

**MIDLAND CITY COUNCIL
MINUTES
March 24, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on March 24, 2015.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Scott Dufford (At-Large), Council Member Spencer Robnett (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, 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 Director Jose Ortiz, Interim Director of Airports Justine Ruff, Planning Division Manager Bob Baronti, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, and Community Development Manager Sylvester Cantu.

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 24, 2015.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Scott Dufford (At-Large), Council Member Spencer Robnett (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).

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

1. Invocation - Pastor Jon Slayden, Second Baptist Church.
2. Pledge of Allegiance

PRESENTATIONS

cto 10:05 a.m.

Food Bank read by Lacy; National service day read by Mayor, gfoa budget award presented by Dufford; Yucca Theatre presented by Hotchkiss.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Annual GFOA Budget Award for FY 2015 Budget Document.
 - b. Presentation of a Proclamation for "West Texas Food Bank Community Volunteer Center Day".
 - c. Presentation of a Proclamation for "National Service Recognition Day".
 - d. Presentation of a Proclamation for "Yucca Theater Day".

PUBLIC COMMENT

clifford Sanden, 4700 Polo Parkway, regarding hotel not to voice enduring opposition but instead to discuss the tall city tomorrow on line opinion solicitation forum put out by COM. one question came up "How can make comm more perm home for residents where should we get started?". his response is discouraging ind who espouse local increase entrance fees, build more hangars at airport.

Lancy Friday 5307 Ellen Jayne Way with comment about affordable housing, looking at poste child for first affordable housing, one thing need to be aware of as officials is that the COM has done wonderful job in support of affordable housing as they can, when they can and where they can. Have project producing additional afofd ahousing, comments made by prev speaker about ability to take a maintain home com if making sure it shines as it should. affordable housing is made up of working families most of time two income families hwere both spouses work.

no further.

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. (Please limit comments to three minutes or less.)

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 27 excluding 6, 9, 12, 13, 14, 15, 16, 17, 19, 21; 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 March 10, 2015.
7. Approved a resolution approving an agreement for the execution of a Professional Services Agreement in an amount not to exceed \$99,000.00 with Parkhill, Smith & Cooper, Inc. through the City's On-Call services program for the conceptual planning and schematic for the extension of Mockingbird Lane from Garfield Street to "A" Street for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2015 - 077

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR CONCEPTUAL PLANNING AND SCHEMATIC DESIGN SERVICES IN CONNECTION WITH THE EXTENSION OF MOCKINGBIRD LANE FROM GARFIELD STREET TO "A" STREET; ALLOCATING FUNDS IN THE AMOUNT OF \$99,000.00; AND AUTHORIZING PAYMENT THEREFOR

8. Approved a resolution approving the purchase of one (1) Type I Ambulance from Mac Haik DCJ of Houston, Texas through the Houston-Galveston Area Council (H-GAC) for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 078

RESOLUTION APPROVING THE PURCHASE OF ONE (1) TYPE I AMBULANCE FROM MAC HAIK DCJ THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$198,865.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

10. Approved a resolution authorizing the execution of a 2015 Routine Airport Maintenance Program (RAMP) Agreement between the City of Midland, Texas and Texas Department of Transportation (TXDOT) and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2015 - 080

RESOLUTION AUTHORIZING THE EXECUTION OF A 2015 ROUTINE AIRPORT MAINTENANCE PROGRAM AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE AN AUTOMATED WEATHER OBSERVING SYSTEM AT MIDLAND AIRPARK; AND APPROPRIATING NECESSARY FUNDS

11. Approved a resolution authorizing the execution of a Commercial Hangar Lease Agreement between the City of Midland, Texas and Ross Midland LLC dba Landmark Aviation (N-54). (AIRPORTS)

RESOLUTION NO. 2015 - 081

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMERCIAL HANGAR LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND ROSS MIDLAND LLC DBA LANDMARK AVIATION; THE LEASE WILL ALLOW ROSS

MIDLAND LLC DBA LANDMARK AVIATION TO LEASE HANGAR N-54 AT THE MIDLAND INTERNATIONAL AIR AND SPACE PORT

18. Approved a resolution authorizing the consolidation of existing allocations in the Owner Occupied Housing Assistance Minor Repairs Program and the Owner Occupied Housing Assistance Major Projects Program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 088

RESOLUTION AUTHORIZING THE CONSOLIDATION OF EXISTING ALLOCATIONS IN THE OWNER-OCCUPIED HOUSING ASSISTANCE MINOR REPAIRS PROGRAM AND THE OWNER-OCCUPIED HOUSING ASSISTANCE MAJOR PROJECTS PROGRAM

20. Approved a resolution authorizing and executing a Right-of-Way License between City of Midland, TX and Coronado Midstream LLC, said Right-of-Way License is for entering the City of Midland's right-of-way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a gas transportation pipeline, not to exceed twenty (20) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose: the pipeline is located within the City of Midland right-of-way, Sections 1 and 12, Block X, H.P. Hilliard Survey, Midland County, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 090

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CORONADO MIDSTREAM LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A GAS TRANSPORTATION PIPELINE, AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTIONS 1 AND 12, BLOCK "X", H.P. HILLIARD SURVEY; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE (1) ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

22. Approved a motion on request by West Company of Midland Inc. to defer public paving and wastewater improvements for Hannah Addition Section 1, and to reduce the corresponding financial security guarantee by \$510,133, an amount equal to the full cost of construction. The subject property is generally located in Midland County near the southwest corner of the intersection of South County Road 1230 and West County Road 120. (ENGINEERING SERVICES)
23. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Rosalva Martinez and Bertina Martinez for water distribution improvements to Hannah Addition, Section 1, Midland County, Texas; and depositing funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 092

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH ROSALVA MARTINEZ AND BERTINA MARTINEZ FOR WATER DISTRIBUTION IMPROVEMENTS TO HANNAH ADDITION, SECTION 1, MIDLAND COUNTY, TEXAS; AND DEPOSITING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

24. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of \$35,744 with Lance Friday Homes for the purpose of constructing public wastewater improvements to serve Sun Garden Village Addition Section 3; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 093

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH CASTLE RESTORATIONS, INC. FOR DEVELOPMENT OF SUN GARDEN VILLAGE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 0.3 MILES SOUTH OF EAST WADLEY AVENUE AND 0.5 MILES WEST OF NORTH FAIRGROUNDS ROAD); AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$35,744.00; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

25. Approved a resolution approving the 2015 MDA "Fill the Boot." (FIRE)

RESOLUTION NO. 2015 - 094

RESOLUTION APPROVING THE MUSCULAR DYSTROPHY ASSOCIATION'S APPLICATION TO SOLICIT CHARITABLE CONTRIBUTIONS IN ROADWAYS ON BEHALF OF THE MUSCULAR DYSTROPHY ASSOCIATION BY PARTICIPATING IN THE AFILL-THE-BOOT@ FUNDRAISER; THIS IS AUTHORIZED BY SECTION 552.0071 OF THE TEXAS TRANSPORTATION CODE; THE DATES AND TIMES OF THE SOLICITATION ARE APRIL 8, 9, AND 10, 2015 FROM 8:00 A.M. TO 6:00 P.M.; ALTERNATE DATES DUE TO INCLEMENT WEATHER ARE MAY 20, 21, AND 22, 2015 FROM 8:00 A.M. TO 6:00 P.M.; THE INTERSECTION LOCATIONS AT WHICH THE SOLICITATIONS SHALL OCCUR ARE MIDKIFF ROAD AND WADLEY AVENUE, MIDLAND DRIVE AND LOOP 250, MIDLAND DRIVE AND ANDREWS HIGHWAY, AND GARFIELD STREET AND GOLF COURSE ROAD; THERE WILL BE FIFTEEN (15) SOLICITORS INVOLVED IN SOLICITATIONS AT EACH LOCATION; AND THE MUSCULAR DYSTROPHY ASSOCIATION, INCORPORATED IS REQUIRED TO PROVIDE GENERAL LIABILITY INSURANCE PRIOR TO THE EVENT AND THE FIRE CHIEF SHALL ENSURE THAT THE INSURANCE IS RECEIVED AND APPROVED PRIOR TO THE AFILL THE BOOT@ FUNDRAISER; MEMBERS OF THE MIDLAND FIRE DEPARTMENT ARE AUTHORIZED TO SOLICIT CHARITABLE CONTRIBUTIONS IN ROADWAYS; AND ALL OTHER INDIVIDUALS ARE AUTHORIZED TO PARTICIPATE IN SOLICITATIONS IF AUTHORIZED BY SECTION 552.0071 OF THE TEXAS TRANSPORTATION CODE

26. Approved a resolution authorizing the City of Midland to submit a grant application for the FY2016 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2015 - 095

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE CLASSROOM AND SURVEILLANCE EQUIPMENT

27. Approved a resolution authorizing the execution of an Interlocal Contract with Midland County regarding cooperation between the Midland Police Department and the Midland County Sheriff's Office in the investigation of criminal activity and law enforcement and rescinding Resolution No. 2014-409. (POLICE)

RESOLUTION NO. 2015 - 096

RESOLUTION AUTHORIZING AN INTERLOCAL CONTRACT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY, TEXAS REGARDING COOPERATION BETWEEN THE MIDLAND POLICE DEPARTMENT AND THE MIDLAND COUNTY SHERIFF'S OFFICE IN THE INVESTIGATION OF CRIMINAL ACTIVITY AND LAW ENFORCEMENT; AND RESCINDING CITY OF MIDLAND RESOLUTION NO. 2014-409

6. Approved a resolution approving a contract for playground surfacing for the Fasken Park playground from Playgrounds, Etc. through the Buyboard for a total cost of \$78,749.00. (PURCHASING)

RESOLUTION NO. 2015 - 076

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PLAYGROUNDS, ETC., LLP, FOR PLAYGROUND SURFACING AT FASKEN PARK THROUGH BUYBOARD, IN THE AMOUNT OF \$78,749.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

pulled by Hotchkiss once again Midland benefiting from donation from a business to make this possible. in amount of \$78,700 and concho is donor. publicly thank them.

Council Member Sparks moved to adopt Resolution No. 2015 - 076; seconded by Council Member Love.

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

9. Approved a resolution awarding a contract to Lloyd D. Nabors Demolition LLC for the demolition and abatement of the Old Midland County Courthouse, Mid-America Building and Midland Executive Center and authorizing the City Manager to negotiate an agreement. (PURCHASING)

RESOLUTION NO. 2015 - 079

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LLOYD D. NABORS DEMOLITION, LLC, FOR DEMOLITION OF THE FORMER MIDLAND COUNTY COURTHOUSE (LOCATED ON BLOCK 55, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS), THE MIDLAND EXECUTIVE CENTER (LOCATED ON LOT 13A, BLOCK 27, ORIGINAL TOWN, SECTION 3, CITY AND

COUNTY OF MIDLAND, TEXAS), AND THE MID-AMERICA BUILDING (LOCATED ON LOT 7A, BLOCK 27, ORIGINAL TOWN, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS); AND ALLOCATING AND APPROPRIATING FUNDS THEREFOR

Council Member Love moved to adopt Resolution No. 2015 - 079; seconded by Council Member Hotchkiss.

Dufford pulled from info purp for public to give idea for timeline of demo fo 3 bldgs. Fred Reyes 306 days for all 3 buildings. Work begin when executed approx in April abatement and demo side. Abatement side ove r100 days. demo days 150-160 days. total 306 days. Dufford Courthouse complete abate and demo approx when, try to abate all bldgs at same time and them ove forward with demo.

Ken Vandergriff?? left # of days open to each bidder so can identify time and cost. proposal coming forth today is 306 days of which 135 days is abatement and balance for demo. put us in Jan/Feb depending on action by Council and contract admin. Mayor traffic worked out and identified. Vand mapped out with Engineering staff most traffic exist downtown off of colorado and tx on north. likewise on arrington coregraphed. Dufford cost for demo fo court house. Vandergriff 1.4 on courthouse balance is other 2 buildings.

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

12. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources (Operator), for a Permit to drill an oil and gas well within the City limits, (Well Nail "34" Nail #1) located 467-feet from north line and 467-feet from east line, Section 34, Block 38, T-1-N, T&P RR Co. Survey, Martin County, Texas (Generally located in the northeast corner of Section 34, approximately 467-feet west of North County Road 1150.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 082

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 467 FEET FROM THE NORTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 34, BLOCK 38, T-1-N, T & P RR CO. SURVEY, CITY OF MIDLAND, COUNTY OF MARTIN, TEXAS (GENERALLY LOCATED IN THE NORTHEAST CORNER OF SECTION 34, APPROXIMATELY 467 FEET WEST OF NORTH COUNTY ROAD 1150)

Lacy pulled 12-17 to abstain.

Council Member Sparks moved to adopt Resolution No. 2015 - 082; seconded by Council Member Love.

12 through 17

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

13. Approved a resolution approving the issuance of a permit to Endeavor Energy

Resources ("Operator"), for a Permit to drill an oil and gas well within the City limits, (Well Nail "34" Nail #2) located 1,980-feet from north line and 467-feet from east line, Section 34, Block 38, T-1-N, T&P RR Company Survey, Martin County, Texas (Generally located in the eastern corner of Section 34, approximately 467-feet west of North County Road 1150.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 083

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1980 FEET FROM THE NORTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 34, BLOCK 38, T-1-N, T & P RR CO. SURVEY, CITY OF MIDLAND, COUNTY OF MARTIN, TEXAS (GENERALLY LOCATED IN THE EASTERN HALF OF SECTION 34, APPROXIMATELY 467 FEET WEST OF NORTH COUNTY ROAD 1150)

Council Member Sparks moved to adopt Resolution No. 2015 - 083; seconded by Council Member Love.

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

14. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources ("Operator"), for a Permit to drill an oil and gas well within the City limits, (Well Nail "34" Nail #3) located 1,980-feet from south line and 467-feet from east line, Section 34, Block 38, T-1-N, T&P RR Co. Survey, Martin County, Texas (Generally located in the eastern corner of Section 34, approximately 467-feet west of North County Road 1150.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 084

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1980 FEET FROM THE SOUTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 34, BLOCK 38, T-1-N, T & P RR CO. SURVEY, CITY OF MIDLAND, COUNTY OF MARTIN, TEXAS (GENERALLY LOCATED IN THE EASTERN HALF OF SECTION 34, APPROXIMATELY 467 FEET WEST OF NORTH COUNTY ROAD 1150)

Council Member Sparks moved to adopt Resolution No. 2015 - 084; seconded by Council Member Love.

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

15. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources ("Operator"), for a Permit to drill an oil and gas well within the City limits, (Well Nail "34" Nail #4) located 467-feet from south line and 467-feet from east line, Section 34, Block 38, T-1-N, T&P RR Co. Survey, Martin County, Texas (Generally located in the southeastern corner of Section 34, approximately 467-feet west of North County Road 1150.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 085

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 467 FEET FROM THE SOUTH LINE AND 467 FEET FROM THE EAST LINE, SECTION 34, BLOCK 38, T-1-N, T & P RR CO. SURVEY, CITY OF MIDLAND, COUNTY OF MARTIN, TEXAS (GENERALLY LOCATED IN THE SOUTHEAST CORNER OF SECTION 34, APPROXIMATELY 467 FEET WEST OF NORTH COUNTY ROAD 1150)

Council Member Sparks moved to adopt Resolution No. 2015 - 085; seconded by Council Member Love.

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

16. Approved a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, LP, regarding its applications to drill oil and gas wells (Nail "34" #1, Nail "34" #2, Nail "34" #3, Nail "34" #4) within the City Limits, in Section 34, Block 38, T-1-N, T&P RR Co. Survey, City of Midland and County of Martin, Texas. The Road Repair Agreement will cover Elkins Road and be in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 086

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, L.P. REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (NAIL "34" WELLS) WITHIN THE CITY LIMITS IN SECTION 34, BLOCK 38, T-1-N, T & P RR CO. SURVEY, CITY OF MIDLAND AND COUNTY OF MARTIN, TEXAS

Council Member Sparks moved to adopt Resolution No. 2015 - 086; seconded by Council Member Love.

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

17. Consider a Resolution authorizing and executing a Right-of-Way License between City of Midland, TX and Endeavor Energy Resources, L.P., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing four oil and gas pipelines, and to have the right to ingress and egress at convenient points for such purpose: all facilities are located within the City of Midland property, Section 34, Block 38, T-1-S, T&P RR Survey, Martin County, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 087

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND ENDEAVOR ENERGY RESOURCES, L.P. REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 34, BLOCK 38, T-1-N, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS

Council Member Sparks moved to adopt Resolution No. 2015 - 087; seconded by Council Member Love.

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

19. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and AKA Square, Inc./Bhupen Agrawal. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 089

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND AKA SQUARE, INCORPORATED

2.3 M appraised application irregularityss 10P36 a.m. ask staff if not double check applications for accurancy it has bearing on funding trying to make on that. Frank do not go back with appraisal district. app came in Sept and he already protested value he already falsified. Not like get hundreds of applications. Need to check \$1.2 M dollar differenc eis substancial disagree funding with false info. September applicjation and protest already happened in August. Dufford was actual value of building that before he protested. Sparks it was what was said because its what was applied to. when they sen dout notice of appraisal thats what they had it appraised at and then he got it reduced. Lacy property tax increased . Dufford it was valued at 291,000 increased to 2.3 appraisal district and had it droped by 1.2 M He should have submitted . Mayor this building very run down eye sore invest by individual substantial investment to improve an aging building / Dufford based on work done is entitled to something from TIRZ. Sparks don't htink Mr. Lacy disagreeing with that but if TIRZ is using an increase of appraised value in their assesment as whether worthy to reimburse then should at least check and make sure that final appraisal is considered. Morales with remaining funds Genora gets message. Love TIRZ board was informed about change in request they were aware of it and took it into consideration still voted to approve it is because the valuation is not something tha thas to be quantified.

Council Member Love moved to adopt Resolution No. 2015 - 089; 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.

21. Approved a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Atlas Pipeline Mid-Continental WestTex, LLC; said Right-of-Way License is for entering City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a low pressure gas transportation pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland County, Texas, being Sections 5, 8, and 9, Block 38, T-2-S, T&P RR Co. Survey; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration; and rescinding City of Midland Resolution No. 2015-060. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 091

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

BETWEEN THE CITY OF MIDLAND, TEXAS AND ATLAS PIPELINE MID-CONTINENT WESTTEX, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A LOW PRESSURE GAS PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTIONS 5, 8, AND 9, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION; AND RESCINDING CITY OF MIDLAND RESOLUTION NO. 2015-060.

pulled by lacy . Atlas had easement, deviated and now asking for forgiveness. Mike in this case realized needed to deviate and realized had not constructed outside of area.

Council Member Robnett moved to adopt Resolution No. 2015 - 091; 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.

SECOND READINGS

28. Consider an ordinance on second reading on a request by Ben Scott / HEB for a Special Exception to the Zoning Code concerning the maximum building height on Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas (Generally located southwest of the intersection of N. Loop 250 West and Andrews Highway.) (DEVELOPMENT SERVICES) (First reading held on March 10, 2015.)

ORDINANCE NO. 9412

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH LOOP 250 WEST AND ANDREWS HIGHWAY), BY PERMITTING A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMIT; 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 Karla Mata read the caption of Ordinance No. 9412.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9412 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.

29. Consider an ordinance on second reading amending the Fiscal Year 2014-2015 Budget to provide additional funds to the Sports and Entertainment Association of Midland (SEAM) in the amount of \$100,000 (CITY SECRETARY'S OFFICE) (First reading held on March 10, 2015.)

ORDINANCE NO. 9413

AN ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2014-2015 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 ORDERING RECORDATION; AND APPROPRIATING FUNDS

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9413.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9413 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

30. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Pravin Patel & Mukesh Patel for a zone change from PD, Planned District for a Shopping Center to O-1, Office District, on Lot 4, Block 1, Westridge Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of Beal Parkway, approximately 400-feet north of West Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9414

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 1, WESTRIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 400 FEET NORTH OF WEST WALL STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9414.

Development Services Director Chuck Harrington case prev had last May. applicant proposed taller motel. They came back with 3 story building. Requesting to go to O-1/. 3 story hotel hieght limitation is 28 feet 9 inches and requesting exception 5 feet 9 inches in subsequest item. staff feel approp approved by p7z rec. 2 letters of obje tion.

Mayor Morales opened the public hearing at 11:05 a.m.

Ben Sanchez 408 N pecos schumann engineering for owner avail to answer questions. Lacy going to type of fencing and security. Rejapp Patel 4303 ECr 60, as far as security camera 16 cam exterior system avg motel does 8. fence system putting 8 foot or 10 foot if necessary cedar fence between them and security buildimngs. ample lighting system. no dark spots ina rea. mayor what is directly behind. Patel some type of safety building. lacy access will be conntect to svc? Patel not at this time but will in future. fencing on 2 sides. avg hotel price. charge \$100 - \$110. Any othe rhotels around 80-90 are old nice to have brand new economy hotel. Lacy commend on going above and beyond to peace of mind for surounding owners. patel partheship with LaQuinta and one in San Angela. Love Patel brother sdone business in Permian Basin for a while. pripiotrs of the Egg and I.

There being no one else wishing to speak, the public hearing was closed at 11:08 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9414 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.

31. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on a request by Pravin Patel & Mukesh Patel for a Special Exception to the Zoning Code concerning the required maximum building height on Lot 4, Block 1, Westridge Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of Beal Parkway, approximately 400-feet north of West Wall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9415

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 4, BLOCK 1, WESTRIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 400 FEET NORTH OF WEST WALL STREET), BY PERMITTING A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMIT; 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 Karla Mata read the caption of Ordinance No. 9415.

Development Services Director Chuck Harrington gave a brief overview of the item noting relating to previous applicant is proposing request to have special exception to allow 5 9" to put in 3 story hotel. 2 letters of objection.

Mayor Morales opened the public hearing at 11:10 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.

9415 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.

32. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Chris Kawaja, Pavilion Midland, LLC for a zone change from MF-1, Multiple Family Dwelling District, in part, and 1F-3, One-Family Dwelling District in part, to LR-2, Local Retail District, on a 4.86-acre tract of land; from TH, Townhouse Dwelling District, in part, and 2-F, Two-Family Dwelling District in part, to 1F-3, One-Family Dwelling District on a 58.25-acre tract of land; from TH, Townhouse Dwelling District, in part, and 1F-3, One-Family Dwelling District in part, to PD, Planned District for a Housing Development, on a 17.46-acre tract of land; from MF-1, Multiple-Family Dwelling District, in part, and 1F-3, One-Family Dwelling District in part, to LR-2, Local Retail District, on a 20.01-acre tract of land; all located in Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9416

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.857-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 58.250-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED TH, TOWNHOUSE DWELLING DISTRICT, IN PART, AND 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING A 17.459-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED TH, TOWNHOUSE DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 20.007-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND 1F-3, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACTS BEING OUT OF PAVILION PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE 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 Karla Mata read the caption of Ordinance No. 9416.

Development Services Director Chuck Harrington gave a brief overview of the item sharing maps of changes to proposed development of 2 tracts of retail 242 single family homes and 17.46 multi family apt compelx density under 21 units/acre. 362 apt units density 20.7. adequate parking, proposing additiona amenities pool, detached garages buffer between apt and single fmaily residential on south side. shared elevations. elevations meet current requirements. peak hour rate of 172 trips and 221 in pm approved by p7z no letters of objection.

Love tract A at top left corner that is part of what is being rezoned up above that little blank square, what is that zoning? MF1. Love have reservation of local retail district at intersection of arterial street don't have problem because of Lr2 to left and O-1 tract Lr2 don't have problem with.

Dufford concern about amount of traffic on big spring. Chuck didn't feel any real change in volume of traffic. Eventually will see signalization in area. Dufford what concessions were made? Chuck club house pool and available public parking. Lacy don't see how concession to variance of City Code.

Mayor Morales opened the public hearing at 11:17 a.m.

Andrew Mellen, Maverick Engineering, 1909 W Wall, to clear up. Area is already plotted out to single family and townhomes. Poorly done and hydrology poorly done. Tackled this for a system that covers adobe area and flood plain area. Had to expand retention area. The LR2 is big basin and huge retention basin in Tract d and drill site. Not much land is available to develop. In order to consolidate land had to put in more units and allow for more single family. That might help why asking for pd. Lacy due to drainage requirements that have been updated in last 30 years. Townhouses. Andrew hoping to redo some more area in another phase. Mayor important question is green space. Andrew not much because of previous issues discussed. Basins taken over by City of Midland do not rec making parks. Love concessions on density? Mayor improved sidewalks? Andrew yes sidewalks all around which address walking.

There being no one else wishing to speak, the public hearing was closed at 11:20 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9416 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

33. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a request Pavilion Midland, LLC / Chris Kawaja for a vacation of the 27.535-acre streets and alleys right-of-way located in Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9417

AN ORDINANCE VACATING AND ABANDONING 28.725 ACRES OF RIGHT-OF-WAY WITHIN PAVILION PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE DRIVE); ADOPTING THE CITY MANAGER'S DETERMINATION THAT THE FAIR MARKET VALUE OF SAID RIGHT-OF-WAY IS EXCEEDED BY THE FAIR MARKET VALUE OF 33.271 ACRES TO BE DEDICATED BY THE PROPERTY OWNER TO THE CITY FOR RIGHT-OF-WAY AND DRAINAGE PURPOSES; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9417.

Development Services Director Chuck Harrington gave a brief overview of the item noting related to previous case. shared how pavillion park originally laid out. What proposing is to vacate that plat and come in with new plat that will match up with zoning. Love gaining or losing on public streets as far as sq footage. chuck pretty much a wash. John gaining alittle because of increased drainage area. Love no alleys? chuck no alleys. When plats come through route to all depts.

Mayor Morales opened the public hearing at 11:23 a.m.

Andrew Mellen avail to answer questions. Dufford what type of development higher end low end/ andrew middle range.

cph

Council Member Love moved approval of the first of two readings of Ordinance No. 9417 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.

34. At approximately 10:42 A.M. hold a public hearing and consider an ordinance on a request by Henry Investment Group, LLC for a zone change from PD, Planning District for an Office Center, to an Amended Planned District on Lot 7A, Block 1, Corporate Plaza Addition, Section 17, City and County of Midland, Texas (Generally located southwest of the intersection of Edwards Street and Corporate Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9418

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7A, BLOCK 1, CORPORATE PLAZA ADDITION, SECTION 17, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EDWARDS STREET AND CORPORATE 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 Karla Mata read the caption of Ordinance No. 9418.

Development Services Director chuck Harrington gave a brief overview of the item noting tract was under O zoning for property of office 2001. applicant proposed change to offices little different arrangement that provide for medical offices and D-1 Sports

training facility. shared site plan and elevations of property. p7z rec approval unan staff would concur no loj. Love what are materials.

Mayor Morales opened the public hearing at 11:26 a.m.

Charlie Russel 220 austin Tx design of building centered around use of materials. highest performing product is architectural panel provides with excellent energy performance and stucco texture to outside. rest of bldg is similar fashion. Sparks just brick on one end? charlie coreten particular type of steel that oxidizes to a patina similar to copper oxidize into different color this material is same. very similar to wood panel in room rich deep red rust color that capture historical midland palet. Robnet is it like a nic eindoor facility witha little industrial feeling. Charlie class A medical office space (oragne section) the other part of high end sports training facility.

There being no one else wishing to speak, the public hearing was closed at 11:28 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9418 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Love this area turning out to be very nice.

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

35. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Keith Josey for a zone change from LR-2, Local Retail District to O-2, Office District, on Lot 3, Block 2, Wallco Addition, Section 3, City and County of Midland, Texas (Generally located on the south side of Veterans Airpark Lane, approximately 700-feet west of North Big Spring Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9419

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 2, WALLCO ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF VETERANS AIRPARK LANE, APPROXIMATELY 700 FEET WEST OF NORTH BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9419.

Development Services Director Chuck Harrington gave a brief overview of the item noting expand offies on Veterans Airpark Lane. parking for offices would like to get project rezoned to get height they need for parking garage and new office. future land plan called for office development, this is compliance p7z rec approval no loj. Mayor apache expanding.

Mayor Morales opened the public hearing at 11:30 a.m.

Mick 303 apache corp avail to answer questions.

Mick planning on expanding at 90% 350 employees looking at 625. Morales daycare. Mick day care, cafeteria, conference.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9419 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

36. At approximately 10:48 A.M. hold a public hearing on a request by Pilot Addition for the annexation of a 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

chuck 36 and 37 are related both being made Pilot proposing develop south of I-20. requested permission for annex and this is first public hearing required.

Mayor Morales opened the public hearing at 11:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed. remind 8:15 meeting tomorrow morning. nor further action.

37. At approximately 10:51 A.M. hold a public hearing on a request by Pilot Addition #2 for the annexation of a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

ORDINANCE NO. NUMBER>

At approximately 10:51 A.M. hold a public hearing on a request by Pilot Addition #2 for the annexation of a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) This is a public hearing only. No further action will be taken.

chuck happy to answer questions. Love this is for when annex land do you have to do it contiguous block. John has to be contiguous to city limits. 36 comes before 37 and it should actually be reversed. chuck when put ordinance will make sure it is right.

Mayor Morales opened the public hearing at 11:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

38. At approximately 10:54 A.M. hold a public hearing and consider an ordinance on a request by Midland Commons, LLC for a zone change from PD, Planned District for a Shopping Center to LR-2, Local Retail District, on Lots 22, 23 & 24, Block 5, North Park Addition, Section 17, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 260-feet west of Whitman Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9420

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 22, 23, AND 24, BLOCK 5, NORTH PARK ADDITION, SECTION 17, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 260 FEET WEST OF WHITMAN 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 Karla Mata read the caption of Ordinance No. 9420.

Development Services Director Chuck Harrington gave a brief overview of the item orig zoned pd for sc amended 2014 for FD. Developing a mirror image on the eastern image. no reason to continue as PD is requesting to go to rezone of lots to lr2. Love what do they have left of putting there. chuck these are the last two parcels. two more establishments

traffic in this area is nightmare.

Mayor services road. chuck hwen plans go through process evalaution and require any additional decerlation lanes to try alleviate any traffic congestion. Mayor possibility to have 3 lane one is just turning in. when hav edecerlaration thats wha tit feels like.

Mayor Morales opened the public hearing at 11:38 a.m.

Andrew Jave 1909 W Wall maverick eng here to answer questions. same as planned for sw corner. Mayor new retail? Andrew two restaraunts or rest and retail such as chipotle.

There being no one else wishing to speak, the public hearing was closed at 11:39 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9420 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.

39. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by Salvation Army for a vacation of the 0.138-acres of alley right-of-way located on Block 72, Original Town Addition, City and County of Midland, Texas (Generally

located approximately 150-feet east of South Terrell Street, between East Wall Street and East Missouri Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9421

AN ORDINANCE VACATING AND ABANDONING 0.138 ACRES OF ALLEY RIGHT-OF-WAY LOCATED ON BLOCK 72, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 150 FEET EAST OF SOUTH TERRELL STREET, BETWEEN EAST WALL STREET AND EAST MISSOURI AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,404.51; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9421.

Development Services Director Chuck Harrington gave a brief overview of the item noting behalf of Salvation Army new location. Plan to make use of alley. All franchise utilities have looked at and approved the location. I. value if over @,000. no loj.

sparks 2404.51 is that are they paying City. chuck tha tis normal vacation but it is up to City council. sparks would like to waive the fee for non profit tha tdoes as much as Salvation Army. Lvoe building will improve the neighborhood.

Mayor Morales opened the public hearing at 11:42 a.m.

Tex Selelr 5906 Selelrs Drive. commanding officer, haven't really made any definite plans for old property fmaily thirft will remain there there will be cosmetics improvements. n o intention to sell at this tiem. fund raiswer for this first. Love is that section not part of thrift is al offices and ?/ Tex front part that faces railraad is 4 offices and emergency services and DR with ktichen.

There being no one else wishing to speak, the public hearing was closed at 11:43 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9421 in accordance with the Charter of the City of Midland with the amendment to waive the fee; 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.

40. At approximately 11:03 A.M. hold a public hearing and consider a resolution on a request by Our Lady of Guadalupe Catholic Church for a Temporary Land Use Permit for a Church Family Fair on Lot 8, Block 7, Glendale Addition; and Lot 13A, Block 7, Glendale Addition, Section 2; City and County of Midland, Texas (Generally located northeast of the intersection of North Tyler Street and Garden Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 097

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR 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 one of ongoing events proposing hours noon-12:30 a.m. sat and sun 10-1030. include live music but reduce at 10. sale of alco bev proposed both days. 4 security guards on duty at all times. adequate restroom facility. staff rec approval no loj.

Lacy why extend to 12:30 a.m. over normal 12;00 a.m.

Mayor Morales opened the public hearing at 11:46 a.m.

David Diaz 208 S Marienfeld. hours are identical to previous 2 years. Normal activitiy winds up at 12:00 but just to be on safe sid eput 12:30 a.m. Mayor las tyear good fun god food.

Council Member Love moved to adopt Resolution No. 2015 - 097; seconded by Council Member Hotchkiss.

There being no one else wishing to speak, the public hearing was closed at 11:47 a.m.

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

MISCELLANEOUS

41. Consider an ordinance amending ordinance number 8990 which established fees and charges for Hogan Park Golf Course (COMMUNITY SERVICES)

ORDINANCE NO. 9422

AN ORDINANCE AMENDING FEES AND CHARGES FOR HOGAN PARK GOLF COURSE; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SUCH FEES AND CHARGES ESTABLISHED HEREIN

Requesting 92 cent cart increase Gregg Sykes, carts 62,000 more than last time. this increase shoudl generate 52,000 per year leave with next cart comes up hshould have 60,00 shouldn't have to go up for 6 years. maintly to cover cost. new carts here april 31. morales in comparison to other communities still lowest. Greg even with increase \$4.75 cheaper includes odessa andrew s and other sin Permian Basin.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9422.

Council Member Love moved approval of the first of two readings of Ordinance No. 9422 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. Approved a motion appealing the Building Official's denial of a Sign Permit application by Bowie Fine Arts Academy located on 805 Elk Avenue, Midland, Texas (Generally located southeast of the intersection of North "B" Street and Elk Avenue.)

(DEVELOPMENT SERVICES)

chuck request denied based on fact only allowed one elec message center per inst use in residential area. they have current sign on Elk however school has second drop off zone would be able to see. Provides a unique situation use for providing info to students and paretns. There is concern about Marquis sign. One thing Council should consider is to have sign on timer so goes off by certain time at night so no lights in residential neighborhood. Love how do you feel about this being poster child case of open up big can of worms wanting 2 signs. Chuck first institutional use and second and this campus is a very large the one sign on north is right under trees its hard to see that from A Street. this gives more advantage due to unique circumstances. From staff standpoint would look at every other case. Can go to a lot of shcool and don't find same situation. Love public is not going to delinnate same way. Individual case by case evaluation. Dufford only make exception for school. Htochkiss is to change and put elec sign in front of building wher eactually doing performances. sparks which one already built. Hotchkiss worry about neighborhood but if cutoff time would feel better. Dufford at least half hour before dusk should be cut off. Love cut off on existing sign? chuck no. what is size. chuck meet standard standards dimensions.

Council Member Dufford moved to approve a motion appealing the Building Official's denial of a Sign Permit application by Bowie Fine Arts Academy located on 805 Elk Avenue, Midland, Texas (Generally located southeast of the intersection of North "B" Street and Elk Avenue.) with amendment that turned off at least half an hour before dusk.; seconded by Council Member Lacy.

Htochkiss think tha tis wher einfo sign should be.

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

43. Notification to City Council regarding no legal action filed pertaining to dilapidated structures Ordinance 9365, approved January 13, 2015. (DEVELOPMENT SERVICES)

Steve no legal findings on 15 dilapidated struction. remove 14 of those Mr. howard on 505 s howard has worked structure will not be taken down. anticipate work to start first of April.

44. Approved a resolution stating the City of Midland will negotiate exclusively with Hotel Santa Rita No. 1 Midland Partners, LLC for the development of Block 55, Original Town Addition, City and County of Midland, Texas (the site of the former Midland County Courthouse) and adjoining property until April 30, 2015; providing that any future development agreement between the parties will not be effective until approved by the Midland City Council; and authorizing the Mayor to execute a letter agreement with Hotel Santa Rita No. 1 Midland Partners, LLC expressing the intent of this resolution. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 098

RESOLUTION STATING THAT THE CITY OF MIDLAND WILL NEGOTIATE EXCLUSIVELY WITH HOTEL SANTA RITA NO. 1 MIDLAND PARTNERS, LLC FOR THE DEVELOPMENT OF BLOCK 55, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (THE SITE OF THE FORMER MIDLAND COUNTY

COURTHOUSE) AND ADJOINING PROPERTY UNTIL APRIL 30, 2015; PROVIDING THAT ANY FUTURE DEVELOPMENT AGREEMENT BETWEEN THE PARTIES WILL NOT BE EFFECTIVE UNTIL IT IS APPROVED BY THE MIDLAND CITY COUNCIL; AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER AGREEMENT WITH HOTEL SANTA RITA NO. 1 MIDLAND PARTNERS, LLC EXPRESSING THE INTENT OF THIS RESOLUTION

Council Member Love moved to adopt Resolution No. 2015 - 098; seconded by Council Member Dufford.

Robnett reason public comment received final drawings as come to council want to be open and transparent and continue negotiations keep everyone informed. dufford, robnett sparks appointed by mayor to answer questions.

Robnett reason for extension little more time to final project.

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

Love District 2 proud to have this project.

45. Receive public comments and hold a question and answer session regarding Hotel Santa Rita No. 1 Midland Partners, LLC's proposed mixed-use development to be potentially located on Block 55, Original Town Addition, City and County of Midland, Texas (the site of the former Midland County Courthouse). The City Council may discuss proposed terms and conditions of a potential development agreement between the City of Midland, the Midland Development Corporation and Hotel Santa Rita No. 1 Midland Partners, LLC regarding the possible sale and development of said Block 55 and adjacent property. Representatives of Hotel Santa Rita No. 1 Midland Partners, LLC may present an update on said proposed development. (CITY ATTORNEY'S OFFICE)

Morales economic questions. # of employees. Blonkvist about 320. cost is still having to get bidding 90-100 M range. Spence 320 construction? Blonkvist no after project completed. Lacy look s beautiful. Robnett in experience project what are some benefits of revitalization and what it means to community. Blonkvist. do these types of projects around country and all over world. this project because of location in heart of city taking advantage of beautiful park and midland center enable to expand hotel room count for larger events and come together for other events, to eat workout, exercise. impact of first imp on others coming to city all things together create a transformative project in and off itself but impact on surrounding properties and their values. will influence others to upgrade to build new projects. catalyst for transformation. Mixed use boost in arm to community overall. Oil is dropped people need boost of confidence. Building an urban core serve city during day time but also destination come to in event and spur people to live in downtown area. Presented 3 d model blue is existing brown is proposed. Jerry had first public hearing and this is a second. Blonkvist goal as team everyone wants to do something meaningful to city. have listened carefully and major changes from this present to previous was large underground parking facility in order to put trees planters had to come above ground and people felt like was going to restrict full potential use of park to have more horizontal. underground parking now above ground.

no one wishing to speak closed public comment.

46. Approved a motion making appointments to various Boards and Commissions.

none. made.

EXECUTIVE SESSION

recessed to executive session at 11:57 a.m.

47. 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 ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary