

**MIDLAND CITY COUNCIL
MINUTES
January 28, 2020**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 28, 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: 40, 1-6, 10-13, 18-19, 21-24, 7-9, 14-17, 20, 25-40.

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

OPENING ITEMS

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

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 4 - 24 excluding 7, 8, 9, 14, 15, 16, 17, 20; 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.

4. Approved a motion approving the following minutes:
 - a. Special City Council meeting of January 13, 2020
 - b. Regular City Council meeting of January 14, 2020
5. Approved a resolution approving the City of Midland Fiscal Year 2020 Investment Policy. (FINANCE)

RESOLUTION NO. 2020 - 018
RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2020
INVESTMENT POLICY

6. Approved a resolution authorizing the execution of a participation agreement with the Texas Cooperative Liquid Assets Securities System Trust (Texas CLASS). (FINANCE)

RESOLUTION NO. 2020 - 019
RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO PARTICIPATE IN THE
TEXAS COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM TRUST

10. Approved a resolution approving an amendment to the professional services agreement with Stantec Consulting Services, Inc. for Fiscal Year 2017 On-Call Engineering Services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 023
RESOLUTION AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO
THE PROFESSIONAL SERVICES AGREEMENT FOR MULTIPLE PROJECTS
BETWEEN STANTEC CONSULTING SERVICES, INC. AND THE CITY OF MIDLAND;
SAID AMENDMENT EXTENDING THE TERM OF THE AGREEMENT TO AUGUST 15,
2020

11. Approved a motion authorizing the issuance of a request for proposals for certain real estate broker services for the General Services Department, as authorized by Texas Local Government Code § 253.014. (PURCHASING)
12. Approved a motion approving plans and specifications and authorizing the advertisement of a request for proposals for the construction of Fire Station 5 and Fire Station 11 for the General Services Department. (PURCHASING)
13. Approved a resolution awarding a contract for two (2) Pivot Irrigation Systems and associated parts to the sole bidder, Lamesa Irrigation Company, for \$177,145.08 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 024
RESOLUTION AWARDING A CONTRACT FOR TWO PIVOT IRRIGATION SYSTEMS
AND ASSOCIATED PARTS, FOR A TOTAL COST NOT TO EXCEED \$177,145.08

18. Approved a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), generally located at 3102 Vista Del Pueblo, at the intersection of Vista Del Pueblo and Nueva Vida) by permitting construction of residential buildings where no portion of any structure is closer than 135 feet of an existing oil and gas well (Myrtle D#1). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 027
RESOLUTION GRANTING A VARIANCE FOR LOT 1, BLOCK 2, VISTA DEL PUEBLO
ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT
THE SOUTHEAST CORNER OF THE INTERSECTION OF VISTA DEL PUEBLO
DRIVE AND NUEVA VIDA CIRCLE), BY PERMITTING CONSTRUCTION OF
RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135
FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING
PERMITS

19. Approved a resolution delegating authority to the City Manager to approve and execute contracts for expending drainage charge funds. This resolution would authorize the City Manager to purchase real property for drainage purposes and authorize execution of construction contracts and associated change orders. (ENGINEERING SERVICES)

RESOLUTION NO. 2020 - 028

RESOLUTION DELEGATING TO THE CITY MANAGER THE CITY COUNCIL'S CONTRACTING AUTHORITY REGARDING CONTRACTS TO BE PAID ENTIRELY FROM DRAINAGE CHARGE FUNDS; AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR DRAINAGE PURPOSES, OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS IF THE FUNDS EXPENDED IN CONNECTION THEREWITH ARE LIMITED TO DRAINAGE CHARGE FUNDS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, INSTRUMENTS OF CONVEYANCE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS TO CONTRACTS

21. Approved a resolution to accept and appropriate funds for the FY2019 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2020 - 029

RESOLUTION AUTHORIZING THE CITY OF MIDLAND IN CONJUNCTION WITH MIDLAND COUNTY TO ACCEPT THE FISCAL YEAR 2019 JUSTICE ASSISTANCE GRANT FUNDS TOTALING \$29,036.00; THE CITY OF MIDLAND WILL RECEIVE \$17,422.00 (60%) AND MIDLAND COUNTY WILL RECEIVE \$11,614.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

22. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Wink to Webster Pipeline, LLC. (UTILITIES)

RESOLUTION NO. 2020 - 030

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WINK TO WEBSTER PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH AND SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 2 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 Wink to Webster Pipeline, LLC. (UTILITIES)

RESOLUTION NO. 2020 - 031

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WINK TO WEBSTER PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 40, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

24. Approved a motion authorizing the execution of a five (5) year lease agreement between the City of Midland, Texas and Lubbock MPL Tower Holdings LLC through CCATT LLC, for the continued installation, maintenance and operation of a cellular tower site at Lake Peggy Sue. (UTILITIES)

The following items were pulled from Consent Agenda and heard individually:

7. Consider a resolution awarding a contract to Jones Bros. Dirt & Paving Contractors, Inc. for the FY2020 Mill/Inlay Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2020 - 020

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2020 MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$5,757,575.85; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett asked for an update on getting more bidders. Transportation Manager Gabe McClelland reported that although they received bids from the same two vendors, this time around they also had interest from four additional vendors.

Council Member Robnett moved to adopt Resolution No. 2020 - 020; 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.

8. Consider a resolution awarding a contract to sole bidder, Pavement Restoration, Inc. for the GSB (Gilsonite Sealer and Binder) Friction Seal Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2020 - 021

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2020 GILSONITE SEALER AND BINDER FRICTION SEAL PROJECT TO THE SOLE BIDDER, PAVEMENT RESTORATION, INC. OF BOERNE, TEXAS, AT A TOTAL COST NOT TO EXCEED \$3,325,380.31; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett asked if staff was satisfied with the sole bidder. Transportation Manager Gabe McClelland reported that their bid came in three percent under their estimate so they okay with proceeding.

Council Member Blong asked if there was anything staff could do to make Midland more attractive. Staff explained they put information on the website and use a bidders list that is open to all vendors. Council Member Dufford added that the main reason for less bidders is due to geography.

Council Member Dufford moved to adopt Resolution No. 2020 - 021; 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.

9. Consider a resolution rejecting the sole bid for the Fiscal Year 2020 Mastic Seal Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 022

RESOLUTION REJECTING THE SOLE BID RECEIVED FOR THE FISCAL YEAR 2020 MASTIC SEAL PROJECT

Council Member Robnett moved to adopt Resolution No. 2020 - 022; 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.

14. Consider a motion approving the issuance of a request for bids for the sale of real property described as a 26.906-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located on the west side of North Big Spring Street, approximately 1,320 feet south of Loop 250), for the General Services Department. (PURCHASING)

Council Member Robnett asked for a report. Engineering Services Director Jose Ortiz reported there has been interest in the development of this area including a future grocery store. Staff would like to have more of a master plan for the site development.

Council Member Ladd moved to defer this item; 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.

15. Consider a resolution approving Change Order One (1) to the Plant Farm Labor Contracting Services contract for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 025

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH KEVIN COOK DBA KEVIN COOK FARMS, OF STANTON, TEXAS, REGARDING THE PLANT FARM LABOR CONTRACTING SERVICES; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$115,319.00

Council Member Robnett asked for information about the next three items. Utilities Director Carl Craigo reported that items 15 and 16 are farm labor contracts for Spraberry Farm and Plant Farm. Staff bid out the labor a couple of years ago and tried to make an educated guess as to how much mowing, harvesting, clearing, and grubbing would be needed. Unfortunately, staff underestimated the amount of work to be done.

Council Member Blong reported the farms have a long history and suggested deferring this item until the three new Council Members could be brought up to speed.

Council Member Blong moved to defer this item; seconded by Council Member Ladd.

Staff provided a brief history of the farms noting it is due to TCEQ requirements for the effluent waste. With the new Pioneer project, the farms will still be needed for the next two to three years. There is a third-party consultant and a crop management plan is being followed that specifies the type of plants that need to be grown on particular acreage. This item is urgent because there is no more money left in the account to pay the farmers.

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

Council Member Love moved to adopt Resolution No. 2020 - 025; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Payton, Dufford, Robnett. NAY: Blong, Ladd. ABSTAIN: None. ABSENT: None.

16. Consider a resolution approving Change Order One (1) to the Spraberry Farm Labor Contracting Services contract for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH KEVIN COOK DBA KEVIN COOK FARMS, OF STANTON, TEXAS, REGARDING THE SPRABERRY FARM LABOR CONTRACTING SERVICES; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$275,000.00

Utilities Director Carl Craigo reported that funds are still available for this farm.

Council Member Blong moved to defer this item; seconded by Council Member Ladd. The motion to defer carried by the following vote: AYE: Blong, Trost, Love, Ladd. NAY: Payton, Dufford, Robnett. ABSTAIN: None. ABSENT: None.

17. Consider a motion authorizing the approval of an interlocal agreement between Midland County and the City of Midland that provides for certain funding of the new City of Midland Animal Services Facility; authorizing the acceptance and allocation of said funding to the Animal Shelter Design and Build Project. (900265) (COMMUNITY SERVICES)

Council Member Robnett thanked the County for working with the City to make this project work.

Council Member Blong moved authorizing the approval of an interlocal agreement between Midland County and the City of Midland that provides for certain funding of the new City of Midland Animal Services Facility; authorizing the acceptance and allocation of said funding to the Animal Shelter Design and Build Project.; 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.

20. Consider a motion ratifying and approving the City Manager's execution of an interlocal agreement between Midland County and the City of Midland that provides certain funding for three (3) fire squad trucks for the Fire Department; and authorizing the acceptance and allocation of said funding to the Three Squad Trucks Project (900329). (FIRE)

Council Member Robnett recognized the County for their assistance in working with the City noting this has been going on for quite some time.

Council Member Robnett moved to approve a motion ratifying and approving the City Manager's execution of an interlocal agreement between Midland County and the City of Midland that provides certain funding for three (3) fire squad trucks for the Fire Department; and authorizing the acceptance and allocation of said funding to the Three Squad Trucks Project (900329).; 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.

SECOND READINGS

- 25. Consider an ordinance on second reading 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) (First reading held on January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10040.

Council Member Love moved to approve the second and final reading of Ordinance No. 10040 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Council Member Trost emphasized that this is a zone change only.

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

Kimberly Crisp, 3304 Douglas, reported that Mr. Diaz offered to sit down with the residents, and they would like to see if something could be negotiated and compromises made. She asked the City to not get involved in the housing business and asked the Council to deny any proposals coming before them that request taxpayer money including impact fees. She especially asked that non-profits not be given any exemptions because they will already not be paying taxes. Council Member Blong added that a lot of people from that community have asked that the apartments be required to have a fence around the apartments.

- 26. Consider an ordinance on second reading 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) (First reading held January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10041.

Council Member Trost moved to approve the second and final reading of Ordinance No. 10041 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 a second reading 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, on a 3,210 square foot portion of land generally located on the north side of Briarwood Avenue, approximately 185 feet west of North Midland Drive. (DEVELOPMENT SERVICES) (First reading held on January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10042.

Council Member Love moved to approve the second and final reading of Ordinance No. 10042 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.

28. Consider an ordinance on a second reading 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) (First reading held on January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10043.

Council Member Love moved to approve the second and final reading of Ordinance No. 10043 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.

29. Consider an ordinance on second reading 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 generally located approximately 1,024 feet south of West Interstate 20 and approximately 2,083 feet west of South County Road 1235. (DEVELOPMENT SERVICES) (First reading held on January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10044.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10044 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, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: Love.

30. Consider an ordinance on a second reading 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) (First reading held on January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10045.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10045 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.

31. Consider an ordinance on a second reading 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) (First reading held on January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10046.

Council Member Love moved to approve the second and final reading of Ordinance No. 10046 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.

32. 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) (First reading held on January 14, 2020)

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10047.

Council Member Love moved to approve the second and final reading of Ordinance No. 10047 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.

33. Consider an ordinance on second reading 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) (First reading held on January 14, 2020)

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 SueAnn Reyes read the caption of Ordinance No. 10048.

Council Member Blong moved to approve the second and final reading of Ordinance No. 10048 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.

PUBLIC HEARINGS

34. Hold a public hearing and consider an ordinance on a request by MARC INC., for a zone change from SF-1, Single Family Dwelling District, to PD, Planned Development District for an Office Center, generally located on the northwest corner of the intersection of North A Street and Ventura Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10049

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 4, "A" STREET COMMUNITY CENTER, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH "A" STREET AND VENTURA 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 SueAnn Reyes read the caption of Ordinance No. 10049.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for an expansion of the MARC facility on North A. Their property is mixed use for offices and dormitories. The site plan shows a two-story office building. The

existing office building will be demolished and the existing residential will remain. This item has been reviewed by all staff and was approved by Planning.

Council Member Love asked about traffic in the area. It was noted that it was reviewed by traffic with no comments.

Mayor Payton opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 10049 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.

35. Hold a public hearing and consider an ordinance on a request by Schumann Engineering Co. Inc., for a zone change from SF-1, Single Family Dwelling District, to SF-3, Single Family Dwelling District, generally located on the southwest corner of the intersection of College Avenue and South L Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10050

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 114, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF COLLEGE AVENUE AND SOUTH L 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 SueAnn Reyes read the caption of Ordinance No. 10050.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is another of those lots that when the zoning ordinance was changed it doesn't allow for single family development. Staff has reviewed and recommends approval. Mr. Harrington confirmed the property would be divided into two lots.

Mayor Payton opened the public hearing at 10:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10050 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.

36. Hold a public hearing and consider an ordinance on a request by Jose Chavez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the east side of South Tyler Street, approximately 66 feet north of East Missouri Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10051

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 8, BLOCK 32, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH TYLER STREET, APPROXIMATELY 66 FEET NORTH OF EAST MISSOURI 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. 10051.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is similar to the previous item.

Mayor Payton opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 10051 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.

37. Hold a public hearing and consider an ordinance on a request by Midland CDC for a zone change from SF-2, Single-Family Dwelling District, in part; and SF-3, Single-Family Dwelling District, in part, to TH, Townhouse Dwelling District on a 0.780-acre tract of land generally located on the southwest corner of the intersection of West Estes Avenue and North Main Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10052

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.780-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, AND SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST ESTES AVENUE AND NORTH MAIN 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 SueAnn Reyes read the caption of Ordinance No. 10052.

Mayor Payton opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 10052 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.

38. 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 1-25-A-2601H located 755 feet from the south line and 389 feet from the west line, Massey Unit 2415H located 785 feet from the south line and 390 feet from the west line, Massey Unit 2614H located 815 feet from the south line and 390 feet from the west line, and Massey A Unit 2611H located 845 feet from the south line and 390 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells are generally located between 755 feet and 845 feet north of East Loop 250 North and between 389 and 390 feet east of North Lamesa Road.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the site is before Loop 250 east of Rest Haven. It has been to the Oil & Gas Advisory Committee and they have no recommendations. There will be four wells and they are putting up 24-foot sound walls. They are requesting two variances for 24-hour fracing and for a variance from landscaping similar to their previous wells. One letter of objection has been received.

Mayor Payton opened the public hearing at 10:56 a.m.

Chris Hamilton, representing Parsley, provided a background to the site noting there have been nine wells permitted and drilled. They have worked with the City and agreed to do quiet frac. He is available for questions. Mayor Payton asked for Parsley's continued support and consistent outreach to the concern of the residents and to demonstrate to the rest of the country how we can coexist with the community that is the leading energy center of the world.

Council Member Robnett noted that quiet frac is not required by the City noting Parsley does that at a cost and expressed appreciation for what they do.

Mr. Hamilton explained they expect to be done with all drilling in this area by 2021.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m.

MISCELLANEOUS

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

A motion was made by Council Member Robnett to remove Jack Ladd from the Parks & Recreation Commission and appoint Suzanne Prucka in his place; seconded by Council Member Love.

Discussion ensued about how board and commission appointments are made. It was noted that positions should be advertised to give all people an opportunity to apply and then all applications brought to Council for consideration.

Council Members Love and Robnett removed their motion.

Staff was directed to advertise for application with a deadline and bring back all applications for consideration at the second meeting in February.

PUBLIC COMMENT

- 40. 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.)

Debi Martin, 1107 Castleford, reported that the seniors have outgrown their facilities. They have over 633 registered members with 75 to 150 people using the facility daily. The parking is inadequate with only 61 spaces and 12 handicapped. They share the area with a school, a church, and a business. There are forklifts running all day long and 18-wheelers block their parking spaces, and parents picking up their children from the school block their access. She asked Council to help them with better facilities. Midland is a forward-thinking City and seniors are just as important as dogs and cats. Their new motto is “Feel the Senior Energy”.

Shirley Howard, 405 Magnolia, reported the previous speaker was talking about the Dellwood Center but noted the other senior center is just as important. She encouraged the new Council Members to visit both centers noting they both needed to be upgraded. She invited the Council to help sponsor/underwrite the Negro Business and Professional Women Club conference that will be held in Midland.

All the business at hand having been completed, the meeting adjourned at 11:09 a.m.

PASSED AND APPROVED the 11th day of February 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary