

**MIDLAND CITY COUNCIL
MINUTES
March 22, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on March 22, 2016.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, 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, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Sara Bustilloz.

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 ____ a.m., March 22, 2016.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

Mayor called meeting to order 10:00

1. Invocation - Rev. Roy Smith, True Lite Christian Fellowship
2. Pledge of Allegiance

PRESENTATIONS

- a. Love presented
- b. Bart Hotchkiss Chair of P&R and Mayor thanked Mr. Anwar for thier contributions to Midland Parks & Recreation Endowment Fund.

Anwar extended match for one more yeaar through 2016.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation for Women History Day.
 - b. Recognize the S. Javaid Anwar Family for their contributions to the Midland Parks and Recreation Endowment Fund.

PUBLIC COMMENT

None.

4. Receive public comments where individuals may address the City Council on City related issues and projects. 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.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 33 excluding 7, 8, 15; seconded by Council Member Robnett.

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

5. Approved a motion approving the following minutes:
 - a. Regular meeting of February 23, 2016.
 - b. Special meeting of February 24, 2016.
6. Approved a resolution authorizing a contract for the Fiscal Year 2016 Mill/Inlay Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 068

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2016 MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$1,907,589.09; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution approving the purchase of one (1) 2-3 cubic yard dump body for transportation, one (1) utility service body for traffic sign maintenance, one (1) utility body for traffic signal maintenance, one (1) utility body with crane for Water Pollution Control Plant and one (1) platform body for the Spraberry Farm for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 071

RESOLUTION APPROVING THE PURCHASE OF ONE (1) 2-3 CUBIC YARD DUMP BODY FROM BTE BODY CO., INC., OF IRVING, TEXAS, ONE (1) UTILITY SERVICE BODY AND ONE (1) PLATFORM BODY FROM FABCO INDUSTRIES, INC., OF ODESSA, TEXAS, AND TWO (2) UTILITY SERVICE BODIES FROM J&B TRAILERS OF MIDLAND, TEXAS, AT A TOTAL COST OF \$94,659.00

10. Approved a resolution approving specifications and authorizing advertisement for request for bids for a two (2) year contract for Janitorial Services for City buildings. (PURCHASING)

RESOLUTION NO. 2016 - 072

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR JANITORIAL SERVICES FOR CITY BUILDINGS

11. Approved a resolution authorizing the execution of Amendment #12 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2016 - 073

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER TWELVE TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR IMPROVEMENTS CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM; SAID AMENDMENT TO INCLUDE ADDITIONAL SITE ASSESSMENT SERVICES; AND APPROPRIATING FUNDS

12. Approved a resolution authorizing the Department of Airports to reimburse the Federal Aviation Administration (FAA) for funds spent on the East Side Development Project; and for the Mayor, City Manager and City Attorney to attest and execute FAA Amended Grant #55. (AIRPORTS)

RESOLUTION NO. 2016 - 074

RESOLUTION AUTHORIZING THE DEPARTMENT OF AIRPORTS TO REIMBURSE THE FEDERAL AVIATION ADMINISTRATION IN THE AMOUNT OF \$418,549.51 FOR FUNDS SPENT ON THE EAST SIDE DEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION OF FEDERAL AVIATION ADMINISTRATION AMENDED GRANT NUMBER 55 IN THE AMOUNT OF \$673,545.00; AND APPROPRIATING FUNDS

13. Approved a resolution finding that Parkhill, Smith & Cooper of Midland, Texas is the most qualified submitter of qualifications for Professional Engineering and Architectural

Services at Midland International Air & Space Port and Midland Airpark Airport.
(AIRPORTS)

RESOLUTION NO. 2016 - 075

RESOLUTION FINDING THAT PARKHILL, SMITH & COOPER, INCORPORATED, IS THE MOST QUALIFIED SUBMITTER OF QUALIFICATIONS FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES FOR THE PURPOSE OF CERTAIN AIRPORT CAPITAL IMPROVEMENT PROJECTS THAT MAY BE CONSTRUCTED AT MIDLAND INTERNATIONAL AIR & SPACE PORT OR MIDLAND AIRPARK AIRPORT

14. Approved a motion approving the Midland Development Corporation's sale of the property described as Lot 6, Block 9, Midland International Airport Industrial Park Addition, Section 5, Midland, Midland County, Texas, for an office facility for the Texas Department of Public Safety. (CITY MANAGER'S OFFICE)
16. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804LS) located 306 feet from the south line and 2,528 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405-feet north of Green Tree Blvd. extension and 2,528-feet west of North Midkiff Road.) (Planning Admin)

RESOLUTION NO. 2016 - 077

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,528 FEET FROM THE EAST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,528 FEET WEST OF NORTH MIDKIFF ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804MS) located 306 feet from the south line and 2,468 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405 feet north of Green Tree Blvd. extension and 2,468 feet west of North Midkiff Road.) (Planning Admin)

RESOLUTION NO. 2016 - 078

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,468 FEET FROM THE EAST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,468 FEET WEST OF NORTH MIDKIFF ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804WA) located 306 feet from the south line and 2,498 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405 feet north of Green Tree Blvd. extension and 2,498 feet west of North Midkiff Road.) (Planning Admin)

RESOLUTION NO. 2016 - 079

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,498 FEET FROM THE EAST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,498 FEET WEST OF NORTH MIDKIFF ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

19. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804WB) located 306 feet from the south line and 2,558 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405 feet north of Green Tree Blvd. extension and 2,558 feet west of North Midkiff Road.) (Planning Admin)

RESOLUTION NO. 2016 - 080

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,558 FEET FROM THE EAST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,558 FEET WEST OF NORTH MIDKIFF ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

20. Approved a resolution amending Resolution 2015-391 for an Oil and Gas Well Drilling Permit to Trail Ridge Energy Partners II, LLC (Operator), for a permit to drill an oil & gas well within the City Limits, (Willow Lakes 191H) located 250 feet from the north line and 1,130 feet from the west line located in Section 19, Block 38, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (Generally located on the east side of North Fairground Road Extension and south of East Mockingbird Lane Extension.) (Planning Admin)

RESOLUTION NO. 2016 - 081

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO TRAIL RIDGE ENERGY PARTNERS II LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 250 FEET FROM THE NORTH LINE AND

1,130 FEET FROM THE WEST LINE, SECTION 19, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE NORTH FAIRGROUNDS ROAD EXTENSION, SOUTH OF THE MOCKINGBIRD LANE EXTENSION); SAID AMENDMENT AUTHORIZES A REDUCTION IN THE HEIGHT OF THE BERM AROUND THE TANKS WITHIN THE TANK BATTERY AND ALTERATION OF THE SIZE AND LOCATION OF VESSELS WITHIN THE TANK BATTERY

21. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Diamondback E&P LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of constructing, operating, repairing, maintaining and removing a water 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 13 & 14, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 082

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND DIAMONDBACK E&P, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13 & 14, BLOCK 40, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

22. Approved a motion on request by Maverick Engineering to defer public improvements for Saltbrush Estates, and to waive the corresponding financial security guarantee valued at \$295,885.44, an amount equal to the estimated cost of construction. The subject property is generally located west of the intersection of North County Road 1150 and Jadan Kate Road. A portion of the property lies within the Midland City Limits, and it crosses the county line between Midland and Martin Counties. (ENGINEERING SERVICES)
23. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Empire Heights, and to waive the corresponding financial security guarantee valued at \$1,590,571.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 710 feet west of the intersection of East County Road 91 and South County Road 1120, approximately 2.55 miles outside the City of Midland Corporate Limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
24. Approved a resolution approving a Mutual Termination Agreement between the Midland Development Corporation and the City of Midland for the Market Street Paving and Waterline Extension Project. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 083

RESOLUTION APPROVING A MUTUAL TERMINATION AND RELEASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE MARKET STREET PAVING AND WATER LINE EXTENSION PROJECT; AND TRANSFERRING UNEXPENDED FUNDS TO THE MIDLAND DEVELOPMENT CORPORATION

25. Approved a resolution authorizing and executing a Right-of-Way License between the

City of Midland and Vitol Midstream, 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 an oil transportation pipeline and related valve-station, not to exceed five (5) inches in diameter for the pipeline and not to exceed six hundred twenty-five (625) square feet for the valve station, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 9, Block 37, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 084

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND VITOL MIDSTREAM, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

26. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Oryx Southern Delaware Oil Gathering and Transport, 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 an oil transportation pipeline, not to exceed sixteen (16) 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 04,05, and 08, Block 38, T&P. RR. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 085

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ORYX SOUTHERN DELAWARE OIL GATHERING AND TRANSPORT, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 5, AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

27. Approved a resolution accepting a 0.0057-acre Water Line Easement from Western-T Corporation LLC.; located in Section 01, Block 39, T-2-S, Midland County Texas; authorizing the execution of said easement and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 086

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.0057-ACRE WATER LINE EASEMENT LOCATED IN SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FROM WESTERN-T CORPORATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

28. Approved a resolution accepting a 0.0092-acre Water Line Easement from Western-T Corporation LLC.; located in Section 01, Block 39, T-2-S, Midland County Texas; authorizing the execution of said Easement and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 087

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.0092-ACRE WATER LINE EASEMENT LOCATED IN SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY,

MIDLAND COUNTY, TEXAS, FROM WESTERN-T CORPORATION; AND ORDERING
RECORDATION BY THE CITY SECRETARY

29. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Dove Acres, and to waive the corresponding financial security guarantee valued at \$107,469.00, an amount equal to the estimated cost of construction. The subject property is an 21.85-acre development, located approximately 8,480 feet north of Loop 250 and Elkins Road (North County Road 1150), approximately 780 feet south outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
30. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Hollyhock Addition, and to waive the corresponding financial security guarantee valued at \$68,463.42, an amount equal to the estimated cost of construction. The subject property is generally located approximately 840 feet east of the intersection of State Highway 349 and East County Road 120, approximately 3,290 feet south outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
31. Approved a resolution authorizing the City of Midland to submit a grant application for the Body-Worn Camera Program Grant through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2016 - 088

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR THE BODY-WORN CAMERA PROGRAM GRANT

32. Approved a resolution authorizing an Operating Certificate for Red Raider Rides to operate a limousine business. (POLICE)

RESOLUTION NO. 2016 - 089

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR RED RAIDER RIDES TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

33. Approved a resolution approving a Discharge License with Affordable Dewatering for the purpose of discharging effluent from their septic processing facility. (UTILITIES)

RESOLUTION NO. 2016 - 090

RESOLUTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER DISCHARGE LICENSE AGREEMENT WITH AFFORDABLE DEWATERING SERVICE, LLC, FOR THE PURPOSE OF DISCHARGING TREATED WASTEWATER AT 2201 SOUTH MIDKIFF STREET, MIDLAND, TEXAS

7. Approved a resolution approving plans and specifications and authorizing advertisement for request for bids for the City of Midland Beal Parkway Improvement Project for the

Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 069

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE BEAL PARKWAY PAVING PROJECT; SAID PROJECT WILL PROVIDE FOR THE CONSTRUCTION OF A SHARED-USE ROADWAY FROM ANETTA DRIVE TO THOMASON DRIVE

Lacy pulled to thank staff for bringing forward. in district needed road. Jose thanked matt car and his team.

Council Member Lacy moved to adopt Resolution No. 2016 - 069; seconded by Council Member Robnett.

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

8. Approved a resolution approving the purchase of five (5) administrative cars, four (4) sport utility vehicles, eight (8) full size ½ ton regular cab pickups, one (1) full size ½ ton extended cab pickup, one (1) full size ¾ ton super crew pickup, one (1) full size ¾ ton regular cab pickup, one (1) full size ¾ ton regular cab, four (4) full size 1 ton heavy duty cab & chassis, one (1) full size 1 ton heavy duty cab & chassis and one (1) full size 1 ton crew cab 4x4 pickup for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 070

RESOLUTION APPROVING THE PURCHASE OF TWENTY-SEVEN (27) CARS AND LIGHT TRUCKS FOR THE GARAGE DIVISION

Sparks pulled thanked for getting information to him. Have consider next time may not be needing ?? based off uinfomation underutilized. Fred folks here form transportation and they explainedd some of issues having. Dufford as far as local were bids that much discrepancy. Regina of current economic conditions go with low bid. Love came under budget.

Council Member Lacy moved to adopt Resolution No. 2016 - 070; seconded by Council Member Robnett.

Dufford prefer to go with local folks if talking 10% stutory is 5%. Lacy costs are coming from City's outside will there be deliveered. Regina that is delivered cost. Dufford on rest few hundred per vehicle. This is low bidder recto go with low. can change rec to go with local. Dufford didn't do math how many vehicles? \$5,400 to take local bid prefer to ekep dollars in community his rec is to go with local bid over outside bidders. Courtney rec to bring back next Council to make sure local bidding to ensuree stay in percentage. Can award and auth staff to rpef within pref ot go with local biddeer. Lacy \$723,000 compared to \$669,00 that is substantial. Regina keep in mind for future.

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

15. Approved a resolution of the City Council of the City of Midland, Texas, approving a negotiated resolution between the Atmos West Texas Cities Steering Committee ("WTX Cities") and Atmos Energy Corp., West Texas Division regarding the company's 2015 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached tariffs to be just and reasonable and in the public interest; requiring the company to reimburse cities' reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the company and the WTX Cities' Legal Counsel. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 2016-076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS WEST TEXAS CITIES STEERING COMMITTEE ("WTX CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY'S 2015 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE WTX CITIES' LEGAL COUNSEL

Sparks several Cities involved? Tommy yes. Sparks not against it hurts to see rates go up when price of natural gas gone down as hard as it has in the last year. Not going to fight it just pointing it out. How many cities. Tommy West Texas 75 cities. Sparks justification? Tommy infrastructure maintenance costs and other items. Last increased 2 years ago.

Council Member Sparks moved to adopt Resolution No. 2016-076; seconded by Council Member Love.

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

SECOND READINGS

34. Consider an ordinance on second reading on a request by Beacon 191 Development, Ltd. for a zone change from PD, Planned District for a Shopping Center, to LR-3, Local Retail District on Lot 6C, Block 3, Westridge Park Addition, Section 16, City and County of Midland, Texas. (Generally located southeast of the intersection of Andrews Highway and Catalina Drive) (DEVELOPMENT SERVICES) (First reading held February 23, 2016.)

ORDINANCE NO. 9543

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6C, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF ANDREWS HIGHWAY AND CATALINA 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. 9543.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9543 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

35. Consider an ordinance on second reading amending Ordinance Number 9275 which established fees and charges for Parks & Recreation, Washington Aquatic Center and Doug Russell Pool, Animal Services, and Health and Senior Services. (COMMUNITY SERVICES)

ORDINANCE NO. 9544

AN ORDINANCE ESTABLISHING OR AMENDING CERTAIN FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, PARKS AND RECREATION DIVISION; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SUCH FEES AND CHARGES SET FORTH HEREIN

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9544.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9544 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

PUBLIC HEARINGS

36. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1004H) located 230 feet from the north line and 275 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 251 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting 1 of

4 apps seeing today. been to 97g been approved met rec. two variance first allowed 24-hour frac second road rep agreement. coming from north in county noo city streets. no loj. closest house 2400 feet to east horsse stable 1700 to west.

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

37. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1005H) located 230 feet from the north line and 315 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 291 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ssecond well same informaiton.

Mayor Morales opened the public hearing at 10:24 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

38. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1006H) located 230 feet from the north line and 830 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 806 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same info.

Mayor Morales opened the public hearing at 10:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

39. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1007H) located 230 feet from the north line and 870 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 846 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (Planning Admin)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same info.

Mayor Morales opened the public hearing at 10:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

40. Hold a public hearing and consider a resolution on a request by Our Lady of Guadalupe Catholic Church for approval of 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 N. Tyler Street and Garden Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 091

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 Our Lady of Guadalupe Catholic Church annual fair and carnival. This year will include carnival and expanding hours of operation Thursday through Sunday. Hours will be late Saturday 12 noon to 12 midnight. Ample restrooms and 8 security guards on duty at all times during event. According to PD last year staff rec approval no log.

Mayor Morales opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2016 - 091; seconded by Council Member Hotchkiss.

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

41. Hold a public hearing and consider an ordinance on a request by DDC Merritt Monument, Ltd. for a zone change from PD, Planned District for an Office Center, in part, and PD, Planned District for a Shopping Center, in part, to PD, Planned District for a Housing Development, on Lot 2 and the south 20 feet of Lot 1, Block 104A, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located northeast of the intersection of Beal Parkway and Leisure Drive.) (Planning Admin)

ORDINANCE NO. 9545

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2 AND THE SOUTH 20 FEET OF LOT 1, BLOCK 104A, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, IN PART, AND PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF BEAL PARKWAY AND LEISURE 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. 9545.

Development Services Director Chuck Harrington gave a brief overview of the item noting located in pd for office but some off processes proposing multi family housing 104 units on 4.55 acres 23 units/acre. Providing additional amenities including pool and playground. elevated submitted as part of review. They exceed requirement of adjacent to resident. staff rec approval. no loj.

Mayor Morales opened the public hearing at 10:30 a.m.

Andrew Hobby Maverick Engineering 1909 W. Wall. Very long lot done best can to make developable lot. PULLED as far west. PROVIDED amenities such as playground and pool. Question raised about building materials will be stone on first floor.

David Diaz 1201 S marienfeld. after last few months heard council discussion when above enough apt complexes. Not there yet directly south senior housing 96 units completed last summer within 60 days of completion it was filled. need still there. Lacy project just west will be affordable housing as well good corridor for affordable housing. Love thank you or comment one question is about too many thank for comment.

There being no one else wishing to speak, the public hearing was closed at 10:32

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9545 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

42. Hold a public hearing and consider an ordinance declaring certain structures as dangerous, dilapidated, substandard or unfit for human habitation and hazards to public health, safety and welfare and public nuisances, and ordering their removal or repair. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9546

AN ORDINANCE DECLARING CERTAIN STRUCTURES LOCATED AT 304 NORTH LEE STREET, 721 NORTH LINCOLN STREET, 1101 WEST WALL STREET, 1109 EAST ILLINOIS AVENUE, AND 1211 NORTH LAMESA ROAD, TO BE DILAPIDATED, SUBSTANDARD OR UNFIT FOR HUMAN HABITATION AND HAZARDS TO THE PUBLIC HEALTH, SAFETY AND WELFARE; ORDERING THEIR DESTRUCTION OR REMOVAL; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE; AND DIRECTING THE BUILDING OFFICIAL TO DELIVER A COPY OF THIS ORDINANCE TO AFFECTED OWNERS, LIENHOLDERS AND MORTGAGEES; SAID ORDINANCE BEING AUTHORIZED BY CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9546.

Building Official Steve Thorpe gave a brief overview of the item noting time of year when talk about buildings that code enforcement office feel not quite up to habitable standards. Five buildings one single family one vacant multi family not occ many years other 3 vacant commercial buildings. Have talk with one for possible purchase but would like to move forward. Some families are present to speak. First 304 N. Lee a

3399 sqft com bldg 3 enant spaces possible 4. Provided history of businesses that used to occupy the structure. Serious roof leakss stuctural wall plumbing and electrical defect past eyars over 80 police calls attributed to that bbuilding. This is known as slab city. Next 721 N lincoln residence involved in murder and then burned building in bad disrepari. Third 1101 W Wall 9840 sq ft 2 story vacant apt building this boarded up entrance corridor worked with family to get rid of boarded up condition. installed some grills. technically secure but not properly insulated living like outdoors. Had a lease for number of times and concerned about potential integrity, termite infeestation. Family turned down what real estate broker felt reasonable offers from people who want tto rehab property. Fourth 1109 E illinois known as Savoy, directlybehind Eddie's cattfish not been occupied in some time. boarded up at least 3 times complaints from neighbors about activity. Fifth building 1211 N Lamesa started undersconstruction 2011. Robert Flores never completed the project. Talked to potential purchasher who are able to purchase, complete building and open up retial operation. willing to work with but would like to get order so if dopesn't come to completion can move forward. Steve has concern but want to do a complete inspection. If goes forward second reading wait min of 30 days to notify all property owners who can appeal. Because of four projects being commercial have to go through asbestos reporting and put ttogether with 2 other commerical buildings and package together for formal bid.

Love reiterate for public. start of process. If own property will ahve ample opportunity to righ the wrongs and ave property from being taken down. This is process and this process go throughe very year is opportunity to push constitutnets to correct property. Steve rather gain compliance rather tahn take punitive action. Dufford more often than not for more than what ubilding is worth. Kept to minimum to deal with commercial.

Mayor Morales opened the public hearing at 10:42 a.m.

Carolyn Palmer 1726 E Oak, trying to see what kind of time frame 304 N Lee trying to see time frame. Not aware of condition of building and want to see how much time. Dufford recommend getting with City staff after public hearing. Love at leasat 30 days and another 30 days. If you contact Mr. Thorpe and working to extend he will extend time if see action.

Amy Chu, Eldon Chu 1101 W Wall, This business owned by their mother Debbie Chu English not native tongue speka on her behalf. Regarding this property have been working with City's request to get up to standards. Ongoing process. Have a very strong concern going on over the year. They dont' have specifics. Mr. Thorpe has been very vague in askign to do what need to comply. Notifications remove debris and board up windows and asked to remove boarding and install real windows to replace. Complaints regarding people illegally dumping objects on property. They have jumped into compliance as soon a sreceive a notice don't want trouble. Letters keep coming. There have been problems with vagrants and built a fence to secure property and contaacted Midland Police Dpt to increase patrol in area. She doesn't understand condition of proeprty foudnations ollid roof good, lot clear no weed debris problem strucure waterproof. No moisture in building don't have problems to make it a hazard. Feel this property has potential. Intentions of bringing it up to compliance with open and occupied ubilding. Capital will be funding themselves and there is some concern as to whaat can do with building. Has been apt complex however pat complexes may not be the way they go. Emphasize trying to comply. Steve Thorpe lost his temper yelled at mother on phone and state dnot in compliance because of Title 4 Chapter 9 Midland

City Code. Printed and read not given specifics as to what is wrong. Morales always two side of the story appreciate putting up his position. There is reason city identified this property and both party's are at table hoping to improve your property he wants to see al neighborhoods clean, well manicured. There is definatley need for apartments. Robnet spencer estimate of cost. Amy not sure don't know future direction. no cost estimates. Lacy how long family been working on this. Amy noting in a long time several buildings concerns about capital and direction. Received a lot of offers to buy but reserve the right to analyze offers to see if fair and just to them. Mr. Chu real estate agent it is not decision of code ordinance department.I Fiar market value is fmv. Went from 10 houses on market to 77. Morales going off topic. Dufford needs to be safe and habitable. If can bring it to that standard be fine if not then will move forward. Ssharla will look into it.

There being no one else wishing to speak, the public hearing was closed at 10:53 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9546 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

MISCELLANEOUS

43. An ordinance granting to Sharyland Utilities, L.P., its successors and assigns, an Electric Power Franchise to use the present and future streets, alleys, highways, public utility easements, and public ways of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Sharyland Utilities, L.P., its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9547

AN ORDINANCE GRANTING TO SHARYLAND UTILITIES, L.P., ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, AND PUBLIC WAYS OF THE CITY OF MIDLAND, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO SHARYLAND UTILITIES, L.P., ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9547.

Council Member Dufford moved approval of the first of three readings of Ordinance No. 9547 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

44. Consider an ordinance amending the Fiscal Year 2015-2016 Budget to provide additional funds to the Sports and Entertainment Association of Midland (SEAM) in the amount of \$100,000. (CITY SECRETARY'S OFFICE)

ORDINANCE NO. 9548

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2015-2016 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE SPORTS AND ENTERTAINMENT ASSOCIATION OF MIDLAND; THE ADDITIONAL FUNDING PROVIDED TO THE SPORTS AND ENTERTAINMENT ASSOCIATION OF MIDLAND WILL BE USED FOR UPCOMING EVENTS; THE ADDITIONAL FUNDS WILL ALLOW FOR THE PROMOTION OF TOURISM IN THE CITY OF MIDLAND; AND APPROPRIATING FUNDS

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9548.

Brad Barnett and Stephanie Martin CVB liaison for CVB and SEAM Board. Any funding get do not grant back same as granting agency. Lacy how do you come up with \$43.50. Bard historic number set up one thing looking up is do some reorganization. Want to look at all numbers using and think based on statewide tourism numbers. Want to make sure online. Robnett assumes every ddollars is a direct result. Robnett want to have this or screenat Midland Center. Hotchkiss has seperate funding. Brad even though sports and entertainment sports 85% when lose events coming to Midland more money to get them to come back same as looking with 4b trying to work on funding those gorups here and get audited as part of Chambers audit. open and transparent as to hwo operating.

Council Member Love moved approval of the first of two readings of Ordinance No. 9548 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

45. Consider an ordinance on a request by Lamar Advertising, on appeal, for a Specific Use Permit, with Term, for a Billboard, on Lot 1, Block 1, Green Acres, City and County of Midland, Texas. (Generally located approximately 400-feet north of the intersection of N. Highway 349 and Arapahoe Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9549

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, GREEN ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH HIGHWAY 349, APPROXIMATELY 400 FEET NORTH OF THE INTERSECTION OF NORTH HIGHWAY 349 AND ARAPAHOE ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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. 9549.

Development Services Director Chuck Harrington gave a brief overview of the item noting under sign regulations this is strictly for decision on ordinance. size of billboard they requesting 672 sq ft max size 300 sq ft.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9549 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Love no problem on 349. Lacy electric transfer station. Sparks doesn't fit smaller billboard wouldn't be able to easily change the sign. static sign. Dufford willing to give electronic if willing to take down signs on loop.

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

46. Consider an ordinance on a request by Lamar Advertising, on appeal, for a Specific Use Permit, with Term, for a Billboard, on the north 100-feet of the south 400-feet of the west half of Block 2, and the south 75-feet of the north 465-feet of the west half of Block 2, Brookshire Village, First Section, City and County of Midland, Texas. (Generally located on the east side of North Big Spring Street, approximately 225-feet north of West Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9550

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE NORTH 100 FEET OF THE SOUTH 400 FEET OF THE WEST HALF OF BLOCK 2, AND THE SOUTH 75 FEET OF THE NORTH 465 FEET OF THE WEST HALF OF BLOCK 2, BROOKSHIRE VILLAGE, FIRST SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 225 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; 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. 9550.

Development Services Director Chuck Harrington gave a brief overview of the item noting already had public hearing decision only. Circumstances surrounding case app made by Lamar advertising does meet requirements of ord with exception of spacing requireent between this property and permitted SUP for billboard on Walgreen site. Have had discussion with Lamar they dont' ahve any plans but dont' want to lsoe it. Council must decide if want to override setback requirement. Lacy only reeplacing one

took down for owner. It will be static. single instead of double. Robnett. Wehre jDufford wouldn't mind if electronic if took a a couple of down on Big Spring.

Hotchkiss her vet at hospital and pass on to him and Council how muycch appreciate gentlemanly behavior and consideration to them they are very complimentary of Christ and looking forward to more attractive sign. This is one of few occassion where might be tempted to vote for billboard. Won't do it, but simply replacing one they asked to replace and did them a favor thanks.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9550 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

47. Approved a resolution authorizing a Workforce Housing Incentive Agreement with Midland Community Development Corporation. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 092

RESOLUTION AUTHORIZING THE EXECUTION OF A WORKFORCE HOUSING INCENTIVE AGREEMENT WITH MIDLAND COMMUNITY DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL CONSTRUCTION IN THE CITY AND COUNTY OF MIDLAND, TEXAS; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING AN INCENTIVE PROGRAM FOR THE CONSTRUCTION OF SINGLE-FAMILY WORKFORCE HOUSING; APPROPRIATING FUNDS IN THE AMOUNT OF \$153,000.00; AND AUTHORIZING PAYMENT THEREFOR

Development Services Director Chuck Harrington gave a brief overview of the item noting Council long been concerned aobut providinhg housing workforce housing. R159,000 to \$189,k000 asking. MCDC completed ifnrastructure improvements. Investment half mil in project ready to start construction on new homes. in past put commitment 34 units no funds extended until built 4 homes thereafter can provide after home built and sold. no other city assistance. limited ot cy 2016 2018.

Council Member Lacy moved to adopt Resolution No. 2016 - 092; seconded by Council Member Hotchkiss.

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

48. Approved a motion for an interpretation of Ordinance 8495 regarding the addition of playground equipment and a shade structure to Common Area E, Block 8, Grassland Estates West, Section 5 (Generally located on the south side of Prairie Ridge Drive, approximately 640-feet west of Haywood Drive). (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting request steems around interpretation done for property. on their sit especific plan common area and should be develeoped in accordnace with ex A. It was never really

developed 7 ft berms and trees throughout. Did put trees along south side to buffer sh158. proposing to erect shade structure and playground equipment. They did run through HOA and received approval to do so. one person opposed concern with parking. Does this meet your intent?

Lacy zero cost to city for a neighborhood park. Letisha Strong 6337 Prairie Ridge. pt of HOA board. Do have a couple of pictures blank property will put shade next to walkway take up half of lot not on his side of property 36-13 opposed. It has been funded. Lacy looking to start next month didn't think would run in hurdle so can build neighborhood park. Hotchkiss orig intent to provide neighborhood park. Lacy its a Planned District and shade structure let build neighborhood park don't have to maintain his kind of park.

Council Member Sparks moved to approve a motion for an interpretation of Ordinance 8495 regarding the addition of playground equipment and a shade structure to Common Area E, Block 8, Grassland Estates West, Section 5 (Generally located on the south side of Prairie Ridge Drive, approximately 640-feet west of Haywood Drive); seconded by Council Member Robnett.

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

EXECUTIVE SESSION

Recessed to Executive Session at 11:14 a.m.

49. 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 ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary