

**MIDLAND CITY COUNCIL
MINUTES
September 24, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:00 a.m. on September 24, 2019.

Council Members present: Mayor Jerry F. Morales (arrived at 9:10 a.m.), Mayor Pro Tem John B. Love III (District 2), Council Member Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4) (arrived at 9:30 a.m.).

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, Assistant to the City Manager Marcia Bentley-German, City Secretary Amy Turner, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Interim Finance Director Jennifer Fung, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Regina Stephenson, Purchasing Manager Erika Martinez, Building Official Jeff Pinkstaff, and Public Information Officer Erin Bailey.

Mayor Pro Tem Love called the meeting to order at 9:02 a.m.

1. Receive and discuss a presentation from Museum of the Southwest regarding request for Hotel/Motel Funds for the Fredda Turner Durham Children's Museum.

Dan Eck, Executive Director of Museum of the Southwest reported that the Durham Children's Museum is currently closed. They just completed work on the Blakemore Planetarium and in 2015 they did the art museum, and now they are redoing the children's museum. He shared an internet search for the top 10 things to do in Midland and most of them are not kids friendly. He felt they could do better at attracting families and children to the area with a renovated children's museum that will be an arts education facility like the Imaginarium in Arkansas. He chose a portion of the campaign budget of \$450,000.00 that will be used for promotional signage, new brochures, website redesign and arts equipment. The money they are requesting will directly encourage and promote the arts. Children can make art in the museum and have it on display. They will also have traveling exhibitions. He will work with hotels to develop package deals for this and other museums in the area. They will also promote and market the museum outside of the area. The museum will include robotics, pottery wheels and a play area for kids.

He shared a rendering of the areas that included an aquarium, a play area and a paint room with a giant glass wall on which the kids can paint. This can be a space for banquets and gatherings due to the flexibility of the space. The only change to the outside of the building will be to add a shade shelter. The overall project will cost \$5 million. They have raised about \$1.5 million and have secured a \$1 million matching grant. They need another

\$600,000.00 by the end of the year to receive that grant. He asked the City to partner with them using Hotel/Motel funds in the amount of \$450,000.00.

2. Receive and discuss a presentation from Simpl Modular regarding affordable housing options available in Midland.

Seth Rau, with Simpl Modular asked what you can get for \$750.00. After substantial research and development, they have come up with Simpl Modular, high quality studio apartments that will rent for about \$750.00 a month. The apartments will include high end fixtures delivered in one third of the time at an affordable price. They feel this can help with the housing crisis. The concept is a 24-unit apartment community built from shipping containers. Each apartment is 320 square feet and includes all fixtures found in any class A studio apartment. This is not a man camp. It was designed with the Midland professional in mind. They will utilize repurposed shipping containers and the homes will be manufactured outside of the market. Each 24 unit community costs about \$1.5 million. Construction time is about 9 months which includes architecture, permitting, site development and leasing. They presented this concept to MDC and Priority Midland. Midland Memorial Hospital will donate 2.5 acres of land at their west campus which is enough room for 96 units. When asked about the construction materials he reported all units are built to code. The containers can stack 9 high. They have an ongoing maintenance plan to ensure the viability of the community for years to come. They were requesting \$6 million for the 96-unit complex. When asked what their share would be, they reported they had money put into research and development and the money collected from rents would be used to build other units.

John James reported their ask for \$6 million is driven by the amount of land and because they were encouraged to ask for the entire amount. They would be happy with a demonstration unit community of 24-units. He answered questions about other locations where these types of projects have been built and about construction materials. He explained they add other architectural materials to the outside to make them aesthetically beautiful and striking. Although they do not include amenities such as swimming pools, they do include things like BBQ pit, walking trails and the use of technology like locks that open with your phone.

Mayor Morales asked them to hold a neighborhood meeting to get community feedback. When asked about square footage he noted they are 300 square feet. This community would check the affordable housing box. A demo project would bring community support.

Council Member Love expressed excitement noting this could help many Midlanders start to realize their dreams. With lower rental cost they can increase their savings and have access to upward mobility.

John James shared a rendering of the Oscar Phoenix model which is the concept they are following.

When asked how this would work with the new zoning code, Building Official Jeff Pinkstaff reported that if they are manufactured outside of Texas, they will be required to get a Texas inspection tag. John James reported that any units on the first floor would be ADA accessible. City Manager Courtney Sharp suggested going out for RFP or RFQ to see what developers would be available for tiny homes or cargo homes to ensure the best use of tax dollars.

Mr. James added that they will not require deposits for their rentals which makes it even more affordable. They have created a 501c3 for anyone who wishes to contribute funds to the demo project. Council encouraged them to talk to all foundations for the first unit. When asked about financing his project Mr. James reported there were three banks in Austin who would finance, but when financing comes into play, that can affect the affordability rate.

Mayor Morales asked them to hold a public meeting with the immediate neighborhood. Mr. James reported they ordered a demo unit and expected it to be here by the end of the month and they can let Council walk through a unit. It is small but beautiful.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:58 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 24, 2019.

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

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order: 1-4, 6, 9, 11-15, 17-18, 23-25, 28-31, 5, 7-8, 10, 16, 19-22, 26-27, 32-51.

Mayor Morales called the meeting to order at 10:04 a.m.

OPENING ITEMS

1. Invocation - Pastor Bob Pase, Grace Lutheran
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Mayor Morales and Council Member Hotchkiss presented a proclamation for National Business Women's Week.
 - b. Mayor Morales and Council Member Hotchkiss presented a proclamation for Miss Cayce's Wonderland.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 31 excluding 5, 7, 8, 10, 16, 19, 20, 21, 22, 26, 27; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
 - a. Regular City Council Meeting of September 10, 2019.
6. Approved a resolution approving the purchase of twenty-four (24) wash stations for Grande Stadium from Global Industrial through Buyboard Contract 577-18 for \$106,218.24 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 280

RESOLUTION APPROVING THE PURCHASE OF TWENTY-FOUR (24) WASH STATIONS FOR GRANDE STADIUM FROM GLOBAL INDUSTRIAL, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$106,218.24

9. Approved a resolution awarding a contract for Midland Census 2020 for advertising and promotional services to Current Media Partners for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 283

RESOLUTION AWARDING A CONTRACT FOR THE MIDLAND CENSUS 2020 ADVERTISING AND PROMOTIONAL SERVICES TO CURRENT MEDIA PARTNERS LLC, FOR AN AMOUNT NOT TO EXCEED \$75,000.00

11. Approved a resolution approving plans and specifications and authorizing advertisement for proposals for data network and internet service provider agreement for a Communications Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 285

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A DATA NETWORK AND INTERNET SERVICE PROVIDER AGREEMENT FOR THE COMMUNICATIONS AND INFORMATION SYSTEMS DEPARTMENT

12. Approved a resolution awarding a contract for the purchase of replacement firewall devices from Palo Alto through Department of Information Resources (DIR) Contract DIR-TSO-4288 for a total cost of \$348,865.33 for the Communications Information Systems Department. (PURCHASING)

RESOLUTION NO. 2019 - 286

RESOLUTION APPROVING THE PURCHASE OF PALO ALTO FIREWALL DEVICES FROM CDW GOVERNMENT LLC, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$348,865.33 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

13. Approved a resolution adopting a new purchasing policy and rescinding all prior conflicting resolutions for the Purchasing Division. (PURCHASING)

RESOLUTION NO. 2019 - 287
RESOLUTION ADOPTING A NEW PURCHASING POLICY AND RESCINDING ALL PRIOR CONFLICTING RESOLUTIONS

14. Approved a resolution awarding a contract for two (2) years to ABM Industry Groups, LLC for janitorial services for City buildings for a cost of \$404,325.60 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 288
RESOLUTION AWARDING A CONTRACT FOR JANITORIAL SERVICES FOR CITY BUILDINGS TO ABM INDUSTRY GROUPS, LLC, IN THE AMOUNT OF \$404,325.60

15. Approved a resolution awarding a contract for the Water Treatment Plant Solids Removal Project to Blaxtone Energy, LLC. for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 289
RESOLUTION AWARDING A CONTRACT FOR THE REMOVAL OF WATER TREATMENT PLANT SOLIDS FROM THE WATER PURIFICATION PLANT TO BLAXTONE ENERGY, LLC, FOR A TOTAL COST OF \$49,085.00; APPROVING \$12,271.25 IN CONTINGENCIES; AND AUTHORIZING PAYMENT THEREFOR

17. Approved a resolution approving a purchase of three (3) Flygt pumps and mix equipment for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2019 - 291
RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF THREE FLYGT WASH WATER RETURN PUMP REPLACEMENTS FOR THE UTILITIES DEPARTMENT FROM ODESSA PUMPS AND EQUIPMENT, INC. D/B/A J & L EQUIPMENT/ODESSA PUMPS FOR A TOTAL COST OF \$54,465.00

18. Approved a resolution authorizing the execution of a 2020 Routine Airport Maintenance Program (RAMP) Agreement between the City of Midland, Texas and Texas Department of Transportation (TXDOT). (AIRPORTS)

RESOLUTION NO. 2019 - 292
RESOLUTION AUTHORIZING THE EXECUTION OF A 2020 ROUTINE AIRPORT MAINTENANCE PROGRAM AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR AUTOMATED WEATHER OBSERVING SYSTEM MAINTENANCE AND GENERAL AIRPORT MAINTENANCE COSTS OF ELIGIBLE PROJECTS AT MIDLAND AIRPARK; AND APPROPRIATING FUNDS THEREFOR

23. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of an oil and gas well, being GRIDIRON N008MS located 825 feet from the west line and 1,345 feet from the south line, Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas, (said well is generally located 1,345 feet north of Briarwood Avenue and 825 feet east of Avalon Drive). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 297

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 825 FEET FROM THE WEST LINE AND 1,345 FEET FROM THE SOUTH LINE, SECTION 24, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,345 FEET NORTH OF BRIARWOOD AVENUE AND 825 FEET EAST OF AVALON DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

24. Approved a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Fee "CK" No. 4H located 463 feet from the north line and 234 feet from the west line and Fee "CK" No. 5H located 463 feet from the north line and 209 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas, (said wells are generally located 418 feet south of Andrews Highway and between 277 feet and 301 feet east of North Loop 250 West). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 298

RESOLUTION GRANTING VARIANCES FOR TWO OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 418 FEET SOUTH OF ANDREWS HIGHWAY AND BETWEEN 277 FEET AND 301 FEET EAST OF NORTH LOOP 250 WEST); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

25. Approved a resolution amending resolution 2018-266 on a request from Permian Deep Rock Oil Co., LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mustang A #H145SS) located 240 feet from the north line and 862 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. Co. Survey, City and County of Midland, Texas, (said well is generally located 862 feet west of Rankin Highway and 620 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 299

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 240 FEET FROM THE NORTH LINE AND 862 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 862 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD); SAID AMENDMENT CHANGING THE NAME OF THE WELL

28. Approved a resolution approving the budget for the Midland Emergency Communication District for Fiscal Year 2020 (POLICE)

RESOLUTION NO. 2019 - 302
RESOLUTION APPROVING THE BUDGET OF THE MIDLAND EMERGENCY
COMMUNICATION DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30,
2020

29. Approved a resolution authorizing and executing an Amendment to that certain Right-of-Way License # 2019-218, approved by Council July 23, 2019, between the City of Midland and David H. Arrington. (UTILITIES)

RESOLUTION NO. 2019 - 303
RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE
RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND DAVID H.
ARRINGTON, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS
22 AND 27 OF THE HH LAWSON SUBDIVISION, BLOCK 39, TOWNSHIP 1 SOUTH, T
& P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

30. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Lone Star NGL Pipeline, L.P. (UTILITIES)

RESOLUTION NO. 2019 - 304
RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE
BETWEEN THE CITY OF MIDLAND AND LONE STAR NGL PIPELINE, L.P.,
REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5, 33 AND 34,
AND BLOCK 38, SECTION 36, BLOCK 39, TOWNSHIP 1 NORTH, T&P RR CO.
SURVEY, MARTIN COUNTY, TEXAS

31. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and NuStar Permian Transportation and Storage. (UTILITIES)

RESOLUTION NO. 2019 - 305
RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE
BETWEEN THE CITY OF MIDLAND AND NUSTAR PERMIAN TRANSPORTATION
AND STORAGE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS
SECTION 21, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND
COUNTY, TEXAS

The following items were pulled from Consent Agenda and considered individually.

5. Consider a resolution awarding a professional services agreement for Hogan Park Golf Course cart path renovations for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 261
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
AGREEMENT WITH THE SOLE PROPOSER, JEFFREY D. BLUME, LIMITED, FOR
DESIGN SERVICES ASSOCIATED WITH THE HOGAN PARK CART PATH
RENOVATION PROJECT; AND APPROPRIATING FUNDS FOR SAID PROJECT

Council Member Dufford asked for an update. Head Golf Pro Greg Sikes reported they were building cart paths. They haven't hired construction crew yet, but this contract is with the architect Jeff Blume who worked on Roadrunner as well as Texas A&M.

Council Member Love moved to adopt Resolution No. 2019 - 261; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

7. Consider a resolution awarding a contract for Grafa Park Storm Drain Replacement Project to J&H Services, Inc. for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 281

RESOLUTION AWARDING A CONTRACT FOR THE GRAFA PARK STORM DRAIN REPLACEMENT PROJECT TO J&H SERVICES, INC. OF ALBUQUERQUE, NEW MEXICO, AT A TOTAL COST OF \$1,410,534.25; APPROPRIATING AND ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Mayor Morales asked about the project. Engineering Manager Josh Ferguson reported it is for drainage at Grafa and Cowden parks and is part of the golf course storm drain network. They are replacing the existing system with better quality materials. Mayor Morales noted that this is coming from drainage impact fees. Engineering Services Director Jose Ortiz reported they expect fees to generate about \$2.5 million per year and they will help with projects like this.

Council Member Love moved to adopt Resolution No. 2019 - 281; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

8. Consider a resolution authorizing the City Manager to receive donations from Midland County Texas in the amount of \$40,000.00 dollars for the City of Midland and Midland County U.S Census count. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 282

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$40,000.00 FROM MIDLAND COUNTY FOR THE CITY OF MIDLAND AND MIDLAND COUNTY 2020 U.S. CENSUS COUNT

Charlene Romero McBride, partnership specialist, gave an update on the upcoming census count and emphasized the importance of ensuring everyone is counted, even those staying in RV parks and man camps. She talked briefly about their recruitment efforts and pay scale and recognized other members of the team.

Council Member Lacy moved to adopt Resolution No. 2019 - 282; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

10. Consider a resolution awarding professional services agreements for on-call engineering services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 284

RESOLUTION APPROVING THE SELECTION OF DUNAWAY ASSOCIATES, L.P., ENPROTEC / HIBBS & TODD, INC., FREESE AND NICHOLS, INC., KIMLEY-HORN AND ASSOCIATES, INC., MAVERICK ENGINEERING, PARKHILL SMITH & COOPER, INC., PARSONS ENVIRONMENT & INFRASTRUCTURE GROUP, INC., AND

WESTWOOD PROFESSIONAL SERVICES, INC. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ENGINEERING SERVICES, ARCHITECTURE SERVICES, LANDSCAPE ARCHITECTURE SERVICES, LAND SURVEYING SERVICES, REAL ESTATE APPRAISING SERVICES, AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER EXECUTED IN ACCORDANCE WITH SUCH AN AGREEMENT SHALL NOT EXCEED \$150,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH EACH AGREEMENT SHALL NOT EXCEED \$300,000.00 PER AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett noted this was a renewal and asked how this benefits staff. City Engineer Matt Carr reported they have eight consultants working for the City and it is good training ground for the City's young engineers on staff. They work on affordable housing, utilities and road bond items and it is helping to speed things up.

Council Member Love moved to adopt Resolution No. 2019 - 284; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

16. Consider a resolution approving funds not to exceed \$100,000.00 for the rental of a water truck for the Landfill for the General Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 290

RESOLUTION RATIFYING AND APPROVING THE EMERGENCY LEASE OF A WATER TRUCK FROM WARREN POWER & MACHINERY, INC., FOR THE GENERAL SERVICES DEPARTMENT; AND AUTHORIZING PAYMENT FOR SAID LEASE IN AN AMOUNT NOT TO EXCEED \$100,000.00

Council Member Dufford noted we are leasing a piece of equipment for a not to exceed price of \$100,000.00. General Services Director Regina Stephenson noted the current equipment is currently under repair and they will put this out to bid to be replaced in the next budget year. It was suggested to buy one as quickly as possible.

Council Member Love moved to adopt Resolution No. 2019 - 290; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

19. Consider a resolution approving a contract between the City of Midland, Texas and SilverWing Enterprises (SWE). (AIRPORTS)

RESOLUTION NO. 2019 - 293

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SILVERWING ENTERPRISES, LLC, TO PROVIDE PROFESSIONAL SERVICES IN SUPPORT OF THE OPERATION OF THE SPACEPORT LOCATED AT MIDLAND INTERNATIONAL AIR AND SPACE PORT

Council Member Robnett asked for an update. Airports Director Justine Ruff reported the Spaceport license was renewed last week so we are good for another five years. The consultant will review any new requests to build in the red X overlay zoning and calculate how many casualties could occur if there were a crash. The consultant reviewed about 15-20 cases last year. It was noted that they do not want high density projects in that area and the fact that there is no sewer line in the area is helping to prevent most developments.

Robnett noted he was an opponent of the Spaceport noting the economy is completely different then it was ten years ago, and the City should focus instead on police officers and fire fighters.

Council Member Love moved to adopt Resolution No. 2019 - 293; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy. NAY: Robnett. ABSTAIN: None. ABSENT: None.

20. Consider a resolution authorizing the execution of a fourth amendment to the reimbursable physician recruitment agreement between the Midland Development Corporation and the Midland County Hospital District DBA Midland Memorial Hospital. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2019 - 294

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE REIMBURSABLE PHYSICIAN RECRUITMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND COUNTY HOSPITAL DISTRICT DBA MIDLAND MEMORIAL HOSPITAL

Council Member Robnett noted this was a great program and asked for an update. Executive Director John Trischitti reported this was a one year renewal for \$450,000.00 for physician recruitment.

Karen Kuehn, Manager of Physician Recruitment reported it is already hard to recruit physicians to Midland and the money helps to provide incentives like sign-on bonuses and bringing them and their families in for site visits. They typically do about 30 site visits per year and last year spent \$560,000.00 on physician recruitment.

Mr. Trischitti confirmed this is a one-year extension of the contract at the same rate. Discussion ensued about the value of this contract, that the hospital has had 80% retention rate of physicians that are recruited and that 40 new physicians have been recruited since the inception of this program.

Council Member Love noted that they needed to focus on doctors who take Medicare noting his mother has had difficulty finding doctors who take Medicare. Council Member Trost found the same issue. Mr. Trischitti stated the comments were duly noted and would be passed along. Mayor Morales asked for that to be included in the review process.

Council Member Love moved to adopt Resolution No. 2019 - 294; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

21. Consider a resolution authorizing the issuance of a request for qualifications for professional services associated with the preparation of a master plan for development and redevelopment of the Midland Senior Center and the Midland Southeast Senior Center for the Community Services Department. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 295

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A MASTER PLAN FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE MIDLAND SENIOR CENTER AND THE MIDLAND SOUTHEAST SENIOR CENTER FOR THE COMMUNITY SERVICES DEPARTMENT

Council Member Robnett noted he is excited about the project and asked for an update. Community Services Director Tina Jauz reported this is structured as a master plan for two senior centers. They will evaluate locations, programming, and space needed for the next 50 years. She noted that when other cities were toured it is common to couple recreational centers with health departments. They will explore all possibilities. This is just the initial start of planning. They will take time to evaluate all options and develop constructions plans before they can go out to bid.

Debra Martin, 1107 Castleford Drive, moved here recently from San Diego and was in culture shock. After finding the senior center she has found it to be her second home noting there is lots to do and there are plenty of wonderful people. She noted some of the inadequacies of the center including access doors and speeding forklift drivers in the area.

Council Member Love moved to adopt Resolution No. 2019 - 295; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

22. Consider a resolution authorizing the allocation of funds in the amount of \$800,000.00 from the 2019 operating budget of the Parks Division of the Community Services Department in the General Fund to the Playground Renovation Project. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 296

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$800,000.00 FROM THE 2019 OPERATING BUDGET OF THE COMMUNITY SERVICES DEPARTMENT IN THE GENERAL FUND TO THE PLAYGROUND EQUIPMENT REPLACEMENT PROJECT (900315)

Council Member Robnett asked where parks are in the long-term planning. Community Services Director Tina Jauz reported Midland has 40 plus playgrounds in their 50 plus parks and they have all been updated in the last 8-10 years except for 12. Next year's budget will allow for the renovation of another 5-6 parks. This item is to move unexpended funds into a project so the money doesn't disappear, and they can couple that money with next year's budget to make a bigger impact. When asked about Rusk Park, Ms. Jauz noted that it is a park handled by the school district.

Council Member Love moved to adopt Resolution No. 2019 - 296; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss,

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

26. Consider a resolution authorizing the execution of a Workforce Housing Incentive Agreement with Midland Community Development Corporation for the development of single-family residential construction in the City and County of Midland. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 300

RESOLUTION AUTHORIZING THE EXECUTION OF A WORKFORCE HOUSING INCENTIVE AGREEMENT WITH THE MIDLAND COMMUNITY DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL CONSTRUCTION IN THE CITY AND COUNTY OF MIDLAND, TEXAS; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING AN INCENTIVE PROGRAM FOR THE CONSTRUCTION OF SINGLE-FAMILY WORKFORCE HOUSING; AND AUTHORIZING PAYMENT THEREFOR

Council Member Dufford wondered if we can really build homes for under \$200,000.00 Development Services Director Chuck Harrington reported that these two groups have a great track record and come in under \$200,000.00 due to a lot of volunteer labor and they service their own notes.

Council Member Love moved to adopt Resolution No. 2019 - 300; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

27. Consider a resolution authorizing the execution of a Workforce Housing Incentive Agreement with Habitat for Humanity for the development of single-family residential construction in the City and County of Midland. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 301

RESOLUTION AUTHORIZING THE EXECUTION OF A WORKFORCE HOUSING INCENTIVE AGREEMENT WITH HABITAT FOR HUMANITY FOR THE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL CONSTRUCTION IN THE CITY AND COUNTY OF MIDLAND, TEXAS; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING AN INCENTIVE PROGRAM FOR THE CONSTRUCTION OF SINGLE-FAMILY WORKFORCE HOUSING; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett reported that Habitat for Humanity makes a big difference and asked about future development.

Lori Blong, 1928 Centerview, reported she is on the board and they are continuing to develop the program and some of the money will be used to provide resources to keep loans low. Their subcommittee is identifying land for their next development, but they have enough lots for a couple of years. They would like to increase their speed at which they are building.

David Diaz, MCDL, shared that they have had a good working relationship with Habitat for Humanity going back 19 years. He reported that Joey said they will continue to work in Cloverdale which is where most of the funds will be used.

Council Member Robnett moved to adopt Resolution No. 2019 - 301; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

SECOND READINGS

32. Consider an ordinance on second reading on a request by John D. Swallow for a special exception concerning the minimum front yard setback generally located on the northwest corner of Bedford Drive and North G Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9973

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 8A, BLOCK 2, THE BEDFORD PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BEDFORD DRIVE AND NORTH G STREET), BY PERMITTING A REDUCED MINIMUM FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9973.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9973 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales, Lacy.

33. Consider an ordinance on second reading on a request by Opal's Table, LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant generally located on the southeast corner of the intersection of North Colorado Street and West Wall Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9974

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,963-SQUARE FOOT PORTION OF THE WEST 24.25 FEET OF LOT 9 AND ALL OF LOTS 10 THROUGH 12, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST WALL STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9974.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9974 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Dufford. NAY: None. ABSTAIN: None. ABSENT: Morales, Lacy, Robnett.

34. Consider an ordinance on second reading on a request by Texas Tire for a zone change from PD, Planned District for a Shopping Center generally located on the north side of West Wall Street, approximately 15 feet east of East Circle Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9975

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING PLOT A, THE VILLAGE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 15 FEET EAST OF EAST CIRCLE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9975.

Council Member Love moved to approve the second and final reading of Ordinance No. 9975 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

35. Consider an ordinance on second reading on a request by Roger Gearhart for a Specific Use Designation with Term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, generally located on the west side of South Midkiff Road, approximately 621 feet south of West Wall Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9976

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,414-SQUARE FOOT PORTION OF LOT 2, BLOCK 2, BANKHEAD ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH MIDKIFF ROAD, APPROXIMATELY 621 FEET SOUTH OF WEST WALL STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9976.

Council Member Love moved to approve the second and final reading of Ordinance No. 9976 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

36. Consider an ordinance on second reading on a request by Sanchez Diamond Homes Construction for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District generally located on the east side of South Terrell Street, approximately 121 feet south of Washington Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9977

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 122, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH TERRELL STREET, APPROXIMATELY 121 FEET SOUTH OF 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9977.

Council Member Love moved to approve the second and final reading of Ordinance No. 9977 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

37. Consider an ordinance on second reading on a request by Maverick Engineering to vacate a 0.004-acre tract, a 0.019-acre tract, and a 0.019-acre tract of land generally located on the north side of Beachwood Street, approximately 131 feet, 871 feet, and 1,066 feet west of Chukar Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9978

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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9978.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9978 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

38. Consider an ordinance on second reading amending Title IV, "Building Regulations", Chapter 1, "Building Code", of the City Code of the City of Midland, Texas, by repealing Section 9, "Street Improvement Fee", so as to eliminate the Street Improvement Fee. (ENGINEERING SERVICES)

ORDINANCE NO. 9979

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, BY REPEALING SECTION 9, "STREET IMPROVEMENT FEE", SO AS TO ELIMINATE THE STREET IMPROVEMENT FEE; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2019; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9979.

Council Member Love moved to approve the second and final reading of Ordinance No. 9979 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

PUBLIC HEARINGS

39. Hold a public hearing and consider an ordinance on a request by JC Chavez Construction, for a zone change from RR, Regional Retail District, to SF-3, Single Family Dwelling District, generally located on the west side of North Mineola Street, approximately 144 feet south of East Tennessee Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9980

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF LOT 1, BLOCK 14, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MINEOLA STREET, APPROXIMATELY 144 FEET SOUTH OF EAST TENNESSEE AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9980.

Development Services Director Chuck Harrington gave a brief overview of the item noting that the next nine items contain a lot of the same information. They came about when the new zoning was put in and these builders are wanting to build in District 2. This item is for 407 N. Mineola for a single-family house. The request was approved by Planning and Zoning and staff recommends approval. One letter of objection was received with no comments.

Mayor Morales opened the public hearing at 11:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9980 in accordance with the Charter of the City of Midland; seconded by Council

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

40. Hold a public hearing and consider an ordinance on a request by JC Chavez Construction, for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, generally located on the northwest corner of the intersection of South Tyler Street and East California Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9981

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 14, BLOCK 59, PARK AVENUE HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH TYLER STREET AND EAST CALIFORNIA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9981.

Development Services Director Chuck Harrington gave a brief overview of the item noting this item is similar to the previous. Mayor Morales asked if this is a new process of eliminating liens. City Manager Courtney Sharp reported they are moving away from water liens and many of these are for municipal liens. He has the authority to reduce the interest but not the principal. It was noted that this is encouraging infill housing.

Mayor Morales opened the public hearing at 11:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9981 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

41. Hold a public hearing and consider an ordinance on a request by Carrasco Homes LLC., for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District generally located on the southeast corner of the intersection of Mississippi Avenue and North Weatherford Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9982

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 7, HOMESTEAD ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MISSISSIPPI AVENUE AND NORTH WEATHERFORD STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9982.

Development Services Director Chuck Harrington gave a brief overview of the item noting these are located at 808 N. Weatherford and 810 N. Weatherford for the same reasons as stated before. Staff recommends approval.

Mayor Morales opened the public hearing at 11:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9982 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

42. Hold a public hearing and consider an ordinance on a request by Carrasco Homes LLC., for a zone change from LI, Light Industrial District, in part, and MH, Manufactured Housing District, in part, to SF-3, Single Family Dwelling District, generally located on the east side of South Dallas Street, approximately 141 feet south of East Washington Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9983

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 16, BLOCK 121, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT, IN PART, AND MH, MANUFACTURED HOUSING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH DALLAS STREET, APPROXIMATELY 141 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9983.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is located at 505 S. Dallas for all reasons previously stated. Staff recommends approval.

Mayor Morales opened the public hearing at 11:28 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9983 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford, Lacy.

43. Hold a public hearing and consider an ordinance on a request by Vicente Carrasco, for a zone change from RR, Regional Retail District, to SF-3, Single Family Dwelling District, generally located on the northwest corner of the intersection of South Weatherford Street and East Pennsylvania Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9984

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE EAST 50 FEET OF LOTS 19 THROUGH 24, BLOCK 145, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH WEATHERFORD STREET AND EAST PENNSYLVANIA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9984.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is located at 211 E. Pennsylvania and the land is currently vacant. Staff recommends approval.

Mayor Morales opened the public hearing at 11:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9984 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

44. Hold a public hearing and consider an ordinance on a request by Robert Martinez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the northeast corner of the intersection of South Clay Street and Washington Avenue and on the east side of South Clay Street, approximately 160 feet north of Washington Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9985

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 26, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH STONEWALL STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9985.

Development Services Director Chuck Harrington gave a brief overview of the item noting these properties are located at 403, 405, and 411 S. Clay. All properties are vacant and are for the same reasons as stated before. Staff recommends approval.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9985 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

45. Hold a public hearing and consider an ordinance on a request by Robert Martinez for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District generally located on the southeast corner of the intersection of East Washington Avenue and South Stonewall Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9986

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 26, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH STONEWALL STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9986.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the same reasons as previously stated and is located at 501 S. Stonewall. Staff recommends approval.

Mayor Morales opened the public hearing at 11:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9986 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

46. Hold a public hearing and consider an ordinance on a request by Cruz Marquez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the west side of North Carver Street, approximately 111 feet north of Texas Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9987

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 21, MOODY 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 NORTH CARVER STREET, APPROXIMATELY 111 FEET NORTH OF EAST TEXAS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9987.

Development Services Director Chuck Harrington gave a brief overview of the item noting the property is located at 205 N. Carver, is currently vacant and has the same reasons as previously stated. Staff recommends approval.

Mayor Morales opened the public hearing at 11:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9987 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

47. Hold a public hearing and consider an ordinance on a request by Louis Clay for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District generally located on the east side of South Stonewall Street, approximately 61 feet south of East Washington Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9988

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 11, BLOCK 26, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 61 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9988.

Development Services Director Chuck Harrington gave a brief overview of the item noting the property is located at 503 S. Stonewall and is currently vacant for the same reasons as stated before. Staff recommends approval.

Mayor Morales opened the public hearing at 11:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9988 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

48. Hold a public hearing and consider an ordinance on a request by Charles Nelson for a zone change from MF-16, Multiple Family-Dwelling District to an SF-3, Single Family-Dwelling District generally located on the west side of North Carrizo Street, approximately 318 feet south of West Nobles Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9989

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 6, CRESTLAWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CARRIZO STREET, APPROXIMATELY 318 FEET SOUTH OF WEST NOBLES AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9989.

Development Services Director Chuck Harrington gave a brief overview of the item noting that in an effort of the City supporting more affordable housing, all application fees on this item and all previous items were waived. The property is located at 1117 N. Carrizo. Staff recommends approval.

Mayor Morales opened the public hearing at 11:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9989 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

MISCELLANEOUS

49. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas and authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES)

ORDINANCE NO. 9990

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 9990.

Traffic Engineer Mike Pacelli reported this is a straight forward stop sign update and explained some of the changes.

Council Member Love moved approval of the first of two readings of Ordinance No. 9990 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

50. Approved a motion making appointments to various boards and commissions. (CITY SECRETARY'S OFFICE)

Council Member Trost inquired about the City Charter stating Council could not appoint a relative and wanted clarification. City Attorney John Ohnemiller reported it referred to the employment of a relative not for the appointment of a board or commission.

Council Member Robnett moved to appoint Justin Kuethe to the Airport Board and Lucy Sisniega as an alternate on the Planning & Zoning Commission; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

PUBLIC COMMENT

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

Kimberly Crisp reported that she was threatened by MDC Chairman Brent Hilliard and read a portion of correspondence that he sent her and asked for his resignation or removal from the MDC Board. She provided Council copies of the correspondence.

All the business at hand having been completed, the meeting adjourned at 11:52 a.m.

PASSED AND APPROVED the 8th day of October 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary