

**MIDLAND CITY COUNCIL
MINUTES
February 13, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 13, 2018.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director __, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 13, 2018.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at ___ 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:

CONSENT AGENDA

David Hunter introduced new Admin Services Director Makr Whittman over 25 years of personnel management. Mr. Whitmannlooking forward to opportunity, very warm welcome.

Council Member Love moved to approve Consent Agenda items 4 - 40 excluding 8, 10, 17; seconded by Council Member Lacy.

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

4. Approved a motion approving the following minutes:
 - a. Regular meeting of January 23, 2019
5. Approved a resolution authorizing the execution of a three (3) year agreement for the use and maintenance of Geographic Information System (GIS) software for the GIS Division with Environmental Systems Research Institute, Incorporated (Esri) of Redlands, California for a total cost of \$225,000.00 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 042

RESOLUTION AUTHORIZING THE EXECUTION OF A THREE (3) YEAR SOLE-SOURCE CONTRACT FOR THE USE OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE, MAINTENANCE SUPPORT, AND ASSOCIATED UPGRADES WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INCORPORATED AT A COST OF \$75,000.00 PER YEAR FOR A TOTAL OF \$225,000.00

6. Approved a resolution awarding a contract for the Dennis the Menace Park Project - Phase I for the Community Services Department; and appropriating funds for Phase I and Phase II. (PURCHASING)

RESOLUTION NO. 2018 - 043

RESOLUTION AWARDING A CONTRACT TO MID-TEX OF MIDLAND, INC., FOR PHASE 1 OF THE DENNIS THE MENACE PARK RENOVATION PROJECT, AT A TOTAL COST OF \$964,000.00; APPROVING \$100,000.00 FOR CONTINGENCIES;

AND ALLOCATING AND APPROPRIATING FUNDS THEREFOR

7. Approved a resolution approving the purchase of three (3) full size ½ ton regular cab pickups, two (2) full size ½ ton extended cab pickups, one (1) full size ½ ton extended cab 4X4 pickup, one (1) full size ½ ton crew cab pickup, one (1) full size ¾ ton regular cab, one (1) full size ¾ ton regular cab 4X4, one (1) full size ¾ ton crew cab 4X4, one (1) full size ¾ ton cab and chassis 4X4 and three (3) full size 1 ton cab & chassis' for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 044

RESOLUTION APPROVING THE PURCHASE OF THREE (3) FULL-SIZE ONE-HALF (½) TON REGULAR CAB PICKUP TRUCKS FROM GRAPEVINE DCJ, LLC, OF GRAPEVINE, TEXAS; THE PURCHASE OF TWO (2) FULL-SIZE ONE-HALF (½) TON EXTENDED CAB PICKUP TRUCKS AND ONE (1) FULL-SIZE ONE-HALF (½) TON CREW CAB PICKUP TRUCK FROM CALDWELL COUNTY CHEVROLET, OF CALDWELL, TEXAS; THE PURCHASE OF ONE (1) FULL-SIZE ONE-HALF (½) TON EXTENDED CAB FOUR-WHEEL DRIVE PICKUP TRUCK FROM RANDALL REED'S PRESTIGE FORD, OF GARLAND, TEXAS; THE PURCHASE OF ONE (1) FULL-SIZE THREE-QUARTER (¾) TON REGULAR CAB PICKUP TRUCK, ONE (1) FULL-SIZE THREE-QUARTER (¾) TON REGULAR CAB FOUR-WHEEL DRIVE PICKUP TRUCK, ONE (1) FULL-SIZE THREE-QUARTER (¾) TON CREW CAB FOUR-WHEEL DRIVE PICKUP TRUCK, ONE (1) FULL-SIZE THREE-QUARTER (¾) TON FOUR-WHEEL DRIVE CAB AND CHASSIS, AND THREE (3) FULL-SIZE ONE (1) TON CAB AND CHASSIS FROM ROGERS FORD, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$358,356.00; AND ALL OTHER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 371.9051

9. Approved a resolution approving the sale of former Fire Station 6 located at 4315 Thomason Drive and legally described as Lot 1 and Lot 2, Block 64 Permian Estates Addition, City of Midland, Midland County, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 046

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH 811 WEST MISSOURI L.L.C. REGARDING THE CONVEYANCE OF CITY-OWNED REAL PROPERTY DESCRIBED AS LOTS ONE (1) AND TWO (2), BLOCK SIXTY-FOUR (64), PERMIAN ESTATES, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

11. Approved a resolution approving the sale of the Building of the Southwest located at 310 West Texas Avenue, and legally described as Blk: 035, Lots: 007 & 008, Original Town Addition, City of Midland, Midland County, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 048

RESOLUTION ACCEPTING THE BID AND PROPOSAL SUBMITTED BY THE MIDLAND DEVELOPMENT CORPORATION FOR THE PURCHASE OF CITY OWNED REAL PROPERTY LOCATED AT 310 WEST TEXAS AVENUE, DESCRIBED AS LOTS SEVEN (7) AND EIGHT (8), BLOCK THIRTY-FIVE (35), ORIGINAL TOWN OF MIDLAND, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

12. Approved a resolution approving a proposed New Air Service Incentive Program to assist in local marketing for new air service at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 049

RESOLUTION APPROVING A NEW AIR SERVICE INCENTIVE PROGRAM TO ASSIST IN LOCAL MARKETING FOR NEW AIR SERVICE AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT

13. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Propel Financial Services, LLC, as agent and attorney in fact for Propel Property Tax Funding, LLC v. Ernest Whittington, et al., in the 441st Judicial District Court, Midland County, Texas, Cause No. CV53994. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2018 - 050

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED PROPEL FINANCIAL SERVICES, LLC, AS AGENT AND ATTORNEY IN FACT FOR PROPEL PROPERTY TAX FUNDING, LLC V. ERNEST WHITTINGTON, ET AL., IN THE 441ST JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. CV53994

14. Approved a motion authorizing the execution of a Sports Agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES)
15. Approved a motion authorizing the execution of a Sports Agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)
16. Approved a motion authorizing the execution of a sports agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket. (COMMUNITY SERVICES)
18. Approved a motion authorizing the execution of a sports agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger. (COMMUNITY SERVICES)
19. Approved a motion authorizing the execution of a sports agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES)
20. Approved a motion authorizing the execution of a sports agreement with Midland Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older. (COMMUNITY SERVICES)

21. Approved a motion authorizing the execution of a sports agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES)
22. Approved a motion authorizing the execution of a Sports Agreement with Stonegate Fellowship to administer services related to flag football for youth and adults. (COMMUNITY SERVICES)
23. Approved a motion authorizing the execution of a Sports Agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES)
24. Approved a motion authorizing the execution of a sports agreement with the YMCA of Midland, to administer programs, special events, and services related to various sports activities for youth and adults at Hogan South (across from Sibley Nature Center). (COMMUNITY SERVICES)
25. Approved a motion approving a proposed Preliminary plat of Daybreak Estates, Section 5, being a 41.061-acre tract of land out of south 1/2 of Section 12, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located east of Harvest Rain Street, approximately 1,438-feet north of East Mockingbird Lane. Council.) (DEVELOPMENT SERVICES)
26. Approved a motion approving a proposed Preliminary Plat of Midkiff Industrial Center Section 25 being a 31.339-acre tract of land out of Section 5, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the northwest intersection of South Midkiff Road and West Interstate 20.) (DEVELOPMENT SERVICES)
27. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H145SS located 109 feet from the south line and 1,350 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well sharing a pad site area that is generally located between 1,412 east of South Garfield Street and 326 feet north of West County Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 051

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,350 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,412 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

28. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H145WA located 109 feet from the south line and 1,320 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well sharing a pad site area that is generally located between 1,382 east of South Garfield Street and 326 feet north of

West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 052

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,320 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,382 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

29. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H150LS located 109 feet from the south line and 1,020 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well sharing a pad site area that is generally located between 1,082 east of South Garfield Street and 326 feet north of West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 053

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,020 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,082 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

30. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being) Charger #H150MS located 109 feet from the south line and 1,050 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well sharing a pad site area that is generally located between 1,112 east of South Garfield Street and 326 feet north of West County Road 111.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 054

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,050 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,112 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

31. Approved a resolution accepting a Fire and Safety Access Easement on Campbell Construction Company property, located in Section 18, Block 2, Lot 1C, Corporate Plaza Addition, for the access of emergency vehicles and personnel across private property; authorizing the execution of said fire and safety access easement; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 055

RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN APPROXIMATE 0.10-

ACRE FIRE AND SAFETY ACCESS EASEMENT LOCATED IN LOT 1C, BLOCK 2, CORPORATE PLAZA ADDITION, SECTION 18, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

32. Approved a resolution amending a Surface Use Agreement between the City of Midland and CrownQuest Operating, LLC which was made effective August 23, 2017; said Surface Use Agreement is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing eight four (4) inch oil flow lines, and up to two twelve (12) inch gas gathering line(s), up to two eight (8) inch water gathering line(s), and up to two eight (8) inch oil gathering line(s), and other necessary related facilities; to have the right to ingress and egress at convenient points for such purpose; all facilities are located on City of Midland property, Section 4, Block 37, T-3-S, T&P R.R. Co., Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 056

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC

33. Approved a resolution authorizing the execution of a six-month Right-of-Way License with Geokinetics, Inc., for seismic testing on City-owned parcels located at Spraberry Farms, Sections 2, 3, 4, 9, 10, 11, 12, 13, 14, 16, 21, 24, Block 37, T-3-S, T&P R.R. Co. Survey and Sections 17, 18, 19, and 30 Block 36, T-3-S, T&P R.R. Co. Survey. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 057

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH GEOKINETICS, INC., FOR SEISMIC TESTING ACROSS FOURTEEN (14) SQUARE MILES OF CITY-OWNED PROPERTY (GENERALLY LOCATED ON AND AROUND THE SPRABERRY FARM) IN MIDLAND COUNTY AND GLASSCOCK COUNTY, TEXAS

34. Approved a resolution authorizing the execution of a six-month Right-of-Way License with Dawson Geophysical Company, for seismic testing on City of Midland property, Sections 09, 16, 21, & 20, Block 37, T3S, T&P RR Co Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 058

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY DESCRIBED AS SECTIONS NINE (9), SIXTEEN (16), TWENTY (20), AND TWENTY-ONE (21), BLOCK THIRTY-SEVEN (37), TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

35. Approved a motion on request by Landgraf Crutcher and Associates to defer wastewater, paving and sidewalk improvements for Longview Subdivision, Section 3, and to waive the corresponding financial security guarantee valued at \$2,550,208.00, an amount equal to the estimated cost of construction. The subject property is generally

located approximately 6,000 feet west of the intersection of West State Highway 158 & West County Road 60/Briarwood Avenue, on the north side of West County Road 60; approximately 1.1 miles west of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

36. Consider a motion on request by Schumann Engineering Co., Inc. to defer water, wastewater, paving and sidewalk improvements for Lozano Place, and to waive the corresponding financial security guarantee valued at \$208,539.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southwest corner of the FM 1788 and West County Road 54 intersection, approximately 14,000 feet north of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
37. Approved a motion on request by SW Howell, Inc. to defer wastewater, paving and sidewalk improvements for Northwestern Addition 16th Filing, and to waive the corresponding financial security guarantee valued at \$88,456.50, an amount equal to the estimated cost of construction. The subject property is generally located 1,600 feet east of the intersection of North Midland Drive and Cardinal Lane, within the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
38. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Pro Terminal Operators, Inc., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing one (1) pipeline for petroleum products, not to exceed thirteen (13) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Sections 8, 9, and 16, Block 40, T-2-S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 059

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PRO TERMINAL OPERATORS, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS EIGHT (8), NINE (9), AND SIXTEEN (16), BLOCK FORTY (40), TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

39. Approved a motion on request by SW Howell, Inc. to defer water, wastewater, paving and sidewalk improvements for West Terminal Addition, Section 6, and to waive the corresponding financial security guarantee valued at \$232,331.50, an amount equal to the estimated cost of construction. The subject property is generally located approximately 3,500 feet west of the intersection of West County Road 100 and FM 1788, on the north side of West County Road 100, approximately 3,000 feet west of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
40. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Midland Heritage Oaks, Inc. in the amount of \$389,057.00 for future design and construction of public paving and drainage improvements within the Heritage Oaks, Section 7 Subdivision; and appropriating funds therefore; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is generally located in the region bound by Briarwood Avenue, Navasota Drive,

Frio Drive and Roadrunner Trail, in the City of Midland, Midland County, Texas.
(ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 060

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND HERITAGE OAKS, INC. FOR DEVELOPMENT OF HERITAGE OAKS, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED IN THE REGION BOUND BY BRIARWOOD AVENUE, NAVASOTA DRIVE, FRIO DRIVE AND ROADRUNNER TRAIL); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$389,057.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

10. Approved a resolution awarding a contract for the abatement of the Building of the Southwest for the General Services Department; and appropriating funds therefore.
(PURCHASING)

RESOLUTION NO. 2018 - 047

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RON OSBORN, INC., DBA ADVANCED ENVIRONMENTAL SERVICES, FOR ASBESTOS ABATEMENT AT THE BUILDING OF THE SOUTHWEST, AT A TOTAL COST OF \$657,649.00; APPROVING \$65,765.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

Lacy what is timeline? fred once contract signed 90 days. lacy when notice of proceed issues fred 30 days from today. lacy issues with roof and move forward with dmo of building need to do most cost efficient way. fred plan now is in phases, next step is to demolish and or improve. would like to come back to council again and if get direction come back to prepare packet for demo so won't finish and have to wait to prepare another packet. Lacy regarding asbestos needs to be removed. Sparks we are approving abatement of roof does that mean decision has been made to demo bldg? Sparks why take roof out before made that decision very costly to get new roof what doing concern about going forward with taking roof out? Mayor not pertaining to this agenda item need full story. Robert such deteriorated condition causing problems for neighbors to north and need to make decision once asbestos and roof removed whether gut and leave in condition much higher bidder now. next step come back each step doing abatement and decide if gut and leave without roof. lacy agree with decision. mark pellitier vandergriff architects, been involved in process from start to finish, in order to remove asbestos take roof down, not much value in leaving up. Morales form funding assuming demo cost similar to courthouse. Mark hard to say haven't looked at that phase yet, tough demo because in tight constraints. contracted with somebody that is expert and if decide to go forward use his experience to help decide how to bring down. Fred rough estimate 3/4 M for demo. roof repairs 3/4 m to 1 m for roof alone. Hotchkiss clarification for public been asked is why doing abatement if going to tear building down. Mark have to abate building first for public safety to contain asbestos so it doesn't go out into the public. asbestos must happen no matter what is done because dangerous for health reason. Mayor window panes have to be pulled out to be abated. Fred quantities again no window panes removed.

Sparks mdc contingent on abatement. fred roof last to go.

Council Member Lacy moved to adopt Resolution No. 2018 - 047; seconded by Council Member Hotchkiss.

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

17. Approved a motion authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES)

Mayor in regard to four multi purpose fields gmfl gmfl during season manages and operates fields with COM anything outside of their schedule can use. through parks dept to sue multi purpose fields. Mayor if group wants to guse multi purpose and sell their won products they keep it or goes back to parks. laurie thye keep it and keep gate fees themselves. Mayor soccer plays where? Laurie can play there if rent facility./

Council Member Lacy moved to adopt Resolution No. NUMBER>; seconded by Council Member Love.

how many other new football groups? Laurie don't know new ones all the tiem especially flag football.

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

8. Approved a resolution approving the issuance of a Request for Proposals for a driving simulator for the Police Department. (PURCHASING)

RESOLUTION NO. 2018 - 045

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A DRIVING SIMULATOR FOR THE POLICE DEPARTMENT

Sparks appreciate taking on and realizing do have issue and that its safety issue for everyone. glad taking it on. do want to , sure some sort of policy that shouldn't be looking at comuter screen whilelights on and driving fast but needs to be drug in. do simulators have ability to put computer next to. Police Chief driving simulator has ability to do all sorts of things, but law enforcement exemtpion for driving but probably not best practice. part of wholistic approach taking ot address issues. not just part of ability to be part of otoring pub lic but saety. this is firs step in wholistic approach.

Council Member Sparks moved to adopt Resolution No. 2018 - 045; seconded by Council Member Lacy.

Lacy what type of disciplinary action some ccosting tens of thousand of dollars other then couple of day s of suspension? Chief Harvey interesting question on discipline side of house hwen find policy violaiton range is all overplace and that is alsot being looked at all should be treated exactly the same going forward. couple days off to termination. strict policy violaitons based on facts. not all is policy violation. Love thaniked for steps taking insight of this. what happened xmas even

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

SECOND READINGS

41. Consider an ordinance on second reading on a request by Jose Mateus for a Zone Change from PD, Planned District for a Transition District, and 1F-2, One-Family Dwelling District, to PD, Planned District for a Transition District, on Tracts 1 & 2, Patterson Acres, City and County of Midland, Texas. (Generally located on the south side of East Wadley Avenue, approximately 365-feet east of Ranchland Drive.) (DEVELOPMENT SERVICES) (First reading held January 23, 2018.)

ORDINANCE NO. 9731

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACTS 1 AND 2, PATTERSON ACRES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, AND 1F-2, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST WADLEY AVENUE, APPROXIMATELY 365 FEET EAST OF RANCHLAND 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 Lopez read the caption of Ordinance No. 9731.

Council Member Love moved to approve the second and final reading of Ordinance No. 9731 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

42. Consider an ordinance on second reading upon request by Troy Hunt Homes, Ltd. for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District for a Housing Development on Lots 10-13, Block 3, Common Area A, Block 4, Lots 16 and 17, Block 5, and Common Area B, Block 6, Quail Ridge Addition, Section 2, City and County Midland, Texas. (Generally located on the north side of E. Business I-20, approximately 300-feet west of Chukar Lane.) (DEVELOPMENT SERVICES) (First reading held January 23, 2018.)

ORDINANCE NO. 9732

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 10-13, BLOCK 3, COMMON AREA A, BLOCK 4, LOTS 16 AND 17, BLOCK 5, AND COMMON AREA B, BLOCK 6, QUAIL RIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH

SIDE OF EAST BUSINESS INTERSTATE 20, APPROXIMATELY 300 FEET WEST OF CHUKAR LANE); 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 Lopez read the caption of Ordinance No. 9732.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9732 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Love Mr. Hunt entered room try hunt?

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

43. Consider an ordinance on second reading granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Midland, Texas, for the transportation, delivery, sale and distribution of gas in, out of, and through said City of all purposes; providing for the payment of a fee or charge for the use of the public rights-of-way; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; providing for a term and effective date; providing for written acceptance of this franchise; providing that the meeting at which this ordinance is passed is open to the public; providing for severability; and ordaining other provisions related to the subject matter hereof (CITY MANAGER'S OFFICE) (First reading held January 23, 2018.)

ORDINANCE NO. 9733

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF MIDLAND, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAY; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; PROVIDING FOR A TERM AND EFFECTIVE DATE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; PROVIDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9733.

Council Member Lacy moved to approve the second of three readings of Ordinance No. 9733 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

44. Hold a public hearing regarding the proposed granting of oil and gas permits to RSP Permian, L.L.C., for the drilling of oil gas wells, being MCC HZ Unit 1105H located 285 feet from the north line and 1,688 feet from the east line, MCC HZ Unit 1106H located 285 feet from the north line and 1,728 feet from the east line and MCC HZ Unit 1107H located 285 feet from the north line and 1,768 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells sharing a pad site area that is generally located between 1,688 and 1,768 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting traditional wells in same area north of Midland Country Club. No 24 hour frac, road repair agreement will not use city streets. Using existing battery to north.

Mayor Morales opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

45. Hold a public hearing regarding the proposed granting of an oil and gas permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil gas well, being Charger #H150WB located 110 feet from the south line and 990 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located between 1,052 feet east of South Garfield Street and 325 feet north of West County Road 111.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting wells located south of petroleum museum same group on consent same variances as past. Right of interest to south. Enclosed tank battery all wells have perimeter fence for whole area no notice of objection.

Mayor Morales opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

46. Hold a public hearing and consider a resolution on a request by Mac's BBQ & Catering for approval of a Temporary Land Use Permit for a Music Festival on Block 55; a 0.56-acre portion of North Colorado Street right-of-way, located adjacent to Block 55 and Lots 1 through 12, Block 56; a 0.7-acre portion of West Texas Avenue right-of-way, located adjacent to Lots 4 through 15, Block 36 and Block 55; and a 1.28-acre portion of West Wall Street right-of-way, located adjacent to Block 55; Lots 12 through 15, Block 56; Block 64; and Lots 1 through 12, Block 65; all out of Original Town Addition; City and County of Midland, Texas. (Generally located northwest of the intersection of South Loraine Street and West Wall Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 061

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MUSIC FESTIVAL ON BLOCK 55, A 0.56-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 55 AND 56, A 0.7-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 36 AND 55, AND A 1.28-ACRE PORTION OF WEST WALL STREET RIGHT-

OF-WAY LOCATED ADJACENT TO BLOCKS 55, 56, 64, AND 65, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH LORAIN STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting did preliminary several months act so could book act. this is final information. music festival on property where old county courthouse is located and portion of colorado, texas and wall sat much 17 from noon midnight. asking close portion of streets at 5 p.m. transportations can't close until 6 p.m. friday. main stage several bands josh abott band originally location stage at colorado wall ne face now located up at texas and colorado facing to southeast due to trees and visibility. The way set up work with city and no vendor structures tent structures on grass. will have sale of alco bev 10 cert peace officers, restrooms provided based on attendance. staff reviewed and rec approval subj to cond a-k revised site plan provided and a comment sheet returned it was supportive of project. Love go through site plan. Chuck showed where stage was located and now. Love have they secured permission for ?? 10:36 a.m.

Mayor Morales opened the public hearing at 10:37 a.m.

Wesley Webb 2400 W Indiana, have reached out to owners of parking lot to get permission to use lot day of event. in event top half closest to stage is potential vip sponsorship parking and south regular for general public. On property to west of colorado near mainstage. Do not have it secured at this time. perimeter of venue site will be fenced off minus sidewalk on wall street so public can access storefronts on wall street. Mayor grass area open for seating standing no permanent structure told can put booth but staked with barrel of water no stake in ground. Mayor shared with property owners. Wesley reached out to DMMD and they will support and reached out to neighboring businesses. Sat March 17

There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

Council Member Lacy moved to adopt Resolution No. 2018 - 061 with amendment to include updated site plan; seconded by Council Member Love.

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

47. Hold a public hearing and consider an ordinance on a request by David Martin for a zone change from AE, Agriculture Estates District to a PD, Planned District for a Housing Development on a 41.061-acre tract of land out of the south 1/2 of Section 12, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located east of Harvest Rain Street, approximately 1,438-feet north of East Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9734

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 41.061-ACRE TRACT OF LAND OUT OF THE SOUTH HALF OF SECTION 12, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED EAST OF HARVEST RAIN STREET, APPROXIMATELY 1,438 FEET NORTH OF EAST MOCKINGBIRD LANE); 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 Lopez read the caption of Ordinance No. 9734.

Development Services Director Chuck Harrington gave a brief overview of the item noting on behalf of Daybreak Estates expand existing subdivision. will include 119 lots. staff reviewed and final plat is in platting process it will adhere to all permitted uses in 1f3 zonign. circ to all depts subjecto minor comments rec approval. in compl with comp plan. one loj.

Love missed letter of objection who was it what did they say. Chuck had to do with size of lots. Lacy tell applicant to clean up area around dumpster.

Mayor Morales opened the public hearing at 10:44 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9734 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

48. Hold a public hearing and consider an ordinance on a request by Kristen Hollimon for a zone change from PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center, Lot 9, Block 28, Wydeewood Estates, Section 21, City and County of Midland, Texas. (Generally located east of Sunmore Circle, approximately 509-feet south of West Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9735

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 9, BLOCK 28, WYDEWOOD ESTATES, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED EAST OF SUNMORE CIRCLE, APPROXIMATELY 509 FEET SOUTH OF WEST WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9735.

Development Services Director Chuck Harrington gave a brief overview of the item noting add 700 sq foot addition to dance studio 10800 sq feet. made modification now require 37 parking spaces redoing lot. meets all other requirements and in compl with com ppla staff rec approval received no lqj.

Mayor Morales opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9735 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

49. Hold a public hearing and consider an ordinance on a request by Chris Martinez for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7, -Area, yard, structure, parking, and miscellaneous lot and use regulations concerning the front yard setback on Lot 22, Block 5, Correction Plat of Western Hills, Section 2, City and County of Midland, Texas. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9736

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 22, BLOCK 5, CORRECTION PLAT OF WESTERN HILLS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH BENTWOOD DRIVE AND ANETTA DRIVE), BY PERMITTING A REDUCED 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 SueAnn Lopez read the caption of Ordinance No. 9736.

Development Services Director Chuck Harrington gave a brief overview of the item noting spec exception to front yard set back reduced to 8.5 feet. required 20 foot setback front yard along that street. all properties along that street have reduced yard along street. in this case his front yard existing is 13 wants another 4.5 feet to front property he owned covers 2 lots covered by significant amount of structures. They meet open space requirements from staff standpoint feel this would be overusing the front yard but admit other houses that all align the same. It's been circ rev by all depts and staff standpoint no unique feature requiring this he wants to do req is self created no hardship staff rec denial of special exception. Love did not say anything specifically. Chuck no. Mayor are they metal building, chuck at least 2 of them. Lacy any potential design? Chuck no have not submitted for permit. Lacy going through process before hand. Mayor extended porch. Hotchkiss all other houses are set back same amount match existing front porch.

Mayor Morales opened the public hearing at 10:50 a.m.

Jeremey Templeton 4908 Anetta Drive, trying to accomplish oldest house on block trying to get curb appeal want to have arch porch theirss is real low proch . t his will make it look like rest of houes. Love trying to sell property. Jeremey, no never. Hotchkisss can't add exisitng arch. Jeremey need to get it out so can get arch oon it. LLacy do you have design? Chris Martin ??? Ferro Construction. those are metal building. Love tell what purpose off doing this more than curb appeal. Jeremy house build in ealry 80 rest built in 2013 2014. nice rock fronts outdated hosue for neighborhood. Trying to upgrade to be with rest of house none other proeprtys have that type of porch would update the facade. Thes rest of the new hosuess hae arched porches and rock fronts. his only hosue has brick exterior on front. Saprks do have issue ahve an ordinance in palce in front yard back . Lacy all other house in violation if consistently at 13 no illustration of what it look like. Take down existing porch and make it look like neighbors. Lacy that would be appropriate if line of site issues own proeprty next door. ask if neighbors have issues. Jeremy no his neighbors are friennds all in support.

There being no one else wishing to speak, the public hearing was closed at 10:54 a.m.

Love talk about percentage of open sapce and amount of structures. Code states how to calculate are of open space is to do s50% wide by 20 deep exclusind set back. come to 900 feet of open feet there is aminimum of 700. Jessica. Lacy asked if feel better with conceptual of front side. Mayor okay at end.

Council Member Lacy moved to defer to date uncertain; seconded by Council Member Sparks.

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

rec reach out to all members of council put together conceputal drawing if not would have been rejected.

50. Hold a public hearing and consider an ordinance on a request by Woody's Hideaway for a Specific Use Permit with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a bar on a 8,237 square foot portion of Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas. (Generally located southwest of the intersection of Starboard Drive and Liberty Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9737

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,237-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, GATEWAY PLAZA, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS

(\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9737.

Development Services Director Chuck Harrington gave a brief overview of the item noting same group did Little Woodrows proposing second location Woody's highway 5701 starboard by synergy. prev approval for sepc uses of alcohol bev sale sprop zoned lr3 hours sun through sat 11 -2 a.m. site plan shows total floor area 6965 feet with patio area 1272 sq ft. there are soem issues working on as far as parking trying to resolve. staf rec approval ssubj to meeting parking requirements to seat all people.

Mayor Morales opened the public hearing at 11:01 a.m.

Robert Rend;al 6 Desta Drive sutie 100 on behal fo applicant. chuck mentioned parking being worked on. new owner have filed permit to do expanded parkign lot that will take care of aprking for entire center. There is sufficient parkign that will be built. similar ot existing facility instead of concentrating on sprots, pool talbe fooseball darts. Love understand currenty not sufficient parking? Robert not paved, owner of center owns all property downto hwy 80 they havee plans into city that takes care of this location but hwole center. Moraels not all leased out. Lacy this is just SUP CO wont be issued utnil addressed.

There being no one else wishing to speak, the public hearing was closed at 11:02 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9737 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

51. Hold a public hearing and consider a resolution on a request by Our Lady of Guadalupe Parish and Shrine for a Temporary Land Use Permit for a Church Family Fair and Carnival on Lot 8, Block 7, Glendale Addition, and Lot 13A, Block 7, Glendale Addition, Section 2, City and County of Midland, Texas. (Generally located northeast of the intersection of North Tyler Street and Garden Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 062

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR AND A CARNIVAL ON LOT 8, BLOCK 7, GLENDALE ADDITION, AND LOT 13A, BLOCK 7, GLENDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH TYLER STREET AND GARDEN LANE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting out lady guadalupe catholic church annaul chuch fair and carn thru april 26 through sun april29. all proper security and restrooms. prop on prem cons of alcoholic beverages. 8 security.

Mayor Morales oph 11:04 a.m. cph

Morales keep improving and adding nice event . love proud district 2 event.

Council Member Love moved to adopt Resolution No. 2018 - 062; seconded by Council Member Sparks.

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

MISCELLANEOUS

52. Consider an ordinance to cancel the Sharyland Franchise Agreement. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9738

AN ORDINANCE REPEALING ORDINANCE NO. 9547 WHICH GRANTED TO SHARYLAND UTILITIES, L.P., ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, AND PUBLIC WAYS OF THE CITY OF MIDLAND, TEXAS

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9738.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9738 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love appreciate fact that included check.

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

53. Consider an resolution approving a Chapter 380 Economic Development agreement between Mall at Midland Park, LLC and the City of Midland (CITY MANAGER'S OFFICE)

ORDINANCE NO. NUMBER>

RESOLUTION AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND MALL AT MIDLAND PARK, LLC, AS AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Love moved to adopt Resolution No. NUMBER>; seconded by Council Member Lacy.

Frank Mr. Vasper here form Simon Properties. agreement Simon proposing to demolish old sear store 117,000 build at least 150,000 of new retail on that end of building. They get retail goes into structure reimbursement of 1% sales tax over 12 years max of 7.5 M. Either reach 12 years of 7.5 M whichever ocmes first. opportunity to put outparcels in other areas for new retail and those premium retailers and classified as prem have to be

approved by cm list in agreement but sspef approved before included ins ales tax agreement. Saprks if repharse its they are going to be doing some new struvture and new building retial in new building get refund of sales tx but old building still get slaes tax. and if they do outside parcel in aprking lot they would get if it is approved as premium retail up to 7.5 m or 12 years.

Lacy generate al lot mroe then empty old sear building. Love something historicla significance sear been aprt of peoples lives since 1800s. This is example of how economy is making a transition and hsift didn't wnat ot pas withoout making those commentss truly monumental. Lacy thanked for all hard work and legal. Mayor thanked ismon malls for working and allow to keep rpemier mall in west tx.

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

54. Approved a motion on request by Schumann Engineering Co., Inc. to defer water, and reconfirm deferral of wastewater, paving and sidewalk improvements for Hannah Addition, and to waive the corresponding financial security guarantee valued at \$610,393.00, an amount equal to the estimated cost of construction. The subject property is generally located near the southwest corner of South County Road 1230 and West County Road 120 intersection. The subject property is approximately 150 feet south of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

Jeff Cohen gave a brief overview of the item noting this project diverged over course and sufficiently so staff felt needed to bring before Council today. Gave abrief history developers came to City in 2015 it was residential devleopment at which time staff rec to dfer water improvements but to have them guarantee improvements. they deposited half of funds with city and never platted and since have developed into high density mobile home park and staff doesn't think will be annexed and support finish platting property and seeking deferral and staff agrees. also asking to terminate agreement struck as result of guarantee of improvements. Jeff very high density mobile home park don't think city would want to annex.. staff did not think probably. Morales council is debating that now. Love do you ahve a better map. loaced 150 feet south of southwest crossing. Love want to see area and see growth and don't want window pane where everything else is annexed except this part. If area is not annexed and water project is not started within 10 years they will get money reffunded. Jose those were things we had to evaluate and determine. Dont' beleive we will annex in 10 eyars but don't think it will happen in next 8 years and don't anticipate dont' want to have to take funds that will ahve to reimburse if thought would ddo in 5 years then woul consider it. suggest reimburse now. Love have significant problem with what was said earlier. Morales what about sidewalks challenge they dont' require curbing then dont' want sidewalk adjacent to pavement. sidewalk to nowhere.

Jose if in City would have requirement but in County. Love this is where south loop go wont get annex.ed chuck harrington not in next 10 years.

Council Member Love moved to approve a motion on request by Schumann Engineering Co., Inc. to defer water, and reconfirm deferral of wastewater, paving and sidewalk improvements for Hannah Addition, and to waive the corresponding financial security guarantee valued at \$610,393.00, an amount equal to the estimated cost of

construction. The subject property is generally located near the southwest corner of South County Road 1230 and West County Road 120 intersection. The subject property is approximately 150 feet south of the corporate limits of the City of Midland, Midland County, Texas.; seconded by Council Member Sparks.

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

55. Approved a resolution on request by Rosalva Martinez and Bertalina Martinez to terminate a Public Improvements Development Agreement with the City of Midland that provides for funds to be escrowed to construct future public water improvements to serve Hannah Addition, dated March 25, 2015, and authorized by City Council Resolution No. 2015-092. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 064

RESOLUTION AUTHORIZING THE EXECUTION OF AN INSTRUMENT TERMINATING THE PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH ROSALVA MARTINEZ AND BERTINA MARTINEZ FOR WATER DISTRIBUTION IMPROVEMENTS TO HANNAH ADDITION, SECTION 1, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to adopt Resolution No. 2018 - 064; seconded by Council Member Sparks.

companion itme canceling prev agreemnt.john o

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

56. Approved a motion making appointments to various boards and commissions.

Council Member Lacy moved to appoint E.J. Baldrige to replace Scott Young on Zoning Board of Adjustments; seconded by Council Member Love.

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

PUBLIC COMMENT

57. 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.)

No citizens were present wishing to speak.

EXECUTIVE SESSION

recessed to Executive Session at 11:21 a.m.

58. 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.

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary