL	$13,995,600 $13,995,600	1
20b	US 67	Passing Lanes (Super 2) - Fort Stockton 0075-03-022	IH 10	16.8 MI SOUTH OF IH 10	FY 2021-2024	$18,997,200	No Funding Change	No	Cat. 4 Regional TOTAL	$18,997,200 $18,997,200	1
21	US 285	Passing Lanes (Super 2) - Pecos Co. 0139-08-040	0.3 MI SOUTH OF FM 1776	1.5 MI NORTH OF IH 10	FY 2025-2030	$19,000,000	No Funding Change	No	Cat. 4 Regional TOTAL	$19,000,000 $19,000,000	1
22	FM 1053	FM 1053 Realignment 0866-05-036	FM 11	10 MILE SOUTH OF FM 1450	FY 2025-2030	$30,000,000	Scope Change	No	Cat. 12 Permian TOTAL	$30,000,000 $30,000,000	3
Reeves County											
23	US 285	Passing Lanes (Super 2) - Orla 0139-03-041	RM 652	CR 232	FY 2021-2024	$23,000,000	No Funding Change	No	Cat. 4 Regional Cat. 11 Energy Sector TOTAL	$8,480,000 $14,520,000 $23,000,000	1
24	Various	City of Pecos East Relief Route 0906-28-016	US 285	US 285	FY 2025-2030	$110,000,000	No Funding Change	No	Cat. 12 Permian --Remaining funding TBD-- TOTAL	$10,000,000 $100,000,000 $110,000,000	2

Map ID	Highway	Project Name/ Project ID (CSJ Number)	From	To	Est Let Date Range	Construction Cost Estimate	UTP Action	Toll	Authorized Construction Funding by Category		Tier
Upton County											
25	US 67	Passing Lanes (Super 2) - McCamey 0076-06-037	0.45 MILES EAST OF US 385	0.20 MILES WEST OF SH 329	FY 2021-2024	$29,946,000	No Funding Change	No	Cat. 4 Regional TOTAL	$29,946,000 $29,946,000	2
26	US 67	Passing Lanes (Super 2) - Rankin 0076-07-037	REAGAN COUNTY LINE	SH 329	FY 2025-2030	$25,000,000	No Funding Change	No	Cat. 4 Regional Cat. 11 Energy Sector TOTAL	$14,800,000 $10,200,000 $25,000,000	2
Winkler County											
27	SH 115	Widen Non-Freeway - Kermit-Monahans 0354-01-047	SH 18	WARD COUNTY LINE	FY 2025-2030	$60,400,000	New Authorization	No	Cat. 12 Permian --Remaining funding TBD-- TOTAL	$10,000,000 $50,400,000 $60,400,000	2

City Council Meeting

Item Number: 12

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Charles Blumenauer, Fire Chief

Subject: RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF $13,559.00; SAID FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT, AND SUPPLIES (FIRE)

Purpose:

The Texas EMS/Trauma funds are established to encourage participation in trauma reporting from 911 agencies. The Midland Fire Department has participated in the JRAC reporting program since it was established. The monies accepted would fund training, equipment, and/or supplies for the Midland Fire Department EMS system.

Recommended City Council Action:

Approve

Fiscal Impact:

That the grant of $13,559 from Texas "J" Regional Advisory Council is hereby accepted, deposited and appropriated in the JRAC 20 Grant Project in the Fire Technology Fund.

Discussion:

These funds are allocated through the State EMS/Trauma fund, distributed through local regional advisory councils based on 911 participation and regional guidance. These monies will be used for training, equipment, and/or supplies in the Midland Fire Department EMS system.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION ACCEPTING A GRANT AWARD FROM THE TEXAS "J" REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF $13,559.00; SAID FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT FOR TRAINING, EQUIPMENT, AND SUPPLIES

WHEREAS, the City of Midland has been awarded a grant from the Texas "J" Regional Advisory Council in the amount of $13,559.00; and

WHEREAS, the grant will be used by the Midland Fire Department for training, equipment, and supplies; and

WHEREAS, the City Council finds it to be in the public interest to accept the grant award;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the City of Midland, Texas, acting through its Mayor and City Council, hereby accepts the grant award of $13,559.00 as made by the Texas "J" Regional Advisory Council to be used by the Midland Fire Department for training, equipment, and supplies.

SECTION TWO. That the Mayor, Director of Finance, and Fire Chief of the City of Midland, Texas, are hereby authorized and directed to evidence the City of Midland's acceptance by executing all necessary documents in order to accept the grant.

SECTION THREE. That the Fiscal Year 2020 JRAC grant sum of $13,559.00 is hereby accepted, deposited and appropriated into the JRAC 20 Grant Project in the Fire Technology Fund.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

Patrick N. Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

Courtney Sharp, City Manager

Mark Mason, Director of Finance

APPROVED AS TO CONTENT
AND COMPLETENESS:

Charles Blumenauer, Fire Chief

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney

City Council Meeting

Item Number: 13

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Carl Craigo, Director

Subject: Motion authorizing the execution of a First Amendment to Non-Potable Water Supply Agreement between the City of Midland and Mabee Water Resources, LLC. (UTILITIES)

Purpose:

Approve the Non-Potable Water Sales Contract with Mabee Water Resources for the purchase of Paul Davis raw water from the line that crosses the Mabee Ranch

Recommended City Council Action:

Approve

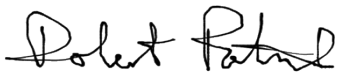
Fiscal Impact:

Revenue will be a minimum of $60,000 per month with two tiers of rates. Cost for the first 2 million gallons of water will be $5.11 per 1000 gallons. Cost from 2,000,001 to 5 million gallons will be $7.14 per 1000 gallons.

Discussion:

The Mabee Ranch is located over the same reservoir as the Paul Davis well field, by providing water from the Paul Davis well field the Mabee's would not drill their own wells and produce water from this same reservoir. The Paul Davis well field is the emergency supply for the City of Midland, but it is a water source that the City of Midland does not use on a daily bases because of contaminates in the water (Arsenic, Selenium and Fluoride). By providing water to the Mabee Ranch the City will be able to exercise the water wells on the ranch to keep them maintained and running. With out running these wells we would not have working wells in the instance of an emergency need of water from this well field.
This agreement allows for the purchase up to 5 MGD based on a two tier rate structure. The base payment to the City of Midland would be $60,000 per month. Delivery of water will be

halted at any time the City initiates phases of the Drought Contingency plan.



City Manager's Office

FIRST AMENDMENT TO NON-POTABLE WATER SUPPLY AGREEMENT

This First Amendment to Non-Potable Water Supply Agreement (this "Amendment") is dated and effective this August 1st, 2020, by and between the City of Midland ("City"), on the one hand, and Mabee Water Resources, LLC ("Purchaser"), on the other hand, and together referred to as the "Parties" or singularly as "Party," and amends that certain Non-Potable Water Supply Agreement dated October 24, 2018, by and between City and Purchaser (the "Non-Potable Water Supply Agreement").

WHEREAS, City and Purchaser have entered into a Non-Potable Water Supply Agreement in which City has agreed to provide Purchaser with non-potable water so long as such water is not being used for human consumption; and

WHEREAS, the City and Purchaser desire to amend the Non-Potable Water Supply Agreement concerning the monthly volumes provided by City and payments made by Purchaser to City under the Non-Potable Water Supply Agreement;

NOW, THEREFORE, in consideration of the premises and mutual covenants and agreements contained herein and in the Non-Potable Water Supply Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Purchaser agree as follows:

1. Definitions. Capitalized terms used but not defined in this Amendment have the meaning given to such terms in the Non-Potable Water Supply Agreement.

2. Amendments.

(a) The last sentence of Section 5 in the Non-Potable Water Supply Agreement is deleted in its entirety and restated in its entirety to read as follows:

"Notwithstanding anything in to the contrary contained in this Agreement, the amount of Purchased Water provided by the City to Purchaser shall not exceed FIVE MILLION (5,000,000) gallons per day and shall not be provided to Purchaser in excess of a total peak rate of THREE THOUSAND FIVE HUNDRED (3,500) gallons per minute."

(b) Section 7A in the Non-Potable Water Supply Agreement is deleted in its entirety and restated in its entirety to read as follows:

"Quantity. City agrees to make available to Purchaser Purchased Water in an amount not to exceed FIVE MILLION (5,000,000) gallons per day at a peak rate of THREE THOUSAND FIVE HUNDRED (3,500) gallons per minute."

(c) Section 7B in the Non-Potable Water Supply Agreement is deleted in its entirety and restated in its entirety to read as follows:

"Rates. Purchaser agrees to pay City at a rate of FIVE and 11/100 Dollars ($5.11) per ONE THOUSAND (1000) gallons of Purchased Water up to TWO MILLION (2,000,000) gallons per day. For any Purchased Water provided by City to Purchaser in excess of TWO MILLION (2,000,000)

gallons per day, Purchaser agrees to pay City at a rate of SEVEN and 14/100 Dollars ($7.14) per ONE THOUSAND (1000) gallons of Purchased Water."

(d) Section 7C in the Non-Potable Water Supply Agreement is deleted in its entirety and restated in its entirety to read as follows:

"Payment. City shall submit monthly invoices to Purchaser for Purchased Water actually provided by City at the Delivery Points and taken by Purchaser, and Purchaser shall pay properly due amounts within thirty (30) days after the receipt of an invoice; provided, however, that if the volume of such Purchased Water taken by Purchaser multiplied by the applicable rate (as set forth in Section 7B) results in an amount due below SIXTY THOUSAND AND 00/100 Dollars (the 'Minimum Monthly Payment Amount'), then Purchaser shall pay City the Minimum Monthly Payment Amount."

(e) Section 8 in the Non-Potable Water Supply Agreement is deleted in its entirety and restated in its entirety to read as follows:

"Drought Contingency Plan. City has adopted a Drought Contingency Plan (the "Plan") that provides for year round water conservation measures. Purchaser hereby covenants and agrees to comply with all requirements of the Plan, as may be amended, said Plan being hereby incorporated by reference and made a part of this Agreement for all legal purposes. Notwithstanding any other provision of this Agreement to the contrary, if City determines, in its sole discretion, that the City of Midland is experiencing critical or emergency water shortage conditions, then the City shall have the right to limit or discontinue delivery of water to Purchaser in order to use such water for purposes deemed necessary by City to preserve the health, safety and welfare of the citizens of Midland. In the event that (i) City exercises its right to limit or discontinue delivery under this Section, and (ii) as a result, the volume of Purchased Water provided by City to Purchaser multiplied by the applicable rate (as set forth in Section 7B) results in an amount less than the Minimum Monthly Payment Amount, then Purchaser will not be required to pay City a sum in accordance with the Minimum Monthly Payment Amount and Purchaser will only be obligated to pay City for the actual amount of Purchased Water, if any, provided by City to Purchaser. Following limitation or discontinuance of water delivery under this Section, the Minimum Monthly Payment Amount provision of this Agreement will not take effect until after City (i) notifies Purchaser in writing that it is no longer exercising its rights under this Section and after City makes available to Purchaser, for a full calendar month, continuous non-potable water in an amount not less than the volume needed to satisfy the Minimum Monthly Payment Amount as calculated by the applicable rate set forth in Section 7B."

3. Miscellaneous. Except as amended by this Amendment, all other terms of the Non-Potable Water Supply Agreement shall continue in full force and effect and remain unchanged. This Amendment shall be deemed incorporated into, and become a part of, the Non-Potable Water Supply Agreement. This Amendment, together with the Non-Potable Water Supply Agreement, constitutes the entire understanding between the Parties with respect to the subject matter hereof and supersedes all negotiations, prior discussions or prior agreements and understandings related to such subject matter. This Amendment may not be altered or amended, nor may any rights hereunder be waived, except by an instrument in writing and executed by the Party to be charged with such amendment or waiver. This Amendment is expressly limited to matters contained herein.

4. Counterpart Execution. This Amendment may be delivered by facsimile or similar transmission, and a facsimile or similar transmission evidencing execution shall be effective as a valid and binding agreement between the Parties.

[*Remainder of Page Intentionally Left Blank*]

IN WITNESS WHEREOF, each Party executes this Amendment by the signature below of its authorized representative.

CITY OF MIDLAND, TEXAS

By:

_____

Courtney Sharp, City Manager

ATTEST:

_____

Amy M. Turner, City Secretary

PURCHASER:
MABEE WATER RESOURCES, LLC

_____

By: John Mabee, Manager

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

BEFORE ME, the undersigned authority, on this day personally appeared **JOHN MABEE,** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his act and deed on behalf of **MABEE WATER RESOURCES, LLC** for the purposes and consideration therein expressed.

_____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

City Council Meeting

Item Number: 14

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Joseph Marynak, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 8, EASTOVER ADDITION, THIRD EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST TEXAS AVENUE, APPROXIMATELY 50 FEET WEST OF NORTH TILDEN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Jose Alfredo Zarate Mendez, is requesting a Zone Change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District, at 1708 East Texas Avenue for the construction of a single family house.

Recommended City Council Action:

Approve

Fiscal Impact:

No City funds are required to process this request.

Discussion:

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are zoned MF-22, Multiple Family Dwelling District and the locations of single family residences and vacant lots, respectively.

Analysis:

The applicant is requesting this zone change for the purpose of constructing a single family home. This type of construction was allowed in this area under the previous zoning code and makes up the prevailing construction type in this neighborhood.

This proposed zone change has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objection to zone change.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Transportation: (Approved)

No objections to zone change.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, “Future Land Use Map” as it designates this area for Urban Residential, a classification which calls for single family detached housing.

This item was approved at the June 15, 2020 Planning and Zoning Commission Meeting and at the July 14, 2020 City Council meeting.

Staff recommends approval of the zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the SF-3. Single Family Dwelling District.

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 8, EASTOVER ADDITION, THIRD EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST TEXAS AVENUE, APPROXIMATELY 50 FEET WEST OF NORTH TILDEN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20 0181

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jose Alfredo Zarate Mendez		Phone (432) 2606127 Email alfredo100809@gmail.com	
Address 500 S. webster st	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jose Alfredo Zarate Mendez		Phone (432) 2606127 Email alfredo100809@gmail.com	
Address 500 S. webster st	City Midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 1708 E Texas Av.

Legal Description
Lot: 002 Block: 008 Subdivision: Eastover third ext.

Current Zoning: MF-22

Proposed Zone: SF-3
(List by tracts if more than one district is requested)

Reason for Zone Change Request: single family construction

Present Use of Property: vacant

Proposed Use of Property: house construction

How would this zone change affect the public health, safety and welfare? no

Describe how conditions affecting the property have changed since present zoning designation: _____

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date: 05-26-2020
Applicant (printed): Jose Alfredo Zarate Mendez	
Property Owner (signature):	Date: 05-26-2020
Property Owner (printed): Jose Alfredo Zarate Mendez	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

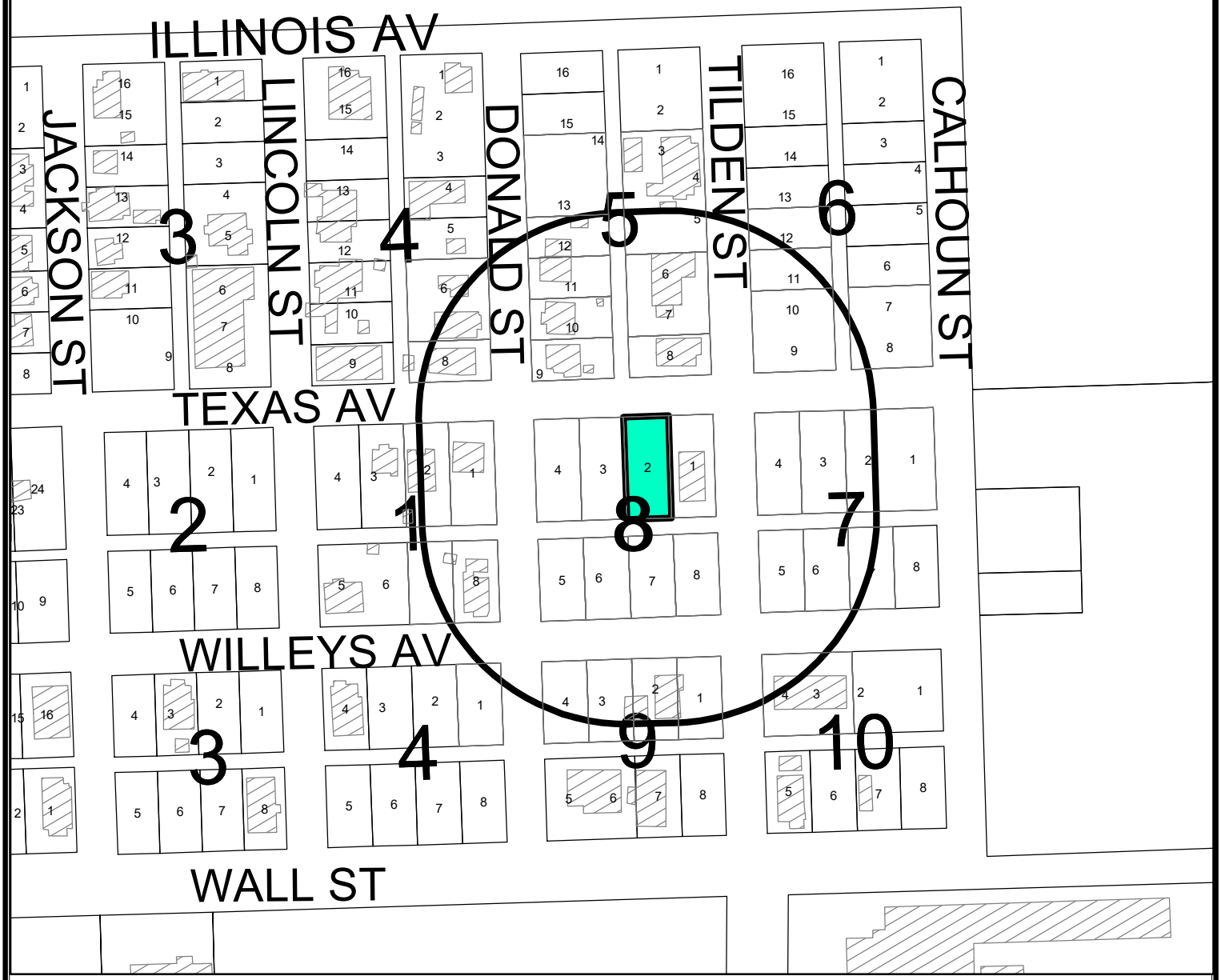
_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check #_____	
Received By:	Date:

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

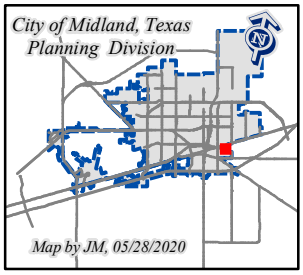
Z-20-0181 **Scale: 1" = 150'**

Consider a request by Jose Alfredo Zarate Mendez, for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 2, Block 8, Eastover Addition, Third Extension, City and County of Midland, Texas.

Generally located on the south side of East Texas Avenue, approximately 50 feet west of North Tilden Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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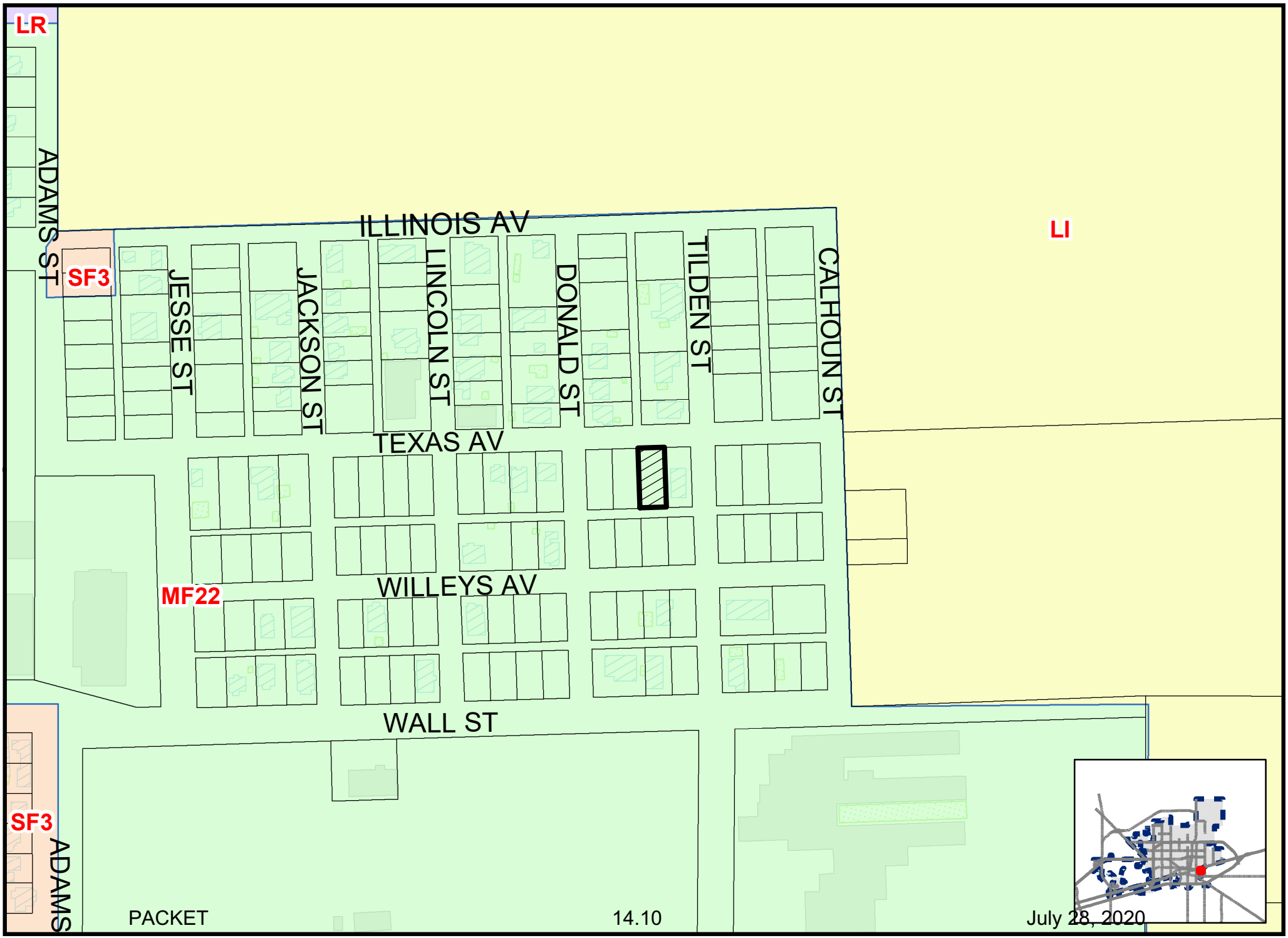
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 06/09/2020

Z-20-0181

Scale: 1" = 200'

ZONING MAP

© **THE CITY OF MIDLAND - 2020:** THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

STOP

STOP

City Council Meeting

Item Number: 15

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Elizabeth Shaughnessy, Senior Planner

Subject: **AN ORDINANCE VACATING AND ABANDONING 0.097 ACRES OF RIGHT-OF-WAY, BEING A PORTION OF PARKER STREET RIGHT-OF-WAY AND AN ADJACENT PORTION OF RIGHT-OF-WAY OUT OF LOT 6, BLOCK 28, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST PARKER STREET AND NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,451.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Midland County, is requesting to vacate a 0.097-acre portion of Parker Street right-of-way and a portion of Lot 6, Block 28, all out of Cowden Addition, City and County of Midland, Texas.

Recommended City Council Action:

Approve

Fiscal Impact:

The 2020 appraised value of the right-of-way is $2.00 per square feet, for a total value of $8,451.00 for the 0.097-acre portion of Parker Street right-of-way and a portion of Lot 6, Block 28, all out of Cowden Addition, City and County of Midland, Texas. However, since this request is from Midland County staff recommends waiving the fees.

Discussion:

The applicant, Midland County, is requesting to vacate a 0.097-acre portion of Parker Street right-of-way and a portion of Lot 6, Block 28, all out of Cowden Addition, City and County of

Midland, Texas, for mutual agreement with the City of Midland.

The Midland Central's Appraisal District's appraisal of the land is $2.00 per square feet, for a total value of $8,451.00 for the 0.097-acre portion of Parker Street right-of-way and a portion of Lot 6, Block 28, all out of Cowden Addition, City and County of Midland, Texas.

The applicant will need to retain a nonexclusive utility easement for all affected utilities until each existing easement user abandons its use of the easement and replat the property prior to the alley right-of-way being vacated.

This request has been circulated and reviewed by all pertinent City departments and franchise utility companies. Their comments, conditions, and requests are as follows:

Code Compliance: (Approved)

No Oil and Gas issues.

Code Administration: (Approved)

No objections.

Engineering: (Approved)

No objections to vacation. Applicant shall be responsible for relocating any utilities, if existing, or providing easements as needed.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objections to vacation. Applicant shall be responsible for relocating any utilities, if existing, or providing easements as needed.

Midland Central Appraisal District:

The estimated value of the property vacation requested is $2.00 per square feet or $8,451.00 for tax year 2020.

AT&T: (Approved)

I don't see any issues. We are good with the Vacate.

Atmos: (Approved with Conditions)

Atmos Energy currently has facilities located within the above described Right of Way of

Parker St. between Ridglea and Marienfeld, and north of Nobles Street. We currently have a 6in. steel gas main that extends along a portion of this right of way. Atmos could vacate the referenced portion however since we are currently serving customers off of this line we would need to either relocate or retire our facilities or maintain a utility easement.

Grande: (Approved)

Grande does not have any facilities in the Right-of-Way known as V-20-0028.

Oncor: (Approved with Conditions)

This area is clear of Oncor facilities. We have no issue regarding this vacation at this time.

Suddenlink: (Approved)

Suddenlink does not oppose to this vacate, Suddenlink does not have any plant in the area to be vacated.

Planning:

Pertinent City departments and franchise utility companies have reviewed this vacation request and have approved it with the condition that a utility easement is retained until each existing easement user abandons its use of the easement.

This request was approved at the July 14, 2020 City Council meeting.

Therefore, staff recommends approval for the vacation of the 0.097-acre portion of Parker Street right-of-way and a portion of Lot 6, Block 28, all out of Cowden Addition, City and County of Midland, Texas, subject to conditions A.

Conditions:

> **A. That the City retains a nonexclusive utility easement until each existing easement user abandons its use of the easement.**

Letters of Objection:

As of July 10, 2020, staff has not received any letters of objection to this request.

Attachments:

Application
Maps
Metes and Bounds (Exhibit A)
Vacation Exhibit
Responses from Franchise Utility Companies and Midland Central Appraisal District

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING 0.097 ACRES OF RIGHT-OF-WAY, BEING A PORTION OF PARKER STREET RIGHT-OF-WAY AND AN ADJACENT PORTION OF RIGHT-OF-WAY OUT OF LOT 6, BLOCK 28, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST PARKER STREET AND NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,451.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

WHEREAS, it has been determined by the Midland City Council that 0.097 acres of right-of-way, being a portion of Parker Street right-of-way and an adjacent portion of right-of-way out of Lot 6, Block 28, Cowden Addition, City and County of Midland, Texas, as described in Exhibit "A" attached hereto and made a part hereof for all legal purposes (the "Property"), is no longer needed for public use; and

WHEREAS, Section 272.001 of the Texas Local Government Code provides that a political subdivision may not convey, sell, or exchange its interest in land without observing notice and bid requirements, unless the conveyance is to one or more abutting property owners; and

WHEREAS, an application for vacating the Property has been received by the City from the abutting property owner; and

WHEREAS, the City Manager has appraised the value of the City's property interest in the Property at $8,451.00, as shown in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, the Council finds it to be in the public interest to abandon and vacate the Property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Property is hereby vacated and abandoned for all public

purposes. Provided, however, that the City is hereby abandoning only the public interest in the Property, and this ordinance in no way affects any private easement or access easement which abutting property owners may have in the Property.

SECTION TWO. That the fee for the cost of the Property vacated and abandoned herein is hereby waived in light of the abutting property owner being a governmental entity.

SECTION THREE. That the City herein retains a nonexclusive utility easement across, through, over, under, on and along the Property until all entities that were using the Property for utility purposes as of the date of approval of this ordinance have abandoned their uses of the Property.

SECTION FOUR. That the City Secretary is hereby authorized and directed to file a certified copy of this ordinance with the County Clerk of Midland County, Texas, for purposes of recording in the Official Records of Midland County, Texas.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

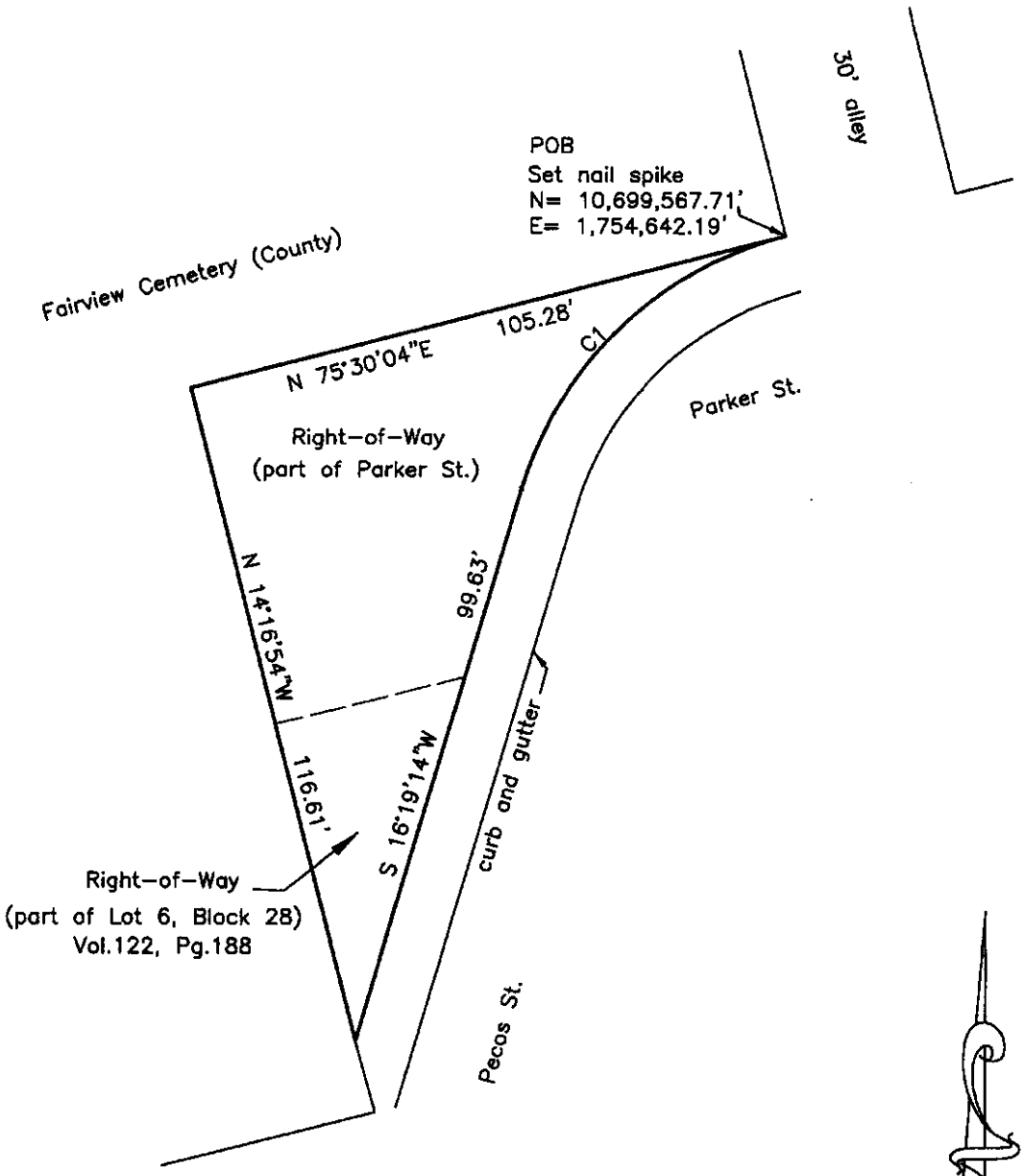
_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Exhibit A

Exhibit showing a 0.097 Acre Vacation Tract located in Cowden Addition as recorded in Cabinet "C", Pg. 144, Midland County Plat Records



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	65.76'	63.66'	59°10'49"	S 45°54'39" W	62.87'

Bearings, distances and coordinates based on the

Texas State Coordinate System, Central Zone, NAD 83

25 0 25 50 75

GRAPHIC SCALE – FEET

(Field Notes to accompany this exhibit)

Legal Description for a 0.097 Acre Vacation Tract

For a 0.097 acre tract to be vacated, located in Cowden Addition, an addition to the City of Midland, Texas as recorded in Cabinet "C", Page 144 of the Midland County Plat Records, being a portion of Parker Street right-of-way and a portion of Lot 6, Block 28 conveyed to the public for right-of-way by Commissioners' Court as recorded in Vol. 122, Pg. 188 of the Midland County Deed Records and being more fully described as follows;

Beginning at a set nail spike in the north line of said Parker Street and the west line of a 30 foot wide alley at a southeast corner of Fairview Cemetery for the east corner of the herein described tract at the beginning of a curve to the left and having a coordinate of N= 10,699,567.71, E= 1,754,642.19 ft.,

Thence along said curve to the left having a radius of 63.66 ft., an arc length of 65.76 ft. with a chord bearing of S 45° 54' 39" W and a chord length of 62.87 ft. to a set nail spike at the end of this curve in the east line of the herein described tract,

Thence S 16° 19' 14" W along the new westerly right-of-way line of Pecos Street and the east line of the herein described tract a distance of 99.63 ft. to a set nail spike for the south corner of the herein described tract in an east line of said Fairview Cemetery,

Thence N 14° 16' 54" W along an easterly line of said Fairview Cemetery and the west line of the herein described tract a distance of 116.61 ft. to a point for the northwest corner of same,

Thence N 75° 30' 04" E along the north line of the herein described tract and a southerly line of said Fairview Cemetery a distance of 105.28 ft. to the place of beginning and containing 0.097 acres.

Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

Richard A. Shelton 6-8-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7232

MIDLAND
Feel the Energy!

Office of the City Manager

July 1, 2020

Midland City Council
City of Midland, Texas

RE: Request for vacation of 0.097 acres of right-of-way, being a portion of Parker Street right-of-way and an adjacent portion of right-of-way out of Lot 6, Block 28, Cowden Addition, City and County of Midland, Texas

Dear Members of the City Council:

The above-referenced property has been appraised in accordance with Chapter 272 of the Texas Local Government Code. The fair market value of the property is $8,451.00.

Very truly yours,

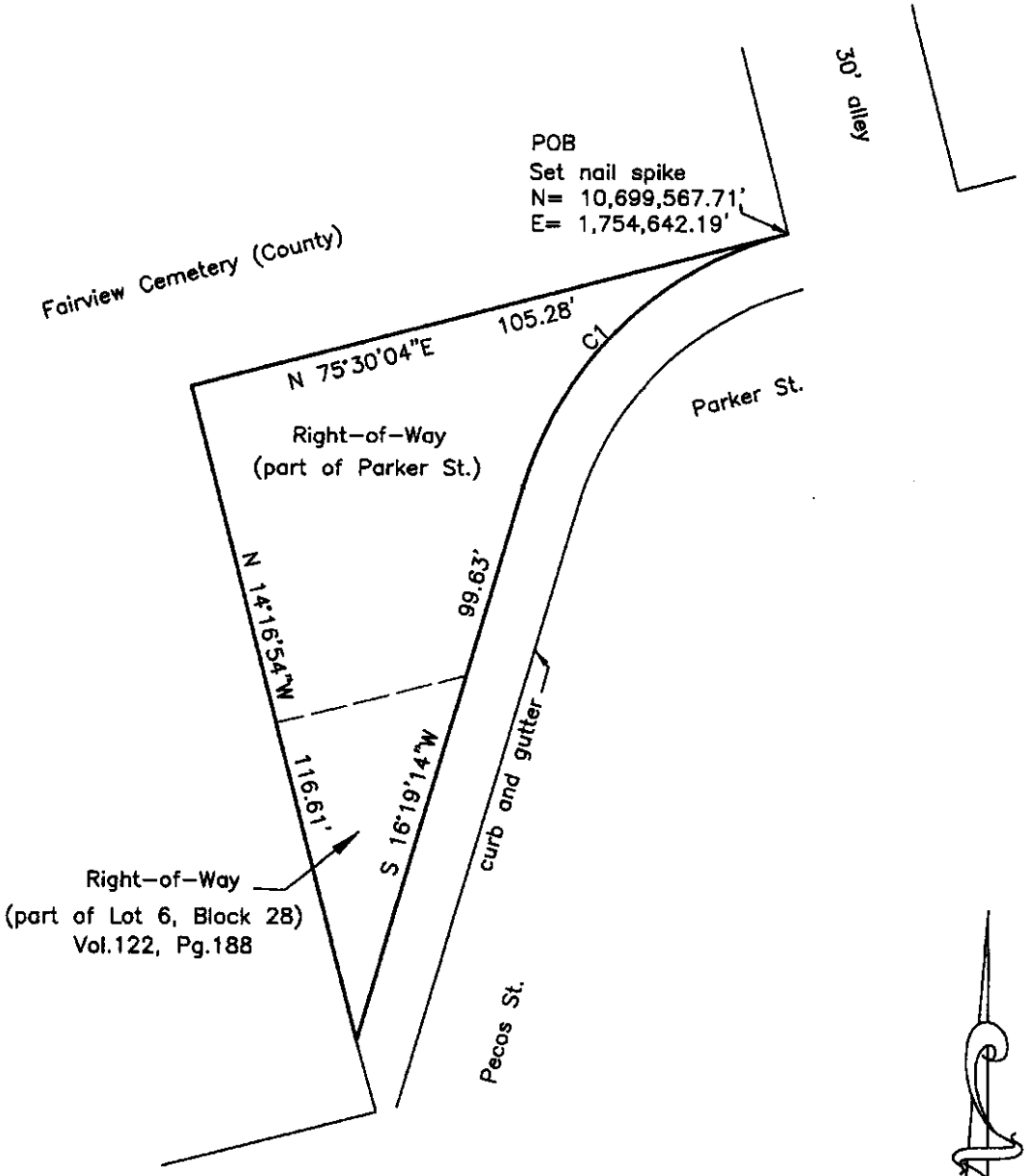
Courtney Sharp
City Manager

EXHIBIT "B"

300 N. Loraine, Midland TX 79701 • 432-685-7202 • Fax 432-686-1600

Exhibit A

Exhibit showing a 0.097 Acre Vacation Tract located in Cowden Addition as recorded in Cabinet "C", Pg. 144, Midland County Plat Records



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	65.76'	63.66'	59°10'49"	S 45°54'39" W	62.87'

Bearings, distances and coordinates based on the

Texas State Coordinate System, Central Zone, NAD 83

25 0 25 50 75

GRAPHIC SCALE – FEET

(Field Notes to accompany this exhibit)

Legal Description for a 0.097 Acre Vacation Tract

For a 0.097 acre tract to be vacated, located in Cowden Addition, an addition to the City of Midland, Texas as recorded in Cabinet "C", Page 144 of the Midland County Plat Records, being a portion of Parker Street right-of-way and a portion of Lot 6, Block 28 conveyed to the public for right-of-way by Commissioners' Court as recorded in Vol. 122, Pg. 188 of the Midland County Deed Records and being more fully described as follows;

Beginning at a set nail spike in the north line of said Parker Street and the west line of a 30 foot wide alley at a southeast corner of Fairview Cemetery for the east corner of the herein described tract at the beginning of a curve to the left and having a coordinate of N= 10,699,567.71, E= 1,754,642.19 ft.,

Thence along said curve to the left having a radius of 63.66 ft., an arc length of 65.76 ft. with a chord bearing of S 45° 54' 39" W and a chord length of 62.87 ft. to a set nail spike at the end of this curve in the east line of the herein described tract,

Thence S 16° 19' 14" W along the new westerly right-of-way line of Pecos Street and the east line of the herein described tract a distance of 99.63 ft. to a set nail spike for the south corner of the herein described tract in an east line of said Fairview Cemetery,

Thence N 14° 16' 54" W along an easterly line of said Fairview Cemetery and the west line of the herein described tract a distance of 116.61 ft. to a point for the northwest corner of same,

Thence N 75° 30' 04" E along the north line of the herein described tract and a southerly line of said Fairview Cemetery a distance of 105.28 ft. to the place of beginning and containing 0.097 acres.

Bearings, distances and coordinates are based on the Texas State Coordinate System, Central Zone, NAD 83.

Richard A. Shelton 6-8-20

Richard A. Shelton, RPLS
City of Midland, Texas
432-685-7232

MIDLAND
Planning Division

Vacate Right-of-Way/Public Utility Easement/Land/Street Application

Project Number: V-200028

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Andrew W. Avis			Phone ( ) Email 432 4253570
Address Midland County	City Midland	State TX	Zip 79701

Application is hereby made to the City Council to vacate the following:

- ☒ Right-of-Way
- ☐ Public Utility Easement
- ☐ Land
- ☐ Street

Description of Address: Southeast of N. Pecos St. Southeast corner of Fairview Cemetery

Reason for Request: Mutual Agreement with the City of Midland

Reasons, in applicant's opinion, why the requested vacation will not adversely affect the public welfare or will contribute to it in a positive way: Will allow use of property by Fairview Cemetery in positive manner for all Midland Residents

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Sealed metes and bounds description of the property to be vacated (included on the map) and total square feet of vacation. Include ownership, legal and deed information for adjacent property owners
- Digital Copies of Survey (PDF/JPEG)

Utility Company Approval

Clearance is needed from the following utility companies:

- City of Midland
- Atmos Energy
- Oncor Electric
- AT&T
- Suddenlink Cable TV Co.
- Grande Communications

The City will route the request to these companies, but it is the applicant's responsibility to ensure clearance has been obtained to resolve any issues that may arise.

Policies

1. If the vacation request involves only a portion of a section right-of-way, such that approval would not affect the public's ability to travel along said right-of-way, then the request will be scheduled for consideration by the City Council. No public hearing will be needed.

2. If the vacation request involves an entire section of right-of-way, such that approval would cause the public to lose all rights to use it, then the following procedures apply:

   a. Nearby land owners who have a reasonable expectation to use said right-of-way, as determined by the Transportation Division, must first agree to the proposed vacation. It is the applicant's responsibility to obtain a letter of concurrence signed by the affected landowners.

   b. If all letters are received indicating that the affected landowners agree to the request, then a public hearing before the City Council will be scheduled. The Transportation Division will mail public notice of the hearing to landowners within 400 feet of the affected right-of-way.

   c. If a request is approved, the right-of-way shall be divided into two equal parts, with each half becoming the property of the respective abutting owner. If the applicant desires to own the entire width, he or she must negotiate with the opposite landowner.

Signatures

Applicant (signature): Andrew W Ain	Date: 5/28/2020

Affected Property Owners:

Signature:	Print:	Date:
Signature:	Print:	Date
Signature:	Print:	Date
Signature:	Print:	Date

The Vacation of right-of-way/public utility easement/land/street shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

FOR OFFICE USE ONLY

☑ 1 FOLDED Copy of Survey ☑ Survey in Digital Format (PDF/JPEG)

☐ Application Fee

Check # Waived

Received By: Cristel Bruns	Date: 6/8/2020

Application will not be considered for scheduling until reviewed by a planner.

Robin Donnelly
County Commissioner, Precinct 2
500 North Loraine Street, Suite 1100
Midland, Texas 79705
432-688-4802
20 June 2020

Mr. Jose Ortiz
City of Midland
300 N. Loraine
Midland, Texas 79701

REF: Cemetery Property off N. Pecos Street

Gentlemen:

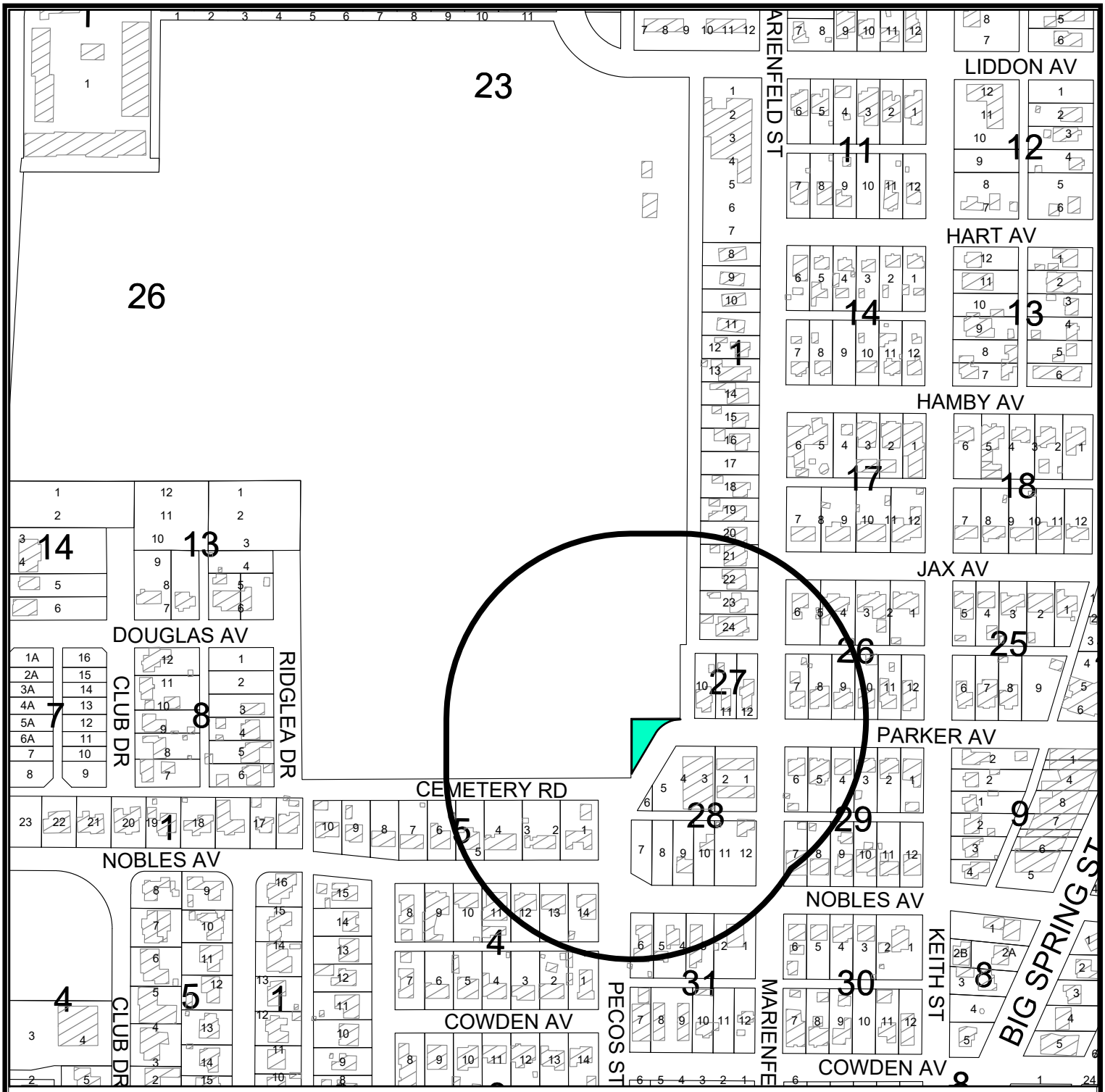
The County of Midland would like the City of Midland to convey back the triangular piece at the turn of N. Pecos Street to W. Parker Avenue. The was taken by the City to repave N. Pecos Street. The County was notified by the City after repaving the street that it was not going to use the piece and that it would have to landscape and maintain this area. The County would prefer to use the land and actually fence the area off rather than have large additional area outside of the cemetery fence to maintain.

Please let me know it you need anything further.

Yours truly,
Midland County

Robert R. Donnelly

PACKET 15.30 July 28, 2020



LOCATION MAP

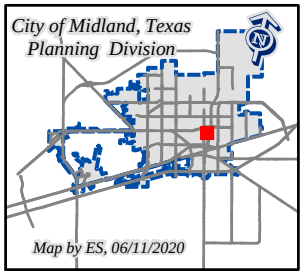
V-20-0028 **Scale: 1" = 250'**

Consider a request for a vacation of a 0.097 acres of right-of-way, being a portion of Parker Street right-of-way and an adjacent portion of right-of-way out of Lot 6, Block 28, Cowden Addition, City and County of Midland, Texas.

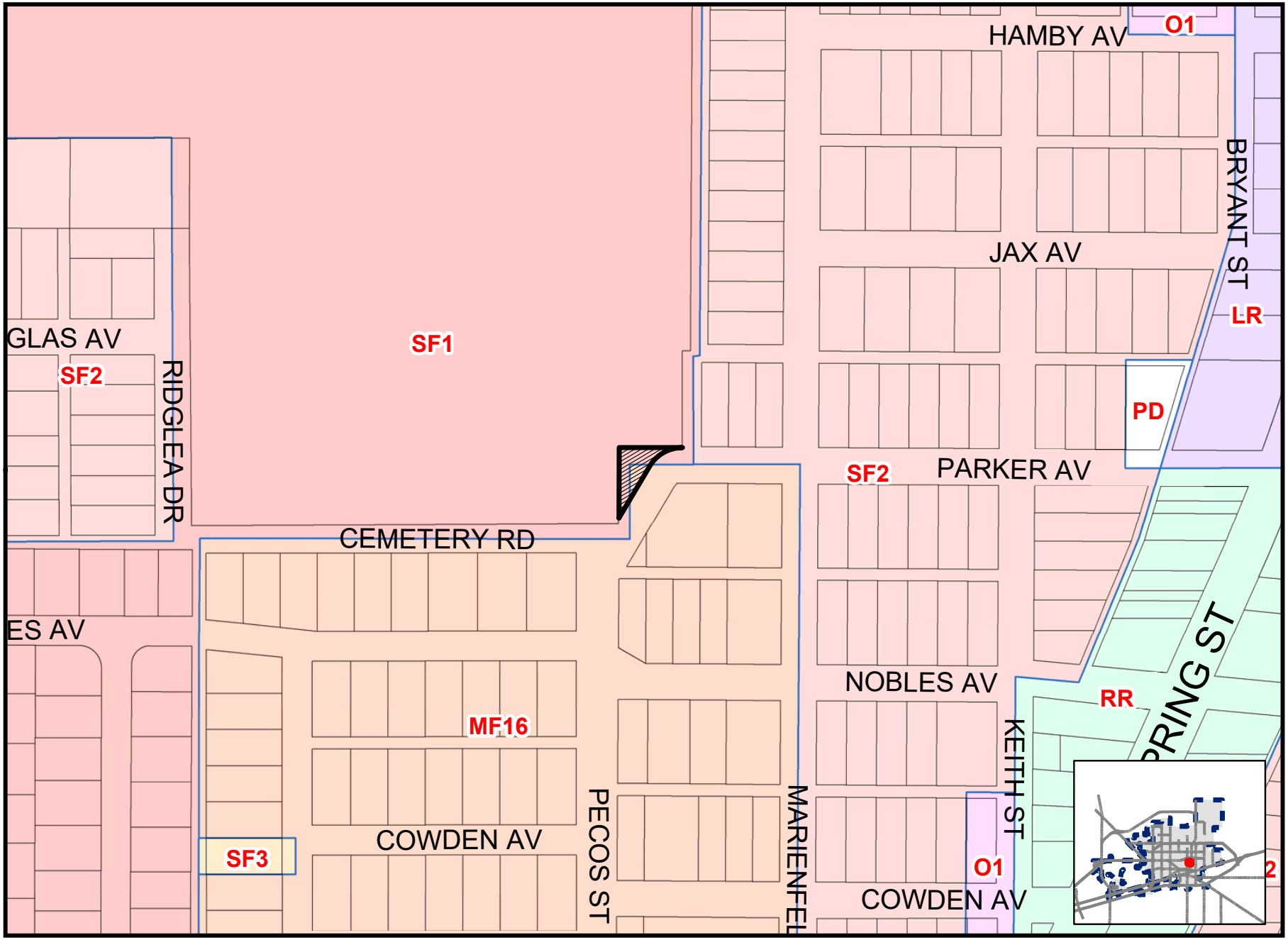
Generally located on the northwest corner of E. Parker Avenue and N. Pecos Street.(Council District 3)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



July 28, 2020



Map By ES, 6/11/2020

V-20-0028

Scale: 1" = 200'

ZONING MAP

PACKET
15.32
July 28, 2020

ATMOS ENERGY

West Texas Division
P.O. Box 1111,
Midland, Texas 79702

City of Midland
Elizabeth Shaughnessy
Senior Planner/Development Services
300 N. Loraine
Midland, Texas 79701

June 24, 2020

Re: Case Name: Fairview Cemetery Vacation
Case Number: V-20-0028

Mrs. Shaughnessy,

Atmos Energy currently has facilities located within the above described Right of Way of Parker St. between Ridglea and Marienfeld, and north of Nobles Street. We currently have a 6in. steel gas main that extends along a portion of this right of way. Atmos could vacate the referenced portion however since we are currently serving customers off of this line we would need to either relocate or retire our facilities or maintain a utility easement.
Please let me know if you have any further questions.

Sincerely,

Mark Lieb

Mark Lieb
Project Specialist
Atmos Energy/Permian Basin
432-617-3447 office
mark.lieb@atmosenergy.com

From:	UNDERWOOD, JERRY D
To:	Elizabeth Shaughnessy
Cc:	Cristina Burns
Subject:	RE: Vacation Request - Fairview Cemetery
Date:	Tuesday, June 23, 2020 11:38:40 AM
Attachments:	image001.png image002.png image003.png image004.png

Sorry, I thought I replied. I don't see any issues. We are good with the Vacate.

Thanks,
Jerry

From: Elizabeth Shaughnessy <eshaughnessy@midlandtexas.gov>
Sent: Tuesday, June 23, 2020 11:34 AM
To: UNDERWOOD, JERRY D <ju1659@att.com>
Cc: Cristina Burns <coburns@midlandtexas.gov>
Subject: RE: Vacation Request - Fairview Cemetery

Good Morning,

Just following up on the status of the vacation request of Fairview Cemetery.

Respectfully,

Elizabeth Shaughnessy
Senior Planner|Development Services
O. 432-685-7400
E. eshaughnessy@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

ATTENTION ELECTED OFFICIALS:
A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

From: Elizabeth Shaughnessy
Sent: Friday, June 12, 2020 5:16 PM
To: UNDERWOOD, JERRY D <ju1659@att.com>
Cc: Cristina Burns <coburns@midlandtexas.gov>
Subject: Vacation Request - Fairview Cemetery

Good Evening,
Midland County has requested to vacate the above described Right of Way (see attachments: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7407 if you have any questions.
Please let me know if you have any questions regarding vacations!
Respectfully,

Elizabeth Shaughnessy
Senior Planner|Development Services
O. 432-685-7400
E. eshaughnessy@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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From:	Luis Montez
To:	Elizabeth Shaughnessy
Subject:	RE: External E-mail - Vacation Request - Fairview Cemetery
Date:	Monday, June 15, 2020 11:16:52 AM
Attachments:	image001.png image002.png image003.png image004.png

Suddenlink does not oppose to this vacate, Suddenlink does not have any plant in the area to be vacated.

From: Elizabeth Shaughnessy <eshaughnessy@midlandtexas.gov>
Sent: Friday, June 12, 2020 5:12 PM
To: Luis Montez <luis.montez@AlticeTechServicesUSA.com>
Cc: Cristina Burns <coburns@midlandtexas.gov>
Subject: External E-mail - Vacation Request - Fairview Cemetery

[External Email]

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Good Evening,
Midland County has requested to vacate the above described Right of Way (see attachments: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7407 if you have any questions.
Please let me know if you have any questions regarding vacations!
Respectfully,

Elizabeth Shaughnessy
Senior Planner|Development Services
O. 432-685-7400
E. eshaughnessy@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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From:	William Bentley
To:	Elizabeth Shaughnessy
Cc:	Cristina Burns
Subject:	Re: Vacation Request - Fairview Cemetery
Date:	Monday, June 15, 2020 7:51:17 AM
Attachments:	image001.png image002.png image003.png image004.png

---

Elizabeth,

Grande does not have any facilities in the Right-of-Way known as V-20-0028.

Thanks,
Bill

On Fri, Jun 12, 2020 at 5:16 PM Elizabeth Shaughnessy <eshaughnessy@midlandtexas.gov> wrote:

> Good Evening,
>
> Midland County has requested to vacate the above described Right of Way (see attachments: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7407 if you have any questions.
>
> Please let me know if you have any questions regarding vacations!
>
> Respectfully,
>
> Elizabeth Shaughnessy
>
> Senior Planner|Development Services
>
> O. 432-685-7400
>
> E. eshaughnessy@midlandtexas.gov
>
> MIDLAND
> Feel the Energy!

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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--

William (Bill) Bentley

Construction Coordinator

Midland/Odessa

432.272.3086 Office

432.653.9369 Cell

william.bentley@mygrande.com

2401 E IH 20 Odessa Tx 79766

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From:	Henderson, Jeffrey
To:	Elizabeth Shaughnessy
Cc:	Matai, Sarah; Pino, Mariana; Cristina Burns
Subject:	RE: Vacation Request - Fairview Cemetery
Date:	Monday, June 29, 2020 3:09:39 PM
Attachments:	image001.png image002.png image003.png image004.png

Hello Elizabeth,
This area is clear of Oncor facilities. We have no issue regarding this vacation at this time.
Thanks.
Jeff

From: Elizabeth Shaughnessy [mailto:eshaughnessy@midlandtexas.gov]
Sent: Tuesday, June 23, 2020 11:33 AM
To: Henderson, Jeffrey <Jeffrey.Henderson@oncor.com>
Cc: Matai, Sarah <Sarah.Matai@oncor.com>; Pino, Mariana <Mariana.Pino@oncor.com>; Cristina Burns <coburns@midlandtexas.gov>
Subject: RE: Vacation Request - Fairview Cemetery

Good Morning,

Just following up on the status of the vacation request of Fairview Cemetery.

Respectfully,

Elizabeth Shaughnessy
Senior Planner|Development Services
O. 432-685-7400
E. eshaughnessy@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

From: Elizabeth Shaughnessy
Sent: Friday, June 12, 2020 5:17 PM
To: Henderson, Jeffrey <Jeffrey.Henderson@oncor.com>
Cc: Matai, Sarah <Sarah.Matai@oncor.com>; Pino, Mariana <Mariana.Pino@oncor.com>; Cristina Burns <coburns@midlandtexas.gov>
Subject: Vacation Request - Fairview Cemetery

Good Evening,
Midland County has requested to vacate the above described Right of Way (see attachments: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7407 if you have any questions.
Please let me know if you have any questions regarding vacations!
Respectfully,

Elizabeth Shaughnessy
Senior Planner|Development Services
O. 432-685-7400
E. eshaughnessy@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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From: drambo@midcad.org
To: Elizabeth Shaughnessy
Subject: Re: Vacation Request - Fairview Cemetery
Date: Monday, June 15, 2020 9:33:08 AM
Attachments: ATT00001.png
ATT00002.png
ATT00003.png
ATT00004.png

ELIZABETH:

THE 0.097 (4225.32 SQ FT) AREA IN QUESTION IS VALUED AT $ 2.00 PER SQ FT FOR 2020...OR $ 8,451.

Dennis Rambo
Assistant Chief Appraiser
Midland Central Appraisal District
432 699 4991 ext 3030
432 689 7185 fax

From: Elizabeth Shaughnessy <eshaughnessy@midlandtexas.gov>
To: Dennis Rambo <drambo@midcad.org>
Cc: Cristina Burns <coburns@midlandtexas.gov>
Date: 06/12/2020 05:13 PM
Subject: Vacation Request - Fairview Cemetery

Mr. Rambo,
Midland County has requested to vacate the above described Right of Way (see attachments: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7407 if you have any questions.
Please let me know if you have any questions regarding vacations!
Respectfully,

Elizabeth Shaughnessy
Senior Planner|Development Services
O. 432-685-7400
E. eshaughnessy@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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[attachment "V-20-0028, TaxVacMCAD vac ltr.pdf" deleted by Dennis Rambo/MCAD] [attachment "V-20-0028, Vacation - Exhibit A.pdf" deleted by Dennis Rambo/MCAD]

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City Council Meeting

Item Number: 16

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Elizabeth Shaughnessy, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,508-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 290 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, James Tynes Jr., is requesting a Specific Use Designation, with term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, at 210 West Longview Avenue, Suite G.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Surrounding Zoning and Land Use:

The properties located to the north are zoned O-1, Office District and SF-1, Single-Family Dwelling District and are the locations of Single Family residences and Templo Pacto de Alabanza y Amistad. The property to the east is zoned PD, Planned Development District for a Shopping Center and is the location of a Microtel by Wyndham. The property to the south is zone PD, Planned Development District for a Shopping Center and is the location of a Wal-Mart. The properties to the west are zoned PD, Planned Development District for a Shopping Center and RR, Regional Retail District and are the locations of a credit union, Advanced Auto Parts, and Discount Tire, respectively.

Discussion:

Jemes Tynes Jr. is requesting a Specific Use Designation for the property located at 210 West Longview Avenue, Suite G, to sell all alcoholic beverages for on premise consumption, within a restaurant. The property is zoned RR, Regional Retail District, which allows the consumption of alcoholic beverages with the approval of a Specific Use Designation.

Sweet Pot is currently not in operation. The site plan and floor plan attached hereto as “Exhibit A” illustrates that the establishment will have one dining area and a bar. The total square footage of the establishment is 2,508 square feet with an alcohol serviceable area of 1,472 square feet.

The proposed hours of operation and alcohol serviceable hours of Sweet Pot Restaurant are as stated:

Sunday through Thursday from 10:00 AM to 10:00 PM
Friday and Saturday from 10:00 AM to 12:00 AM (Midnight)

There is one active Specific Use Designation with Term for the sale of alcoholic beverages in the same shopping center for Wing-stop. (Ordinance No. 9450)

Per Midland City Code 5.4.4. –Prohibited place of business

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

This request has been circulated to and reviewed by respective City departments and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections.

Building: (Approved)

No objections.

Engineering: (Approved)

No objection to zone change.

Transportation: (Approved)

No objection to zone change.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive plan, Chapter 6 Character Plan - Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections” (Tall City tomorrow, page 137). Sweet Pot Restaurant is proposing a local restaurant that will give the citizens of Midland a new location to socialize.

This request was recommended for approval at the April 6, 2020 Planning and Zoning Commission Meeting.

This request meets all requirements; therefore, staff recommends approval of the Specific Use Designation with Term for the sale of alcoholic beverages, for on-premises consumption, in a restaurant, subject to Conditions A through F.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 1,472 square feet as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes.

B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Sunday through Thursday from 10:00 AM to 10:00 PM
Friday through Saturday from 10:00 AM to 12:00 AM (Midnight)

C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

D. That the establishment shall meet all requirements of the Fire Department and Code Administration.

E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

F. That in accordance with Section 9.07.E.3 of the Zoning Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of July 22, 2020, staff has not received any letters of objection.

Attachments:

Site Plan and Floor Plan (Exhibit A)
Application
Maps
Ordinance No. 9450

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,508-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 290 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for a 2,508-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas (the "Property") as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present RR, Regional Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and

restrictions:

A. That the serviceable area of the Establishment shall be limited to approximately 1,472 contiguous square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Sunday through Thursday from 10:00 a.m. to 10:00 p.m.; and
Friday and Saturday from 10:00 a.m. to 12:00 a.m. (midnight).

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

F. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

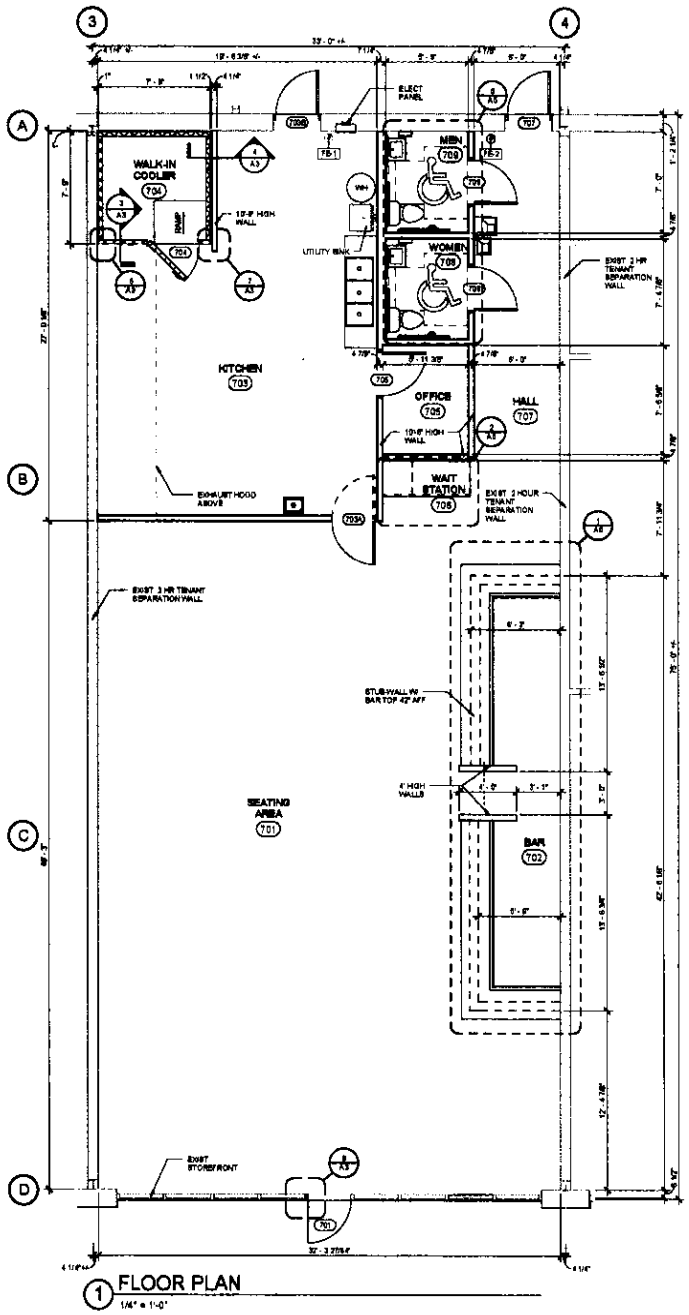
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney



BUSHIDO ROOM FINISH SCHEDULE

Room Number	Room Name	Floor Finish	Base Finish	Wall Finish	Ceiling Finish	Ceiling Height	Remarks
701	SEATING AREA	STAINED CONC.	RB	PT	PAINT BLACK	EXPOSED STRUCTURE	
702	BAR	STAINED CONC.	RB	PT	PAINT BLACK	EXPOSED STRUCTURE	
703	KITCHEN	STAINED CONC.	RB	FRP	CG-1	10'-0"	
704	WALK-IN COOLER	INSUL. FLOOR PANEL	NONE	INSUL. WALL	INSUL. PANEL	7'-0"	PRE-FAB WALK-IN COOLER
705	OFFICE	STAINED CONC.	RB	PT	CG-2	9'-0"	
706	WAIT STATION	STAINED CONC.	RB	PT	CG-2	10'-0"	
707	HALL	STAINED CONC.	RB	PT	CG-2	10'-0"	
708	WOMEN	VCT	RB	FRP	GYP BD. PAINTED	9'-0"	
709	MEN	VCT	RB	FRP	GYP BD. PAINTED	9'-0"	

NOTES

1. NEW GYP. BD. WALLS TO BE TAPED, TEXTURED, PRIMED & PAINTED
2. ALL FINISH COLOR SELECTIONS SHALL BE MADE BY THE TENANT FROM MANUFACTURER'S STANDARD COLORS.
3. INSTALL ALL FINISHES PER MANUFACTURER'S STANDARD INSTRUCTIONS.
4. FE-1 LARSEN MO.- 6, 2A K FIRE EXTINGUISHER WITH 6B4 WALL BRACKET
   FE-2 LARSEN M-5, 2A-10B:C FIRE EXTINGUISHER WITH 6B4 WALL BRACKET
5. WALLS SHALL EXTEND FLOOR TO UNDERSIDE OF ROOM DECK UNLESS NOTED OTHERWISE
   WALLS SHALL BE 3 5/8" METAL STUDS WITH 5/8" GYP. BD. EACH SIDE WITH 3" SOUND BATT INSULATION.

FINISHES

CONCRETE STAIN - PENETRATING CHEMICAL STAIN WHICH CHEMICALLY REACTS WITH CONCRETE H&C SEMI TRANSPARENT DECORATIVE STAIN OR EQUAL

VCT - 12" X 12" X 1/8" VINYL COMPOSITION TILE, ARMSTRONG EXCELON OR EQUAL

RB - RUBBER BASE ROPPE OR EQUAL, 4" HIGH

PT - MEDIUM DRAG TEXTURE - 1 COAT PRIMER, 2 FINISH COATS SEMI-GLOSS LATEX KITCHEN WALLS, SATIN GLOSS LATEX DOORS AND TRIM, FLAT WHITE CEILINGS. ALL OTHER SURFACES EGGSHELL

FRP - FIBERGLASS REINFORCED PLASTIC WALL PANELS, KEMLITE OR EQUAL

CG-1 2'X 4' LAY-IN ARMSTRONG CERAMAGUARD CEILING TILE IN 15/16" PRELUDE WHITE CEILING GRID.

CG-2 2'X 4' LAY-IN ARMSTRONG ULTIMA 6SMOOTH TEXTURED CEILING TILES IN 15/16" PRELUDE WHITE CEILING GRID

DOOR SCHEDULE

WT	Width	Height	Thickness	Description
701	3'-0"	7'-0"	0'-1 3/4"	ALUM. & GLASS ENTRY DOOR, EXISTING DOOR & HARDWARE
703A	5'-0"	7'-0"		DOUBLE ACTING IMPACT DOOR ELIASON LWR-5 LAMINATED FACE W/ 15" X 20" ACRYLIC WINDOW & 12" HIGH 5S BASE PLATE (BOTH SIDES)
703B	5'-0"	7'-0"	0'-1 3/4"	EXISTING HOLLOW METAL DOOR, METAL FRAME AND HARDWARE
704	2'-2"	6'-8"	0'-4"	INSULATED COOLER DOOR, FURNISHED W/ WALK-IN COOLER
705	3'-0"	7'-0"	0'-1 3/4"	HALF GLASS 6C WOOD DOOR PAINTED, IN PAINTED HOLLOW METAL FRAME WITH OFFICE LOCKSET, HINGES, DOOR STOP, KICK PLATE & SILENCERS
707	3'-0"	7'-0"	0'-1 3/4"	EXISTING HOLLOW METAL DOOR, METAL FRAME AND HARDWARE
708	3'-0"	7'-0"	0'-1 3/4"	6C WOOD DOOR PAINTED, IN PAINTED HOLLOW METAL FRAME WITH PRIVACY LOCKSET, HINGES, CLOSER/ STOP, KICK PLATE AND SILENCERS.
709	3'-0"	7'-0"	0'-1 3/4"	6C WOOD DOOR PAINTED, IN PAINTED HOLLOW METAL FRAME WITH PRIVACY LOCKSET, HINGES, CLOSER/ STOP, KICK PLATE AND SILENCERS.

william m. b. ferguson, jr. architect
Architecture Planning Interior Design
1309 Union Ave
Memphis, TN 38104
Tel. 901-278-4848
www.wmbfarch.com

July 28, 2021

16.9

Revision Schedule		
Number	Date	Description

PERMIT SET

TENANT BUILD-OUT FOR LORI'S CA
MIDLAND CROSSING

MIDLAND, TX

I'S CAFE

FLOOR PLAN

CMM MB 15004

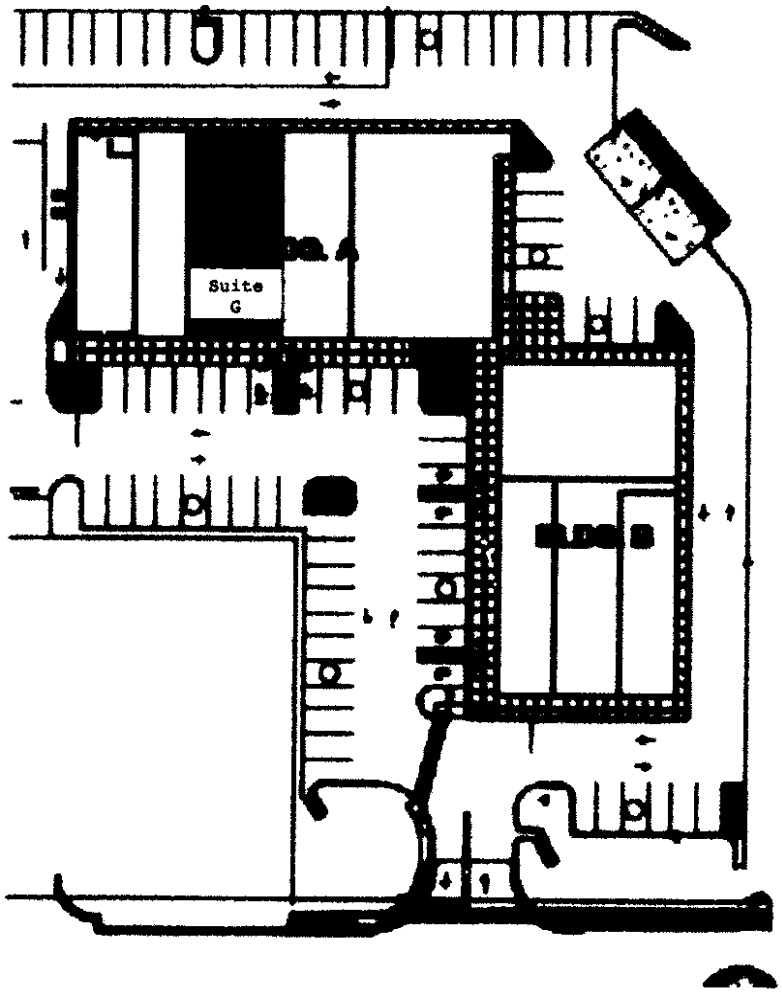
11/05/2015 A2

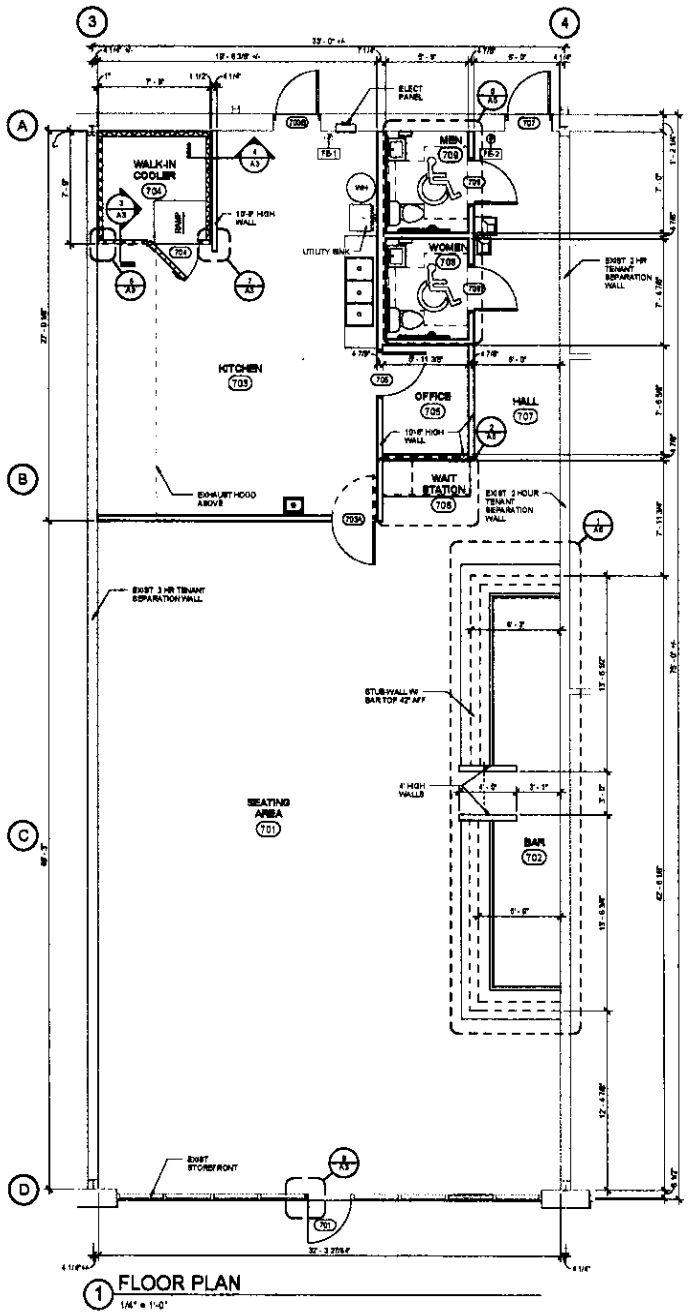
© 2015 WMF ARCHITECT

PACKET

EXHIBIT A

EXHIBIT A
MIDLAND CROSSING SHOPPING CENTER





1 FLOOR PLAN
1/4" = 1'-0"

BUSHIDO ROOM FINISH SCHEDULE

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704	WALK-IN COOLER	SHELL FLOOR PANEL	NONE	INSUL. WALL	INSUL. PANEL	7'-0"	PRE-FAB WALK-IN COOLER
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   FE-3 LARSEN M-5, 2A-10B:C FIRE EXTINGUISHER WITH 6B4 WALL BRACKET
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william b. ferguson, architect
Architecture
Planning
Interior Design
1309 Union Ave.
Memphis, TN 38104
Tel. 901-278-4848
www.wbfa.com

July 28, 2021

16.11

Revision Schedule		
Number	Date	Description

PERMIT SET

TENANT BUILD-OUT FOR LORI'S CA
MIDLAND CROSSING

MIDLAND, TX

I'S CAFE

FLOOR PLAN

CMM | MB | 15004

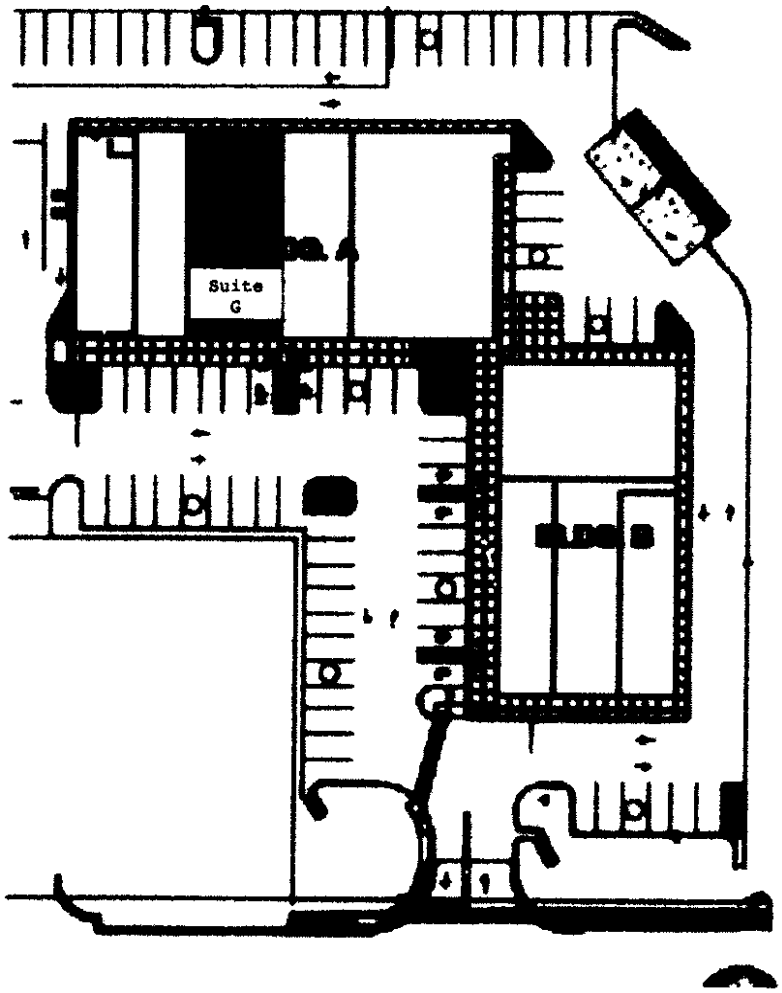
11/05/2015

A2

© 2015 WBF ARCHITECT

PACKET

EXHIBIT A
MIDLAND CROSSING SHOPPING CENTER



MIDLAND
Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUD-200716

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: JAMES TYNES JR		Phone (701) 3397151 Email JAMESTYNES2624@GMAIL.COM	
Address 4700 POLO PARKWAY APT 147	City MIDLAND	State TX	Zip 79705
Property Owner Printed Name: JAMES TYNES JR		Phone ( ) Email	
Address 210 W. LONGVIEW AVE SUITE G	City MIDLAND	State TEXAS	Zip 79701
Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 210 W. LONGVIEW AVE

Business Name: SWEET POT LLC

Legal Description
Lot: G Block: Subdivision:

Current Zoning:

Reason for Request: LIQUOR PERMIT

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: RESTAURANT

Proposed/Current Days and Hours of Operation: MONDAY - SUNDAY 10 AM - 10PM

Proposed Days and Hours of Alcohol Service: MONDAY - SUNDAY 10 AM - 2 AM

Total Square Footage of Business:

Square Footage of Alcohol Serviceable Area:

Restroom Fixtures:	*Men*	**Toilets/Urinals:** 1	**Bathroom Sinks:** 1
	Women	**Toilets:** 1	**Bathroom Sinks:** 1

RECEIVED
JUN 04 2020
BY:

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

RECEIVED
JUN 0 4 2020

Signatures	BY: .....
Applicant (signature):	Date: 5/29/2020
Applicant (printed): James T Yates Jr	
Property Owner (signature):	Date: 5/29/2020
Property Owner (printed): James T Yates Jr	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

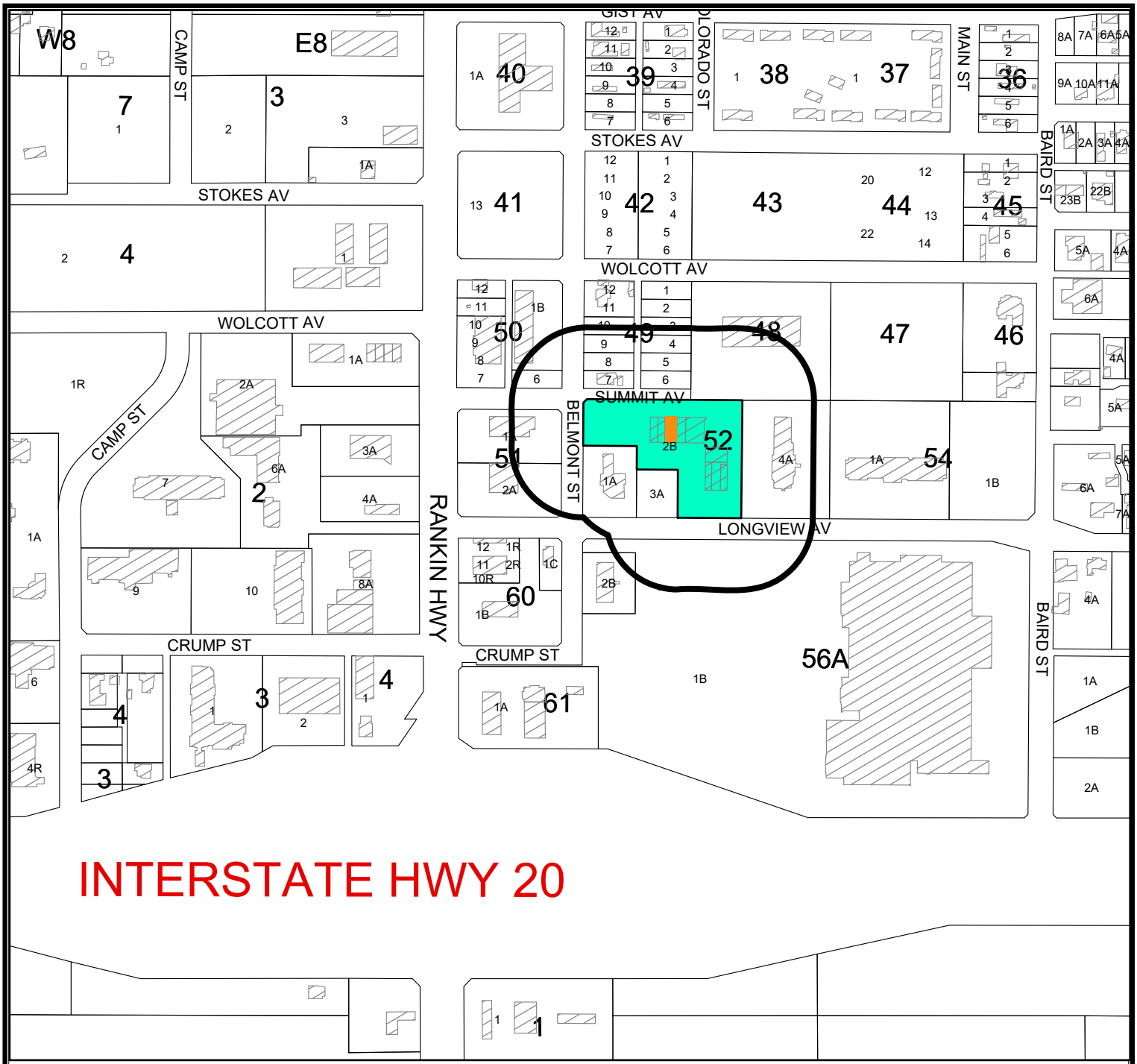
_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

Application will not be considered for scheduling until reviewed by a planner.

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # CC	☐ Plans in Digital Format (PDF/JPEG)
Received By: DR	Date:

RECEIVED
JUN 04 2020
BY: .....

**Application will not be considered for scheduling until reviewed by a planner.



LOCATION MAP

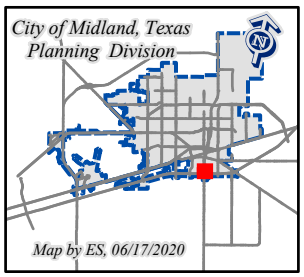
SUD-20-0076 **Scale: 1" = 400'**

Consider a request by James Tynes Jr. for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 2,508 square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas.

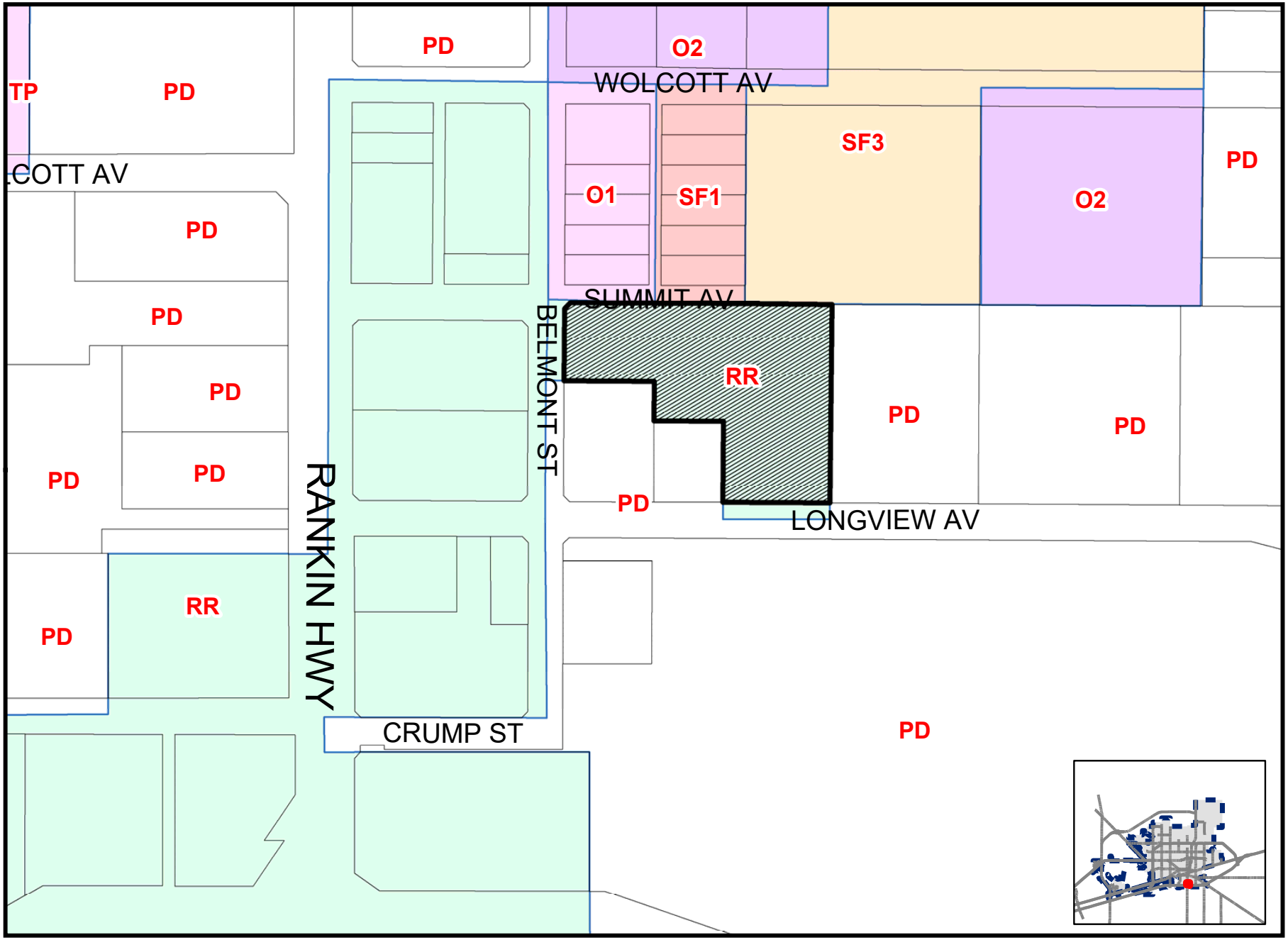
Generally located on the north side of West Longview Avenue, approximately 290 feet east of Belmont Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



July 28, 2020



Map By ES, 6/17/2020

SUD-20-0076

Scale: 1" = 200'

ZONING MAP

PACKET
16.17
July 28, 2020

ORDINANCE NO. 9450

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,920-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 270 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by the granting of a Specific Use Permit With Term, set out hereinafter, on the property described in Section One hereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned LR-2, Local Retail District, to-wit:

> A 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term

for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together with the uses permitted in the present LR-2, Local Retail District.

SECTION TWO. That said property shall be subject to the following conditions and restrictions:

A. That the serviceable area of the restaurant shall be limited to approximately 1,920 contiguous square feet as shown in the site plan, which is attached hereto as Exhibit "A" and incorporated herein.

B. That the maximum number of seats shall be limited to 54.

C. That a building permit shall be obtained, and the restaurant shall meet all requirements of the Fire Department and the Code Administration Division.

D. That the sale and on-premise consumption of alcoholic beverages shall conform to all applicable state and local laws.

E. That the days and hours of alcoholic beverage sales and consumption shall be limited to:

1. Sunday through Thursday from 11:00 a.m. to 11:00 p.m.; and

2. Friday and Saturday from 11:00 a.m. to 12:00 a.m. (midnight).

F. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on-premise consumption to ensure that the conditions of this permit are satisfied.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 9th day of June, A.D., 2015; and passed to second reading on motion of Council member Lacy, seconded by Council member Robnett, by the following vote:

Council members voting "AYE": Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Love, seconded by Council member Hotchkiss, on the 23rd day of June, A.D., 2015, at a regular meeting of the City Council:

Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

PASSED AND APPROVED THIS 23rd day of June, A.D., 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

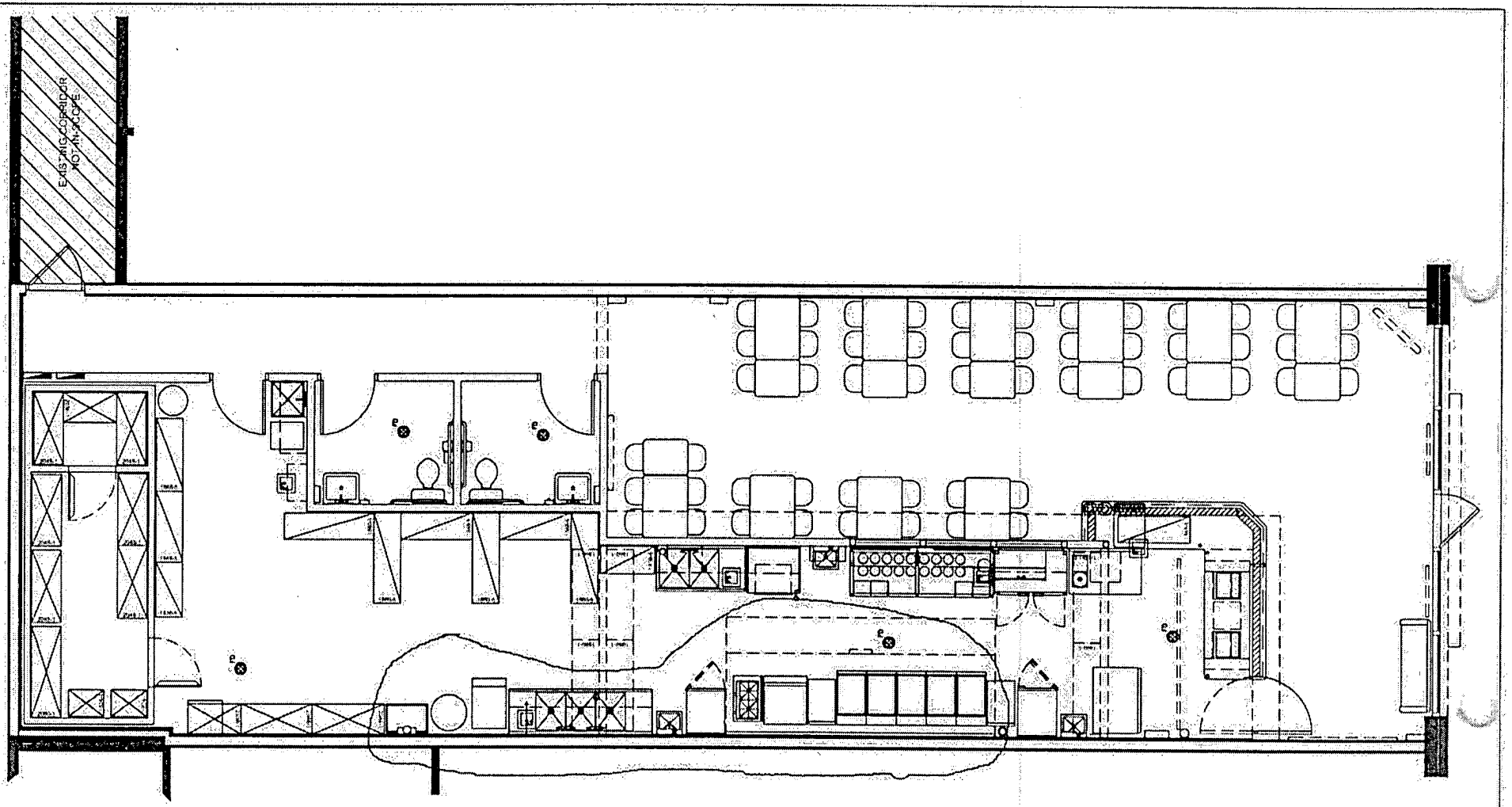
APPROVED AS TO CONTENT
AND COMPLETENESS:

Frank Salvato, Assistant City Manager

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney



PROJECT DATA:

OVERALL NET LEASE (USABLE) AREA:	1,920 SQ. FT. (NET USABLE SPACE)
SALES, COOKING, PREP & JANITOR AREAS:	878 SQ. FT. @ 1/200 (GROSS) = 5 OCCUPANTS
SEATING AREA:	634 SQ. FT. @ 1/15 = 43 OCCUPANTS
ORDER (STANDING) AREA:	60 SQ. FT. @ 1/5 = 12 OCCUPANTS
PASSAGE, MEN & WOMEN RESTROOM AREAS:	282 SQ. FT. (ACCESSORY USE, NOT APPLICABLE)
SEATING ANALYSIS:	54 TOTAL SEATS
TOTAL OCCUPANT LOAD:	60 OCCUPANTS

GL #P007

PROJECT LOCATION:

MIDLAND, TX

DRAWING NAME:

SCHEMATIC EQUIPMENT PLAN

ISSUE DATE: 09/27/2014

EXHIBIT A

Ord # 9450

City Council Agenda

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: June 23, 2015

TO: CITY COUNCIL/CITY MANAGER

FROM: Robert Baronti, Jr., AICP, CPM, Planning Division Manager

SUBJECT: **Consider an ordinance on second reading on a request by Longview Wingpartners, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas. (Generally located on the north side of W. Longview Avenue, approximately 270-feet east of Belmont Street. – District 2)**

Purpose:

Consider an ordinance on second reading on a request by Longview Wingpartners, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant is requesting a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, for a new restaurant, Wing Stop.

This restaurant is located at 210 W. Longview Avenue, Suite C, in a new retail center. The property is zoned LR-2, Local Retail District. To the north of the property is zoned O-1, Office District, 1F-1, One Family Dwelling District, and 1F-3, One-Family Dwelling District, and the locations of a residence, a vacant lot, and a church, respectively. To the east is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local

Retail District, and the location of a hotel. To the south is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and the location of Wal-Mart. To the west is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and LR-2, Local Retail District, and the locations of a credit union and a Discount Tire, respectively.

The restaurant will have a floor area of 1,920 square feet. The applicant is requesting a maximum seating capacity of 54 seats. There are no schools or churches located within 300-feet of this site. The applicant is requesting service hours for alcohol sales as follows:

Sunday - Thursday: 11:00 a.m. – 11:00 p.m.

Friday and Saturday: 11:00 a.m. – midnight.

This area located near Rankin Highway and Interstate 20 has seen significant retail growth since the construction of the Wal-Mart. Because of this, staff sees that this request to sell alcohol for on-premises consumption in this restaurant is reasonable for this location.

City Council voted to approve this ordinance on first reading on June 9, 2015. This ordinance is now ready for consideration on second and final reading.

Letters of Objection:

Staff has received no letters of objection.

Case Number S-15001

CITY OF MIDLAND
Planning Division

SPECIFIC USE PERMIT APPLICATION

Longview Wingpartners, LLC — 817-675-4269
Applicant Name — Contact Phone #s

210 W Longview Ave., Suite C, Midland, Tx 79701
Address — Zip Code

E-Mail address: wingedout@yahoo.com and ehernandez@geraldfranklinagency.com

Midland Crossing LLC — 901-300-3585
Property Owner Name — Contact Phone #s

5101 Wheelis Dr Ste 310 Memphis, TN 38117
Address — Zip Code

E-Mail address: jeff@whiteoakdevelopment.net

Operator (if different from Applicant or Property Owner) — Contact Phone #s

Address — Zip Code

Type of Permit: BG/FB

SUP with Term: / Yes ___ No
(For Office Use)

If Billboard: n/a
Static ___ Electronic ___
Latitude: ___ Longitude: ___ (decimal degrees, 5 decimal accuracy)
Projection: ___

Street address and Legal Description of property on which SUP is desired (complete Lot, Block, and Subdivision, or if unplatted, attach a Metes and Bounds description with surveyor's seal.)
210 W Longview Ave., Suite C, Midland

Current Zoning: ___

Maximum Floor Area: 1920 sqft Max. Occupancy: 60

Proposed hours and days of use or operation: SUN-THUR 11am - 11pm
FRI-SAT 11am - midnight

Reason for request: for convenience of customers

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: All servers will have TABC seller/server certification. Also our sales are not driven by beer or wine it is driven by our food product. Our beer sales are estimated to be 1% of our total sales.

REQUIRED SUBMITTALS

1. Application fee: **$300.** (80% of fee will be refunded if no P&Z public hearing is called; if no City Council public hearing is called, then 30% of fee will be refunded.)
2. Site plan – 16 copies (FOLDED)
3. On a CD in .pdf and .jpg format

SIGNATURES:

Applicant: _____ Date: 4/7/2015

Property Owner: _____ Date: 4/7/2015

If an Agent is authorized by the property owner to file and execute the application on behalf of the property owner, the Agent must complete the affidavit below.

STATE of TEXAS
COUNTY OF ~~MIDLAND~~ Fort Bend

Before me, the undersigned authority, on this day personally appeared Donna R. Braun who, being by me duly sworn, upon oath says: That (s)he is authorized by Jeff Farmer, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Subscribed and sworn to before me, this 08th day of April, 2015 to certify which witness my hand and seal of office.

Anju Chugh

NOTARY PUBLIC, ~~MIDLAND~~ COUNTY, TEXAS
Fort Bend

FOR OFFICE USE ONLY
Rec'd By: KC Date: 4/27/15
Assigned: CO
For: P&Z On: 5/11/15

ANJU B. CHUGH
Notary Public, State of Texas
My Commission Expires
September 12, 2017

****Application will not be considered for scheduling until reviewed by a planner.****

PLANNING AND ZONING COMMISSION

May 11, 2015

CASE: S-15-011, Longview Wingpartners, LLC.

REQUEST: Hold a public hearing and consider a request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant.

APPLICANT: Longview Wingpartners, LLC.

OWNER: Midland Crossing, LLC.

LEGAL DESCRIPTION: On a 1,920-square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas.

LOCATION: Generally located on the north side of W. Longview Avenue, approximately 270-feet east of Belmont Street.

CURRENT ZONING: LR-2, Local Retail District.

DETAILS OF REQUEST:

The applicant is requesting a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, for a new restaurant, Wing Stop.

SURROUNDING ZONING AND LAND USE:

This restaurant will be located at 210 W. Longview Avenue, Suite C, in a new retail center. The property is zoned LR-2, Local Retail District. To the north of the property is zoned O-1, Office District, 1F-1, One Family Dwelling District, and 1F-3, One-Family Dwelling District, and the locations of a residence, a vacant lot, and a church, respectively. To the east is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and the location of a hotel. To the south is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and the location of Wal-Mart. To the west is zoned PD, Planned District for a Shopping Center, with an underlying zoning of LR-2, Local Retail District, and LR-2, Local Retail District, and the locations of a credit union and a Discount Tire, respectively.

ANALYSIS:

The restaurant will have a floor area of 1,920 square feet. The applicant is requesting a maximum seating capacity of 54 seats. There are no schools or churches located within 300-feet of this site. The applicant is requesting service hours for alcohol sales as follows:

Sunday - Thursday: 11:00 a.m. – 11:00 p.m.

Friday and Saturday: 11:00 a.m. – midnight.

This area located near Rankin Highway and Interstate 20 has seen significant retail growth since the construction of the Wal-Mart. Because of this, staff sees that this request to sell alcohol for on-premises consumption in this restaurant is reasonable for this location.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to the following conditions:

A. **That the serviceable area of the restaurant shall be limited to approximately 1,920 square feet, as shown in Exhibit A.**

B. **That the maximum number of seats shall be limited to 54 seats.**

C. **That a building permit is obtained, and that the restaurant meets all requirements of the Fire Department and the Code Administration Division.**

D. **That the sale of alcoholic beverages for on-premises consumption shall comply with state and local laws.**

E. **That the permitted hours of the sale of alcoholic beverages be limited to:**

   a. **Sunday - Thursday: 11:00 a.m. – 11:00 p.m.**

   b. **Friday and Saturday: 11:00 a.m. – midnight.**

F. **That the applicant shall obtain a Certificate of Occupancy prior to the commencement of on-premises alcohol consumption to ensure that the conditions of this permit are satisfied.**

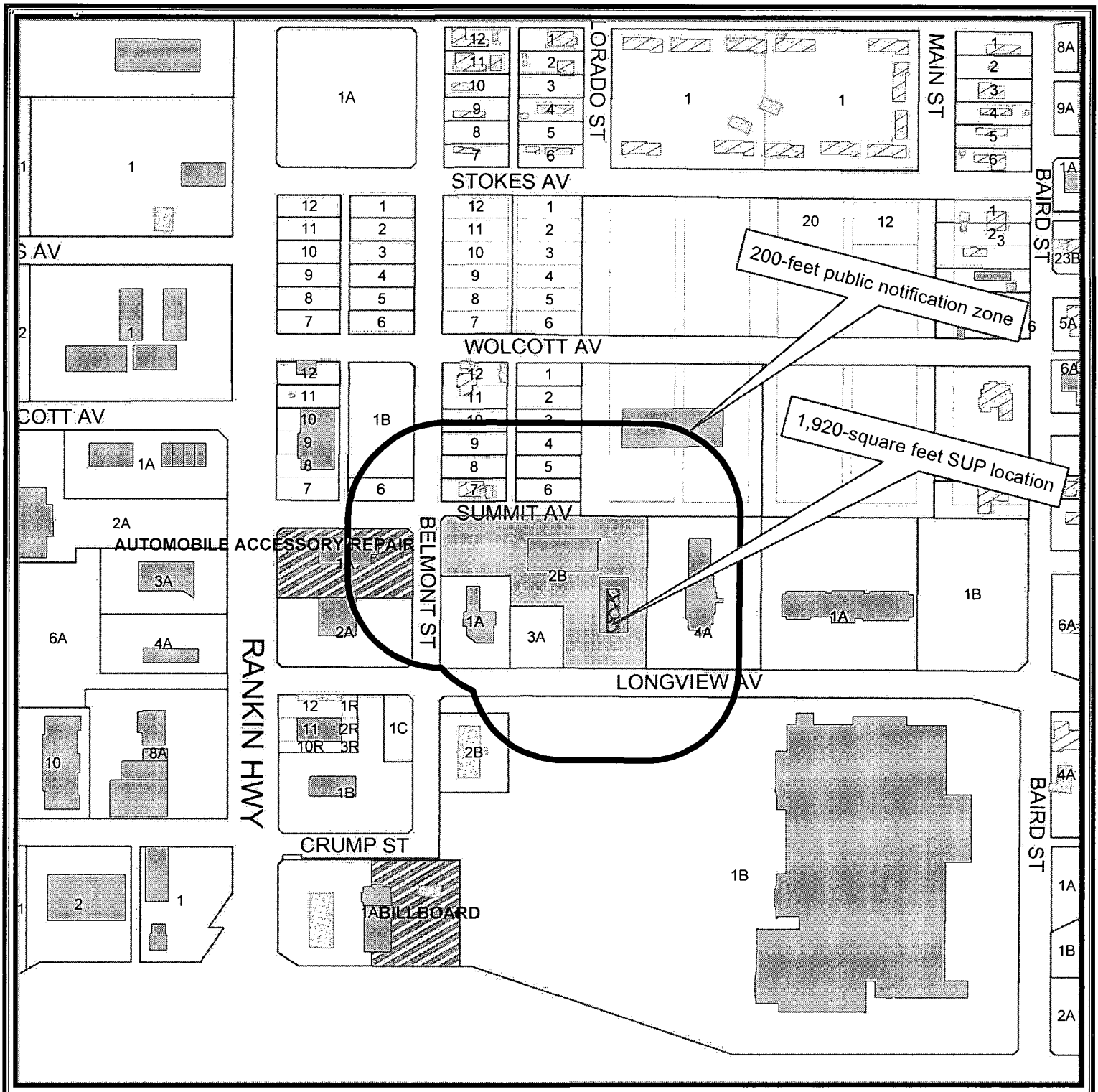
Site Plan (Exhibit A)

Cristina Odenborg
Senior Planner
Department of Development Services

Bob Baronti, Jr., AICP
Planning Division Manager
Department of Development Services

Attachments:

Application
Maps



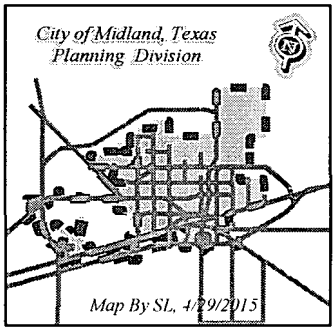
LOCATION MAP

S - 15 - 011 **Scale: 1" = 300'**

Consider a request for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920 square foot portion of Lot 2B, Block 52, Belmont Addition, Tract 21, City and County of Midland, Texas.. (Council District 2)

LEGEND

- CITY LIMITS
- 200-FEET PUBLIC NOTIFICATION ZONE
- CITY PARCEL
- SUBJECT AREA
- PUBLIC BLDGS
- PRIVATE BLDGS
- ACCESSORY BLDGS
- EXISTING S.U.P



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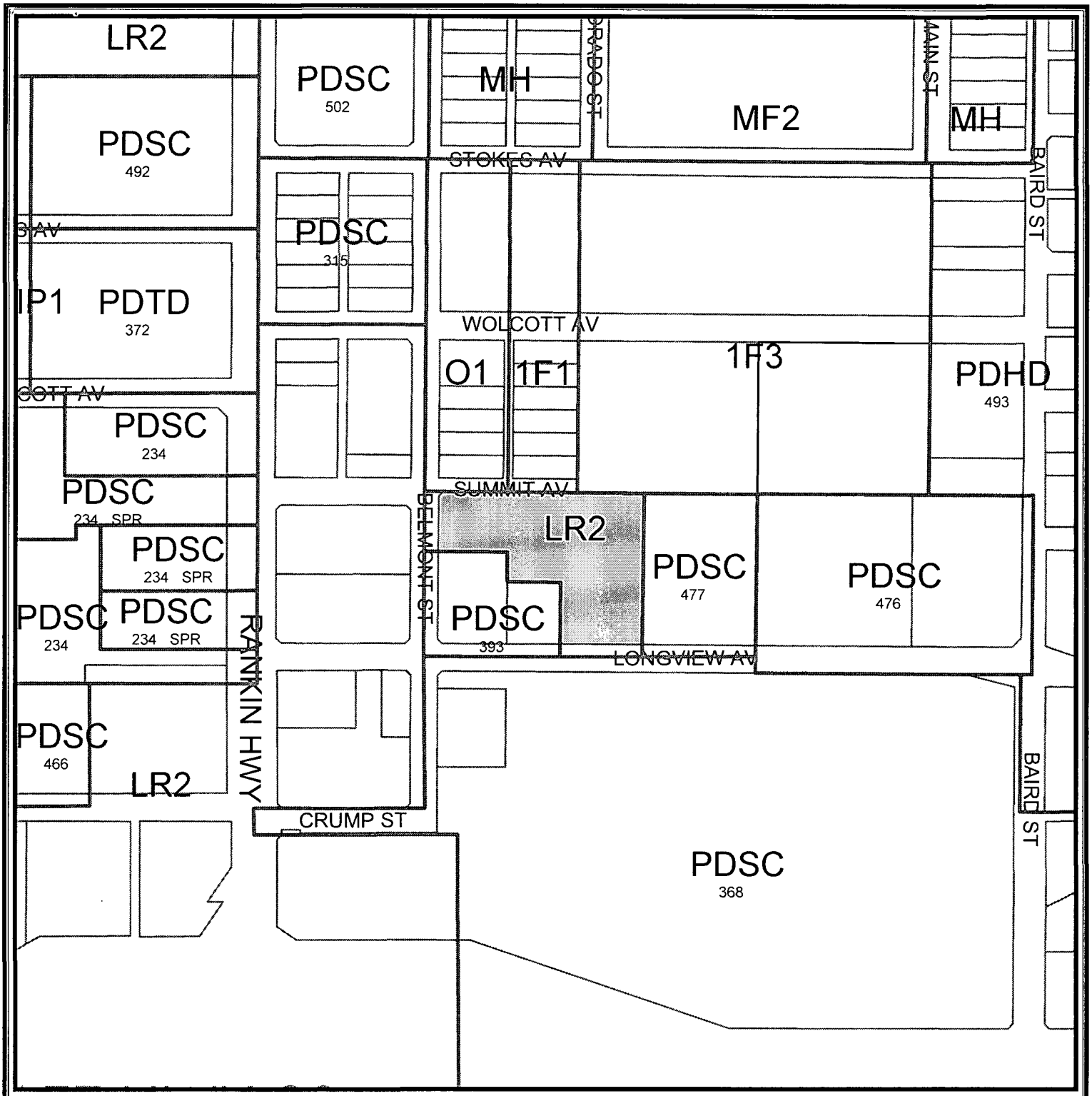

ZONING MAP

Map By SL, 4/29/2015

S - 15 - 011 **Scale: 1" = 300'**

Consider a request for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,920 square foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas.. (Council District 2)

LEGEND

ZONING PARCELS

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2 ,LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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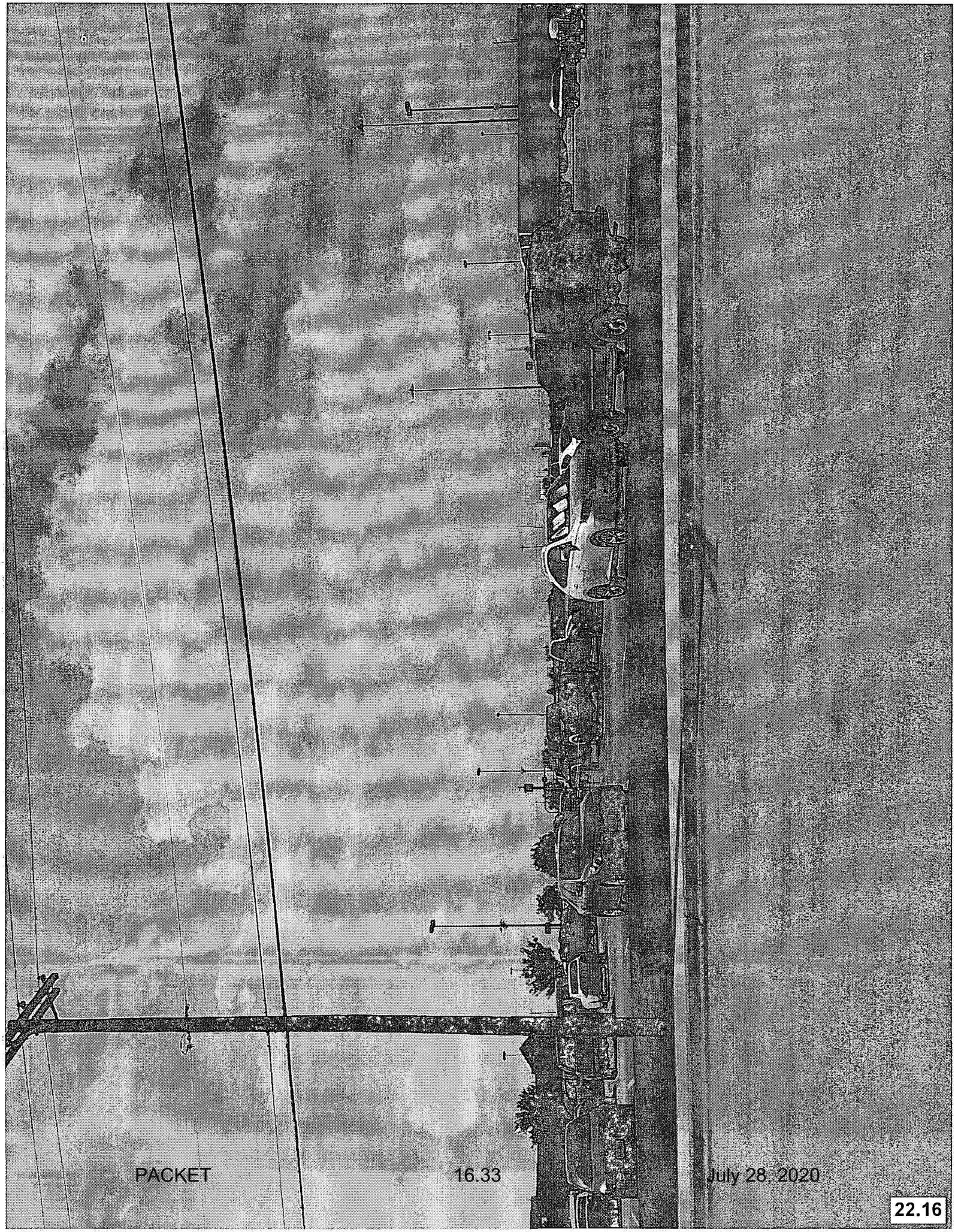


White Oak Development
COMING SUMMER 2014
MIDLAND CROSSING
21,000 SF Shopping Center
For Leasing Info Contact
Jeff Farmer
CALL: 901-300-3585
www.whiteoakdevelopment.net

NO TRUCK PARKING
AT&T
LAVENDER NAILS & SPA

FOR
SALE
SPACE AVAILABLE
MIDLAND
CROSSING
Contact Jeff Farmer
901-300-3585
Walmart

SONIC

City Council Meeting

Item Number: 17

Meeting Date: July 28, 2020

To: City Council / City Manager

From: Elizabeth Shaughnessy, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 AND 8, BLOCK 11A, HIGHLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PARKER AVENUE AND NORTH MAIN STREET), WHICH IS PRESENTLY ZONED SF-2, SINGLE-FAMILY DWELLING DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A CHILD CARE: DAY CARE CENTER; MAKING SAID DESIGNATION 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Rosa R. Ramirez, is requesting a Specific Use Designation with Term for a Child Care: Day Care Center to develop Mrs. Rosa's Learning Center, at 101 W. Parker Avenue.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Surrounding Zoning and Land Use:

The property is located at 101 West Parker Avenue, in a SF-2, Single-Family Dwelling District. The property to the north, east, south, and west are also zoned SF-2, Single-Family District and the location of residential houses.

Discussion:

The property is currently located in a SF-2, Single-Family District, which permits a Specific Use Designation with Term for a Child Care: Day Care Center. The applicant, Rosa R. Ramirez, has provided a site plan which shows 2,400 square feet of floor area for the Learning Center. The building to the north of the learning center will be a 3,100 square foot multipurpose center, which will include an office and gym.

Per the City of Midland Zoning Ordinance, Section 9.07 Specific Use Designation (SUD's)

F. Specific Use Designation "With Term" – Uses and Baseline Standards Specific Use Designations with term may be approved for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts.

> 6. Child-Care: Day-Care Center Uses a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district

Per 4.03 use chart of the zoning code, Child Care: Day Care Center is an allowed use in the SF-2, Single Family Dwelling District with a specific use designation with term.

The proposed hours of operation are:

> Monday through Friday from 7:00 a.m. to 6:00 p.m.

This project has been circulated and reviewed by all pertinent City departments for internal review their comments are as follows:

Engineering: (Approved)

No objection.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Fire: (Approved)

No objections to zone change.

The learning center will require a fire inspection before opening.

Transportation: (Approved with Conditions)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Due to traffic safety concerns, no pick-up/drop-off activity may occur in the right-of-way along Main St.

No objection to zone change.

Code Administration: (Approved with Conditions)

No Objections.

Planning:

The Planning and Zoning Commission recommended approval of this request at the July 6, 2020 meeting.

This request meets all requirements; therefore, staff recommends approval of the Specific Use Designation with Term for a Child Care: Day Care Center, subject to Conditions A through E.

Conditions:

A. That the operation of the Child Care: Day Care Center shall confirm to the attached site plan and floor plans incorporated herein as Exhibits A and B.

B. That all necessary permits, inspections, and approvals required by the City of Midland and the State of Texas shall be obtained prior to commencing operation of the Child Care: Day Care Center.

C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

D. That the establishment shall meet all requirements of the Fire Department and Code Administration.

E. That the days and hours of operation shall be limited to the following

Monday through Friday from 7:00 a.m. to 6:00 p.m.

Letters of Objection:

As of July 22, 2020, staff has not received any letters of objections.

Attachments:

Site Plan (Exhibit A)
Floor Plans (Exhibit B)
Application
Maps

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 AND 8, BLOCK 11A, HIGHLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PARKER AVENUE AND NORTH MAIN STREET), WHICH IS PRESENTLY ZONED SF-2, SINGLE-FAMILY DWELLING DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A CHILD CARE: DAY CARE CENTER; MAKING SAID DESIGNATION 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

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for Lots 7 and 8, Block 11A, Highland Addition, City and County of Midland, Texas (the "Property") as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for a Child Care: Day Care Center (the "Establishment"), together with the uses permitted in the present SF-2, Single-Family Dwelling District.

SECTION TWO. That the Property shall be subject to the following conditions and restrictions:

A. That the operation of the Establishment shall conform to Exhibits "A" and "B", which are attached hereto and incorporated herein for all purposes.

B. That all necessary permits, inspections, and approvals required by the City of Midland and the State of Texas shall be obtained prior to commencing operation of the Establishment.

C. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

D. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

E. That the days and hours of operation of the Establishment shall be limited to Monday through Friday from 7:00 a.m. to 6:00 p.m.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on

first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

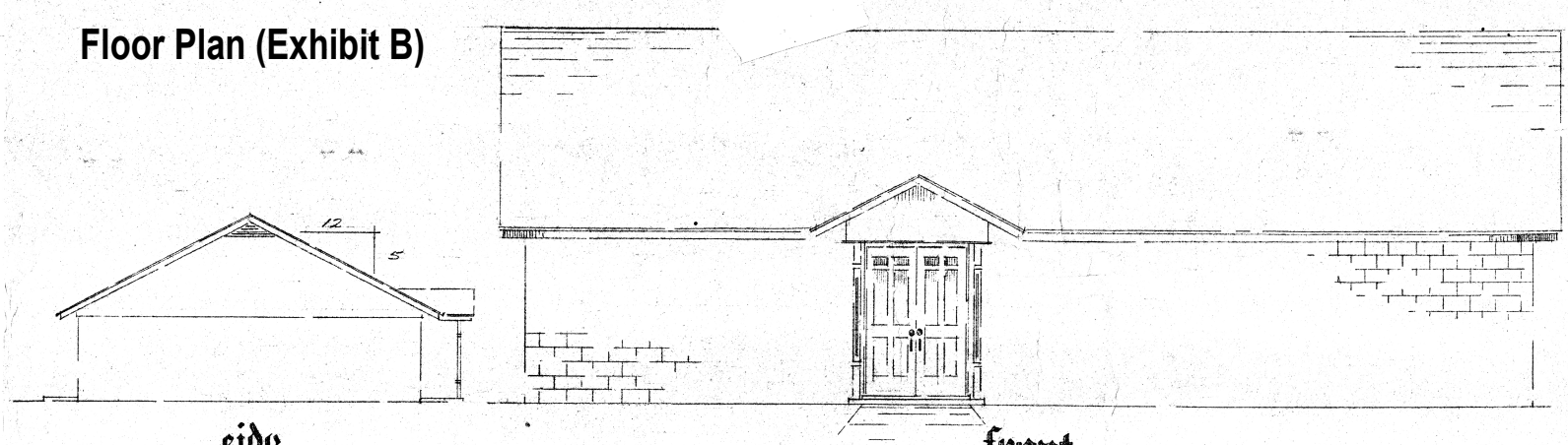
_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Site Plan (Exhibit A)

Floor Plan (Exhibit B)

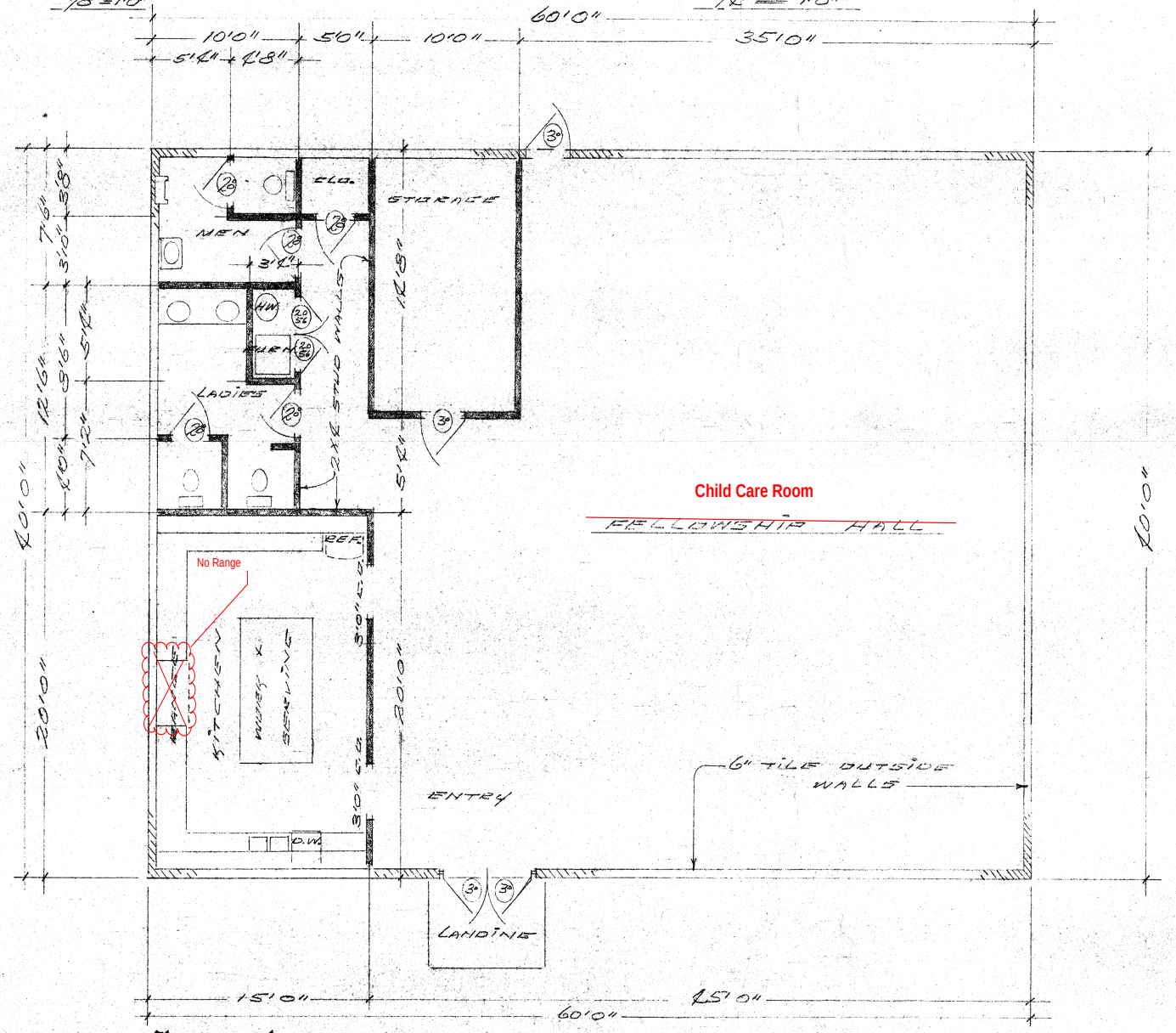


side

1/8"=1'0"

front

1/4"=1'0"



floor plan

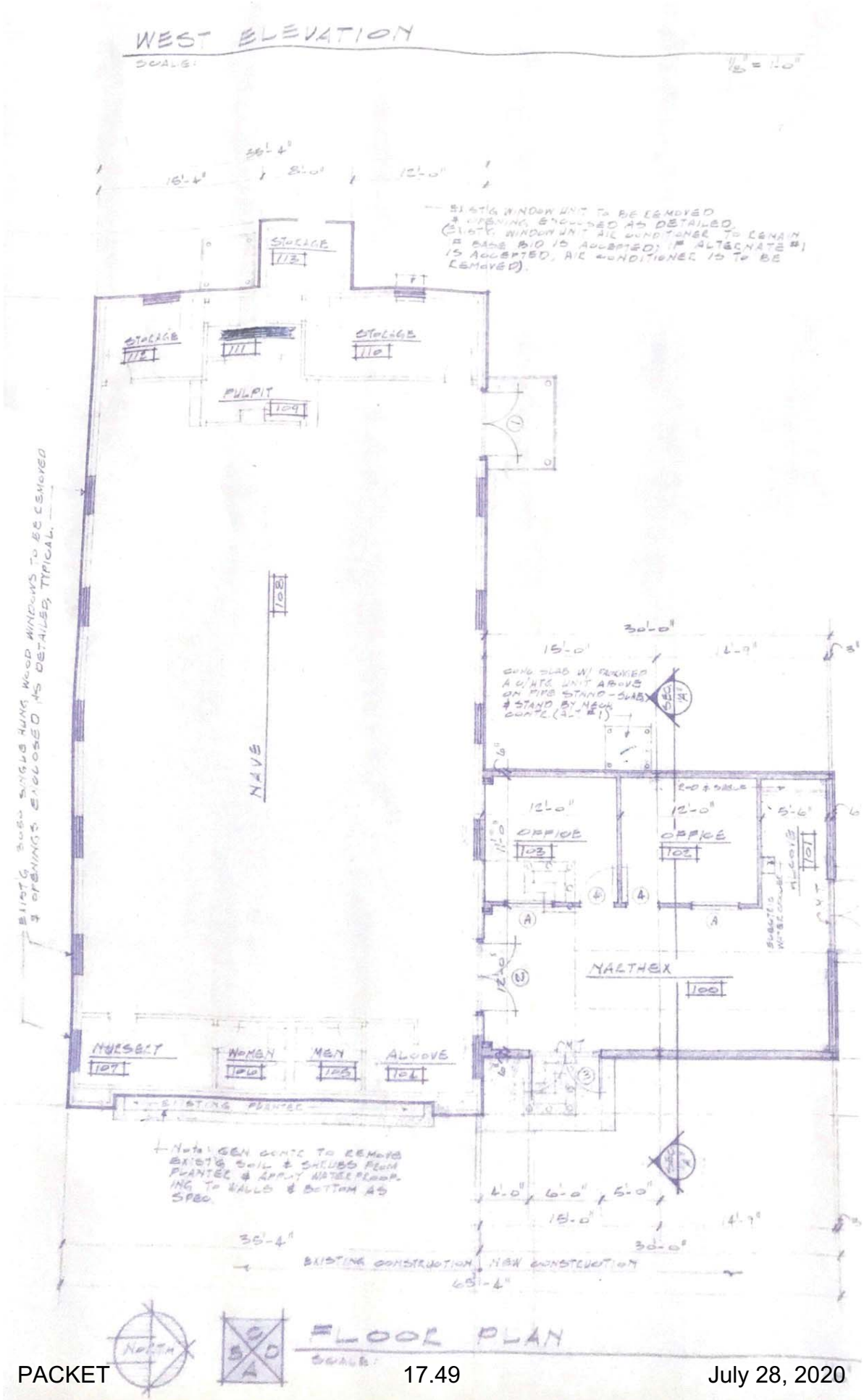
1/4"=1'0"

PROPOSED FELLOWSHIP BUILDING FOR

MAIN STREET CHURCH OF CHRIST

ROY WHITE MINISTER

W. D. LADD — DESIGNER


WEST ELEVATION
SCALE:
1/8" = 1'-0"
35'-4"
15'-4"
8'-0"
12'-0"
EXIST'G WINDOW UNIT TO BE REMOVED & OPENING ENCLOSED AS DETAILED. (EXIST'G WINDOW UNIT AIR CONDITIONER TO REMAIN IF BASE BID IS ACCEPTED; IF ALTERNATE #1 IS ACCEPTED, AIR CONDITIONER IS TO BE REMOVED).
STORAGE 113
STORAGE 112
111
STORAGE 110
PULPIT 109
NAVE 108
EXIST'G BOBO SINGLE HUNG WOOD WINDOWS TO BE REMOVED & OPENINGS ENCLOSED AS DETAILED, TYPICAL.
30'-0"
15'-0"
14'-9"
CONC SLAB W/ PROVIDED A C/HTG UNIT ABOVE ON PIPE STAND - SLAB & STAND BY MECH CONTR. (ALT #1)
SEC 1/A
12'-0"
12'-0"
5'-6"
OFFICE 103
OFFICE 102
ALCOVE 101
ELECTRIC WATER COOLER
NARTHEX 100
NURSERY 107
WOMEN 106
MEN 105
ALCOVE 104
EXISTING PLANTER
Note: GEN CONTR TO REMOVE EXIST'G SOIL & SHRUBS FROM PLANTER & APPLY WATERPROOFING TO WALLS & BOTTOM AS SPEC.
4'-0"
6'-0"
5'-0"
15'-0"
14'-9"
35'-4"
30'-0"
EXISTING CONSTRUCTION
NEW CONSTRUCTION
65'-4"
NORTH
FLOOR PLAN
SCALE:

MIDLAND Planning Division

Specific Use Designation Application (Non-Alcohol)

Case Number: SUD-20-0015

Ord. Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: ~~Mario B. Ramirez~~ Rosa R. Ramirez		Phone (~~432~~) ~~557-4570~~ Email Rosarramirez64@gmail.com	
Address 1408 N. Lorraine	City Midland	State TX	Zip 79701
Property Owner Printed Name: Rosa & Mario Ramirez 432 557-4570		Phone (432) 813-7673 Email Rosarramirez64@gmail.com	
Address 1408 N. Lorraine	City Midland	State ~~TX~~	Zip 79701
Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Type of Permit: Specific Use Designation

For Office Use Only ☑ with Term ☐ without Term

Is there any Code Enforcement action pending on property? ☐ Yes ☐ No

Street Address: 101 W. Parker

Legal Description
Lot: 7 & 8 Block: Subdivision:

Current Zoning: SF2

Maximum Floor Area: **Maximum Occupancy:**

Proposed hours and days of use or operation: Mrs. Rosa's Learning Center Monday - Fri 7:00am 5:00pm

Reason for request: Open a Learning Center. 3 and 4 yr. old children. Mrs. Rosa's Learning Center

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: It's going to be a professional work place to provide care for young learners. and a well qualified work place.

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan showing
  - Parking (if applicable)
  - Building Footprint
- Digital Copies of Site Plan (PDF/JPEG)

Signatures	
Applicant (signature): Rosa R. Ra	Date: 6 · 1 · 2020
Applicant (printed): Rosar Ramirez	
Property Owner (signature): Mario Ramirez	Date: 6-1-2020
Property Owner (printed) : Mario Ramirez	

The Specific Use Designation shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

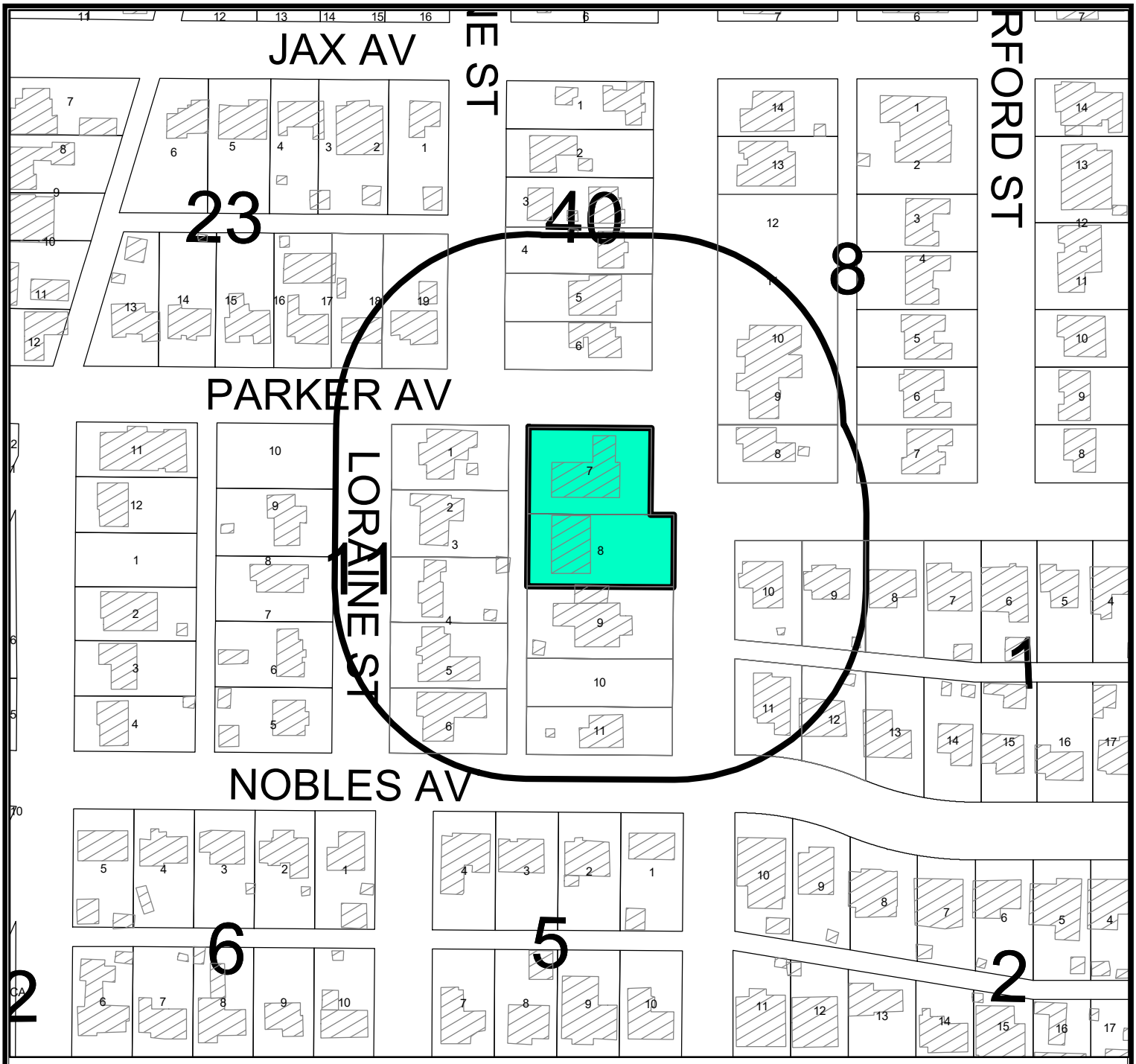
Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan Will Send plan w/dimensions
☐ ~~Application Fee~~ Visa Card	☐ Site Plan in Digital Format (PDF/JPEG)
Check #_____	
Received By: gac	Date: JUN 0 1 2020
	BY: .....

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

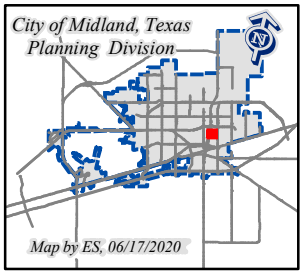
SUD-20-0075 **Scale: 1" = 150'**

Consider a request by Rosa R Ramirez for a Specific Use Designation with Term, for a Child Care: Day Care Center on Lots 7 & 8, Block 11A, Highland Addition, City and County of Midland, Texas.

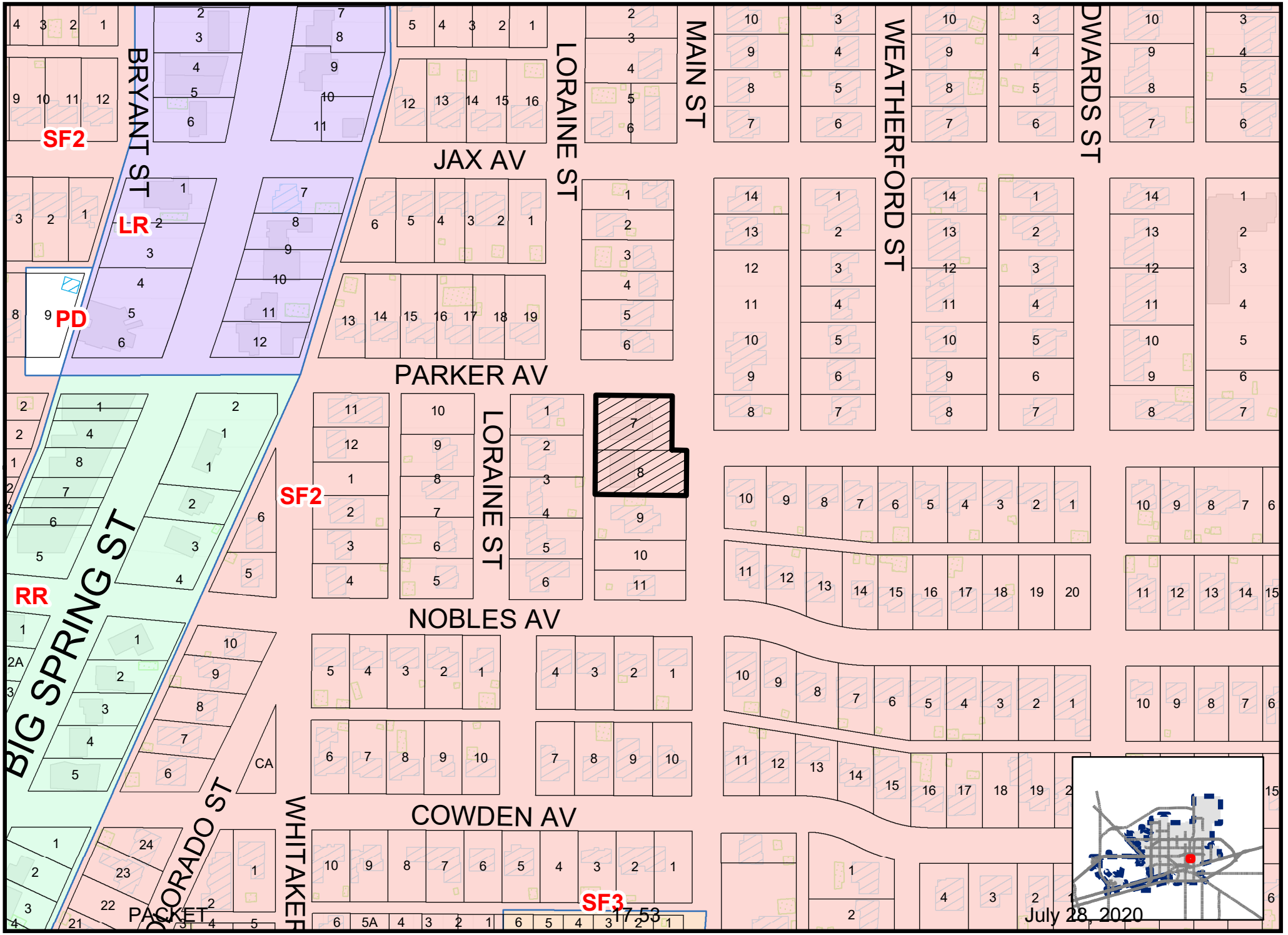
Generally located on the southwest corner of the intersection of W. Parker Avenue and N. Main Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY AND IS NOT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By ES, 06/17/2020

SUD-20-0075

Scale: 1" = 200'

ZONING MAP

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CHURCH OF CHRIST

City Council Meeting

Item Number: **18**

Meeting Date: **July 28, 2020**

To: **City Council / City Manager**

From: **Glenda Arroyo-Cruz, Planner**

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 26, BLOCK 5, NORTH PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WHITMAN DRIVE, APPROXIMATELY 165 FEET NORTH OF WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Slam-Dunk Food # 2, LLC is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant at 4605 Whitman Drive.

Recommended City Council Action:

Approve

Fiscal Impact:

This request has no significant impact on the City’s Budget.

Discussion:

Current Zoning:

RR, Regional Retail District.

Discussion:

The property to the north is zoned PD, Planned District for a Housing Development and the location of an apartment complex. The property to the east is zoned PD, Planned District for a Shopping Center and the location of a furniture shopping center. The properties to the south and west are zoned RR, Regional Retail District and the location of vacant land and a retail shopping center, respectively.

Analysis:

Alex Cade Underwood, a representative of Slam-Dunk Food #2, LLC, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant at 4605 Whitman Drive. The property is currently under construction and the future site for Walk On's Sports Bistreaux. The property is located in a RR, Regional Retail District, which allows the sale of all alcoholic beverages, for on premises consumption, in a restaurant with the approval of a Specific Use Designation.

The proposed site plan hereto shown as Exhibit A, illustrates proper access throughout the site. A total of 132 parking spaces are being provided for the restaurant. The building is approximately 9,904 square feet with an approximate area of 6,728 square feet being dedicated to the sale of alcohol, including a covered beer garden and a covered porch.

The proposed hours of operation for the restaurant are as stated:

Sunday through Thursday, from 11:00 a.m. to 11:00 p.m.,
Friday through Saturday, from 11:00 a.m. to 12:00 a.m. (Midnight)

The applicant is requesting the same hours for alcohol service

Per Midland City Code 5.4.4. –Prohibited place of business

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

This proposed project has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Building: (Approved)

No objections pending the building is properly permitted and completes all inspections.

Engineering: (Approved)

No objections.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Fire: (Approved)

No objections.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6 Character Plan - Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City tomorrow, page 137) Walk On’s Sports Bistreaux will offer a new dining experience within Midland and attract customers to the adjacent retail centers.

This request was recommended for approval at the July 6, 2020 Planning and Zoning meeting.

This request meets all requirements; therefore, staff recommends approval of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to Conditions A through F.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 6,728 square feet as shown in Exhibits “A and B”, which is attached hereto and incorporated herein for all purposes.

B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Sunday through Thursday, from 11:00 a.m. to 11:00 p.m.,
Friday through Saturday, from 11:00 a.m. to 12:00 a.m. (Midnight)

C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

D. That the establishment shall meet all requirements of the Fire Department and Code Administration.

E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

F. That in accordance with Section 9.07.E. 3 of the City Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of July 22, 2020, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Floor Plan (Exhibit B)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 26, BLOCK 5, NORTH PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WHITMAN DRIVE, APPROXIMATELY 165 FEET NORTH OF WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for Lot 26, Block 5, North Park Addition, Section 18, City and County of Midland, Texas (the "Property") as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present RR, Regional Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and

restrictions:

A. That the serviceable area of the Establishment shall be limited to approximately 6,728 contiguous square feet as shown in Exhibits "A" and "B", which are attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Sunday through Thursday from 11:00 a.m. to 11:00 p.m.; and
Friday and Saturday from 11:00 a.m. to 12:00 a.m. (midnight).

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

F. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

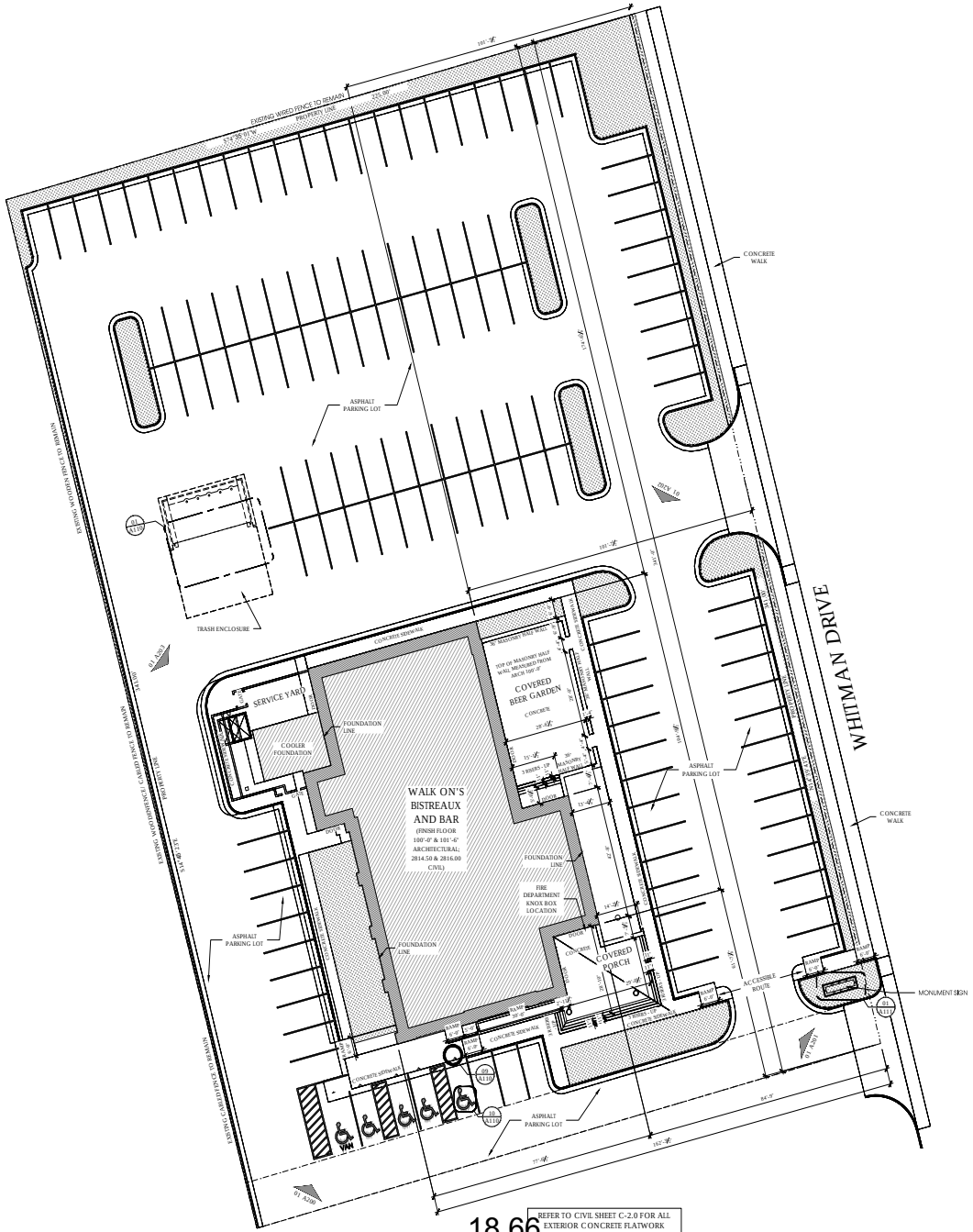
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney



REFER TO CIVIL SHEET C-2.0 FOR ALL EXTERIOR CONCRETE FLATWORK DIMENSIONS AND SPECIFICATIONS OUTSIDE BUILDING FOUNDATION LINE

PACKET 18.66 July 28, 2020

EXHIBIT "A"

01 ARCHITECTURAL SITE PLAN
SCALE 1/16" = 1'-0"

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WCA Design Studio, LLC
ARCHITECTURE & PLANNING
2315 50TH ST. Suite A
Lubbock, TX 79412
806-702-8969
www.wcadesignstudio.com

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WALK ONS BISTREAUX & BAR
LOOP 250 & WHITMAN .
MIDLAND, TEXAS 79705

REVISIONS

02/04/2019
DATE

PROJECT NUMBER
2018-4007

A105
SHEET NUMBER

2018-4007-A105 TABC REVIEW SITE PLAN

PHASE 4

THE DESIGNS REPRESENTED BY THESE PLANS ARE SUBJECT TO COPYRIGHT PROTECTION AS AN "ARCHITECTURAL WORK" UNDER 17 U.S.C. SECT. 102 KNOWN AS THE ARCHITECTURAL WORKS PROTECTION ACT OF 1990. UNAUTHORIZED USE OF THESE PLANS (INCLUDING FORM AND ARRANGEMENT OF SPACE), DATA AND OTHER ASPECTS OF THE DESIGN WILL SUBJECT THE INFRINGER TO DAMAGES AND/OR JUDICIAL ACTION AS PROVIDED BY FEDERAL LAW.

P:\2018\4000-COMM-NW\2018-4007 WALK-ONS BISTREAUX & BAR\WALK ONS BISTREAUX & BAR\SHEETS\30X42 COMMERCIAL\100 SERIES\2018-4007-A105 TABC REVIEW SITE PLAN.DWG

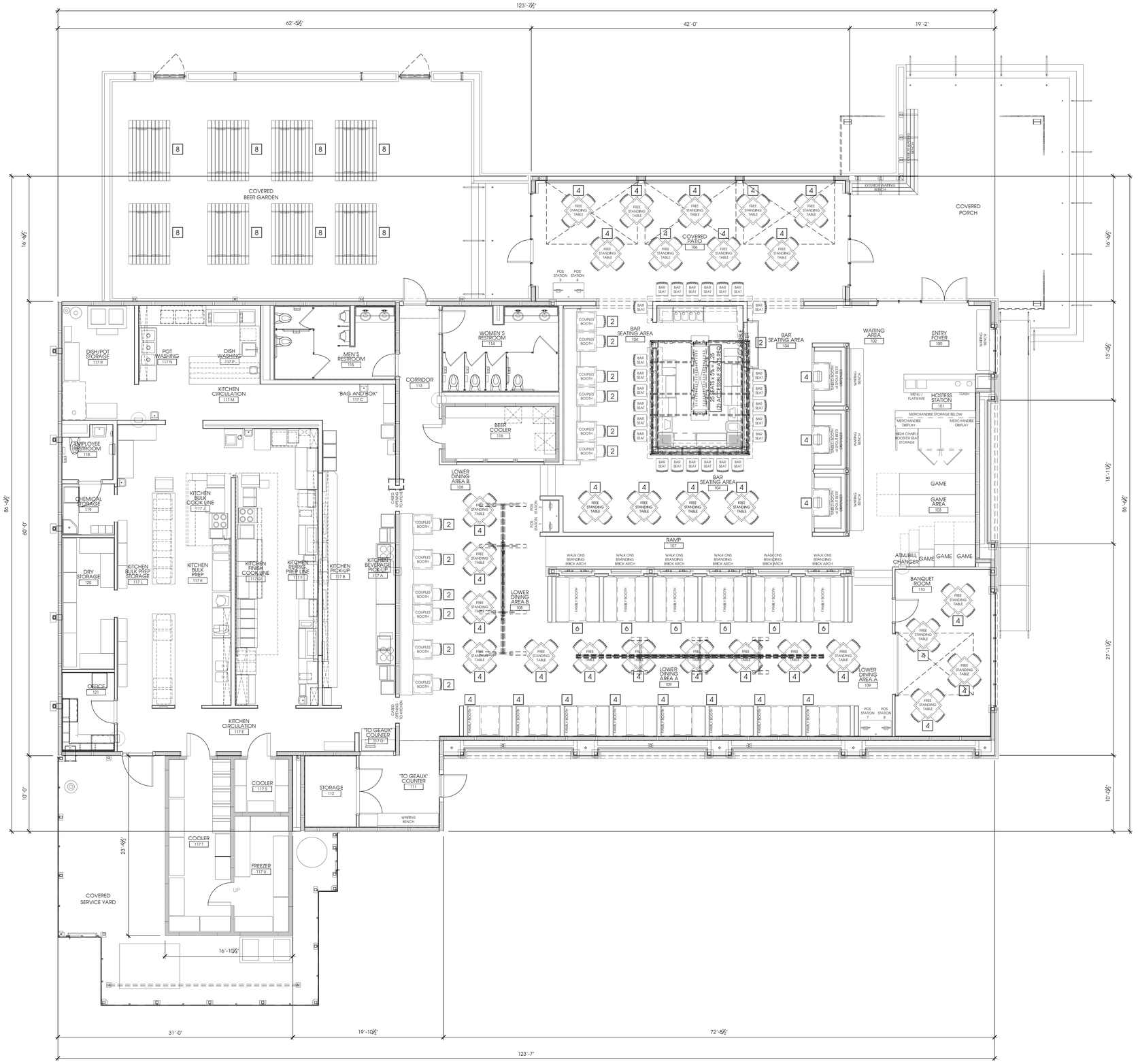

EXHIBIT "B"

1 TABC REVIEW PLAN
SCALE 3/16" = 1'-0"

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LOOP 250 & WHITMAN .
MIDLAND, TEXAS 79705

PHASE 4
2018-4007-A106 TABC REVIEW PLAN

REVISIONS

02/04/2019
DATE

PROJECT NUMBER
2018-4007

A106
SHEET NUMBER

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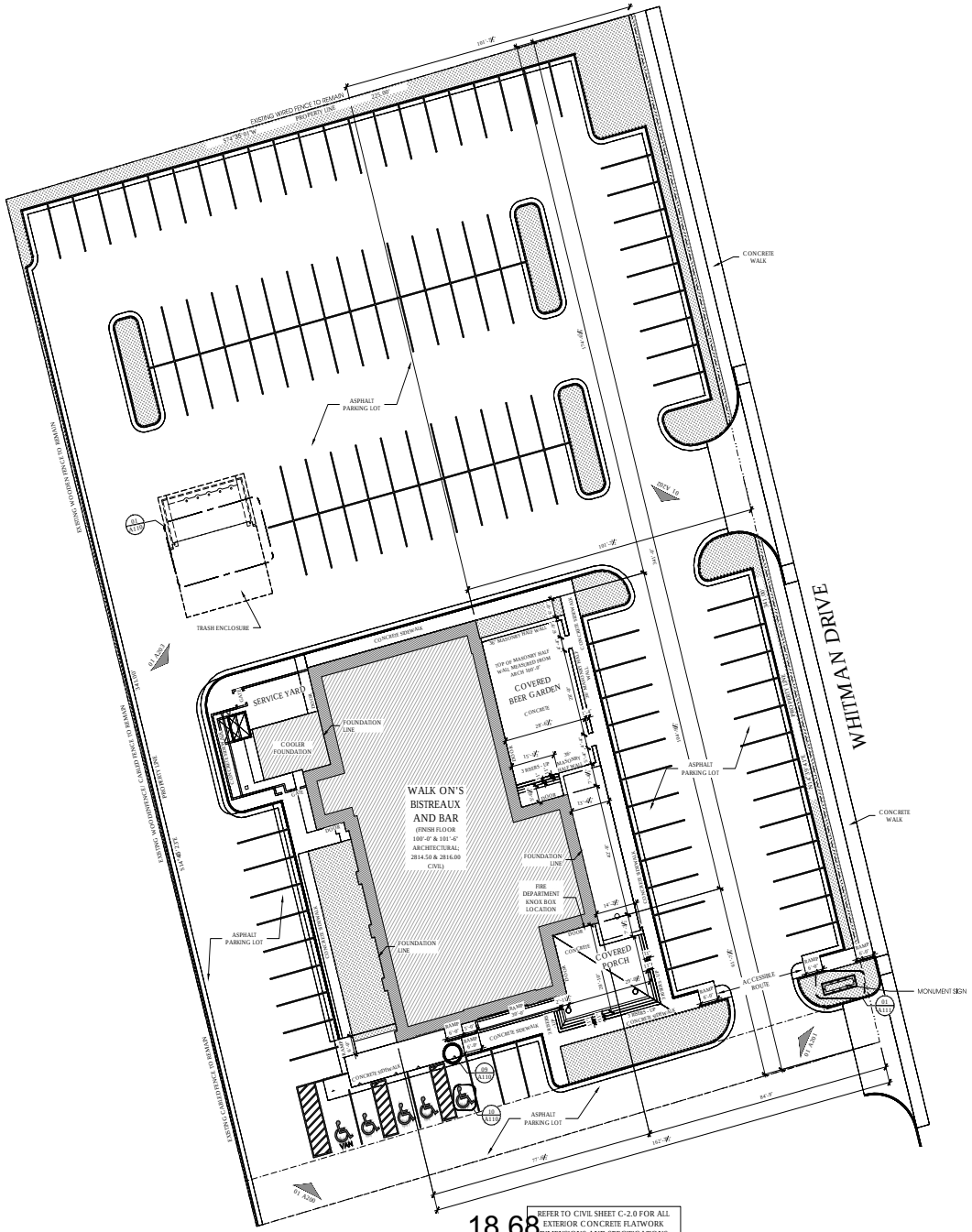

PACKET

18.68

REFER TO CIVIL SHEET C-2.0 FOR ALL EXTERIOR CONCRETE FLATWORK DIMENSIONS AND SPECIFICATIONS OUTSIDE BUILDING FOUNDATION LINE

July 28, 2020

01 ARCHITECTURAL SITE PLAN

SCALE 1/16" = 1'-0"

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REVISIONS

02/04/2019
DATE

PROJECT NUMBER
2018-4007

A105
SHEET NUMBER

2018-4007-A105 TABC REVIEW SITE PLAN

PHASE 4

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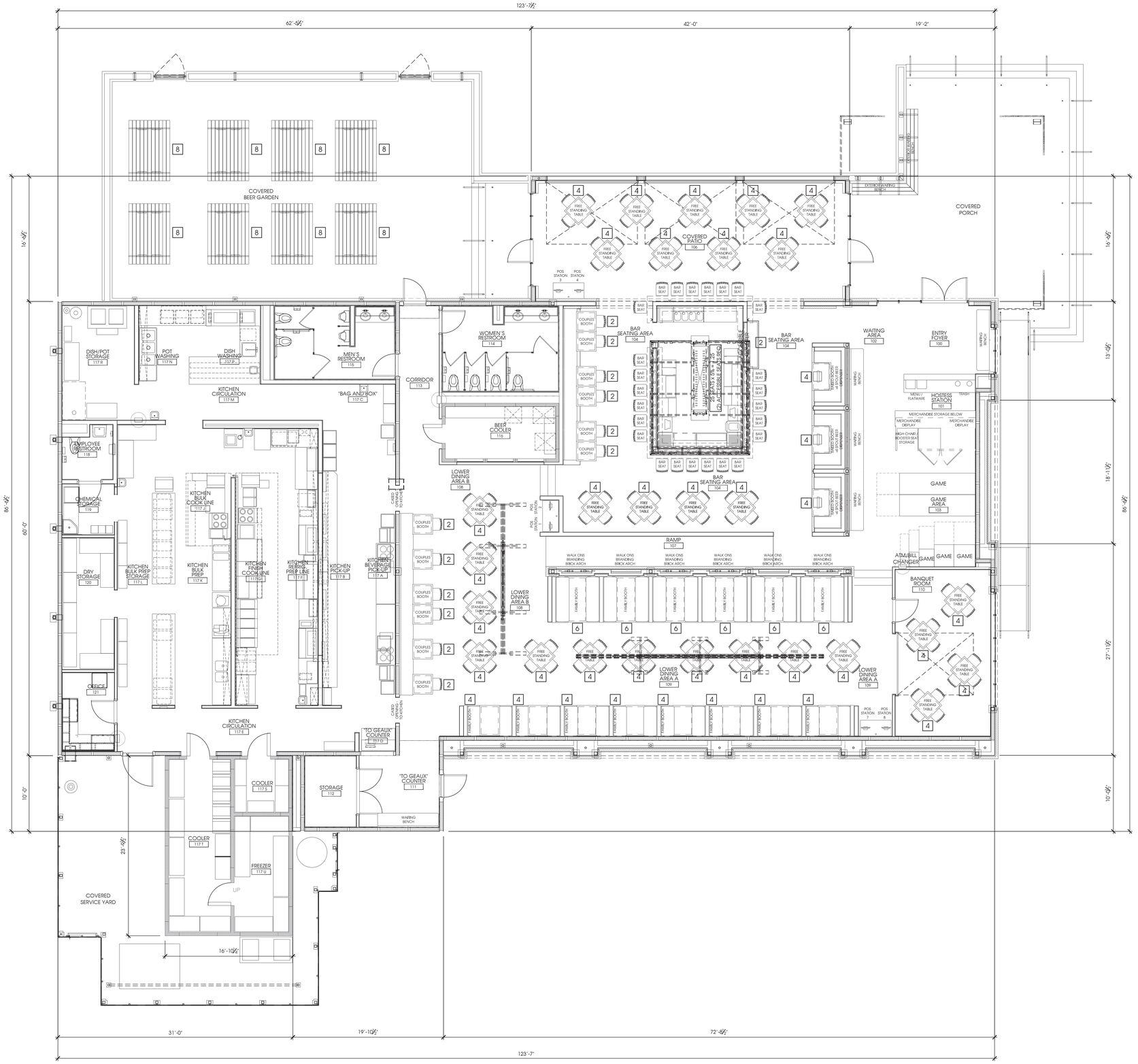

1 TABC REVIEW PLAN

SCALE 3/16" = 1'-0"

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REVISIONS

02/04/2019
DATE

PROJECT NUMBER
2018-4007

A106
SHEET NUMBER

2018-4007-A106 TABC REVIEW PLAN

PHASE 4

P:\2018\4000-COMM-NW\2018-4007 WALK-ONS BISTREAUX & BAR\WALK ONS BISTREAUX & BAR\SHEETS\30X42 COMMERCIAL\100 SERIES\2018-4007-A106 TABC REVIEW PLAN.DWG

MIDLAND
Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUP-20-0077

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Slam-Dunk Food #2, LLC (VP: Alan Cade Underwood)		Phone (806) 789-0408 Email cade@underwoodcotton.com	
Address 1414 Avenue J	City Lubbock	State TX	Zip 79401

Property Owner Printed Name: Underwood West Texas Properties, LLC (Managing Member: Alan H. Underwood)		Phone (806) 470-7318 Email Alan@underwoodcotton.com	
Address 1320 Texas Avenue	City Lubbock	State TX	Zip 79401

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 4605 Whitman Drive, Midland, Texas 79705

Business Name: Slam-Dunk Food #2, LLC dba Walk On's Sports Bistreaux

Legal Description
Lot: SW/4 Section 4 Block: Block X Subdivision: H.P. Hilliard Survey, Abstract No. 13, City of Midland, Midland County, Texas

Current Zoning: PDSC

Reason for Request: Opening a new restaurant

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Restaurant

Proposed/Current Days and Hours of Operation: Sun-Thurs: 11am - 11pm; Fri-Sat: 11am - 12am

Proposed Days and Hours of Alcohol Service: Sun-Thurs: 11am - 11pm; Fri-Sat: 11am - 12am

Total Square Footage of Business: 9,904 sf.

Square Footage of Alcohol Serviceable Area: 6,728 sf.

Restroom Fixtures:			
Men	**Toilets/Urinals:** 2 / 2	**Bathroom Sinks:** 2
Women	**Toilets:** 4	**Bathroom Sinks:** 2

RECEIVED
JUN 09 2020
BY: .....

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

RECEIVED
JUN 09 2020
BY: .....

Signatures

Applicant (signature):	Date: 6/9/20
Applicant (printed): Alan Cade Underwood, Vice President of Slam-Dunk Food #2, LLC	
Property Owner (signature):	Date: 6/9/20
Property Owner (printed) : Alan H. Underwood, Managing Member of Underwood West Texas Properties, LLC	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Alan Cade Underwood who, being by me duly sworn, upon oath says: That (s)he is authorized by Alan H. Underwood, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

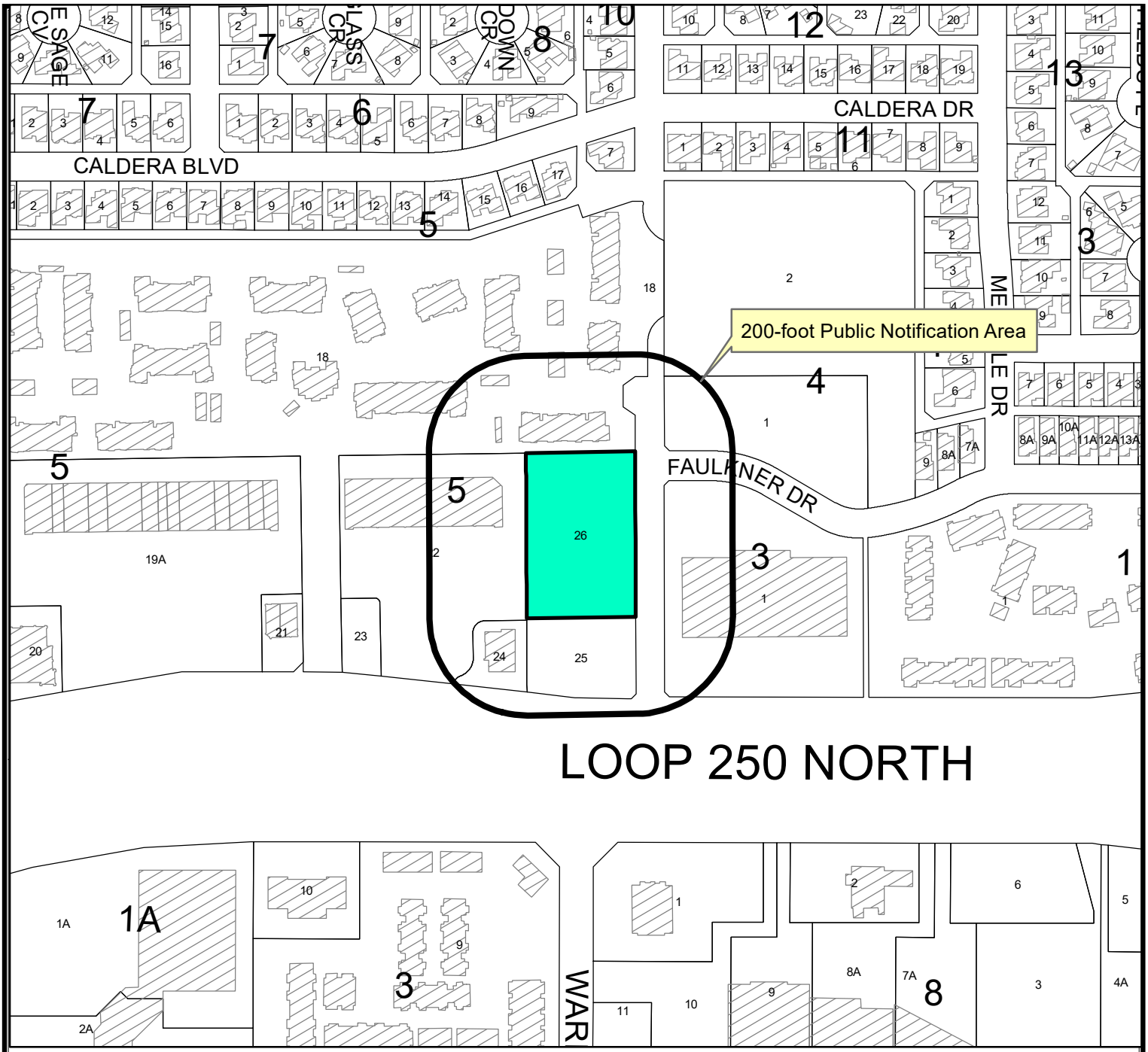
Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

***Application will not be considered for scheduling until reviewed by a planner.**

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # 1007	☒ Plans in Digital Format (PDF/JPEG)
Received By: DM	Date: DM

RECEIVED
JUN 09 2020
BY: DM



LOCATION MAP

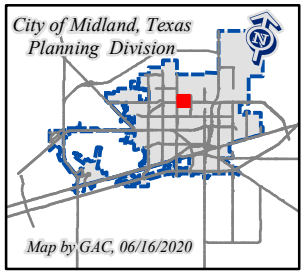
SUD-20-0077 **Scale: 1" = 400'**

Consider a request by Slam-Dunk Food #2, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on Lot 26, Block 5, North Park Addition, Section 18 , City and County of Midland, Texas.

(Generally located on the west side of Whitman Drive, approximately 165-feet north of West Loop 250 North. Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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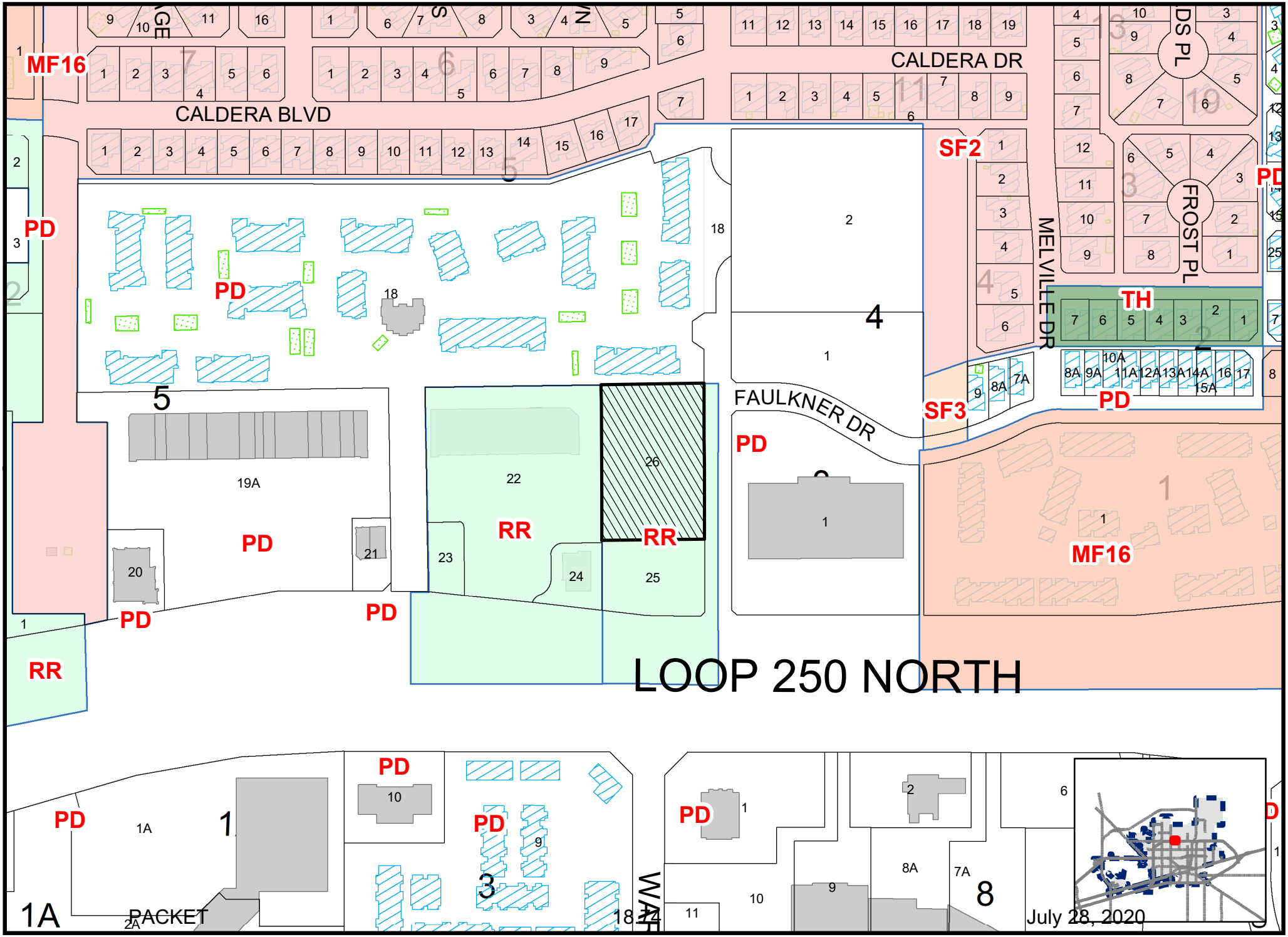
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY AND IS NOR IS IT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By GAC, 06/16/2020

SUD-20-0077

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2019: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

FURNITURE ROW

RAM

City Council Meeting

Item Number: **19**

Meeting Date: **July 28, 2020**

To: **City Council / City Manager**

From: **Joseph Marynak, Planner**

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, GREENWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST INDIANA 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Jorge Chavez, is requesting a zone change from MF-22, Multiple Family Dwelling District to SF-3 Single Family Dwelling District at 304 South Clay Street, for the construction of a single family home.

Recommended City Council Action:

Approve

Fiscal Impact:

Processing this request does not require any City funds.

Discussion:

Current Zoning:

MF-22, Multiple Family District

Surrounding Zoning and Land Use:

The properties to the north, south, east, and west are zoned MF-22, Multiple Family Dwelling District, and are the locations of single family residences and vacant land, respectively.

Analysis:

The applicant is requesting this zone change for the purpose of constructing a single family home. The lot dimensions satisfy the minimum requirements for the SF-3 zoning district. Under the previous zoning code, the current zoning district would have allowed for construction of single family homes, which allowed for the proliferation of their construction in this area. Under the new Zoning Code adopted in 2019, residential uses became more specified to single family zoning district.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objections to zone change.

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

No objection to zone change.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, “Future Land Use Map” as it designates this area for Urban Residential, a classification which calls for single family detached housing.

This request was approved at the July 6, 2020 Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the SF-3, Single Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of July 22, 2020.

Attachments:

Application
Maps
Warranty Deed

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, GREENWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST INDIANA 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

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 3, Block 5, Greenwood Addition, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances

inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-20-0183

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jorge Chavez		Phone (432) 889-7005 Email 575-694-3413 terre_chavez@ymail.com	
Address 1611 N. Lamesa Rd.	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jorge Chavez		Phone (432) 889-7005 Email 575-694-3413 terre_chavez@ymail.com	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 304 S. Clay St. Midland TX 79701

Legal Description
Lot: Block: Subdivision:

Current Zoning: MF 12

Proposed Zone: SF3
(List by tracts if more than one district is requested)

Reason for Zone Change Request:

Present Use of Property: Vacant

Proposed Use of Property: New house

How would this zone change affect the public health, safety and welfare?

Describe how conditions affecting the property have changed since present zoning designation:

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

RECEIVED
MAY 29 2020

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Jorge Chavez	Date: 05-29-2020
Applicant (printed): Jorge Chavez	
Property Owner (signature): Jorge Chavez	Date: 05-29-2020
Property Owner (printed) : Jorge Chavez	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear_____who, being by me duly sworn, upon oath says: That (s)he is the owner of _____or authorized by_____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☑ Plans in Digital Format (PDF/JPEG)
Check # Visa	
Received By: JAC	Date: RECEIVED MAY 29 2020
	BY: .....

Application will not be considered for scheduling until reviewed by a planner.

304 S. clay

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY OR DRIVERS LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MIDLAND §

That **JOSE CONSTRUCTION** whether one or more hereinafter referred to as "Grantor") for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00), and other valuable consideration, to Grantor cash in hand paid, the receipt of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto **JORGE CHAVEZ DBA JC CHAVEZ CONSTRUCTION** whether one or more, hereinafter referred to as "Grantee"), whose mailing address **1610 LAMESA RD., MIDLAND, TX 79701** all that certain lot, tract or parcel of land situated in **MIDLAND** County, Texas, and described as follows, to wit:

STC - ~~661183~~ 661183

Lot 3, Block 5, Greenwood Addition, an addition to the City of Midland, Midland County, Texas, according to the map or plat thereof of record in Cabinet B, Page 54, Plat Records, Midland County, Texas being the same property described in deed of record in Volume 1775, Page 526, Official Records, Midland County, Texas.

SAVE AND EXCEPT all oil, gas and other minerals in, on and under said land as reserved by prior grantors; and SUBJECT TO all oil and gas leases, easements, rights-of-way, and covenants and restrictions of record in the Office of the County Clerk of **MIDLAND** County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the Grantee, Grantee's heirs, executors, administrators, successors and assigns forever, and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and assigns, to Warrant and Forever Defend, all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

EFFECTIVE AS OF 2nd DAY OF **APRIL, 2020**

JOSE CONSTRUCTION

JOSE CHAVEZ, OWNER

THE STATE OF **TEXAS** §
§
COUNTY OF **MIDLAND** §

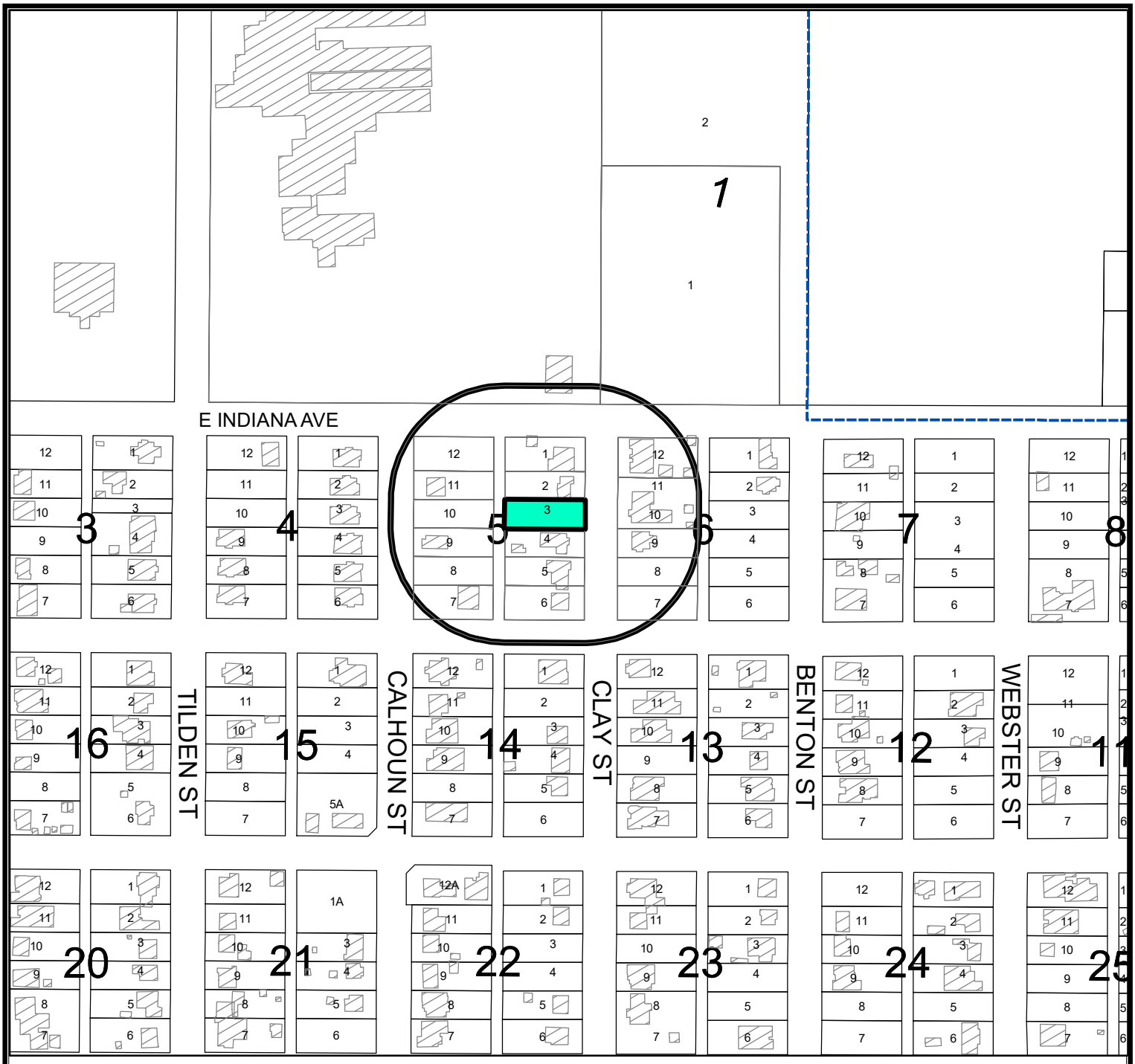
This instrument was acknowledged before me this 2nd day of APRIL, 2020 by **JOSE CHAVEZ.**

(SEAL)

IRMA V QUIROZ
NOTARY PUBLIC
ID# 10659398
State of Texas
Comm. Exp. 10-09-2020

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

RECEIVED
MAY 29 2020
BY: .....



LOCATION MAP

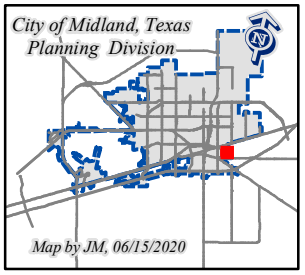
Z-20-0183 **Scale: 1" = 250'**

Consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 3, Block 5, Greenwood Addition, City and County of Midland, Texas.

Generally located on the west side of South Clay Street, approximately 110 feet south of East Indiana Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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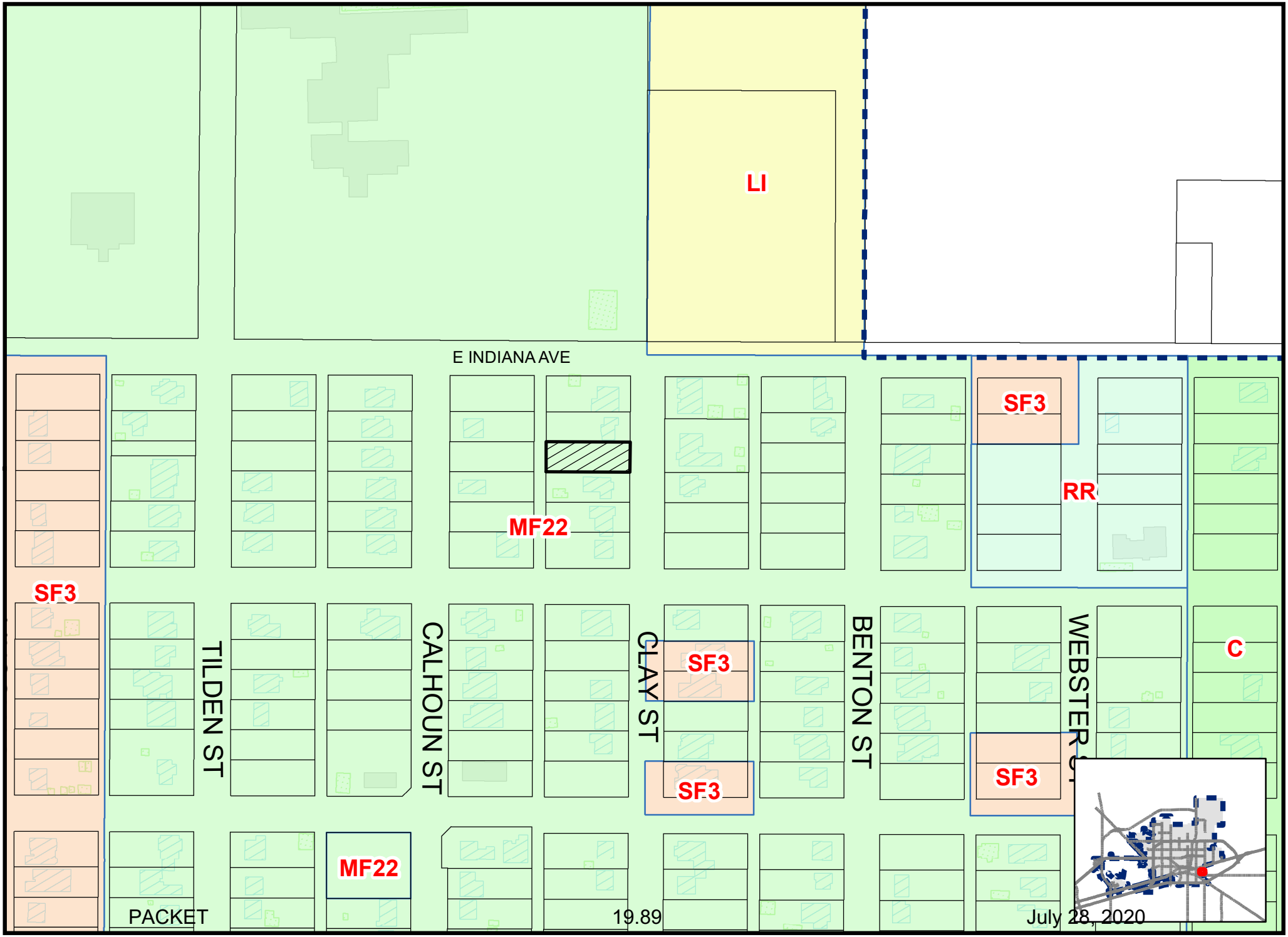
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 06/15/2020

Z-20-0183

Scale: 1" = 200'

ZONING MAP

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305

City Council Meeting

Item Number: **20**

Meeting Date: **July 28, 2020**

To: **City Council / City Manager**

From: **Joseph Marynak, Planner**

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 23, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST WASHINGTON 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 (DEVELOPMENT SERVICES)

Purpose:

The applicant, Jorge Chavez, is requesting a zone change from MF-22, Multiple Family Dwelling District to SF-3 Single Family Dwelling District at 505 S Clay Street, for the construction of a single family home.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Discussion:

Current Zoning:

MF-22, Multiple Family Dwelling District

Surrounding Zoning and Land Use:

The properties to the north, south, east, and west are zoned MF-22, Multiple Family Dwelling District, and are the locations of single family residences and vacant land, respectively.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single family home. The lot dimensions satisfy the minimum requirements for the SF-3 zoning district. Under the previous zoning code, the current zoning district would have allowed for the construction of single family homes, which allowed for the proliferation of their construction in this area. Under the new Zoning Code adopted in 2019, residential uses became more specified to single family zoning districts.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objections to zone change.

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

No objection to zone change.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, “Future Land Use Map” as it designates this area for Urban Residential, a classification which calls for single family detached housing.

This request was approved at the July 6, 2020 Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the SF-3, Single Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objection as of July 22, 2020.

Attachments:

Application
Maps
Warranty Deed

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 23, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST WASHINGTON 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

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 10, Block 23, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all

other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular

meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0182

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jorge Chavez		Phone (432) 889-7005 575-694-3413 Email terre_chavez@ymail.com	
Address 1611 N. Lamesa Rd. Midland	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jorge Chavez		Phone (432) 889-7005 575-694-3413 Email terre_chavez@ymail.com	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 505 S. Clay St Midland TX 79701

Legal Description
Lot: Block: Subdivision:

Current Zoning: MF 22	**Proposed Zone:** SF3 *(List by tracts if more than one district is requested)*

Reason for Zone Change Request:

Present Use of Property: Vacant

Proposed Use of Property: New house

How would this zone change affect the public health, safety and welfare?

Describe how conditions affecting the property have changed since present zoning designation:

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

RECEIVED
MAY 29 2020
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Jorgelchavez	Date: 05-29-2020
Applicant (printed): Jorge Chavez	
Property Owner (signature): Jorgelchavez	Date: 05-29-2020
Property Owner (printed) : Jorge Chavez	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear_____who, being by me duly sworn, upon oath says: That (s)he is the owner of _____or authorized by_____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☑ Plans in Digital Format (PDF/JPEG)
Check # Visa	
Received By: gac	Date: RECEIVED MAY 29 2020

Application will not be considered for scheduling until reviewed by Planning staff.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

THE STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF MIDLAND §

STC - 69294

That **G AND G MIDESSA INVESTMENTS, LLC** (whether one or more hereinafter referred to as "Grantor") for and in consideration of $10.00 and other good and valuable consideration, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL, and CONVEY unto **JORGE CHAVEZ DBA JC CHAVEZ CONSTRUCTION** (whether one or more, hereinafter referred to as "Grantee"), whose mailing address is **1611 N. LAMESA RD., MIDLAND, TX 79701** all of that certain lot, tract or parcel of land situated in Midland County, Texas, and described as follows, to-wit:

Lot 10, Block 23, Greenwood Addition, an addition to the City of Midland, Midland County, Texas, according to the map or plat thereof of record in Cabinet B, Page 54, Plat Records, Midland County, Texas.

SAVE AND EXCEPT For Grantor and Grantor's heirs, successors, and assigns forever, there is a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

SUBJECT TO and all oil and gas leases, easements, rights-of-way, and covenants and restrictions of record in the Office of the County Clerk of Midland County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the Grantee, Grantee's heirs, executors, administrators, successors and assigns forever, and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors and assigns, to Warrant and Forever Defend, all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

Dated: 4/2/2020

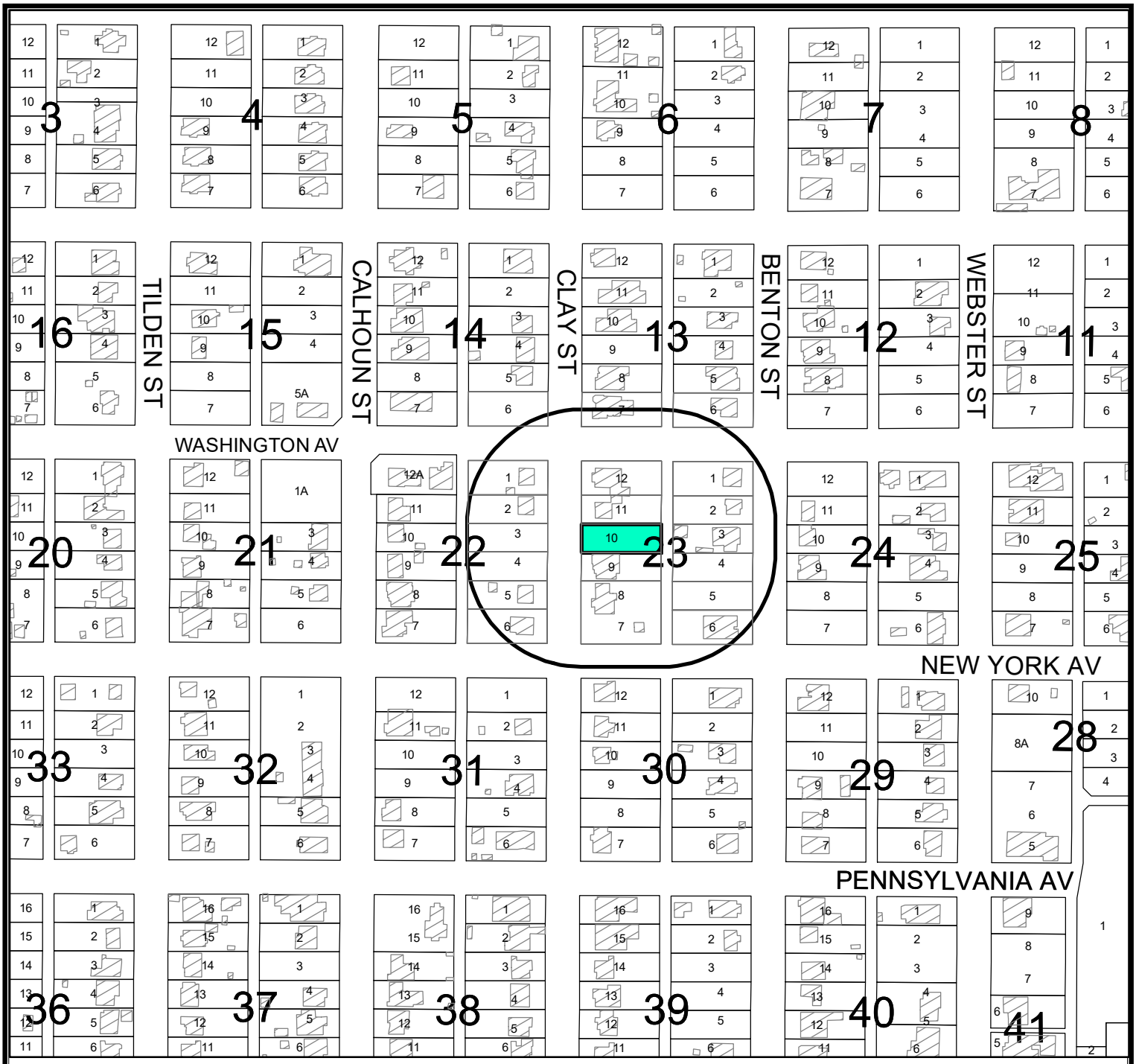
G AND G MIDESSA INVESTMENTS, LLC

BY: JOEL AMOS GORDON,
MANAGING MEMBER

Booker T. Green

BY: BOOKER T. GREEN,

RECEIVED
MAY 29 2020
BY:



LOCATION MAP

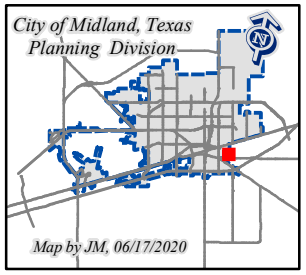
Z-20-0182 **Scale: 1" = 250'**

Consider a request by Jorge Chavez for a zone change from MF-22, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on Lot 10, Block 23, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas.

Generally located on the east side of South Clay Street, approximately 110 feet south of East Washington Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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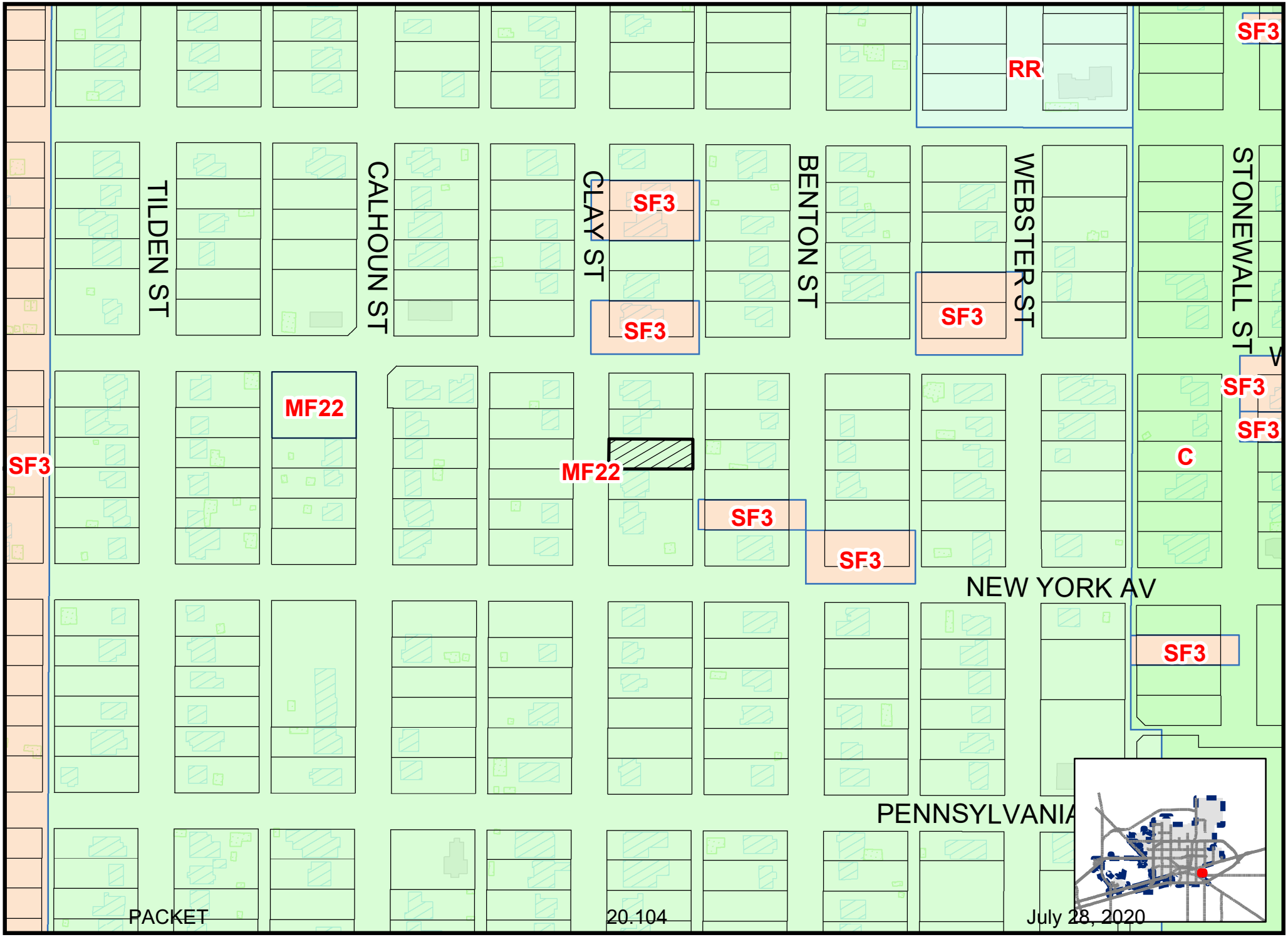
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 06/17/2020

Z-20-0182

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2020: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

City Council Meeting

Item Number: **21**

Meeting Date: **July 28, 2020**

To: **City Council / City Manager**

From: **Jamie Radcliff, Budget Manager**

Subject: RESOLUTION RECORDING A VOTE ON A PROPOSAL TO CONSIDER AN AD VALOREM TAX RATE FOR THE FISCAL YEAR 2020-2021 AND TO ESTABLISH A DATE TO HOLD A PUBLIC HEARING ON THE PROPOSED TAX RATE; ESTABLISHING DATES WHEN THERE WILL BE A RECORD VOTE ON THE TAX RATE; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO POST ALL APPROPRIATE NOTICES (FINANCE)

Purpose:

The purpose for this agenda item is for City Council to consider and record a vote on a proposed ad valorem tax rate for the upcoming Fiscal Year 2020-2021.

Recommended City Council Action:

Approve

Fiscal Impact:

The ad valorem tax rate determines the property tax revenue for Fiscal Year 2020-2021, and is therefore required for the adoption of the Fiscal Year 2020-2021 budget.

Discussion:

State Law requirement calls for a vote to issue a proposal for the future adoption of a tax rate that exceeds the No-New-Revenue rate (34.7021 cents per $100 valuation), but is below the Voter Approval Rate (36.6834 cents per $100 valuation), on the agenda for a future meeting as an action item. The proposed rate is 36.6833 cents per $100 valuation, which is just below the Voter Approval Rate.

New estimated property values were received on July 13, 2020 from the Midland Central Appraisal District. Therefore, this proposed tax levy has changed slightly from the rate

presented in the proposed budget on July 8, 2020.

This item is placed on the agenda to meet requirements in public notifications of the upcoming hearing and vote on the tax rate. The proposal must specify a desired rate.

The public hearing on the tax rate will be held at the regular City Council Meeting on August 25th, 2020.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION RECORDING A VOTE ON A PROPOSAL TO CONSIDER AN AD VALOREM TAX RATE FOR THE FISCAL YEAR 2020-2021 AND TO ESTABLISH A DATE TO HOLD A PUBLIC HEARING ON THE PROPOSED TAX RATE; ESTABLISHING DATES WHEN THERE WILL BE A RECORD VOTE ON THE TAX RATE; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO POST ALL APPROPRIATE NOTICES

WHEREAS, the City Council of the City of Midland, Texas, finds it to be in the public interest to call for a vote to place a proposal to adopt a tax rate of $0.366833 per $100 taxable assessed valuation on the agenda of a future City Council meeting as an action item;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That there will be a public hearing on the proposed tax rate of $0.366833 per $100 taxable assessed valuation on August 25, 2020, at 10:00 a.m., and there will be a record vote on said proposed tax rate on August 25, 2020, at 10:00 a.m., and September 8, 2020, at 10:00 a.m.

SECTION TWO. That the City Manager is hereby authorized and directed to execute all documents necessary to give proper notice to the public regarding the property tax rate issue to be discussed at the August 25, 2020, meeting of the Midland City Council and any other notices required by law.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Mark Mason, Finance Director

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

PRELIMINARY 2020 - CITY OF MIDLAND

	TAXABLE CURRENT VALUE	PREV TAXABLE VALUE (2019)	CHANGE AMOUNT	% CHG.
REAL ESTATE (07/10/20)	$ 14,286,394,566	$ 13,422,598,138	$ 863,796,428	6.44%
PERSONAL PROPERTY (07/10/20)	$ 1,230,389,770	$ 1,100,784,820	$ 129,604,950	11.77%
INDUSTRIAL PERSONAL (06/12/20)	$ 446,086,269	$ 405,902,830	$ 40,183,439	9.90%
MINERALS (07/09/20)	$ 1,071,579,250	$ 861,544,380	$ 210,034,870	24.38%
2020 PRELIM TOTALS	$ 17,034,449,855	$ 15,790,830,168	$ 1,243,619,687	7.88%
TOTAL TAXABLE VALUE	**$ 17,034,449,855**	**$ 15,790,830,168**	**$ 1,243,619,687**	**7.88%**
ESTIMATED TAXABLE VALUE (1.5% Est.Loss)	**$ 16,778,933,107**	**$ 15,790,830,168**	**$ 988,102,939**	**6.26%**
AVERAGE HOME (A1) - APPRAISED MARKET VALUE	$ 272,361	$ 269,475	$ 2,885	1.07%

*** Jurisdiction value recaps are estimates only ***

*** Estimated Taxable Value is chief appraiser's best estimate to date of final taxable value.

*** **Effective Date of Estimate: JULY 10, 2020**

Jerry M Bundick

Jerry M. Bundick
Chief Appraiser

Possible Tax Rates for City of Midland

Budget Fiscal Year 2021

Updated July 16, 2020

	2021	2020	Difference
Total Taxable Value	$ 17,034,449,855	$ 15,790,830,168	$ 1,243,619,687
New Property Value	$ 438,512,030	$ 236,415,746	$ 202,096,284

2021 Debt Service Portion of tax dollars is **$9,998,037** — Debt Service Levy is .058693

Last Year's Tax Levy: $57,591,526

	Tax Rate Cents per $100 Valuation	Tax Dollars	Change over Last Year	Change over No-New-Revenue Rate	Taxes on $100,000 Value	Taxes on $272,779 Average Home	M&O Taxes
Last Year Tax	0.364715	$57,591,526			$364.72	$994.87	
2021 Rates							
No-New-Revenue	**$0.347021**	$59,113,118	$1,521,592		$347.02	$946.60	
1% Increase	$0.350491	$59,704,249	$2,112,723	$591,131	$350.49	$956.07	
2% Increase	$0.353961	$60,295,381	$2,703,855	$1,182,262	$353.96	$965.53	
3% Increase	$0.357432	$60,886,512	$3,294,986	$1,773,394	$357.43	$975.00	
4% Increase	$0.36	$61,477,643	$3,886,117	$2,364,525	$360.90	$984.46	$ 838
Proposed Rate	***$0.366833***	***$62,487,983***	$4,896,457	$3,374,865	$366.83	$1,000.64	
Voter-Approval	$0.366834	$62,488,154	$4,896,628	$3,375,036	$366.83	$1,000.65	
Cents Per $100							
$0.50	$0.352021	$59,964,841	$2,373,315	$851,722	$352.02	$960.24	
$1.00	$0.357021	$60,816,563	$3,225,037	$1,703,445	$357.02	$973.88	
$1.50	$0.362021	$61,668,286	$4,076,760	$2,555,167	$362.02	$987.52	
$2.00	$0.367021	$62,520,008	$4,928,482	$3,406,890	$367.02	$1,001.16	

Note:

State Law requires at least 60% of the members of the governing body of a city to vote in favor of an ordinance setting a property tax rate that exceeds the effective tax rate.

Need 5 votes in favor of the levy.

City of Midland

Office Memorandum

DATE: July 22, 2020

TO: The Honorable Mayor and City Council Members

FROM: John Ohnemiller, City Attorney

SUBJECT: Motion regarding the establishment, administration, and funding of the Midland Development Corporation's Small Business Assistance Program.

Mr. Spencer Robnett, Council Member At-Large, requested that this item be placed on your agenda for consideration.

City Council Meeting

Item Number: **23**

Meeting Date: **July 28, 2020**

To: **City Council / City Manager**

From: **Morris WIlliams, Assistant City Manager**

Subject: RESOLUTION APPROVING THE FISCAL YEAR 2020-2021 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY MANAGER'S OFFICE)

Purpose:

The Board of Directors of the Midland Development Corporation approved at a regular meeting on July 13, 2020 a Resolution Approving the Budget for the Midland Development Corporation's 2020-2021 Fiscal Year.

Recommended City Council Action:

Approve

Fiscal Impact:

$22,656,815

Discussion:

Midland Development Corporation's fiscal year 2021 budget enumerates its projected revenues and expenses. Budgeted revenue is $9,000,000. $18,553,329 has been budgeted for economic development incentive expenses to pay for commitments made in prior years. Other budgeted expenses include personnel services, commodities, contractual services, building maintenance, maintenance of instruments and apparatus, general fund services, and capital improvements other than buildings.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE FISCAL YEAR 2020-2021 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

WHEREAS, the Midland Development Corporation approved its budget for the Fiscal Year 2020-2021 on July 13, 2020; and

WHEREAS, Chapter 501 of the Texas Local Government Code requires said budget be approved by the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the fiscal year 2020-2021 budget of the Midland Development Corporation, which is attached hereto as Exhibit A, is hereby approved subject to the conditions set out in Section Two hereof.

SECTION TWO. That the following expenditures from the fiscal year 2020-2021 budget of the Midland Development Corporation must first be approved by the City Council:

- Any expenditure from the Economic Development Incentives (53905) budget line item.
- Any contract for services (including, but not limited to, professional, consulting, engineering, promotional, and construction services) with a total contract price of $300,000.00 or above, unless such contract is being entered into pursuant to or in accordance with an agreement that was previously approved by the City Council.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO FORM ONLY:

_____
John Ohnemiller, City Attorney

MIDLAND DEVELOPMENT CORPORATION
Proposed Budget for October 1, 2020 through September 30, 2021

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021
REVENUE AND RECEIPTS			
Sales Tax	$ 15,078,495	$ 12,000,000	$ 9,000,000
Public Right-Of-Way Use Fees	11,341	0	0
Interest	59,590	0	0
Interest / Non-Pooled Investment	413,339	300,000	0
Misc. Rentals	990,627	0	0
Spaceport Fund Interfund	549,650	0	0
Reimbursement of Budget Expenses	4,064	0	0
Government Contributions	161,856	0	0
Sale of Land	720,112	0	0
TOTAL REVENUE AND RECEIPTS	$ 17,989,074	$ 12,300,000	$ 9,000,000
SUMMARY OF EXPENSES BY ORGANIZATION			
50150. Nondepartmental	$ 14,837,360	$ 27,771,636	$ 22,656,815
TOTAL	$ 14,837,360	$ 27,771,636	$ 22,656,815
SUMMARY OF EXPENSES BY CLASSIFICATION			
OPERATING EXPENSES			
51000. Personnel Services	$ 714,943	$ 1,310,750	$ 861,517
52000. Commodities	78,897	100,000	48,200
53000. Contractual Services	10,890,078	24,372,705	19,672,479
54000. Building Maintenance	55,557	70,000	45,000
55000. Maintenance of Instruments & Apparatus	4,222	4,000	3,000
56000. Miscellaneous	2,055,341	1,867,181	626,619
57000 / 58000. Capital Purchases	1,038,322	47,000	1,400,000
TOTAL OPERATING EXPENSES	$ 14,837,360	$ 27,771,636	$ 22,656,815
GRAND TOTAL	$ 14,837,360	$ 27,771,636	$ 22,656,815

EXHIBIT A

MIDLAND DEVELOPMENT CORPORATION
Proposed Budget for October 1, 2020 through September 30, 2021

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021
OPERATING EXPENSES			
51000 Personnel Services			
51010. Base Salary	$ 595,496	$ 1,025,000	$ 692,150
51090. FICA MDC Portion	36,386	80,000	56,756
51110. Hospital Insurance MDC Portion	40,962	80,000	55,460
51135. ACOC Profit Sharing	42,099	125,000	48,451
51140. Unemployment Insurance	0	750	8,700
TOTAL 51000	714,943	1,310,750	861,517
52000. Commodities			
52010. Office Supplies	17,084	22,000	11,000
52110. Motor Vehicle Supplies	319	2,000	1,000
52115. Minor Furniture and Fixtures	5,171	15,000	500
52155. Minor Computer Hardware & Peripherals	9,892	10,000	5,000
52160. Computer Minor Software & Supplies	45,710	50,000	30,000
52620. Postage	721	1,000	700
TOTAL 52000	78,897	100,000	48,200
53000. Contractual Services			
53010. Communications	13,277	20,000	17,000
53030. Light & Power	146	500	150
53110. Insurance - External	113,830	190,000	190,000
53212. Equipment Rental - External	4,586	7,800	5,000
53220. Marketing and Advertising	565,748	400,000	200,000
53370. Grounds Maintenance	10,198	40,000	5,000
53405. Software Maintenance	3,800	8,000	12,000
53440. External Audit Fees	14,000	25,000	20,000
53450. Consulting Fees	3,399,036	600,000	500,000
53510. Travel & Entertainment	23,527	35,000	15,000
53520. Dues and Subscriptions	16,832	27,000	20,000
53530. Training, Registration Fees	7,198	50,000	10,000
53905. Economic Development Incentives	6,589,871	22,805,405	18,553,329
53907. Business Recruitment & Retention	58,366	90,000	50,000
53920. Rent	69,663	74,000	75,000
TOTAL 53000	$ 10,890,078	$ 24,372,705	$ 19,672,479

EXHIBIT A

MIDLAND DEVELOPMENT CORPORATION
Proposed Budget for October 1, 2020 through September 30, 2021

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021
OPERATING EXPENSES			
54000 Building Mantenance			
54010. Building Maintenance	$ 55,557	$ 70,000	$ 45,000
TOTAL 54000	55,557	70,000	45,000
55000 Maintenance of Equipment			
55120. Maintenance of Instruments & App	4,222	4,000	3,000
TOTAL 55000	4,222	4,000	3,000
56000. Miscellaneous			
56188. MOTRAN	95,000	142,500	137,000
56202. General Fund Services	452,643	422,681	390,619
56410. Payment of Principal	63,899	60,000	60,000
56420. Interest Expense	13,300	12,000	12,000
56995. Project Non Capital (Promotions)	1,430,499	1,230,000	27,000
TOTAL 56000	2,055,341	1,867,181	626,619
57000 / 58000. Capital Purchases			
57001. Capital Buildings & Structures	0	0	0
57002. Capital Improvemnts Other Than Bldgs	0	0	1,400,000
57003. Capital Equipment	0	0	0
57004. Capital Vehicles	46,706	47,000	0
57070. Construction in Process	991,616	0	0
Total 7000 / 8000	1,038,322	47,000	1,400,000
GRAND TOTAL	$ 14,837,360	$ 27,771,636	$ 22,656,815

EXHIBIT A

MIDLAND DEVELOPMENT CORPORATION
Summary of Revenues, Expenditures and Changes in Fund Balance

	ACTUAL 2018-2019	BUDGET 2019-2020	BUDGET 2020-2021
Balance October 1, 2018	$ 34,524,067		
Estimated Balance October 1		$ 37,675,781	$ 22,204,145
Revenues:			
Sales Taxes	15,078,495	12,000,000	9,000,000
Public Right-Of-Way Use Fees	11,341	0	0
Interest / Non-Pooled Investment Income	472,929	300,000	0
Misc. Rentals	990,627	0	0
Spaceport Fund Interfund	549,650	0	0
Reimbursement of Budget Expenses	4,064	0	0
Government Contributions	161,856	0	0
Sale of Land	720,112	0	0
Total Revenues	17,989,074	12,300,000	9,000,000
Expenditures:			
Personnel Services	714,943	1,310,750	861,517
Commodities	78,897	100,000	48,200
Contractual Services	10,890,078	24,372,705	19,672,479
Building Maintenance	55,557	70,000	45,000
Maintenance of Inst and App	4,222	4,000	3,000
Miscellaneous	2,055,341	1,867,181	626,619
Capital Purchases	1,038,322	47,000	1,400,000
Total Expenditures	14,837,360	27,771,636	22,656,815
Net Revenues (Expenditures)	3,151,714	(15,471,636)	(13,656,815)
Estimated Balance October 1:			
Restricted for ED Incentives	37,652,825	33,688,342	15,135,013
Restricted for Encumbrances	0	0	0
Restricted for Promotional Activities	3,325,459	2,840,396	1,813,396
Unappropriated Fund Balance	(5,553,082)	(9,490,832)	(8,401,079)
Total Estimated Balance October 1	$ 37,675,781	$ 22,204,145	$ 8,547,330

EXHIBIT A

City of Midland
Office Memorandum

DATE: July 23, 2020

TO: The Honorable Mayor and City Council Members

FROM: John Ohnemiller, City Attorney

SUBJECT: Motion authorizing the City Manager to negotiate a development agreement regarding the Vaughn Building.

Mr. Michael Trost, Council Member At-Large, requested that this item be placed on your agenda for consideration.

City of Midland
Office Memorandum

DATE: July 23, 2020

TO: The Honorable Mayor and City Council Members

FROM: John Ohnemiller, City Attorney

SUBJECT: Motion setting a date for a City Council retreat to be held in August 2020.

Mr. Michael Trost, Council Member At-Large, requested that this item be placed on your agenda for consideration.