

**MIDLAND CITY COUNCIL
MINUTES
February 27, 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 27, 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 27, 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 Phillip Allman, Associate Pastor 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

Council Member Love moved to approve Consent Agenda items 4 - 29 excluding 10, 19, 20; seconded by Council Member Lacy.

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

4. Approved a motion approving the following minutes:
 - a. Regular meeting of February 13, 2018
5. Approved a resolution approving the issuance of a request for qualifications for architectural services for the construction of a new Animal Shelter for the Animal Services Division. (PURCHASING)

RESOLUTION NO. 2018 - 065

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CONSTRUCTION OF A NEW ANIMAL SHELTER FOR THE COMMUNITY SERVICES DEPARTMENT

6. Approved a resolution authorizing the issuance of a request for proposals for an oil and gas lease located in Section 15, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas, Section 14, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas, Section 22, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas, Section 23, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas and Section 26, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas; generally located south of East Loop 250 North and east of North Garfield Street and north of Illinois Avenue and west of North Lamesa Road for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 066

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 114.37 ACRES OUT OF SECTION 14, APPROXIMATELY 337.08 ACRES OUT OF SECTION 15, APPROXIMATELY 68.61 ACRES OUT OF SECTION 22,

APPROXIMATELY 9.11 ACRES OUT OF SECTION 23, AND APPROXIMATELY 6.74 ACRES OUT OF SECTION 26, ALL OUT OF BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (SAID ACREAGE BEING GENERALLY LOCATED SOUTH OF EAST LOOP 250 NORTH, EAST OF NORTH GARFIELD STREET, NORTH OF ILLINOIS AVENUE, AND WEST OF NORTH LAMESA ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

7. Approved a resolution awarding a contract for the East Hicks Avenue & East Taylor Avenue Paving Project - 2017 Bond Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 067

RESOLUTION AWARDING A CONTRACT FOR THE EAST HICKS AVENUE AND EAST TAYLOR AVENUE PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,300,167.81; SAID PROJECT BEING A YEAR ONE BOND PROJECT; AND AUTHORIZING PAYMENT THEREFOR

8. Approved a resolution awarding a contract for the Greentree Blvd Mill & Inlay Project - 2017 Bond Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 068

RESOLUTION AWARDING A CONTRACT FOR THE GREEN TREE BOULEVARD MILL AND INLAY PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,179,449.91; SAID PROJECT BEING A YEAR ONE BOND PROJECT; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution approving the purchase of a generator for City Hall from Warren Power & Machinery, Inc. dba Warren Cat through Buyboard contract 515-16 for a total cost of \$59,142.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 069

RESOLUTION APPROVING THE PURCHASE OF A GENERATOR FOR CITY HALL FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT THROUGH BUYBOARD AT A TOTAL COST OF \$59,142.00

11. Approved a resolution approving the purchase of an airless truck mounted striping machine for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 071

RESOLUTION AUTHORIZING THE PURCHASE OF AN AIRLESS TRUCK-MOUNTED STRIPING MACHINE FOR THE GARAGE DIVISION FROM VOGEL TRAFFIC SERVICES, INC., DBA EZ-LINER INC, OF ORANGE CITY, IOWA, AT A TOTAL COST OF \$133,500.00

12. Approved a resolution approving the purchase of a utility tractor for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 072

RESOLUTION APPROVING THE PURCHASE OF A UTILITY TRACTOR FOR THE GARAGE DIVISION FROM THE SOLE BIDDER, DEERE & COMPANY, OF CARY, NORTH CAROLINA, AT A TOTAL COST OF \$79,747.61

13. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. for an amount not to exceed \$610,000.00 for the wastewater collection system modeling and Master Plan Update Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 073

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE WASTEWATER COLLECTION SYSTEM MODELING SERVICES AND TO PREPARE A WASTEWATER COLLECTION SYSTEM MASTER PLAN FOR THE CITY OF MIDLAND, FOR AN AMOUNT NOT TO EXCEED \$610,000.00

14. Approved a resolution authorizing the issuance of a request for qualifications to provide professional services for engineering, planning and design services to develop two projects in the 2017 Road Bond, namely, Garfield Street and A Street for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 074

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE PLANNING AND DESIGN OF IMPROVEMENTS TO GARFIELD STREET AND A STREET; SAID SERVICES BEING RELATED TO YEAR THREE BOND PROJECTS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

15. Approved a resolution approving a contract between The City of Midland, Texas and SilverWing Enterprises, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 075

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

16. Approved a resolution authorizing the execution of Amendment #7 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 076

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER SEVEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: AIRCRAFT RESCUE FIRE FIGHTING VEHICLE

REPLACEMENT PROJECT, TERMINAL VEHICLE PARKING LOT PAVEMENT AND EQUIPMENT PROJECT, AND SPACEPORT BUSINESS PARK ENVIRONMENTAL PROJECT; AND APPROPRIATING FUNDS THEREFOR

17. Consider an resolution approving an Economic Development Agreement between the City of Midland (City) and the Midland Development Corporation (MDC) to provide matching incentive funds for various infrastructure improvements to state and local roadways and related facilities in and around the corporate limits of the City of Midland. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 2018 - 077

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE PURPOSE OF COMBINING FUNDS TO PROVIDE FOR THE EXPANSION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS TO STATE AND LOCAL HIGHWAYS AND RELATED FACILITIES IN AND AROUND THE CORPORATE LIMITS OF THE CITY OF MIDLAND, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

18. Approved a motion approving a proposed Final Plat of Timberwolf Estates North, being a 130.0-acre tract of land out of Sections 5 and 8, Block 38, T-1-S, T&P RR. Co. Survey, City of Midland, Martin County, Texas. (Generally located on the west side of North Elkins Road, approximately 695 feet north of Timber Wolf Trail.) (DEVELOPMENT SERVICES)
21. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and NuStar Permian Transportation and Storage, LLC 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) oil pipeline, not to exceed eight (8) 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 16 Block 37, T3S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 079

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NUSTAR PERMIAN TRANSPORTATION AND STORAGE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 16, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

22. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Grand Prix Pipeline, LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing one oil transportation pipeline, not to exceed thirty (30) 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, Block 36, T3S, Sec 30, Midland and Glasscock Counties. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 080

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE

BETWEEN THE CITY OF MIDLAND AND GRAND PRIX PIPELINE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY AND GLASSCOCK COUNTY, TEXAS

23. Approved a resolution amending a Surface Use Agreement between the City of Midland and CrownQuest Operating, LLC, 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 multiple petroleum lines, 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 16, Block 37, T-3-S, T&P R.R. Co., Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 081

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

24. Approved a motion on request by SW Howell, Inc. to defer water, wastewater, paving and sidewalk improvements for Cotton Addition, and to waive the corresponding financial security guarantee valued at \$115,636.50, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of West County Road 150, approximately 820 feet east of South County Road 1285, approximately 2.6 miles outside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
25. Approved a motion on request by Parkhill Smith & Cooper, Inc., to defer wastewater and sidewalk improvements for Spanish Trails Station, Section 3, and to waive the corresponding financial security guarantee valued at \$132,814.00, an amount equal to the estimated cost of construction. The subject property is generally located on the west side of South County Road 1250, approximately 500 feet north of Interstate 20, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
26. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Desert Thunder Raceway, LLC in the amount of \$145,500.00 for future design and construction of public paving on South County Road 1250 to serve Spanish Trails Station, Section 3; and appropriating funds therefore; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is generally located on the west side of South County Road 1250 approximately 500 feet north of Interstate 20, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 082

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH DESERT THUNDER RACEWAY, LLC FOR PAVING IMPROVEMENTS TO SOUTH COUNTY ROAD 1250 TO SERVE SPANISH TRAILS STATION, SECTION 3 (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH COUNTY ROAD 1250, APPROXIMATELY 500 FEET NORTH OF INTERSTATE 20); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

27. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Mockingbird Oaks Development, LLC. in the amount of \$356,500.00 for future design and construction of public water and drainage improvements to serve Los Patios, Section 5; and appropriating funds therefore; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is generally located southwest of the intersection of Briarwood Avenue and Holiday Hill Road, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 083

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MOCKINGBIRD OAKS DEVELOPMENT, LLC FOR DEVELOPMENT OF LOS PATIOS ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BRIARWOOD AVENUE AND HOLIDAY HILL ROAD); AND ALLOCATING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$356,500.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

28. Approved a resolution approving the MOA between Midland County Hospital District d/b/a Midland Memorial Hospital and the Midland Fire Department. (FIRE)

RESOLUTION NO. 2018 - 084

RESOLUTION AUTHORIZING THE EXECUTION OF A BUSINESS ASSOCIATE AGREEMENT WITH THE MIDLAND COUNTY HOSPITAL DISTRICT REGARDING THE MIDLAND FIRE DEPARTMENT COMMUNITY HEALTH PARAMEDIC PROGRAM OBTAINING ACCESS TO PATIENT DATA BY AND THROUGH MIDLAND MEMORIAL HOSPITAL COMPUTER SYSTEMS

29. Approved a resolution approving the MOA between the US Marshals Service and Midland Fire Department. (FIRE)

RESOLUTION NO. 2018 - 085

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES MARSHALS SERVICE REGARDING THE MIDLAND FIRE DEPARTMENT'S TACTICAL MEDIC TEAM'S SUPPORT OF THE UNITED STATES MARSHALS SERVICE'S VIOLENT OFFENDER TASK FORCE

10. Approved a resolution rejecting all bids received for the fifteen (15) white police package vehicles and two (2) red police package vehicles and authorizing re-advertisement for bids for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 070

RESOLUTION REJECTING ALL BIDS RECEIVED FOR FIFTEEN (15) WHITE POLICE PACKAGE VEHICLES AND TWO (2) RED POLICE PACKAGE VEHICLES; AND AUTHORIZING THE CITY MANAGER TO ISSUE AN ADVERTISEMENT FOR COMPETITIVE BIDS FOR TWENTY (20) WHITE POLICE PACKAGE VEHICLES AND TWO (2) RED POLICE PACKAGE VEHICLES

Lacy pulled how much costing more for taxpayers because keepbreaking squad

vehicles. Fred about \$60,000 per unit \$30000 of unit and other 30 to outfit. Lacy anything recoverable for others. Fred eyes do pull. Lacy at least excess of \$200,000. Fred at least \$150,000. Lacy hopefully similarator will alleviate. Ivoe we do have insurance offsetting. Fred yes some dollars will collect next year will be coming. these are vehicles lost or taken out of service since Feb of last year units bought because of incidences and motors give out looking at buying more at rate replacing falling behind.

Council Member Lacy moved to adopt Resolution No. 2018 - 070; seconded by Council Member Sparks.

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

19. Approved a motion approving a proposed Preliminary Plat of Tuscan Villas, being a 34.74-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Garfield Street, approximately 590 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

Lacy pulled mention of office? clarification of what trying to do consent for zone change. Lacy don't know if super majority with all these. Lacy has questions and would like to defer until talk about zone change.

Council Member Lacy moved to defer to later in meeting; seconded by Council Member Sparks.

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

Council Member Lacy moved to approve a motion approving a proposed Preliminary Plat of Tuscan Villas, being a 34.74-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Garfield Street, approximately 590 feet north of Mockingbird Lane.); seconded by Council Member Love.

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

20. Approved a resolution adopting Guidelines and Criteria for Tax Abatement Agreements. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 078

RESOLUTION ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

Love pulled for citizens to know and council chapter 312 of Texas tax code set to expire 2019 September. approving for two years want council to be aware and reach out to legislators and please reapprove chapter 312 because important tool for citizens.

Council Member Love moved to adopt Resolution No. 2018 - 078; seconded by Council Member Lacy.

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

SECOND & THIRD READINGS

30. Consider an ordinance on third 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 here of. (CITY MANAGER'S OFFICE) (First reading held January 23, 2018. Second reading held February 13, 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 Darlene Eastin read the caption of Ordinance No. 9733

Council Member Hotchkiss moved to approve the third and final reading of Ordinance No. 9733 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

31. Consider an ordinance on second reading 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) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9734.

Council Member Lacy moved to approve the second and final reading 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

32. Consider an ordinance on second reading 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) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9735.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9735 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

33. Consider an ordinance on second reading 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) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9737.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9737 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

34. Consider an ordinance on second reading to cancel the Sharyland Franchise Agreement. (CITY MANAGER'S OFFICE) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9738.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9738 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

PUBLIC HEARINGS

35. Hold a public hearing and consider an ordinance on request by Betenbough Homes,

LLC. for a Zone Change from AE, Agriculture Estate District, to 1F-3, One-Family Dwelling District on a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County Midland, Texas. (Generally located northeast intersection of Arapahoe Road and Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9739

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 306.65-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ARAPAHOE ROAD AND FAIRGROUNDS ROAD); 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 Darlene Eastin read the caption of Ordinance No. 9739.

Development Services Director Chuck Harrington gave a brief overview of an item noting 10:23 a.m.isten Sparks a little close together but we need the housing.

Mayor Pro Tem Robnett opened the public hearing at 10:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9739 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

36. Hold a public hearing and consider an ordinance on a request by Betenbough Homes, LLC. for approval of a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7. - Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning front yard setbacks on a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located northeast of the intersection of Arapahoe Road and Fairgrounds Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9740

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 306.65-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ARAPAHOE ROAD AND FAIRGROUNDS ROAD), 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 Darlene Eastin read the caption of Ordinance No. 9740.

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting special exception for reduction 15 feet for all lots. similar to previous. when cul-de-sac difficult to get everything in. with 20 foot if had garage loading on front facing front set garage back 20 feet. they could have a garage approach. this would allow closer to house in culdesac. Sparks how many lots encompass. chuck don't recall exact number. Love planning agenda item staff rec approval of rec subject to condition a and b a significant concern with exhibit A attached here to it doesn't say anything what they want to say. Chuck all lots have to be conforming in that development area. Love what are conditions in exhibit A. John if look at Ordinance exhibit A identifies exhibit A as property description metes and bounds. if you look and identifies exhibit B is clear. Love error on agenda item. chuck to show typical lot. exhibit C is culdesac.

Mayor Pro Tem Robnett opened the public hearing at 10:28 a.m.

Kelly Oaks 6817 N Hwy 349, represent betenbough homes, going through city staff about 15 culdesacs in neighborhood typically 4 homes. culdesacs larger than other communities. there are areas of house that protrude actual house is 15 feet. just wondering how many. so 15 x 4 off 1050. just to put mind to rest it is similar. Lacy how fast houses on market one a day.

There being no one else wishing to speak, the public hearing was closed at 10:30 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9740 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

37. Hold a public hearing and consider an ordinance on a request by George Lara to vacate a 0.257-acre portion of the right-of-way of Adams Street situated between Blocks 55 and 56, East Midland Addition, City and County of Midland, Texas. (Generally located north of the intersection of Adams Street and Garden Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9741

AN ORDINANCE VACATING AND ABANDONING A 0.257-ACRE PORTION OF ADAMS STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 55 AND 56, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF ADAMS STREET AND GARDEN LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$22,390.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9741.

Development Services Director Chuck Harrington gave a brief overview of the item noting request joint situation. city asked mr lara to look at vacation of Adams street it is a row never been used. Significant amount of drain on city to keep up. ask mr lara consider vacating and him taking property over. Did do pricing \$22,390 for price. Certainly isn't within purview of staff hope consider benefit city receive in not having to

keep up and adding to tax roles. Sparks pprooeprty has two different zones split once put together as one how does applicant go about etting it zoned. Chuck put back in process jsut like here what happens is by law zonign goes to mdidle of street has to go through process and work with owner. Sparks waive application fees for changing zoning? Chuck. Love we go through zone change City do it? Chuck onewill be assigned proeprty owner and get it done. Hotchkiss cost involved with City to get it redone. Chuck normally \$300 application fee is all involvedd. Sparks just staff time. Most \$300 goes to public notice more than staf fpiece.

Mayor Pro Tem Robnett opened the public hearing at 10:34 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. 9741 in accordance with the Charter of the City of Midland with amendment to cut fee in half; seconded by Council Member Lacy.

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

38. Hold a public hearing and consider an ordinance on a request by True Star Capital LLC, for a zone change from 1F-1, One-Family Dwelling District, to 1F-2, One-Family Dwelling on a 11.32-acre tract of land, and 19.42-acre tract of land all out of Section 9, Block X, H. P. Hillard Survey, City and County of Midland, Texas (generally located west of North Garfield Street, approximately 617-feet north of Mockingbird Lane). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9742

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 11.32-ACRE TRACT OF LAND AND A 19.42-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H. P. HILLARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED WEST OF NORTH GARFIELD STREET, APPROXIMATELY 617 FEET NORTH OF 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 Darlene Eastin read the caption of Ordinance No. 9742.

Development Services Director Chuck Harrington gave a brief overview of the item noting Tru Star Capital for single family subdivision on undeveloped pproperty. zoning 1f2 for entire subdivision. 1f2 similar to property to sw of pdhd has 1f2 underlying zoning. lot size is similar t ones located on easter half of subdivision. all min of 7000 these closer to 8000. Request reviewed and approved by p7Z and circ to dept for review. some concern about number of letters of objection but most are outside 200 foot circle. in 200 foot circle up to 3 properties but not. need to talk to applicant concern about affordable housing to alleviate concerns of neighborood. Love zoning map there are three other neighb ohood developments going on east se and directly south. a lot of devleopment we need housing.

Mayor Pro Tem Robnett opened the public hearing at 10:39 a.m.

Jarred SQUIRES psc. clarify one concern this will not be a mfg mobile home site. Lay website says specialize in affordable housing is that what this is. Lacy fence structure to block off from other area when common area what is going to happen in that area. Jared likely to be grass area with xeroscaping or trees or whatever allowed by pipeline owner definitely grassed. Lacy you have people with houses there looking right at it. Jarred don't know maintenance schedule it will be defined by hoa once established. A fence? Jarred no felt alley and road. Love without giving trade secrets valuations of houses. Jarred is similar to surrounding 380,000 plus. Love affordable housing is about half of that. Lacy 3 phases when estimate construction? Jarred plan right now is first phase pretty quick sometimes next year developer does not wish to rough cut entire area.

Sparks how many lots jarred 64. Sparks there is plan to extend garfield going north to get to north side of property? Jarred, yes. Love we have enough row? Jarred dedicating extra 20 feet from what is there. 120 total their dedication 100 total. Lacy what about drainage? Jarred 80 foot toward drainage channel will need dirt for fill will excavate as part of plan and enhancing drainage channel.

Dave Walker 5704 Dunbar Oaks, backs up to land have 11 more objections that brought main reason is confusion on February 5 or 4 meeting that had wrong legal description that said south of Mockinbird. Had annual meeting some residents said legal description was wrong said don't do anything. Think that spilled over into second notice so had 11 other people bring by his house yesterday on board of hoa. There are 11 more. question primarily is live oak down sw have texland directly to south. talked to that hoa president. They have woodland park to east. have mockingbird oaks to west, why do we want to go and reduce size of lots and put denser housing. He went on website and saw affordable housing. Have lived in affordable 69 years of his life but never once did he expect affordable housing to be in greentree. Lacy that is not case they are the same same as across from alley. Those are minimum 2800 sq foot houses and over \$1M on outside and two that are 7000 sq ft. won't do a heck of a lot for houses in the area there. That is chief objective. Already have concerns about traffic. They want to spread mockingbird street to more than two lanes. Lacy do have plans in future to make large arterial lane in future. reviewed plans. this zone change is comparable to 2/3 of what is out there. It is not affordable housing. The first thing you see out there is oil rigs and pump jacks. I see what happens there. Not going to make a lot of time by 1f1 obvious for me break up into smaller lots and make bigger return on it but what is he doing to other people who live in area. cheapest house along alley sold for 450,000. most expensive is \$2m. don't think this will fit in with neighborhood. Lacy if 1f3 concern would be valid these are 400,000 homes on 8000 sq foot lots that is not affordable. Not like 1f1.

Helen Sledge 2513 Legacy Oaks Ct, glad question cleared up about affordable housing. think know expansion is going to come and can't wait to have more neighbors. love neighborhood and know a lot of our neighbors between 1f1 and 1f2 lots not much different size but half the number of residents. if make all of those 1f2 lots and just cram more in, it just creates more traffic and property value concerns. worried about traffic would love neighborhood to be 1f1 lots. excited for development but want to stay 1f1 lots.

Michael with Keller? (Bryants) 2510 Legacy, needs to be major infrastructure traffic concerns, several homes on market and need more homes. Major concern with how tying roadway into pipeline areas. Basically final solution is there is a area green area that has been vacant for some time and could go on that particular lot. Love you talked about concern with infrastructure and other people talked about density so assuem just against it be there period. It needs to be similar to paltforms there similar. Will they ahve alleys or housing? Council there are alleys very similar to their housing. Love very similar to what is understanding? Michael as long as having dialogue with areas alleys and similar square footage then not concern. Just concerned aobut infrasatruture and how will it be presented. Huge L at grifield and nothing to slow down. Sjarks hwen have development thats when things change. Michael when development happen all at one time? Sparks have to have street to go into street. The developer will dot the street. Most will beincurred by developer just the streets that were put in your neighborhood. Want to make it clear that there is ntohing there now for street. Council is aware and the developer will put them in before houses can be built. Lacy there is long term plnas in future. if widen for benefit of citizens the city will participate. Dufford there will be hoa similar to your community. Sparks look at preliminary plat do see some lts extremely large for 1f1 they are not all small lots.

Mark Payne developer of woodland parks would like to support use of the land.

John Nussan 2959 Dunbarr Oaks, like looking at pumpjak and drilling rig was concerned aobut cutting through alley next to house concern about traffic already congested. will take years for you to get tthat done. heard extend about mockingbird for 20 years. the other concern spent a lot of time and money maintainngg yard have neough trouble keeping trash out how keep trash out when building 60 houses. love have concern any time call city and we will go out and they are required to keep trash. this all alleays. silk fences and trash control give call and make sure. main concern like coyotes and not traffic.

David Walker will all be sold as individual. Looking at selling lots to local builders.

There being no one else wishing to speak, the public hearing was closed at 11:05 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9742 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Sparks like ahve devleoper that will get Garfield and Mockingbird developed it is very much needed. it will oopen up going north and into the Woodland park. John O Mayor Pro Tem need to get determination wehter addition objection letters reach 20%. Arleady had copies ther eis not 20%.

Robnett do we have issues that proeprty described was not transcribed correctly? Lacy it was correct, John O general location was incorrect proepr desc is correct. Chuck sent out a revised public notice.

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

39. Hold a public hearing and consider an ordinance on a request by Benton Duke for

approval of a Special Exception to the Zoning Code, Section 11-1-6, Zoning district classification; use and development regulations for approval to allow the use of a manufactured home in a AE, Agriculture Estate District on a 15.18-acre tract of land out of the southwest 1/4 of Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally located approximately 640 feet north of Mockingbird lane, approximately 1,308-feet east of North Garfield Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9743

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 15.18-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 640 FEET NORTH OF MOCKINGBIRD LANE AND APPROXIMATELY 1,308 FEET EAST OF NORTH GARFIELD STREET), BY PERMITTING THE USE OF A MANUFACTURED HOME AS A FIXED DWELLING; GRANTING A VARIANCE FOR SAID PROPERTY PERMITTING THE CONSTRUCTION OF A RESIDENCE WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 200 FEET OF AN OIL AND GAS WELL; AUTHORIZING ISSUANCE OF A BUILDING PERMIT; SAID SPECIAL EXCEPTION AND VARIANCE BEING EFFECTIVE FOR A TERM OF TWO YEARS; 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 Darlene Eastin read the caption of Ordinance No. 9743.

Development Services Director Chuck Harrington gave a brief overview of the item noting special exception approval for mfgd home located on property that is AE wide open area. Mfgd home prohibited in AE allowed only in MH district. request circ to all depts, the zoning if it is to change would have to ensure tied down, don't believe in food ways believe property put in septic system and have well water to this site. The other thing listed in report concern of egress no roadway it is using oil field road for access and other than that staff recommend disapproval since no hardship. should council approved ask to include conditions. and ask for time limit on this so eventually not out there. Lacy is there one out there already and asking for forgiveness. Sparks aware of it and would like to hear from applicant. Sparks north of polo ground and trailer been out there a long time because of some of work doing he moved and it was moving it that caused problem. It was on property next door. Sparks it is for caretaker. They've had some vandalism of equipment and he has caretaker of the property. Love how did they get a septic tank? don't you have to plat. chuck yes there are companies who will do without platting. Chuck this will also include exception from 500 foot distance from permitted well. Love and some exception to flood plain. Chuck require tie down requirements. Love where did it used to sit?

Mayor Pro Tem Robnett opened the public hearing at 11:10 a.m.

Brian Carney 1202 West Texas, Mr. Duke in jury duty, 15 acres just north of polo grounds and trailer sits on. It was on the south side of polo fields they were reorganizing and asked if they would move it and so he moved it on other side of polo round not knowing he couldn't do it. There's been a lot of vandalism out there and criminal activity so having someone out there deter some of problem gate at front end but on

backside not muck having someone is benefit to someone. Love are you represent Mr. Duke or Polo Grounds. Mr. Duke. He will do whatever he would like. Septic is above ground water and electricity. He gave staff photos north south east and west. on south side of orange all are paddocks where horses are. There is another road form lease road on garfield expalined access to property not a lot of traffic Tahked staff for cooperation in trying to work out a plan. They agree to tie downs and will raise it above flood plain if needed. RSP is not in objection to this being there. Saprks no one on polo fields are objecting. Correct Carney. Htohkiss a whole lot of nothing and some horses with pied fence. Apprciate if could see way through variance it was not intent to do and ask forgiveness. Dufford give two eyar temp permit and come back every two years. Robnett is living quarters dont' want to create recurring issues where mvoing barniminium want sleeping quarters. Love he owns entire proeprty. Carney yes.

There being no one else wishing to speak, the public hearing was closed at 11:21 a.m.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9743 in accordance with the Charter of the City of Midland with two year limit; seconded by Council Member Sparks.

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

40. Hold a public hearing regarding the proposed granting of oil and gas permits to RSP Permian, L.L.C., for the drilling of oil and gas wells, being MCC HZ Unit 1110H located 285 feet from the north line and 2,258 feet from the east line, MCC HZ Unit 1111H located 285 feet from the north line and 2,288 feet from the east line, MCC HZ Unit 1112H located 285 feet from the north line and 2,318 feet from the east line, and MCC HZ Unit 1113H located 285 feet from the north line and 2,348 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 2,258 and 2,348 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 seperation of wells with rsp permian swells in same area 4 wells on same area 32 feet apart north of midland country club same variance as pasat 24 frac and variance to road repair no city roads. tank batter is to north in county only have wlel locations.

Mayor Pro Tem Robnett opened the public hearing at 11:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

41. Hold a public hearing and consider an ordinance on a request by Erich Schmidt for a Zone Change from PD, Planned District for an Office Center to PD, Planned District for a Shopping Center, on a 1.68-Acre Tract of Land out of Section 29, Block 39, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas generally located on the south side of West Golf Course Road, approximately 270-feet west of North Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9744

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING A 1.68-ACRE TRACT OF LAND OUT OF SECTION 29, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST GOLF COURSE ROAD, APPROXIMATELY 270 FEET WEST OF NORTH MIDKIFF ROAD); 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

Mayor Pro Tem Robnett read the caption of Ordinance No. 9744.

Development Services Director chuck Harrington gave a brief overview of the item noting microbrewery and propoising ot have a tap room and outdoor patio area for visitors to come to facility. Current PD was approved in 2002 and permitted uses in o1 but this districtd requires at least pd for sc. no kitchen no food plan to provide food served by foo trucks on site. staff reviewed no opposition to zonign in compliance with comp plan sstaff rec approval of district subject to considtions shown. as of 2/9 no loj. Food trucks operate in accrdance to food truck ordinance. chuckyes.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9744 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks, Morales, Dufford.

42. Hold a public hearing and consider a resolution on a request by Rubicon Oilfield International for approval of a Temporary Land Use Permit for a private event on Lot 7A and Lot 13A, Block 27, Original Town Addition, Section 3, City and County of Midland, Texas (generally located northeast of the intersection of North Big Spring Street and W. Illinois Avenue). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 086

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PRIVATE TECHNOLOGY SYMPOSIUM AND CUSTOMER APPRECIATION EVENT ON LOTS 7A AND 13A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST ILLINOIS AVENUE); 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 private event tlup march 26 through march 28 from 8-6. proposing set up event march 25 shipping contianing showcase technology food and refreshment. no sale of alco but consump wed march 28 two cert pease office two restrooms.

Mayor Pro Tem Robnett opened the public hearing at 11:30 a.m.

John James 100 N Main represent rubicon oil field intl happy to answer any questions.

There being no one else wishing to speak, the public hearing was closed at 11:31 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 086; seconded by Council Member Dufford.

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

MISCELLANEOUS

43. Consider an ordinance of the City Council of the City of Midland, Texas, approving a tariff authorizing an annual rate review mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., West Texas Division ("Atmos West Texas" or "Company") and the Steering Committee of cities served by Atmos West Texas; requiring the company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and legal counsel for the Steering Committee. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9745

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., WEST TEXAS DIVISION ("ATMOS WEST TEXAS" OR THE "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("WTX CITIES"); REQUIRING THE COMPANY TO REIMBURSE WTX CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR WTX CITIES

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9745.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9745 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Robert Mr. Salvato at jury duty.

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

44. Consider an ordinance amending ordinance number 8400, 9275, 9422, and 9472, which

established fees and charges for Parks & Recreation, the Midland Health Department and Hogan Park Golf Course. (COMMUNITY SERVICES)

ORDINANCE NO. 9746

AN ORDINANCE ADOPTING A HEALTH & SENIOR SERVICES FEE SCHEDULE, A HOGAN PARK GOLF COURSE FEE SCHEDULE, AND A RECREATION FEE SCHEDULE; AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION", CHAPTER 2, "FOOD SERVICE", SECTION 2, "PERMIT FEES; PERMITS", CHAPTER 3, "RETAIL FOOD STORES", SECTION 2, "PERMIT FEES", CHAPTER 4, "MOBILE FOOD VENDORS", SECTION 2, "PERMIT FEES", AND CHAPTER 5, "FOOD PRODUCTS ESTABLISHMENTS", SECTION 3, "PERMIT FEES" OF THE CITY CODE OF MIDLAND, TEXAS; REPEALING ORDINANCES SPECIFICALLY IN CONFLICT WITH SUCH FEE SCHEDULES ESTABLISHED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9746.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9746 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Community Services Director Tina Jauz gave a brief overview of the item time for comm svcs to adjust some of division fees for services and fees before. HOpe to keep moving forward new fleet of golf court cards and adjsut recomendations for pool party booked. Saprks on current fees mobile food vendor mobile food season temp food establshment is that annual fee, monthly? Tina annual. Sparks these fees are annual for daycare too. tina yes annual. Lacy ask about golf carts, Greg Sykes competitive with other courses, yes sitll be lowest anywehre.

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

PUBLIC COMMENT

45. 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.)

None.

Douglass Salt 3012 W Michigan Avenue, rate increase on water bill seems liek propose taxes for streets on property tax concerna bout that because going to property owners not outside people. Feel like maybe should proposed 1/2 cent food tax sales tax on everybody and it would be easier burden on everybody. Instead of unlaoading on property taxes go up in value and add more. People move in and out should be labored with expense and now getting assessed for drainage. Also asked to use for drainage.

Holden Domingo came to talk about solution how to enable vehicles going to Odessa by

grassland. every afternoon see vehicles traffic jam solution is something liek this 3 lanes from ramp 2 becomes 3 lanes. tthe one that goes to odessa on 158 and 191 they are being blocked by vehicles going to HEB and 250 south. One solution would be to the slow lane of bridge barricade it and block it. former chairman of MPO what talking about are state highways and working on that as we speak happy to come and talk about what TXDOT and what MPO has planned for that interseciton we have short term and long term slution to implement that problem. After they use they are going to say they knew about it so how can you say you have solution when lanes are being blocked have a solution and in process of executing solution will share that with you that is what planning on doing. Government must justly compensate and costly to getting and not going to respect it.

EXECUTIVE SESSION

recess 11:43 a.m.

46. 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