

**MIDLAND CITY COUNCIL  
MINUTES  
January 14, 2020**

**REGULAR SESSION**

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

Council Members present: Mayor Patrick Payton, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member John B. Love III (District 2), Council Member Jack Ladd (District 3), and Council Member Lori Blong (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: 1-3, 32, 4-9, 11-18, 20-24; 10, 19, 31, 25-30, 33-39, 41-45, 40.

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

**OPENING ITEMS**

1. Invocation - Pastor Nathan Headrick, Midland Church of God
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. The 2019 Christmas Parade Float Winners were recognized: Best Lighted Float 3<sup>rd</sup> – American Legion Post 19; 2<sup>nd</sup> – Midland Memorial Hospital Lab; 1<sup>st</sup> Pioneer Natural Resources. Best Lighted Band – Goddard Junior High Band. Best Themed Float: Aloha O Hawaii.
  - b. Midland Retired Seniors Volunteer Program presented the City with a check representing the value of volunteer hours in the amount of \$2,107,485.82. There were 590 senior volunteers who worked 82,874 hours.
  - c. Mayor Payton presented a proclamation for Crime Stoppers Month.
  - d. Council Member Love presented a proclamation for Martin Luther King Jr. Day of Service.

## CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 24 excluding 10 and 19; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
  - a. Regular meeting of December 10, 2019.
  - b. Special meeting of December 17, 2019.
5. Approved a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for Emergency Medical Services receivables and Health Department receivables. (FINANCE)

### RESOLUTION NO. 2020 - 001

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR EMERGENCY MEDICAL SERVICES RECEIVABLES AND HEALTH DEPARTMENT RECEIVABLES

6. Approved a resolution allocating the City of Midland's authorized votes for MCAD Board of Directors. (FINANCE)

### RESOLUTION NO. 2020 - 002

RESOLUTION CASTING THE CITY OF MIDLAND'S VOTES FOR DIRECTORS OF THE MIDLAND CENTRAL APPRAISAL DISTRICT FOR ROBERT MCNAUGHTON; AND DIRECTING THE CITY MANAGER TO FILE THE APPROPRIATE DOCUMENTS

7. Approved a resolution authorizing the Water, Sewer and Sanitation write offs for 2019. (FINANCE)

### RESOLUTION NO. 2020 - 003

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WATER, SEWER, AND SANITATION SERVICES

8. Approved a resolution amending the scope of the City of Midland Community Development Sidewalk Improvement Project: Sidewalks and Pedestrian Ramps contract for the Community Development Division. (PURCHASING)

### RESOLUTION NO. 2020 - 004

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH SPEEDCRETE, INC., REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK IMPROVEMENTS PROJECT-PHASE II; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT

9. Approved a resolution awarding a contract to Champion Infrastructure, LLC. for the Crack Fill Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2020 - 005  
RESOLUTION AWARDDING A CONTRACT FOR THE FISCAL YEAR 2020 CRACK FILL PROJECT TO CHAMPION INFRASTRUCTURE, LLC OF GEORGETOWN, TEXAS, AT A TOTAL COST NOT TO EXCEED \$270,320.00; AND AUTHORIZING PAYMENT THEREFOR

11. Approved a resolution approving the purchase of two (2) full size  $\frac{3}{4}$  ton extended cab and chassis trucks and one (1) full size single axle cab and chassis to be used by the Animal Services Division for the Garage Division. (PURCHASING)

RESOLUTION NO. 2020 - 007  
RESOLUTION APPROVING THE PURCHASE OF TWO (2) FULL-SIZE THREE-QUARTER (3/4) TON EXTENDED CAB AND CHASSIS TRUCKS AND ONE (1) FULL-SIZE SINGLE-AXLE CAB AND CHASSIS TRUCK FROM RANDALL REED'S PRESTIGE FORD, OF GARLAND, TEXAS

12. Approved a resolution approving the purchase of three (3) 2-3 cubic yard dump bodies and two (2) utility service body beds with cranes for the Garage Division. (PURCHASING)

RESOLUTION NO. 2020 - 008  
RESOLUTION APPROVING THE PURCHASE OF THREE (3) 2-3 CUBIC-YARD DUMP BODIES AND TWO (2) UTILITY SERVICE BODY BEDS WITH CRANES FROM RANDAL REED'S PRESTIGE FORD OF GARLAND, TEXAS

13. Approved a resolution approving the purchase of fall and spring seed from the sole bidder, Helena Agri-Enterprises LLC for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 009  
RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS AMOUNTS OF SPRING AND FALL SEED FOR THE PLANT FARM AND THE SPRABERRY FARM FROM HELENA AGRI-ENTERPRISES, LLC, OF STANTON, TEXAS, AT A TOTAL COST OF \$274,501.90

14. Approved a resolution approving the purchase of herbicide for the Spraberry Farm for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 010  
RESOLUTION AUTHORIZING THE PURCHASE OF HERBICIDE FOR THE SPRABERRY FARM FROM HELENA AGRI-ENTERPRISES, LLC OF STANTON, TEXAS, AT A TOTAL COST OF \$149,800.40

15. Approved a resolution approving the purchase of Isilons for Police Department and main data storage from GTS Technology Solutions, Inc. through Department of Information Resources (DIR) contract DIR-TSO-4299 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2020 - 011  
RESOLUTION APPROVING THE PURCHASE OF ISILONS FOR THE POLICE DEPARTMENT AND MAIN DATA STORAGE FROM GTS TECHNOLOGY SOLUTIONS, INC., THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$425,804.28

16. Approved a resolution approving the purchase of replacement hardware for the Primary Data Center through Department of Information Resources (DIR) contract DIR-TSO-4299 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2020 - 012

RESOLUTION APPROVING THE PURCHASE OF REPLACEMENT HARDWARE FOR THE PRIMARY DATA CENTER FROM GTS TECHNOLOGY SOLUTIONS, INC., THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$591,019.71 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

17. Approved a resolution approving the purchase of Traffic Control and Signal Preemption Equipment from Consolidated Traffic Controls, Inc. through Houston Galveston Area Council Buy (HGACBuy) Contract PE-05-17 for a cost of \$122,962.00 for the Traffic Division. (PURCHASING)

RESOLUTION NO. 2020 - 013

RESOLUTION APPROVING THE PURCHASE OF TRAFFIC SIGNAL POLES FOR THREE ROAD CONSTRUCTION PROJECTS FROM CONSOLIDATED TRAFFIC CONTROLS, INC. THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$122,962.00

18. Approved a motion approving the issuance of a request for bids for the sale of real property described as a 0.482 acre tract out of Block 176, Lots 13 through 18, Southern Addition, City of Midland, Midland County, Texas, (generally described as 101 East Florida Avenue) and also known as the Flash Tax office building for the General Services Department. (PURCHASING)
20. Approved a motion authorizing the City Manager to receive donations from Permian Lodging of Spring, Texas in the amount of \$1,500.00. (DEVELOPMENT SERVICES)
21. Approved a motion approving the expenditure of funds for the development and implementation of reporting software from Adventos Corporation. (POLICE)
22. Approved a resolution authorizing and executing a new Right-of-Way License to replace expiring License Number 2010-045, between the City of Midland and Atlas Pipeline Mid-Continent Westex L.L.C., now known as Targa Pipeline Mid-Continent Westex L.L.C. (UTILITIES)

RESOLUTION NO. 2020 - 015

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTTEX LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP-1-SOUTH, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS

23. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and SCM Water LLC, a subsidiary of Salt Creek Midstream LLC. (UTILITIES)

RESOLUTION NO. 2020 - 016

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SCM WATER, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13, 17, 18 AND 19, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

24. 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. 2020 - 017

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 SECTION 5, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

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

10. Consider a resolution awarding a contract to Slateco, Inc. for the FY 2020 Drainage System Mowing, Median Maintenance and Tree Trimming Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2020 - 006

RESOLUTION AWARDED A CONTRACT FOR THE FISCAL YEAR 2020 DRAINAGE SYSTEM MOWING, MEDIAN MAINTENANCE AND TREE TRIMMING PROJECT TO SLATECO, INC. OF FARWELL, TEXAS, AT A TOTAL COST NOT TO EXCEED \$279,106.96; AND AUTHORIZING PAYMENT THEREFOR

Council Member Trost asked why a local bidder was not used. It was clarified that the local bid was nearly \$100,000 more. They do get a 5% preference rate, but this was outside of 5% more.

Council Member Love moved to adopt Resolution No. 2020 - 006; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

19. Consider a resolution authorizing the execution of a Chapter 312 Tax Abatement Agreement between the City of Midland and Colorado Street Hotel Development, LLC. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2020 - 014

RESOLUTION AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT WITH COLORADO STREET HOTEL DEVELOPMENT, LLC AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE (THE "AGREEMENT") REGARDING LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8), BLOCK THIRTY-FIVE (35), ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (THE "PROPERTY"); SAID PROPERTY BEING LOCATED WITHIN TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-01 (THE "REINVESTMENT ZONE"); SAID REINVESTMENT ZONE BEING LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST TEXAS AVENUE; THE OWNER OF THE LAND LOCATED WITHIN THE PROPERTY BEING THE CITY OF MIDLAND; THE OWNER OF THE IMPROVEMENTS TO BE CONSTRUCTED ON THE PROPERTY BEING COLORADO STREET HOTEL DEVELOPMENT, LLC; THE

APPLICANT FOR TAX ABATEMENT BEING COLORADO STREET HOTEL DEVELOPMENT, LLC; THE IMPROVEMENTS INCLUDED IN THE AGREEMENT BEING GENERALLY DESCRIBED AS A FULL-SERVICE, UPSCALE HOTEL, GROUND FLOOR RETAIL AND RESTAURANT SPACE, AND BALLROOM SPACE; THE ESTIMATED COST OF SAID IMPROVEMENTS BEING NOT LESS THAN \$50,000,000.00; AND DIRECTING THE CITY MANAGER TO DELIVER A WRITTEN NOTICE OF THE CITY'S INTENTION TO ENTER INTO THE AGREEMENT, OR ENSURE THAT SUCH A NOTICE HAS BEEN DELIVERED, TO THE PRESIDING OFFICER OF THE GOVERNING BODY OF EACH APPROPRIATE TAXING UNIT AT LEAST SEVEN DAYS PRIOR TO THE EXECUTION OF THE AGREEMENT

Kimberly Crisp, 3304 Douglas, stated that the project was approved by a vote of 4-2. She felt the public did not have adequate time to evaluate this project. Since voters did not have a chance to weigh in, she will be attempting a recall petition. Due to the time frame it would require more than 550 signatures a day and she didn't think she would be able to accomplish it. She asked Council to deny the tax abatement today. Council Member Dufford responded that he has not had one complaint about the hotel and has heard nothing but positive feedback. Council Member Robnett asked that Ms. Crisp be given information needed to proceed with a recall election.

Council Member Trost renewed his objection to the project.

Council Member Blong asked what the consequence would be to voting no. City Attorney John Ohnemiller reported that the master development agreement previously approved included the tax abatement agreement as an exhibit. The City has committed to the abatement through the agreement. Due to a recent state law passed it required 30-days' notice prior to approving the tax abatement. Council Member Trost asked what the maximum amount would be. Council Member Robnett noted the projections expected about \$1 million per year for 10 years. City Attorney John Ohnemiller clarified the only tax being abated is the City tax.

Council Member Robnett moved to adopt Resolution No. 2020 - 014; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Blong, Payton, Dufford, Robnett, Ladd. NAY: Trost, Love. ABSTAIN: None. ABSENT: None.

## **SECOND READINGS**

25. Consider an ordinance on second reading on a request by Guadalupe and Mayra Zarate, 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 East Illinois Avenue and North Adams Street. (DEVELOPMENT SERVICES) (First reading held December 10, 2019)

### **ORDINANCE NO. 10029**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 15 AND 16, BLOCK 1, EASTOVER ADDITION, 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 EAST ILLINOIS AVENUE AND NORTH ADAMS 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. 10029.

Council Member Love moved to approve the second and final reading of Ordinance No. 10029 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

26. Consider an ordinance on second reading on a request by Midland Park Anchor Parcel, LLC., for a Zone Change from a PD, Planned Development District for a Shopping Center, to an amended PD, Planned Development District for a Shopping Center generally located on the south side of West Loop 250 North, approximately 389 feet east of Boulder Drive. (DEVELOPMENT SERVICES) (First reading held on December 10, 2019)

ORDINANCE NO. 10031

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 389 FEET EAST OF BOULDER 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. 10031.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10031 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

27. Consider an ordinance on second reading on a request by Sergio Arias for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a bar, generally located northeast of the intersection of Rankin Highway and West Francis Avenue. (DEVELOPMENT SERVICES) (First reading held on December 10, 2019)

ORDINANCE NO. 10032

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 7,700-SQUARE FOOT PORTION OF LOT 7, LESS THE WEST FIVE FEET, AND LOTS 8 THROUGH 10, BLOCK 20, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF RANKIN HIGHWAY AND WEST FRANCIS AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL 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. 10032.

Council Member Love moved to approve the second and final reading of Ordinance No. 10032 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

Council Member Love asked if this item was amended with respect to time. City Attorney Ohnemiller confirmed it was.

Council Member Ladd noted he would be abstaining because he is Counsel for this company.

The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett. NAY: None. ABSTAIN: Ladd. ABSENT: None.

28. Consider an ordinance on second reading on a request by Lilly Terrazas for a zone change from a LI, Light Industrial District to SF-3, Single-Family Dwelling District generally located on the west side of North Lee Street, approximately 122 feet south of Houston Avenue. (DEVELOPMENT SERVICES) (First reading held December 10, 2019)

ORDINANCE NO. 10033

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LEE STREET, APPROXIMATELY 122 FEET SOUTH OF HOUSTON 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. 10033.

Council Member Love moved to approve the second and final reading of Ordinance No. 10033 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

29. Consider an ordinance on second reading amending Title XI, "Planning and Development", Chapter 1, "Zoning Ordinance", Section 9.02, "Zoning Text and Map Amendments" of the City Code of Midland, Texas, by adding Subsection G, "Limitation on Reapplication" so as to establish a limitation on reapplication for a zoning map amendment. (DEVELOPMENT SERVICES) (First reading held on December 10, 2019)

ORDINANCE NO. 10037

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 1, "ZONING ORDINANCE", SECTION 9.02, "ZONING TEXT AND MAP AMENDMENTS" OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING

SUBSECTION G, "LIMITATION ON REAPPLICATION" SO AS TO ESTABLISH A LIMITATION ON REAPPLICATION FOR A ZONING MAP AMENDMENT; 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. 10037.

Council Member Love moved to approve the second and final reading of Ordinance No. 10037 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

30. Consider an ordinance on second reading on a request by Evangelina Montemayor for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 - Residential Zoning District Dimensional Regulations Chart, concerning the front yard setback generally located on the east side of Perry Street, approximately 182 feet north of West Wadley Avenue. (DEVELOPMENT SERVICES) (First reading held on December 10, 2019)

ORDINANCE NO. 10038

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 1, BROOKSHIRE VILLAGE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF PERRY STREET, APPROXIMATELY 182 FEET NORTH OF WEST WADLEY AVENUE), 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. 10038.

Council Member Love moved to approve the second and final reading of Ordinance No. 10038 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider an ordinance on second reading on a request by Family Promise of Midland, for Site Plan Approval generally located on the northwest corner of Ward Street and West Ohio Avenue. (DEVELOPMENT SERVICES) (First reading held on December 10, 2019)

ORDINANCE NO. 10039

AN ORDINANCE ADOPTING A SITE PLAN FOR THE SOUTH HALF OF BLOCK 23, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF WARD STREET AND WEST OHIO AVENUE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; 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. 10039.

Council Member Love moved to approve the second and final reading of Ordinance No. 10039 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

## **PUBLIC HEARINGS**

32. Hold a public hearing and consider an ordinance on a request by Midland Community Development Corporation, for a zone change from SF-1, Single Family Dwelling District, in part, and MF-22, Multiple Family Dwelling District, in part, to MF- 16, Multiple Family Dwelling District on a 19.70-acre tract of land generally located on the south side of Princeton Avenue, approximately 824 feet west of North Midland Drive. (Development Services)

### **ORDINANCE NO. 10040**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 19.70-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, AND MF-22, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO MF-16, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF PRINCETON AVENUE, APPROXIMATELY 824 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10040.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a multi-family complex. The site plan in the packet illustrates a two-story building with 200 units and a density of 10 units per acre. It includes a club house, dog park, 488 parking spaces with 242 being garage spaces. This zone change meets all codes and has been reviewed by all departments. It is in compliance with the comprehensive plan. One hundred letters of objection have been received which is 30.9% of landowners within 200 feet which means this will require a super majority for approval meaning six of the seven Council Members must approve this item. More letters of objection were turned in this morning. Staff also received one letter of petition.

Council Member Dufford clarified that a portion is currently zoned MF-22 noting that portion could already have an apartment complex built with 22 units per acre. The new development will only be ten units per acre over the entire area. He asked how many units could go in today as it is currently zoned. It was noted it could have under 300 units as currently zoned and could have a 3-story building.

Council Member Love asked if this were denied today, could the applicant build an apartment complex on the MF-22 portion with more units than what is being requested over this entire property. Mr. Harrington replied the MF-22 portion could have significantly more units. Council Member Love noted the applicant has a good track record of doing good projects in Midland and is building less restrictive than is allowed by his current rights.

Council Member Blong asked if the applicant could change the site plan in the future. Mr. Harrington noted they would be required to go back for approval from Planning & Zoning and City Council. If the property were sold the new applicant would be required to build according to the site plan or come for approval to make a change. City Attorney John Ohnemiller reported the site plan is part of the ordinance. To do something outside of the scope of the ordinance is a criminal offense.

Mayor Payton opened the public hearing at 10:29 a.m.

Andrew Mellen, 1909 W. Wall, Maverick Engineering, reported the Site Plan adheres to all M-16 zoning. All buildings are 100 feet away from the property line to accommodate site distance. All buildings are two stories. The property includes a walking trail around the site that will be open to the public. Council Member Dufford asked where the retention basin would be. Mr. Mellen noted it would be centrally located and landscaped out to look like a park area.

Brad Bullock, MCDC Board Member, clarified this was not HUD financed housing. This will be a Class A property with a discount of 30-50% off market for those with a voucher that they receive from the school district or hospital. They need to raise \$14 million at this point they have \$4.3 million committed. Several people are waiting for the zone change to go through. The key aspect is walking spaces and green spaces that will be a benefit to the neighborhood. Council Member Blong asked if money would change hand for the vouchers. Mr. Bullock clarified they will have master leases with the school district and hospital. The idea of a master lease is if they don't have all their units filled then the entity would pay to keep their spot available. When asked what they would do if the rezoning was not approved, Mr. Bullock noted they would likely focus first on the MF-22 section with as high a density as possible.

David Diaz, Executive Director MCDC, reported they have done two other multi-family projects in the past in 2013 and 2014. Both have high occupancy rates.

Council Member Trost asked about market rates going down and how that would affect the baseline price.

CJ Edgmon, 3511 Coquina Lane, explained how they established rates based on a market study and the rents will be 38% below market. They will continue to update their information. When asked how long the master agreements would be, he reported it has not been determined yet but expect longer than just 2-3 years.

David Diaz explained that MCDC was officially recognized by the State of Texas in January of 2000. They exist because the City of Midland asked them to get involved to develop affordable housing. They are still doing single family housing and the City has provided 80 lots and MCDC has purchased another 70 lots. They reinvest their money back into property to continue to develop affordable housing. Council Member Dufford confirmed that MCDC has done everything they said they were going to do. They put out a good product and have put affordable housing all over town.

Ashley Borin, 4608 Princeton, noted that last year Bobby Cox had apartments built right behind their home and now they will have apartments in front of their home. MCDC gave them the opportunity to view their plans. The surrounding residential neighborhood has between .25-acre lots to five-acre lots and they only want single

family homes built in this area. They don't want a walking trail and they don't want people walking on their property. She noted that on Page 141 of the zoning it says that an apartment complex will not have primary access on residential streets. She is a volunteer at the school district, and no one wants to live in an apartment, they want to live in homes.

Orlando Riddick, MISD School Superintendent, asked Mr. Diaz to first approach having quality of place not just for teachers but for the community. They wanted an appealing place for those just leaving university and could move to a similar concept here. While he appreciates the previous comment about teachers who want a home, he explained that buying a home is not on the radar of a first-year teacher. They previously set up modular homes and they bought two apartment complexes for teachers. This approach is another avenue to help with this issue.

Council Member Blong asked staff to address the question about the City plan that states apartments won't have primary entrances to residential streets noting a lot of the objection letters stated that. Engineering Services Director Jose Ortiz explained the difference between residential and collector roads noting that collector roads connect neighborhoods. Cuthbert and Princeton are both collector streets, not residential streets.

Priscilla Valverde, 4622 Cuthbert, spoke about the traffic and how a neighbor has had their house run into six times. She was also concerned for safety of the kids noting they can't go into the back yard because apartments can look in their yard. She suggested they build homes or townhomes instead.

Guy McCrary, Permian Basin Area Foundation, reported they have been working with MCDC for several years and they have always lived up to what they presented and proposed. This is a very creative solution and they have committed \$600,000. They are in favor of this item.

Enrique Romero, Odessa, works with the MCDC board for 10 years noting the issue is not only with housing but affordable housing. He sat in on a couple of meetings with Priority Midland and believes this is a great solution. He supports this project and ensured that MCDC will stay true to their mission.

Andrew Savas, 4415 Princeton, asked why objection percentages are based on square footage of property rather than individual properties. City Attorney John Ohnemiller reported it is dictated by state law. Mr. Savas also addressed water pressure and septic issues and overall concerns with infrastructure. He was concerned about the amount of traffic that would be generated by this project. He supports the project but not in this location.

Woodrow Baily, 1803 Devonshire, MISD HR, spoke in support of the new housing development. He and his staff travel the state and country to recruit teachers. Their biggest objection to people not taking positions here is affordable housing. Their enrollment continues to climb meaning they need to hire additional teachers. Local housing costs are prohibitive to those who chose Midland. He encouraged approval.

Sharon Humphreys, 4504 Princeton, own five acres and is the author of the petition with 17 points. She asked Council not to approve this based on a good feeling because it

will negatively affect those who currently live in the area. People from the apartment will be able to walk right up to the back door of her neighbor and look into their kitchen window. The neighbor down the street has a special needs child who is terrified of strangers and this has caused a lot of tension for that family. She spoke to several realtors who told her that apartments right next to a home do not add value, if anything, they detract value. A neighbor across the street called MCDC when they found out they owned the land and asked what was planned for the property and were told they had no plans for that area, so they started a major remodel last May and have now stopped in the middle of their remodel.

Jeremy Bishop, Bank Manager of First Capital Bank, 310 W. Wall, reported it is hard to find employees for his business and can only imagine the difficulties of the hospital, city and school district due to the high cost of housing in Midland. They are in support of this item noting that those fresh out of school have a hard time with the cost of homes.

Justin Price, 4605 W Cuthbert, spoke about the amount of traffic that would be generated by this property and how that would impact safety for the children in their area. He suggested 100 homes would be a better fit for the neighborhood. He asked for a traffic impact analysis.

Roberta Solo Rio, Chief HR officer MMH, reported they are also challenged with finding, hiring and retaining employees to serve our community. They have rented apartments for their contract and traveling employees, offered discounted rates and created a rental subsidy program for those who receive a rental increase, but they still lose people because they can't afford to live here. They are in support of the project. They agreed to take 50 units and sent out a survey to their employees and found 97 who were absolutely interested in this project.

Christina Cockrell, 4609 Cuthbert, reported when they bought this lot, they felt it was a safe property. They knew the area was zoned MF-22 but didn't think something that was passed in 1974 would hold true 48 years later. The entrance to this property will be directly in front of her bedroom window. She asked for smaller zoning not multi-family. She suggested townhomes.

Sylvester Cantu 123 Thornridge Drive, representing Midland Affordable Housing Association Alliance spoke in favor of this item noting they support any effort to try and address the needs of first responder workers. MCDC has been a very good partner for the City trying to address the gaps in various housing needs. He supports the project.

Kimberly Crisp, 3304 Douglas, asked if this was a good fit for this neighborhood to be flanked on all four sides. She asked where the vouchers would come from. She was told that taxpayer dollars would not be used to subsidize this housing and was told that the City is not subsidizing. This complex is a revolving door for people looking for a few years of experience and will then leave. Building homes would be a far better option for putting down roots in the community. She asked how people who are currently loyally serving the community would be rewarded.

Tara Seegers, MCDC Board Member, 2824 W. Dengar, reported that the changing market has been an ongoing problem, and this will offer a stable way going forward. This is really about making sure the project stays affordable for first responders.

Council Member Blong asked what year MCDC purchased the property and if they ever considered building single family homes in this area. Mr. Diaz reported they purchased the property in 2016. They were asked when they purchased the land to help with affordable housing. They initially looked at a mixed housing development but found that the need was for rentals. It is tough for a young individual or young couple to buy a home.

Laura Schwartz, 4503 Princeton, asked why are we imploding our city and not expanding. She talked about traffic congestion and no sidewalks in their area.

Mari Martin, 4736 Princeton, explained what was in her neighborhood and that traffic has increased at least four-fold since 1993. Her first year as a teacher she could not afford an apartment and had to rent a room, then she rented several apartments with roommates and never had a good experience. She asked to make this area single family homes instead or duplexes. The idea is appreciated but not in the form of an apartment.

Karl Kitto, 4623 Princeton, bought his house so he could watch the quail and look at the trees. He doesn't think it's right to have this pushed on them.

There being no one else wishing to speak, the public hearing was closed at 11:54 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10040 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Council Member Love heard comments about people looking directly in their back yards and asked staffed to address. Mr. Harrington reported the applicant is building 50 feet back from the property lines and this is a two-story structure putting any site distance at a minimum.

Council Member Trost asked if a traffic study was done for the Cox property. Traffic Engineer Mike Pacelli reported it did not require one. Traffic studies are done to have developers make improvements to an area. In this case, staff already knows what improvements need to be done. You can't go after one particular developer to put in millions of dollars when the area serves the entire city.

Council Member Blong noted she met with many people in this neighborhood. They are compassionate homeowners who have lived there for decades. She has been asked to consider a zone change, not financing, just a zone change. She finds this zone change to be preferable to the existing zoning. She lives in Texas because we have property rights. The applicant owns this property and limiting their ability to use their property would not be a good precedent to set in Midland. She does not and will not support tax money to go towards this project.

The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

33. Hold a public hearing and consider an ordinance on a request by Jose Chavez, for a zone change from MF-22, Multiple Family Dwelling District, to SF-3, Single Family Dwelling District, generally located on the south side of East Pennsylvania Avenue, approximately 99 feet west of South Tyler Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10041

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 11, BLOCK 59, PARK AVENUE HEIGHTS 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 SOUTH SIDE OF EAST PENNSYLVANIA AVENUE, APPROXIMATELY 99 FEET WEST OF SOUTH TYLER STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10041.

Mayor Payton opened the public hearing at 12:27 p.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. 10041 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

34. Hold a public hearing and consider an ordinance on a request by Matthew Mildfelt for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a lounge, generally located on the north side of Briarwood Avenue, approximately 185 feet west of North Midland Drive. (Development Services)

ORDINANCE NO. 10042

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,210-SQUARE FOOT PORTION OF LOT 33C, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 185 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE 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. 10042.

Mayor Payton opened the public hearing at 12:28 p.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. 10042 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

35. Hold a public hearing and consider an ordinance on a request by Nhan Phan for a Specific Use Designation with term, for the sale of all alcohol beverages, for on-premises consumption, in a restaurant, generally located on the northeast corner of the intersection of Maxwell Drive and North Midkiff Road. (Development Services)

ORDINANCE NO. 10043

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,985-SQUARE FOOT PORTION OF LOT 1A, BLOCK 11, KIMBER-LEA, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MAXWELL DRIVE AND NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10043.

Mayor Payton opened the public hearing at 12:30 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Blong moved approval of the first of two readings of Ordinance No. 10043 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

36. Hold a public hearing and consider an ordinance on a request by The Fields Edge, Inc., for a zone change from AE, Agricultural Estate District to PD, Planned Development District for a Housing Development on a 23.66-acre tract of land generally located approximately 1,024 feet south of West Interstate 20 and approximately 2,083 feet west of South County Road 1235. (Development Services)

ORDINANCE NO. 10044

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 23.66-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK 40, T-2- S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED APPROXIMATELY 1,024 FEET SOUTH OF WEST INTERSTATE 20 AND APPROXIMATELY 2,083 FEET WEST OF SOUTH COUNTY ROAD 1235); 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. 10044.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant has a ministry for the chronically homeless. He is attempting to plat

this property where he will place 10 pods of 8-10 tiny homes. Other pods will be for bathrooms, kitchen facilities and the like. The density will be about 4.2 units per acre. The chronic homeless is defined as a person who has been homeless for more than a year. Each person will have to qualify. There are others like this across the state and staff is in support of the zone change subject to conditions A-E. No letters of objection have been received.

Mayor Payton opened the public hearing at 12:33 p.m.

Eric West, Parkhill Smith & Cooper, 1700 W. Wall, reported it has been great catching the vision of what they are trying to accomplish. This will all be under site plan approval. PSC provided work up front for free so they could get to this point to make this project viable. When asked how an applicant qualifies, Mr. West clarified that John Marks has personal intimate knowledge of this population. They will have to go through an application process to join the community and will have to pay rent for the tiny home, but they will be given the opportunity to earn money to pay their rent.

There being no one else wishing to speak, the public hearing was closed at 12:37 p.m.

Council Member Love noted he was fortunate to sit in on the early stages of the project with John Mark and is proud that it will be in District 2. A lot of times people equate HUD or homeless with bad, and they are not, they just have less money. He applauded John Mark for this project.

Council Member Love moved approval of the first of two readings of Ordinance No. 10044 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

37. Hold a public hearing regarding the proposed granting of oil and gas well permits to Diamondback E&P LLC, for the drilling of oil and gas wells, being BILLINGS UNIT 807WA located 310 feet from the south line and 1,432 feet from the east line, BILLINGS UNIT 808LS located 309 feet from the south line and 1,373 feet from the east line, BILLINGS UNIT 808WB located 310 feet from the south line and 1,393 feet from the east line and BILLINGS UNIT 819MS located 310 feet from the south line and 1,413 feet from the east line, Section 8, Block 39, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 409 and 410 feet north of Green Tree Boulevard extension and between 1,373 and 1,432 feet west of North Midkiff Road extension). This is a public hearing only. (Development Services)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is for Diamondback in an area near their previous wells near Midkiff and Garfield on undeveloped land. The item has been to the Oil & Gas Advisory Committee, there is a surface agreement and the applicant is requesting the same five variances as in the past. The Oil & Gas Advisory Committee did request sound walls, but this application has no sound walls. Council Member Dufford asked how close the nearest resident was located. Mr. Jenkins reported it was about 3,000 feet away.

Mayor Payton opened the public hearing at 12:41 p.m.

Travis Langdon, Diamondback, noted that the ordinance does not require sound walls, and the main reason they were not included is they are still working on the flood plain and they are waiting to see what it will look like. They may consider sound walls on some portion, but they are far away from the nearest residence. Council Member Dufford reported Parsley was drilling a mile from his home and his neighborhood could hear. He suggested including sound walls otherwise he would vote against it. Oil & Gas Compliance Officer Jenkins reported the permit has been reviewed by Engineering and they already know where the flood plain is, and they cannot change anything at this point.

There being no one else present wishing to speak, the public hearing was closed at 12:43 p.m.

38. Hold a public hearing and consider an ordinance on a request by Jamie Alvarado Lopez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the southwest corner of the intersection of East Hicks Avenue and South Dallas Street. (Development Services)

ORDINANCE NO. 10045

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS 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. 10045.

Mayor Payton opened the public hearing at 12:43 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Trost moved approval of the first of two readings of Ordinance No. 10045 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: Blong.

39. Hold a public hearing and consider an ordinance on a request by Elsa Marquez for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 - Residential Zoning District Dimensional Regulations Chart, concerning the lot dimensions. (Development Services)

ORDINANCE NO. 10046

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, LESS THE SOUTH 10 FEET, BLOCK 26, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE NORTH TYLER STREET, APPROXIMATELY 100 FEET SOUTH OF EAST TEXAS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH; 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. 10046.

Development Services Director Chuck Harrington reported this is a special exception at 107 N Tyler. This property has been sold several times and ended up that the current owner only has a 20 foot wide strip of land and the minimum to be platted is 50 feet. From staff standpoint, they have to recommend denial, but if Council would like to proceed staff asked they consider condition A as part of the approval.

Mayor Payton opened the public hearing at 12:46 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love encouraged Council to support this item noting this is another infill property located near the Carver Cultural Center.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10046 in accordance with the Charter of the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

**MISCELLANEOUS**

- 41. Consider a motion to receive and file the schedule for 2019/2020 Action Plan application cycle. (DEVELOPMENT SERVICES)

Council Member Robnett moved to receive and file the schedule for 2019/2020 Action Plan application cycle; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Blong, Trost, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: Love.

- 42. Consider an ordinance changing the name of the portion of Ironwood Drive generally located on the south side of the intersection of Ironwood Drive and Mosswood Drive, to "Sinclair Avenue". (ENGINEERING SERVICES)

ORDINANCE NO. 10048

AN ORDINANCE CHANGING THE NAME OF THE PORTION OF IRONWOOD DRIVE THAT IS ADJACENT TO LOT 12, BLOCK 12, AND LOT 1, BLOCK 13, GRASSLAND ESTATES WEST, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF IRONWOOD DRIVE AND MOSSWOOD DRIVE), TO "SINCLAIR AVENUE"; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10048.

Traffic Engineer Mike Pacelli gave a brief overview of this item noting that several streets exist in a discontinuous line with the same street name which is the case in this

example for Sinclair Avenue. He explained the importance of having two-way circulation near backage roads. With the development of Costco at 158 and 191 there will be a traffic signal installed and so they would like to rename a small portion of Ironwood on the other side of the street so as not to cause confusion. The portion of Ironwood is 140 feet and there are no homes that access Ironwood. This will allow for larger printing on signs with one road name. Although it was not required, Planning sent out a notice and the HOA was notified with no responses returned. Council Member Love noted that this area was called out in the Midessa 191 Study including this backage road. This area is very important to the economic development of SH 191.

Council Member Love moved approval of the first of two readings of Ordinance No. 10048 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

43. Consider a motion making appointments to various Boards and Commissions.

Council Member Robnett moved to appoint Lori Blong to the Midland Spaceport Development Corporation and as a liaison to the Airport Board; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Robnett moved to reappoint Stephen Lowery to the Midland Development Corporation; seconded by Council Member Love. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

## **PUBLIC COMMENT**

44. 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.)

Dustin Johnson, president of the skate park association, invited all out to Beal Park and encouraged Council to make changes out there. He noted weekends were the best time to visit.

Shirley Howard, 3405 Magnolia, as president of the Negro Professional Business Women's Club she invited all to attend the MLK luncheon on Monday January 20<sup>th</sup> at 11:30 a.m.

Mayor Payton recessed the meeting to Executive Session at 12:57 p.m. noting that Agenda Item 40 would be heard downstairs immediately following Executive Session.

## **EXECUTIVE SESSION**

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

- a. Section 551.087, Deliberate Economic Development Negotiations
  - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- b. Section 551.071, Consultation with the City Attorney
  - b.1. Discuss matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

Mayor Payton reconvened the meeting in regular session at 2:07 p.m. with all Council Members present.

**MISCELLANEOUS (Continued)**

- 40. Consider an ordinance to give a person who seeks an accommodation under the FHA, ADA, or other similar federal or state law an avenue to request and obtain a reasonable accommodation. (CITY MANAGER'S OFFICE)

ORDINANCE NO.10047

AN ORDINANCE AMENDING TITLE I, "ADMINISTRATIVE", CHAPTER 5, "CITY MANAGER" OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 7, "AUTHORITY TO GRANT REASONABLE ACCOMMODATIONS" SO AS TO AUTHORIZE THE CITY MANAGER TO GRANT REASONABLE ACCOMMODATIONS AS REQUIRED BY APPLICABLE LAWS; PROVIDING AN APPEAL PROCEDURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Mayor Payton read the caption of Ordinance No. 10047.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10047 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

All the business at hand having been completed, the meeting adjourned at 2:08 p.m.

PASSED AND APPROVED the 28th day of January 2020.

\_\_\_\_\_  
Patrick Payton, Mayor

ATTEST:

\_\_\_\_\_  
Amy M. Turner, City Secretary