

**MIDLAND CITY COUNCIL
MINUTES
May 14, 2019**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on May 14, 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: 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, Director of Airports Justine Ruff, Solid Waste Director Jeffery Ahrlett, and Public Information Officer Erin Bailey.

Mayor Morales called the meeting to order at 9:32 a.m.

1. Receive an update on recycling issues from the Solid Waste Management Department.

Mayor Morales reported this meeting is a follow-up on the briefing session held previously about recycling. As promised, a group met with Butts Recycling to get a better understanding of how recycling works. There are issues happening internationally that impact recycling locally. He introduced Kevin Butts and his manager Shawn Stone.

Kevin Butts explained that they only take 1 and 2 plastics and people do not have to worry about removing the cap and wrapper from water bottles. They do not take plastics 3-7. When you drop off recycling, do not put them all inside a plastic bag.

Mayor Morales reported they identified that costs are going to go up, and taxpayers are not wanting to pay increased fees. The recycling sites that are unattended end up being highly contaminated. All large recycling, including bins located at schools, will be discontinued effective June 1, 2019. The public can drop off plastic labeled 1 or 2, cardboard, and paper recycling at one of two manned areas: Citizens Collection Station and Butts Recycling. We will pay a minimum of \$4,000 per month to Butts Recycling to continue this program and will re-evaluate in January 2020.

Council Member Hotchkiss noted this is a sad situation and not the fault of anybody in this room. Recycling is a commodity that happens to be in the hole right now.

Council Member Dufford saw an article in the Wall Street Journal that Canada sends their recycling to the Philippines and they told Canada if they didn't turn their ships around they would consider it an act of war.

Doreen Womack of Keep Midland Beautiful has been charged with producing community education. She will be working with Public Information Officer Erin Bailey.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:45 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 14, 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: 1-13, 16-20, 14-15, 21-26, 28-35, 27.

Mayor Morales called the meeting to order at 10:00 a.m.

OPENING ITEMS

1. Invocation - Pastor Brad Smith, Calvary Assembly of God
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Certificates of Completion to the 2019 Midland 101 graduates.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 20 excluding 14, 15; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
 - a. Special meeting of April 8, 2019.
 - b. Regular meeting of April 23, 2019.

5. Approved a resolution approving an engine replacement and transmission repairs to Caterpillar 836H Unit 7922 as a sole source from Warren Power & Machinery, Inc. dba Warren Cat for a cost of \$262,548.29 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 143

RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF A REPLACEMENT ENGINE AND CERTAIN TRANSMISSION REPAIR WORK FOR A CATERPILLAR 836H COMPACTOR FOR THE GARAGE DIVISION FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT FOR A TOTAL COST OF \$262,548.29

6. Approved a resolution approving the purchase of a Show Mobile Trailer Stage from the sole bidder, Century Industries, LLC, for a cost of \$154,939.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 144

RESOLUTION APPROVING THE PURCHASE OF A MSM 3600 SHOW MOBILE TRAILER STAGE FOR THE GARAGE DIVISION FROM THE SOLE BIDDER, CENTURY INDUSTRIES, LLC, OF SELLERSBURG, INDIANA, AT A TOTAL COST OF \$154,939.00

7. Approved a resolution approving the purchase of a Spartan 4 door custom full-tilt aluminum cab 4x2 Pumper from Metro Fire Apparatus Specialists, Inc. through the Houston-Galveston Area Council (H-GAC) for a cost of \$815,000.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2019 - 145

RESOLUTION APPROVING THE PURCHASE OF A SPARTAN FOUR-DOOR FULL-TILT ALUMINUM CAB 4X2 PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$815,000.00

8. Approved a resolution awarding a contract for the Year Two (2) Road Bond Bankhead Highway Project for the Engineering Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2019 - 146

RESOLUTION AWARDING A CONTRACT FOR THE BANKHEAD HIGHWAY PROJECT TO SALINAS CONSTRUCTION TECHNOLOGIES, LTD. OF PLEASANTON, TEXAS, AT A TOTAL COST OF \$1,244,643.66; SAID PROJECT BEING A YEAR TWO BOND PROJECT; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution rejecting all bids received for the South Fort Worth and East Montgomery Paving Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 147

RESOLUTION REJECTING THE BIDS RECEIVED FOR THE SOUTH FORT WORTH AND EAST MONTGOMERY PAVING PROJECT

10. Approved a resolution approving the issuance of a request for proposals for Consulting and Management of Senior Services for the Health Department. (PURCHASING)

RESOLUTION NO. 2019 - 148

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR CONSULTING AND MANAGEMENT SOLUTIONS REGARDING SENIOR SERVICES FOR THE HEALTH DEPARTMENT

11. Approved a resolution approving the purchase of furniture and equipment for the Bush Convention Center for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2019 - 149

RESOLUTION APPROVING THE PURCHASE OF FURNITURE AND EQUIPMENT FOR THE MIDLAND CENTER FROM MITY LITE AND SEWCO, INC., DBA OFFICEWISE FURNITURE & SUPPLY, THROUGH BUYBOARD, US COMMUNITIES AND NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE, AND TXSMARTBUY AT A TOTAL COST OF \$620,846.76

12. Approved a resolution authorizing the Advertisement for Request for Proposals for PARCS (Parking Access Revenue Control System) at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2019 - 150

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR A NEW PARKING ACCESS REVENUE CONTROL SYSTEM AT MIDLAND INTERNATIONAL AIR & SPACE PORT

13. Approved a resolution authorizing the Midland Chamber of Commerce to hold the annual Star Spangled Salute at Hogan Park and where alcohol can be sold and consumed and authorizing the City Manager or his designee to notify the Texas Alcoholic Beverage Commission of the permission granted. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 151

RESOLUTION AUTHORIZING THE MIDLAND CHAMBER OF COMMERCE TO HOLD THE ANNUAL STAR SPANGLED SALUTE AT HOGAN PARK ON JULY 4, 2019; AND AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT SAID EVENT

16. Approved a motion approving a proposed final plat of West Terminal Addition, Section 8, being a re-plat of Lot 8, Block 7, West Terminal Addition, Section 4, and a 29.7-acre tract of land out of Section 1, Block 41, T-2-S, T&P RR Co. Survey, Midland County, Texas, generally located on the southeast corner of the intersection of West County Road 100 and South County Road 1301 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)
17. Approved a resolution authorizing renewal of an Operating Certificate for Basin Taxi a subsidiary of Midessa Energy International, LLC. (POLICE)

RESOLUTION NO. 2019 - 154

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR MIDESSA ENERGY INTERNATIONAL LLC DBA BASIN TAXI, TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

18. Approved a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Parsley Energy, L.P. (UTILITIES)

RESOLUTION NO. 2019 - 155

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PARSLEY ENERGY, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 10, H.P. HILLIARD SURVEY, ABSTRACTS 1275 AND 1276, MIDLAND COUNTY, TEXAS

19. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Centurion Pipeline L.P. (UTILITIES)

RESOLUTION NO. 2019 - 156

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP-1-SOUTH, SECTION 5, BLOCK 38 AND SECTION 1, BLOCK 39, TOWNSHIP-2-SOUTH, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

20. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P. (UTILITIES)

RESOLUTION NO. 2019 - 157

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 AND 10, BLOCK 37, TOWNSHIP-3-SOUTH, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

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

14. Consider a resolution accepting a donation from the Downtown Midland Management District and appropriating the funds, \$300,000, to the Hotel Motel Fund to the Midland Center Project for the purchase and installation of a media mesh panel. (COMMUNITY SERVICES)

RESOLUTION NO. 2019 - 152

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION OF \$300,000.00 FROM THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT; SAID DONATION TO BE USED FOR THE PURCHASE AND INSTALLATION OF A MEDIA MESH PANEL AT THE MIDLAND CENTER; AND APPROPRIATING SAID FUNDS TO THE MIDLAND CENTER PROJECT

Council Member Lacy thanked DMMD for their donation noting it would be a great asset to downtown.

Council Member Love moved to adopt Resolution No. 2019 - 152; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

15. Consider a resolution approving the issuance of permits to Parsley Energy Operations, LLC, for the drilling of three oil and gas wells, within the city limits generally located between 790 feet and 830 feet north of Loop 250 and 230 feet east of Lamesa Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 153

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 790 FEET AND 830 FEET NORTH OF LOOP 250 AND 230 FEET EAST OF LAMESA ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Dufford asked for more information about quiet fracing.

Justin Johns, Parsley Energy, reported they had normal sound walls in place and thought that would be good enough to eliminate sound, but it did not. When they use the quiet frac they get no complaints. There are only three in the entire Permian Basin, so they had to push hard to get it for this location.

Council Member Robnett moved to adopt Resolution No. 2019 - 153; 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

SECOND READINGS

21. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center on a 7.789-acre portion generally located on the southeast corner of the intersection of West Wadley Avenue and North Loop 250 West. (DEVELOPMENT SERVICES) (First reading held April 23, 2019.)

ORDINANCE NO. 9916

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.789-ACRE TRACT OF LAND OUT OF LOT 5, BLOCK 27, WYDEWOOD ESTATES, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SUNBURST DRIVE, APPROXIMATELY 629 FEET SOUTH OF WEST WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9916.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9916 in accordance with the Charter of the City of Midland; seconded by Council

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

22. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center on a 0.599-acre portion generally located on the east side of North Loop 250 West Frontage Road, approximately 600 feet south of West Wadley Avenue. (DEVELOPMENT SERVICES) (First reading held on April 23, 2019.)

ORDINANCE NO. 9917

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 0.599-ACRE TRACT OF LAND OUT OF LOT 5, BLOCK 27, WYDEWOOD ESTATES, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LOOP 250 WEST FRONTAGE ROAD, APPROXIMATELY 600 FEET SOUTH OF WEST WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9917.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9917 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

23. Consider an ordinance on second reading on a request by David Diaz for a vacation of a 0.03-acre portion and a 0.05-acre portion of the alley right-of-way generally located on the north side of West Cuthbert Avenue, approximately 135 feet west of North Main Street. (DEVELOPMENT SERVICES) (First reading held April 23, 2019)

ORDINANCE NO. 9918

AN ORDINANCE VACATING AND ABANDONING A 0.03-ACRE PORTION OF ALLEY RIGHT-OF-WAY AND A 0.05-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN SECTION 26, BLOCK 39, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST CUTHBERT AVENUE, APPROXIMATELY 135 FEET WEST OF NORTH MAIN STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$6,840.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

City Attorney John Ohnemiller noted that at the last meeting this item was amended to remove the cost for the right-of-way, but the amended ordinance did not make it into the packet. He clarified what they are approving today is the amended ordinance.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9918.

Council Member Love moved to approve the second and final reading of Ordinance No. 9918 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC HEARINGS

24. Hold a public hearing regarding the proposed granting of oil and gas well permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Hogan 1-24-F-2811H located 2,311 feet from the south line and 990 feet from the east line, Hogan 1-24-G-2813H located 2,281 feet from the south line and 990 feet from the east line Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells are generally located between 380 feet and 410 feet south of Solomon Lane extension and 952 feet west of Fairgrounds Road extension.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is close to Fairgrounds Road extension and not located on the same pad site. They have had other previously permitted wells in the same area. They will have 24-foot sound walls on the north and west sides. No letters of objection have been received. The tank battery is in the County. Council Member Lacy reported that in another area the rig floor was above the sound walls.

Justin Johns, Parsley Energy, reported that is Engineering stuff and the drilling will be done soon in that area.

Mayor Morales opened the public hearing at 10:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

25. Hold a public hearing and consider an ordinance on a request by Allan Cole Metcalf for a Special Exception from the City of Midland Zoning Ordinance, concerning the construction standards of detached accessory structures generally located on the northwest corner of the intersection of Pueblo and Ojibwa. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9919

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 11, BLOCK 3, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PUEBLO AND OJIBWA), BY PERMITTING A METAL SKIN EXTERIOR ON A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 12 FEET IN HEIGHT AND THAT EXCEEDS 400 SQUARE FEET IN AREA; 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 SueAnn Reyes read the caption of Ordinance No. 9919.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a special exception for a shop building with a metal skin exceeding 12 feet

in height and 400 square feet in area. The item has been reviewed by all departments and does not meet the requirements. Because there is no hardship, staff recommends denial. One letter of objection has been received and is in the packet along with a letter of support.

Mayor Morales opened the public hearing at 10:23 a.m.

Allan Metcalf, 1303 Pueblo, reported he is building a professional grade building by a bonded contractor. It is very similar to other shop buildings that have been constructed in the area without permits, but he wants his to be above board. When asked why so high he reported he will be storing a 5th wheel and to get a 14-foot door, it requires 16-foot walls. He intends to build a 30x40 foot structure rather than 30x50 feet. He does not have a garage and the hail storms in this area are fierce.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9919 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

26. Hold a public hearing and consider a resolution to petition the City Council of the City of Midland, Texas, providing for the annexation of certain sparsely populated property; generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2019 - 158

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, GRANTING A WRITTEN PETITION TO ANNEX A 46.38-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA") (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE) PURSUANT TO SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting the request is being made by the group that developed the OXY office building. They are asking to annex a 47-acre tract that will be developed as a mixed-use development to include retail, restaurants and a hotel. They need utility services and are requesting to be annexed.

Mayor Morales opened the public hearing at 10:28 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2019 - 158; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

27. At approximately 6:00 pm, hold a public hearing authorizing the City of Midland to hear public comments on the 2019/2020 Community Development Action Plan and guidance regarding CDBG application submissions. (DEVELOPMENT SERVICES)

Mayor Morales noted this would be held tonight at 6:00 p.m.

MISCELLANEOUS

28. Consider an ordinance amending Title XI, "Planning and Development", Chapter 1, "Zoning" of the City Code of Midland, Texas, so as to change the heading of said Chapter 1 to "Zoning Ordinance" and to revise and amend the rules, regulations and zoning map contained therein or associated therewith and similar provisions related to land use and development. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9920

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING" OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE HEADING OF SAID CHAPTER 1 TO "ZONING ORDINANCE" AND TO REVISE AND AMEND THE RULES, REGULATIONS AND ZONING MAP CONTAINED THEREIN OR ASSOCIATED THEREWITH AND SIMILAR PROVISIONS RELATED TO LAND USE AND DEVELOPMENT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9920.

Development Services Director Chuck Harrington gave a brief overview of the item noting a public hearing was held on April 23rd and now it is being brought forward for the first reading to adopt.

Council Member Love moved approval of the first of two readings of Ordinance No. 9920 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

29. Consider an ordinance adopting the 2018 International Building Code, with amendments; as the building code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9921

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 1, "BUILDING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF BUILDINGS AND STRUCTURES OR ANY APPURTENANCE CONNECTED OR ATTACHED TO SUCH BUILDING OR STRUCTURE; PROVIDING FOR THE INSPECTION OF SAID

BUILDINGS OR STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION, ALTERATION, REPAIR, EQUIPMENT, USE AND OCCUPANCY, REMOVAL AND DEMOLITION OF SAID BUILDINGS OR STRUCTURES AND COLLECTION OF INSPECTION FEES THEREFOR; ESTABLISHING MINIMUM FLOOR ELEVATIONS FOR CERTAIN STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND (\$2,000.00) DOLLARS; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9921.

Assistant Building Official Jeff Pinkstaff gave a brief overview of the item noting the next several items are similar for the various proposed codes. All codes have been on file in the Office of the City Secretary since March 27th with no comments received. This item is for the 2018 Building Code noting the City currently uses the 2015 Building Code. All codes are published every three years, and this is the most recent available. The codes were all reviewed by the 9-member Building Code Review Committee. The Committee and staff recommend all codes to be adopted with an effective date of July 1, 2019.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9921 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

30. Consider an ordinance adopting the 2018 International Plumbing Code, with amendments; as the plumbing code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9922

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 3, "PLUMBING CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL PLUMBING CODE AS THE PLUMBING CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF REGULATING THE INSTALLATION, ALTERATION, AND MAINTENANCE OF ALL PIPING AND PLUMBING WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND; PROVIDING FOR THE INSPECTION OF SAID PIPING AND PLUMBING; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR THE BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING OR PLUMBING; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9922.

Assistant Building Official Jeff Pinkstaff gave a brief overview of the item noting it was for the plumbing code that has been on file in the Office of the City Secretary since March 17th with no comments. This is the same scenario as the last item.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9922 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider an ordinance adopting the 2018 International Fuel Gas Code, with amendments; as the gas code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9923

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 4, "GAS CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL FUEL GAS CODE AS THE GAS CODE OF THE CITY OF MIDLAND; PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR GAS PIPING AND APPLIANCES; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID PIPING AND APPLIANCES AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR BONDING OF PERSONS ENGAGED IN THE BUSINESS OF INSTALLING, REPAIRING AND MAINTAINING SAID PIPING AND APPLIANCES; REGULATING USE OF EXISTING PIPING AND APPLIANCES; PROVIDING FOR CERTIFICATES OF APPROVAL FOR PIPING WORK; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9923.

Assistant Building Official Jeff Pinkstaff gave a brief overview of the item noting this is the same information as the previous item.

Council Member Love moved approval of the first of two readings of Ordinance No. 9923 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

32. Consider an ordinance adopting the 2018 International Mechanical Code, with amendments; as the mechanical code of the City of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9924

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 10, "MECHANICAL CODE", OF THE CITY CODE OF MIDLAND, TEXAS, AND ADOPTING THE 2018 INTERNATIONAL MECHANICAL CODE AS THE MECHANICAL CODE OF THE CITY OF MIDLAND FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS, PROVISIONS AND REQUIREMENTS FOR SAFE INSTALLATION AND MAINTENANCE OF MECHANICAL SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND, TEXAS; PROVIDING FOR THE INSPECTION OF SAID MECHANICAL SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE INSTALLATION OF SAID MECHANICAL SYSTEMS AND THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A

CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9924.

Assistant Building Official Jeff Pinkstaff gave a brief overview of the item noting it is the same information as the previous item.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9924 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

33. Consider an ordinance adopting the 2018 International Residential Code, with amendments; as the residential code of the city of Midland (DEVELOPMENT SERVICES)

ORDINANCE NO. 9925

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 11, "RESIDENTIAL CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AS THE RESIDENTIAL BUILDING CODE FOR THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE-AND TWO-FAMILY DWELLINGS AND TOWNHOUSES IN THE CITY OF MIDLAND, TEXAS, PROVIDING FOR THE ISSUANCE OF PERMITS, THE REVIEW OF PLANS, THE INSPECTION OF FOOTINGS AND FOUNDATIONS AND FRAMING, THE COLLECTION OF INSPECTION FEES THEREFOR; PROVIDING FOR APPEALS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9925.

Assistant Building Official Jeff Pinkstaff gave a brief overview of the item noting it was the same information as the previous item. He clarified that the residential code covers building, electrical, plumbing and mechanical for all single and double residential units.

Council Member Love moved approval of the first of two readings of Ordinance No. 9925 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

34. Consider an ordinance adopting the 2017 National Electrical Code, with amendments; as the electrical code of the city of Midland. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9926

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 2, "ELECTRICAL CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, AND ADOPTING THE 2017 NATIONAL ELECTRICAL CODE, SO AS TO MAKE A COMPREHENSIVE REVISION OF THE ELECTRICAL CODE OF THE CITY OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2019; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9926.

Assistant Building Official Jeff Pinkstaff gave a brief overview of the item noting it is the same information as the previous item noting the Electrical Code is one year behind and that 2017 is the most recent code. Midland is at the forefront of adopting all updated codes.

Council Member Love moved approval of the first of two readings of Ordinance No. 9926 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Trost, Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

35. 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.)

Melissa Taylor, 3822 Nassau, reported her neighbors are playing basketball in the public street and on the sidewalk. She walks with the assistance of a cane. When she gets her mail, she is forced out into the street to go around them and must walk on uneven surfaces and almost fell. She has called the police and they tell the kids they cannot play there but they go back out when the police leave. She asked for any solutions to help alleviate this problem. Mayor Morales asked Council Member Hotchkiss to follow-up with Ms. Taylor.

Isaac Garnett, 509 S. Clay, reported that the County has provided \$40,000 for the census count.

Mayor Morales recessed the meeting at 10:50 a.m.

Mayor Morales reconvened the meeting at 6:04 p.m. with the following Council Members present: Morales, Robnett, Lacy, Trost

27. At approximately 6:00 pm, hold a public hearing authorizing the City of Midland to hear public comments on the 2019/2020 Community Development Action Plan and guidance regarding CDBG application submissions. (DEVELOPMENT SERVICES)

Community Development Manager Isaac Garnett reported that Midland has been allocated \$915,709 of CDBG Funds for Fiscal Year 2019-2020. Today is a public hearing only. He briefly reviewed all the applications received for the next fiscal year.

Mayor Morales opened the public hearing at 6:06 p.m.

Shirley Howard, 405 Magnolia, addressed concerns at MLK noting there is no handrail on the stage and no light in the back hallway and asked for those safety issues to be addressed.

There being no one else wishing to speak, the public hearing was closed at 6:07 p.m.

All the business at hand having been completed, the meeting adjourned at 6:07 p.m.

PASSED AND APPROVED the 28th day of May 2019.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary