

**MIDLAND CITY COUNCIL
MINUTES
March 27, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on March 27, 2018.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 27, 2018.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at ___ a.m.

OPENING ITEMS

1. Invocation - Pastor Dr. Darin Wood, Pastor First Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor presented to Senior Link

proclaiming in tion I service recognition d y

April 3 is in tion I service recognition d y

700 volunteers in midland

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 4 - 42 excluding 12, 28, 38; 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.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of February 27, 2018
5. Approved a resolution approving the purchase of spring and fall seed for the Plant Farm and Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2018 - 087

RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS AMOUNTS OF SPRING AND FALL SEED FOR THE PLANT FARM AND THE SPRABERRY FARM FROM HELENA CHEMICAL COMPANY, OF STANTON, TEXAS, AND WEST GAINES SEED, INC., OF SEMINOLE, TEXAS, AT A TOTAL COST OF \$198,231.80

6. Approved a resolution awarding a contract for the West Cuthbert Avenue Mill and Inlay Project - 2017 Bond Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 088

RESOLUTION AWARDING A CONTRACT FOR THE WEST CUTHBERT AVENUE MILL & INLAY PAVING PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$836,752.00; SAID PROJECT BEING A YEAR ONE BOND PROJECT; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT

THEREFOR

7. Approved a resolution authorizing the negotiation and execution of a Master Real Estate Broker Services Agreement for the sale of various city-owned properties to Real Estate One - Bill Scott, of Midland, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 089

RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A MASTER REAL ESTATE BROKER SERVICES AGREEMENT FOR THE SALE OF VARIOUS CITY-OWNED PROPERTIES TO REAL ESTATE ONE - BILL SCOTT, OF MIDLAND, TEXAS

8. Approved a resolution awarding a contract for Yard Waste Mulching Services for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2018 - 090

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH S&M BUSINESSES, INC., OF CEDARPARK, TEXAS, FOR YARD WASTE MULCHING AT A TOTAL COST OF \$405,000.00

9. Approved a resolution approving the purchase of two thousand four hundred and thirty (2,430) ninety-six (96) gallon roll out carts for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2018 - 091

RESOLUTION APPROVING THE PURCHASE OF TWO THOUSAND FOUR HUNDRED AND THIRTY (2,430) NINETY-SIX (96) GALLON ROLL-OUT CARTS FROM REHRIG PACIFIC COMPANY, OF DALLAS, TEXAS, AT A TOTAL COST OF \$118,754.10

10. Approved a resolution approving an amendment to the professional services agreement between Enprotec/Hibbs & Todd, Inc. and the City of Midland for Water Distribution System Hydraulic Modeling for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 092

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., PROVIDING FOR HYDRAULIC MODELING SERVICES FOR THE CITY OF MIDLAND'S WATER DISTRIBUTION SYSTEM; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$105,000.00 OVER AND ABOVE THE ORIGINAL NOT-TO-EXCEED AMOUNT OF \$240,000.00 FOR THE PERFORMANCE OF ADDITIONAL PROFESSIONAL SERVICES

11. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Cuthbert Avenue East Storm Drain Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 093

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING

ADVERTISEMENT FOR BIDS FOR THE CUTHBERT AVENUE EAST STORM DRAIN PROJECT; SAID PROJECT WILL PROVIDE FOR DRAINAGE IMPROVEMENTS IN THE AREA GENERALLY LOCATED ALONG CUTHBERT AVENUE, FROM G STREET TO D STREET

13. Approved a resolution authorizing the City Manager to approve the plans and specifications and advertise for bids for the Tradewinds Boulevard project; said project to provide road, sidewalk, pedestrian ramp, and drainage improvements along Tradewinds Blvd, from Thomason Drive to 1200 feet north of Starboard Drive; said project being a cooperative project between the City and Midland Development Corporation. (PURCHASING)

RESOLUTION NO. 2018 - 095

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE TRADEWINDS BOULEVARD PROJECT; SAID PROJECT TO PROVIDE ROAD, SIDEWALK, PEDESTRIAN RAMP, AND DRAINAGE IMPROVEMENTS ALONG TRADEWINDS BOULEVARD, FROM THOMASON DRIVE TO A POINT APPROXIMATELY 1,200 FEET NORTH OF STARBOARD DRIVE

14. Approved a resolution authorizing the advertisement for bids for the project described as Lavatory Disposal Station and Concrete Pavement at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 096

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LAVATORY DISPOSAL STATION AND CONCRETE PAVEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

15. Approved a resolution authorizing the execution of a lease agreement between the American National Red Cross and the City of Midland, Texas, to lease city-owned office space in the Wright Office Complex located at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 097

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE AMERICAN NATIONAL RED CROSS AND THE CITY OF MIDLAND, TEXAS, TO LEASE CITY-OWNED OFFICE SPACE IN THE WRIGHT OFFICE COMPLEX LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT

16. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Airport Security Access Control and CCTV upgrade project at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 098

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE AIRPORT SECURITY ACCESS CONTROL AND CCTV UPGRADE PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE

PORT

17. Approved a resolution authorizing the execution of an amendment to the Economic Development Agreement between the Midland Development Corporation and New Teraco, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 099

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND NEW TERACO, INC.

18. Approved a resolution approving and adopting amended bylaws of the Midland Development Corporation (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 100

RESOLUTION APPROVING THE AMENDED BYLAWS OF THE MIDLAND DEVELOPMENT CORPORATION

19. Consider a Resolution authorizing the execution of an Interlocal agreement with the University of Texas of the Permian Basin to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 101

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE, TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

20. Approved a resolution approving a mutual termination agreement between the Midland Development Corporation and Orbital Outfitters, Ltd., regarding a certain economic development agreement and a sublease agreement (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 102

RESOLUTION APPROVING A MUTUAL TERMINATION AND RELEASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND ORBITAL OUTFITTERS, LTD., REGARDING A CERTAIN ECONOMIC DEVELOPMENT AGREEMENT AND SUBLEASE AGREEMENT

21. Approved a motion to approve a proposed Preliminary Plat of Reese Acres Industrial Park, being a 65.972 acres of land out of Section 12, Block 39, T-2-S, T&P, RR Co. Survey, Midland county, Texas. Generally located on East County Road 117 approximately 290 feet east of South County Road 1180. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
22. Approved a resolution granting a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for commercial buildings, to be issued in the future, where the proposed buildings, either in whole or part is no closer than 175 feet of an existing oil and gas well (Annie #3 and Annie #8). The property is

located on south side of Onyx Drive, approximately 1000 feet west of Farm-to-Market Road 1788. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 103

RESOLUTION GRANTING A VARIANCE FOR LOT 2, BLOCK 1, WEST 1788 INDUSTRIAL PARK, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ONYX DRIVE, APPROXIMATELY 1,000 FEET WEST OF FARM-TO-MARKET ROAD 1788), BY PERMITTING CONSTRUCTION OF COMMERCIAL BUILDINGS WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 175 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

23. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H150WB located 110 feet from the south line and 990 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well that is generally located between 1,052 feet east of South Garfield Street and 325 feet north of West County Road 111 - District 2) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 104

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 110 FEET FROM THE SOUTH LINE AND 990 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,052 FEET EAST OF SOUTH GARFIELD STREET AND 325 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

24. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1106H located 285 feet from the north line and 1,728 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well that is generally located 1,728 feet west of North State Highway 349 and 5,030 north of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 105

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,728 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,728 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

25. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1105H located 285 feet from the north line and 1,688 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well that is generally located 1,688 feet west of North State Highway 349 and 5,030 north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 106

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,688 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,688 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

26. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1107H located 285 feet from the north line and 1,768 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas, said well that is generally located 1,768 feet west of North State Highway 349 and 5,030 north of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 107

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,768 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,768 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

27. Approved a resolution authorizing the transfer of Lot 9 Block 9 Greenwood Addition Midland County, Midland Texas to Midland Community Development Corporation in accordance with Section 253.011 and Section 272.001 of the Texas Local Government Code; and authorizing the City Manager and the City Attorney to execute all documents necessary to transfer ownership; the transfer of this property is not subject to the notice, bidding, and obtaining of fair market value requirements of State Law. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 108

RESOLUTION AUTHORIZING THE TRANSFER OF LOT 9, BLOCK 9, GREENWOOD ADDITION, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, TO MIDLAND COMMUNITY DEVELOPMENT CORPORATION IN ACCORDANCE WITH SECTION 253.011 AND SECTION 272.001 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF MIDLAND WITH MIDLAND COMMUNITY DEVELOPMENT CORPORATION REGARDING THE TRANSFER OF SAID PROPERTY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY TO EFFECT THE TRANSFER OF SAID PROPERTY; THE TRANSFER OF SAID PROPERTY NOT BEING SUBJECT TO THE NOTICE, BIDDING, AND FAIR MARKET VALUE REQUIREMENTS OF STATE LAW

29. Consider a Resolution Authorizing the City Manager to Acquire, on Behalf of the City of Midland a 4.29 Acre Tract Described as Part of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City of Midland, Midland County, Texas (Generally located 1282 feet west-southwest of the southern intersection of IH 20 and Fairgrounds Rd. Located in Council District 2) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 110

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, REAL PROPERTY INTERESTS IN A 4.29-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,282 FEET WEST-SOUTHWEST OF THE SOUTHERN INTERSECTION OF INTERSTATE 20 AND FAIRGROUNDS ROAD); AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING FOR SAID ACQUISITION; AUTHORIZING PAYMENT FOR SAID TITLE INSURANCE POLICY AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE

30. Approved a motion on request by Dunaway Associates, to defer wastewater, paving and sidewalk improvements for Polo Club Addition, Section 7, and to waive the corresponding financial security guarantee valued at \$215,786.54, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of Mockingbird Lane, approximately 1,294 feet east of North Garfield Street, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
31. Approved a resolution authorizing the City Manager to allocate funds to the East Hicks Avenue and East Taylor Avenue Paving Project and the Green Tree Paving Project at a total cost not to exceed \$50,000.00 per project for project related costs incurred during construction to support the construction project. (ie.TDLR inspections, material testing services) (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 111

Approved a resolution allocating \$50,000.00 from the road bond (2018 bond) proceeds to each of the following projects: East Hicks Ave. & East Taylor Ave. Project (900258) and Greentree Blvd. Mill & Inlay Project (900259).

32. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Lucid Energy Delaware, 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 a gas transportation pipeline and related compressor-station, not to exceed eight (08) inches in diameter for the 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 22 and 23, Block C23, PSL Survey, Winkler County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 112

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LUCID ENERGY DELAWARE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 22 AND 23, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

33. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Anadarko Gathering Company, LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of operating, repairing, maintaining and removing a gas transportation pipeline and related compressor-station,

not to exceed ten (10) inches in diameter for the 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 4 , 6, 12, and 17, Block C24, PSL Survey, Loving County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 113

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ANADARKO GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 6, 12, AND 17, BLOCK C24, PUBLIC SCHOOL LAND SURVEY, LOVING COUNTY, TEXAS

34. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Parsley Energy, 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 and removing an oil line, a gas line, a produced water line, and a fresh water line, all not to exceed twelve (12) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the flowlines are located within City of Midland property, Section 44, Block 38, T1S, T&P R.R. Co Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 114

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PARSLEY ENERGY, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

35. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Oryx Delaware Oil 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 twenty-four (24) 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 08 and 09, Block 38, T2S, T&P. RR. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 115

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ORYX DELAWARE OIL TRANSPORT, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 8 AND 9, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

36. Approved a resolution authorizing and executing a second amendment to the Right-of-Way License between the City of Midland and Oryx Southern Delaware Oil Gathering and Transport, LLC., executed on March 23, 2016; 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. 2018 - 116

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

37. Approved a resolution granting a Station Easement, two (2) Power Line Easements, and one (1) Access Road Easement, totaling 1.35 acres in all; located in Section 30, Block 36, T-3-S, T&P RR Co. Survey, immediately north of East County Road 230 and 3.5 miles southwest of East Highway 158, for the purpose of allowing Navitas Midstream to have electric lines and related necessary facilities; authorizing the execution of said easements; and ordering recordation by the City Secretary (Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 117

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING AN APPROXIMATE 1.35-ACRE ELECTRIC LINE, STATION SITE AND ROAD EASEMENT AND RIGHT-OF-WAY LOCATED IN SECTION 30, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED NORTH OF EAST COUNTY ROAD 230, APPROXIMATELY 3.5 MILES SOUTHWEST OF EAST HIGHWAY 158), TO NAVITAS MIDSTREAM MIDLAND BASIN, LLC

39. Approved a resolution to accept a FY2018 grant award in the amount of \$54,180 from the Southwest Border High Intensity Drug Trafficking Area (HITDA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2018 - 119

RESOLUTION ACCEPTING A FISCAL YEAR 2018 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$54,180.00; SAID GRANT WILL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING FUNDS

40. Approved a resolution approving a Lease Agreement with New Cingular Wireless PCS, LLC. (UTILITIES)

RESOLUTION NO. 2018 - 120

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, FOR SPACE AT THE WESTWOOD SHELL AVENUE WATER TOWER SITE

41. Approved a resolution approving the 2018 MDA "Fill the Boot". (FIRE)

RESOLUTION NO. 2018 - 121

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 2, 4, AND 6, 2018, 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 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

42. Approved a resolution authorizing the execution of a contract with I3 Technologies, Inc., for the purchase and installation of a driving simulator for the Police Department, at a total cost of \$123,000.00. (PURCHASING)

RESOLUTION NO. 2018 - 122

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH L3 TECHNOLOGIES, INC., FOR THE PURCHASE AND INSTALLATION OF A DRIVING SIMULATOR FOR THE POLICE DEPARTMENT, AT A TOTAL COST OF \$123,000.00

12. Approved a resolution awarding a professional services agreement for an Impact Fee Study for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 094

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF THE CITY'S LAND USE ASSUMPTIONS AND WATER, WASTEWATER, AND ROADWAY IMPACT FEES IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$210,000.00

Council Member Sparks moved to adopt Resolution No. 2018 - 094; seconded by Council Member Robnett.

Sparks question on Impacat fees and where at. Jose follow up committee meeting with stakeholders consultant staff, how to proceed and move forward. all agreed everyone wants to consider. concern by developers and some stakeholders but nothingcan't work through. Sparks approving here is? Jose consultant provide guidance look at other communities, sub consultant and another team that has implemented impact fees gatehr their info and ideas what went well and what went wrong to figure out what is best for City of Midland. that is what this consultant will do for us to see if practicale for city. Sparks gather more data to help make approp decision. jose yes dec made by committee as whole and brintg back to Council for approval. Saprks time frame? Jose 1st meeting first week in April and will put together formalize schedule. expect 9-12

months. will brief if needed as go along.

Morales a lot of emotion from both sides a lot to learn. timing didn't eralize 9-12 months time to gather info don't want to rush. Love funds coming from engineering on call program. will it substantially affect any other projects? Jose don't believe it will.

Frank coming out of general fund non departmental. and water and sewer.

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

28. Consider a Resolution Authorizing the City Manager to Acquire, on Behalf of the City of Midland a 1.211 Acre Tract Described as Part of Section 8, Block 40, T-2-S, T&P RR Co.Survey, City of Midland, Midland County, Texas (Generally located between Norden Dr. and F.M. 1788, and being an extension Pilot Ave. Located in Council District 4.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 109

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, REAL PROPERTY INTERESTS IN A 1.211-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF PILOT AVENUE AND NORDEN DRIVE); AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING FOR SAID ACQUISITION; AUTHORIZING PAYMENT FOR SAID TITLE INSURANCE POLICY AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE

Council Member Lacy moved to adopt Resolution No. 2018 - 109; seconded by Council Member Sparks.

Lacy pulled to honor dr younger for generous contribution to com.

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

38. Approved a resolution authorizing the City of Midland to submit a grant application for the FY2019 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2018 - 118

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE AN ACCIDENT RECONSTRUCTION SYSTEM AND AN ELECTRONIC TICKET-WRITING SYSTEM FOR THE POLICE DEPARTMENT

Council Member Sparks moved to adopt Resolution No. 2018 - 118; seconded by Council Member Love.

Sparks what is accident recon seth laser guided to effectively schematically identify location of major accident when fatality. similar to surveying equipment and computer software to map locations of vehicles and anything else that goes along with an accident. Sparks real time? Seth crunching data culminating process so investigators can plot out to identify cause of accident and specifics relating to it. Love when would it be used? Seth Herman whenever serious bodily injury or death as result of accident. when parameters met or anything extenuating beyond that it is sued.

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

SECOND READINGS

43. Consider an ordinance on second reading on a request by Betenbough Homes, LLC. for a Zone Change from AE, Agriculture Estate District, to 1F-3, One-Family Dwelling District on a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County Midland, Texas. (Generally located northeast intersection of Arapahoe Road and Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

ORDINANCE NO. 9739

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 306.65-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ARAPAHOE ROAD AND FAIRGROUNDS ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9739.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9739 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.

44. Consider an ordinance on second reading on a request by Betenbough Homes, LLC. for approval of a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7. - Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning front yard setbacks on a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the northeast intersection of Arapahoe Road and Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

ORDINANCE NO. 9740

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 306.65-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ARAPAHOE ROAD AND FAIRGROUNDS ROAD), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9740.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9740 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.

45. Consider an ordinance on second reading on a request by George Lara to vacate a 0.257-acre portion of the right-of-way of Adams Street situated between Blocks 55 and 56, East Midland Addition, City and County of Midland, Texas. (Generally located north of the intersection of Adams Street and Garden Lane.) (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

ORDINANCE NO. 9741

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

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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9741 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.

46. Consider an ordinance on second reading on a request by True Star Capital LLC, for a zone change from 1F-1, One-Family Dwelling District, to 1F-2, One-Family Dwelling on a 11.32-acre tract of land, and 19.42-acre tract of land all out of Section 9, Block X, H. P. Hillard Survey, City and County of Midland, Texas. (Generally located west of north Garfield Street, approximately 617-feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

ORDINANCE NO. 9742

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 11.32-ACRE TRACT OF LAND AND A 19.42-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED WEST OF NORTH GARFIELD STREET, APPROXIMATELY 617 FEET NORTH OF MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9742.

Council Member Love moved to approve the second and final reading of Ordinance No. 9742 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.

47. Consider an ordinance on second reading request by Benton Duke for approval of a Special Exception to the Zoning Code, Section 11-1-6, Zoning district classification; use and development regulations for approval to allow the use of a manufactured home in a AE, Agriculture Estate District on a 15.18-acre tract of land out of the southwest 1/4 of Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located approximately 640-feet north of Mockingbird lane, approximately 1,308-feet east of North Garfield Street.) (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

ORDINANCE NO. 9743

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 15.18-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 640 FEET NORTH OF MOCKINGBIRD LANE AND APPROXIMATELY 1,308 FEET EAST OF NORTH GARFIELD STREET), BY PERMITTING THE USE OF A MANUFACTURED HOME AS A FIXED DWELLING; GRANTING A VARIANCE FOR SAID PROPERTY PERMITTING THE CONSTRUCTION OF A RESIDENCE WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 200 FEET OF AN OIL AND GAS WELL; AUTHORIZING ISSUANCE OF A BUILDING PERMIT; SAID SPECIAL EXCEPTION AND VARIANCE BEING EFFECTIVE FOR A TERM OF TWO YEARS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9743.

Council Member Robnett moved to approve the second and final reading of Ordinance

No. 9743 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.

48. Consider an ordinance on second reading on a request by Erich Schmidt for a Zone Change from PD, Planned District for an Office Center to PD, Planned District for a Shopping Center, on a 1.68-Acre Tract of Land out of Section 29, Block 39, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Golf Course Road, approximately 270-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

ORDINANCE NO. 9744

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.68-ACRE TRACT OF LAND OUT OF SECTION 29, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST GOLF COURSE ROAD, APPROXIMATELY 270 FEET WEST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9744.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9744 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, Morales, Lacy, Robnett. NAY: None. ABSTAIN: Sparks, Dufford. ABSENT: None.

49. Consider an ordinance on second reading of the City Council of the City of Midland, Texas, approving a tariff authorizing an annual rate review mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., West Texas Division ("Atmos West Texas" or "Company") and the Steering Committee of cities served by Atmos West Texas; requiring the company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and legal counsel for the Steering Committee. (CITY MANAGER'S OFFICE) (First reading held February 27, 2018)

ORDINANCE NO. 9745

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS

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

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

Council Member Love moved to approve the second and final reading of Ordinance No. 9745 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.

50. Consider an ordinance on second reading amending ordinance number 8400, 9275, 9422, and 9472, which established fees and charges for Parks & Recreation, the Midland Health Department and Hogan Park Golf Course. (COMMUNITY SERVICES) (First reading held February 27, 2018)

ORDINANCE NO. 9746

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

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

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9746 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.

PUBLIC HEARINGS

51. Hold a public hearing and consider an ordinance on a request by Tiffany Marie Castillo for a Specific Use Permit with Term for a Day Care on Lot 9, Block 6, Saddle Club South, Section 2, City and County of Midland, Texas. (Generally located South of

Castleford Road, approximately 190-feet east of Heather Road. Council District 1)
(DEVELOPMENT SERVICES)

ORDINANCE NO. 9747

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 9, BLOCK 6, SADDLE CLUB SOUTH, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CASTLEFORD ROAD, APPROXIMATELY 190 FEET EAST OF HEATHER ROAD), WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A DAY CARE CENTER; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9747.

Development Services Director Chuck Harrington gave a brief overview of the item noting for home childcare facility. Zoning does allow through special use permit through City Council. hear 2/5 p7z list of five items that were concerns and discussed. Subsequent applicant submitted revised floor plans that met conditions of exiting and numbers. They have also provided letter of support from saddle club hoa. must have direct access exit to outside. as of march 20 received 2 received additional 12 letters msut have 20 % super majority to approve. Lacy did p7z deny. chuck can have up to 12 children in home for home childcare. Morales how many in commun ity. chuck don't know. Sparks who does inspections of home to ensure abiding by rules. Chuck series including health, fire, building. Sjaprks how often, chuck initially and no set time frame but within 6-12 months to ensure maintained. Robnett nad state? Chuck it is his guess Steve Thorpe yes. Love comment not ofr or against but historically how mnay? Most successfull daycares is wecare on wadley and lamesa. Ms. Helen price runs originally started out of her home and moved away from that and her house became her daycare until expanded and moved ot current location. Lacy I know we need childcare .

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

Arthur Rybicki, 5001 Heather?? Rd, opposed to zoning change. 2 issues global issue is to maintain current zoning especially for 1f1. other areas zoned for commercial and other uses. second homeowners in saddle club hoa, hoa not aware was never polled or allowed to speak. negative impact concerned about is changing character of saddle club south, increased traffic, increased liability risk from increased risk, increased hoa liability for pool and common areas. even inividuals who are tresspasing hoa is sitll liable. Final thing open doors for other businesses and enterprieses in 1f1 area. finally diminish quite peaceful life and diminish charm. Love point out this is not request for zone change but for zoning use only.

Brett Mulebra??d 5011 Castleford Rd. - kids play inf ront yard she moved in 8 months she wants to change the neighborhood. She doesn't know who the kids and cars. do know cars now ride bikes and play in area. friends on block 10-15 kids. it affects a lot of people. has right to start own business, reconize shortage of daycare. don't belong next to his house or his neighbors house. can sitll find commercail property to put this

in. don't want to see his value go down on his house. don't allow opposed deeply.

Bill WEbb, 5104 Castleford, 500 feet from property that wishes to have childcare. Lived in house for over 30 years. Spoke in opposiiton to proposal for daycare center. Spoke to number of people and they are all in opposition. They think neighborhood would be affected and traffic increase, congestion during pick up and rop off time and would devalue properties.. was told by planning division that any of public notices signed by residents would carry no weight here but only to 200 foot circle. Some have filled out forms.

Ann Evans 4908 Lancashire Rd, can see that Mrs. Castillo passionate about open busienss and her concern is keeping it residential. Lived there 20 years ago. Given governing documents say only can be used for single family residence. Would hae liked if board gave residents opportunity to voice objections and taken up for vote by all residents. Midland zoning that zone is 1 family dwelling district there are numerous public services that are in shortage not just day care. how do you determine which gets okay and which doesn't. asked to encourage mrs castillo to use commercial building. What will stop other residents from wanting to do the same thing. Spoke aobut concerns at p7z. Ordinance def state s daycare center means childcare facility provides care at location other than at residence. Her point of daycare center would prohibit Mrs. Castillo would prohibit her from opening daycare in home.

Sparks as far as becoming commercial - there is very few commercail things that could get a permit in 1f1. just because looking at childcare inr esidence. it is allowed in code regardless of what read there are other areas that allow. Can alleve fears will not have other commercial busienssses comign into neighborhood. Code Enforcement has been shutting down those that are not used appropriately. IT is allowed or would not be here.

Eugene Hodge 4901 Heather, on street behind, lived there 25 years. opposed to having childcare facility in area due to added traffic. no easy way out of particular area and will create more conestion. any travel north loop busy from 7:30 to 8:30 every morning. Will be spinning wheels to allow this to heppen and then it will allow something else to happen. This is bad idea and there is commercial area nearby that could be used.

Jo Sneed, 5012 Castleford across the street, lived in neighborhood for 25 years. working mother and appreciate problems Midland is having. Have seen neighborhood turn over. Her children grew up and left and now whole new gorup of families in neighborhood and so delighted to see young families and children playing in front yards. Also playing in street so main concern is traffic that will come with daycare. Special needs children on street who play in street and have concern that will not be seen. Live right next to passthru to pipeline easement. Wonderful convenience to her as shortcut. concerned bout traffic that would go onto that. Danger of hitting the alley and lack of visibility. trash, traffic, noise asked to vote in opposition.

Tiffany Castillo 5009 Castleford, it is not a facility or center, a center is outside of residence and can have up to number building will accomodate. Hers will be 12 not planning to have that many at one time plan on having 9 or 10. met all requirements brought up by fire marshall and city code. exit out of front door and room used for childcare. understand and respect neighbors opinion. done best to ease fears but believe that word center will childcare home getting wrong idea that childcare facility. daughter is 16 sever depression and at home and asking to be at home taught children

with special need 12 years teacher 13 other licensed day carehomes in com and registered and another where kids licensed, registered and another. 13 are licensed for 12 children. put a lot of work and heart into and asked to accomodate and approve request. Sparks where is drop off and pick up? Tiffany large round driveway can fit up to 8 vehicles in front yard next to front door. get off street. Sparks some residences say been putting cones out into the street. Tiffany her youngest is 16 not putting cones out. Morales you have staff. no just her. no employees brought several times of liability, there is no by law that says cannot have childcare home, there is no plan to go to use big facilities. there is no risk of liability to other homeowners. Robnett not this body job to decipher hoa docs. will not vote in favor but thanked for doing the right way. appreciate taking time.

Hotchkiss also was at p7z second time through recall from first meeting asked if take smaller number of children and said she couldn't make it work. Tiffany question was 6 or less and room would have met code. It is 6 financially will not do but will do 9 or 10. dps makes determination of how many licensed. she flip flopped are with living area. Hotchkiss think they were thinking of smaller number of children neighbors would support. Sparks know that when his children were younger had sitter in her home. Sparks children looking to taking care of and have 7 that are prospective. 8 children one with two children. traffic increase if full 10 would be 9 vehicles possibly that show up twice a day. Pointing this out because neighbors against to think about how much traffic that really is. when had teenagers that brought in more traffic than 14 cars a day.

There being no one else present wishing to speak, the public hearing closed at 10:56 a.m.

Love while supportive of daycares in homes because think they can be appropriate and we need daycare. this seems to be done exceptionally well, well thought out, because of overwhelming opposition find difficult to vote in favor.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9747 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

sparks to neighbors that are here and learned more that is drop off place not on street and know age of children will be young has it changed anybody's mind. No.

Sparks not a full zone change and no other commercial businesses that will be allowed in this is reality and not assumptions or feelings.

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

52. Hold a public hearing and consider an ordinance on a request by James Wilson/Basin Roofing for a Zone Change from LR-2, Local Retail District, to LI, Light Industry District, on a 2.43-acre portion of Section 33, Block 40, T-1-S, T&P, RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 1,110- feet east of North County Road 1271. Council District 4) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9748

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.43-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,110 FEET EAST OF NORTH COUNTY ROAD 1271); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9748.

Development Services Director Chuck Harrington gave a brief overview of the item noting Basin Roofing located property zoned Ir2 in aoz4. applicant want zone change to LI to locate roofing company. proposed use will be less intensive than business once operated at locaiton. were couple issues address access from 191 frontage developed by prev owner without permit and need to clena up driveway access applicant agrees. Also like to see continuous vehicle barrier along driveways to prevent people from muping curbs. no loj staff rec approval.

Chuck submitted permit for new driveway.

Mayor Morales opened the public hearing at 11:03 a.m.

James wilson pt basin roofing did go to txdot to get permit presented copy. trying to relocate roofing business. down street 3/4 currently in leased building out grew want to stay in same location. it was indus oil. Lacy upgrade permiter fence. James yes including highway acces steel fence across front and other improvements, office and showroom.

There being no one else wishing to speak, the public hearing was closed at 11:04 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9748 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Sparks used as LI since annexed, sounds like facility that mr wilson is looking at is probably more of retail business then what has ever beent ehre. if have showroom. James he thinks roofing is retail sell to customer charge sales tax but also have material and euqipment that have to store which is why don't fall into retail. James building preixting will be office there will be equipemtn and truciks in added building.

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

53. Hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC, for a Zone Change from FD, Future Development District to LR-2, Local Retail District, on a 36.18-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located southwest of the

intersection of Becker Drive and Holiday Hill Road. Council District 1) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9749

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 36.18-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BECKER DRIVE AND HOLIDAY HILL ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9749.

Development Services Chuck Harrington gave a brief overview of the item noting for zone change to allow construct retail center for overall master development at site. proposed retail and service uses in development. consistent with master plan and in compliance with comp plan. staff rec approval of zone change. p7z heard unanimously approved. no loj as of frdiay.

Mayor Morales opened the public hearing at 11:07 a.m.

Buck Benson, Holiday Hill Rd??, just ask Council request for Ir2.

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. 9749 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.

54. Hold a public hearing and consider a resolution on a request by Westlake ACE Hardware for a Temporary Land Use Permit for Outdoor Retail Sales on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas, generally located on the north side of Andrews Highway, Approximately 390 feet east of Whitney Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 123

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR RETAIL SALES ON LOT 1, BLOCK 5, PARK PLACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 390 FEET EAST OF WHITNEY DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington tlup for outdoor retail sales for plant

materials. had in past occupy 24 parking spaces, will be fenced number utilizing will not affect ability to park adequate for site. staff rec approval subject to hours. no loj and staff rec approval.

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 to adopt Resolution No. 2018 - 123; 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.

55. Hold a public hearing and consider an ordinance on a request by El Jimador Bar & Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lots 7 through 9, Block 183, Southern Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of West Dakota Avenue and South Big Spring Street. Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9750

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7-9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND SOUTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9750.

Development Services Director Chuck Harrington gave a brief overview of the item noting previously steak 42 on s rankin. prev approved 2015 for steak 42 now downtown. propose bar and grill 8-11 m-s sun 10-11. subsequent contact chane hours to no earlyer then 10 any day. no church or school 300 feet no loj, staff rec approval.

Sparks we have turned down folks that want before 11 on sundays over and over and change why still get those that keep trying to move it earlier then 11. Robnett because that is what they have right to apply for. Sparks if decide to leave it at 11 every restaraunt. robnett dont' wnat staff ot make asusmption of what council does. Chuck staff posisiton to tell what council actions done in past. if before will ahve to explain. Love his concern is challenges with applicant over various items and wanted to know if items have been cleared up permitting, occupancy. Love different owner withdrew.

Mayor Morales opened the public hearing at 11:15 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. 9750 in accordance with the Charter of the City of Midland with amendment of hours from Monday thro sat 10-11 and sunday 11-11; 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.

56. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC for a approval of a Site Plan on Lot 3, Block 1, Cross Pointe Addition, City and County of Midland, Texas, generally located on the north side of Briarwood Avenue, approximately 305-feet west of Holiday Hill Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9751

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 3, BLOCK 1, CROSS POINTE ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 305 FEET WEST HOLIDAY HILL ROAD); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9751.

Development Services Director Chucik Harrington gave a brief overview of the item noting site annexed in 2012 zoning previous approved. applicant is new developeprs and wish to amend site plan for propsoed use of multi family development includes parking lot and units and dedication of lands to bush tennis center 21 bldgs 360 apts pool spa, outdoor seating, dogpark, bbq picnic outdoor gaming area. reviewed by all city deptsmeets requirements staff rec approbal no loj.

Mayor Morales opened the public hearing at 11:18 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. 9751 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.

57. Hold a public hearing regarding the proposed granting of an oil and gas permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang #H120UH located 100 feet from the north line and 1,675 feet from the west line, Section 11, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 1,675 feet east of Rankin Highway and 380 feet south of I-20.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting Permian Deep Rock down road from past one. been reviewed by o7g made corrections per rec and asked for sound barriers during drilling and fracing permian dep rock putting

down during fracing only. sound barrier used on fracing. 2 noj inlcuding in packet. ONe notice states that means more for oil company to east and to west another property owner that said future site of hotel devalue property. same var req in prev landscape irrigation fenc eentire permiter around entire well and batter. road repair and 24 hour fracing. Lacy any structures within 500 feet. Ron closest on other side of itnerstate.

Mayor Morales opened the public hearing at 11:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

58. Hold a public hearing to amend the 2017 Community Development Annual Action Plan and consider a resolution authorizing a reallocation of certain Community Development Block Grant funds from previous program years to the Community Development Block Grant Fund Program Year 2017-2018 in the amount of \$335,884.20 (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 124

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2017/2018 ACTION PLAN TO THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS PER AMENDMENT DOCUMENTS ON FILE WITH THE CITY SECRETARY; SAID AMENDMENT TO INCLUDE THE REALLOCATION OF \$335,884.20 AND RELATED BUDGET TRANSFERS; AND A COPY OF SAID AMENDMENT DOCUMENTS SHALL BE ON FILE IN THE CITY SECRETARY'S OFFICE

___ Isaac Garnett reallocate funds to Greenwood infrasturcutre imprpovement project for sidewalks in greenwood area. Have documents before you.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 124; 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.

59. Hold a public hearing to consider an ordinance on request by Engineering Services to amend Title XI "Planning and Development" of the City Code of Midland, Texas, by establishing Chapter 13 "Municipal Drainage Utility", Article I "Creation of Utility", so as to declare the drainage of the City of Midland to be a public utility and dedicating City assets to said public utility. (ENGINEERING SERVICES)

ORDINANCE NO. 9752

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 13, "MUNICIPAL DRAINAGE UTILITY", ARTICLE I, "CREATION OF UTILITY", SO AS TO DECLARE THE DRAINAGE OF THE CITY OF MIDLAND TO BE A PUBLIC UTILITY; ESTABLISHING THE SERVICE AREA FOR SAID PUBLIC UTILITY; DEDICATING CITY ASSETS TO SAID PUBLIC UTILITY; PROVIDING FOR EXEMPTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND

SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9752.

Engineering Services Director Jose Ortiz gave a brief overview of the item noting next two tiers first establish storm water utility. Made presentations discussing 10 years when first came up didn't have a lot of data since then opportunities to assess what other jurisdictions have done. Amarillo San Angelo Odessa Abilene. Now dive into what are fees and what can it do. Basically time being tens millions of dollars for infrastructure one map is what can be done over next 10 years. What to focus on location to open up areas. Shared example of first project that would be reason reshaping of Midland draw as approaches I20 cross section raises configuration outside boundaries are new channel limit and reduce flood plains. Shared another memo of projects looking at for next 10 years. About 19.6 M dollars of projects over next 10 years. Sparks thought after briefing thought would have sit down to talk again. How end up with breakdown. Looks real easy treating residence and business different and even no parking lot is more than 8000 sq foot. Other thing mentioned is can't do drainage retention basin. Seems like developer has been doing that does that mean city going on. Jose they retain storm drain then they get offset on fees assessed. If discharge on roads still have fee because delayed. Flash rain event and clear then can slowly put water out. Still require retention and detention. Depends on development and willing to support. Sparks detention does decrease storm water runoff slows down how fast have to take it. On non residential property where come up with numbers that are odd? Ortiz went through a chart and asked for break points. Jeff Cohen there is no real magic in establishing break points could have done 10 or 1 and math dictated that average. For residential 3 tiers bottom 25% middle 50 and top 25%. Commercial didn't follow bell graph 4200 commercial properties and every size represented throughout city. 6 tier system bottom 25, next 25, third 25, last 25 broke into 10, 10 and 5. When take weighted average of size vs number of properties is how you get the sq foot breakdown. Morales like this rather than 10-15 breaks. Jose other challenge is 25% across but a large spike from one size to next to be more equitable. If look at tiers gradual. John O legal asked to smooth on spike vs on state law. Love appeals process that people have in place give them opportunity to address any disputes but also allows Council to be able to monitor and see whether or not in future need to make adjustments with respect to model. Jose every development is different and should be able to handle most administratively, if can't get resolved it goes to Council for final rec. Majority under control. Will continue to monitor to see what is fair and equitable for everyone. Sparks Mr. Love talked about contest how will it work? Jose approach director for assessment, if not satisfied will be given info and committee including cm if not satisfied one more appeal to Council. Committee established in ordinance. CM direct dev sbcs and dir of finance can be changed. Morales have disputes all the time on water bills why do we need a committee if just a matter of house not much to discuss don't need to form a committee. Sparks starts with director if not satisfied can go to committee. Already in order as written for committee. Sparks when sending notices out? Jose not determined but take input from Council not assessing fees until October. Sparks believe need for fees wish that would of had little bit more understanding before voting. Mayor asked Council to address staff with questions. There is another erasing use two weeks if need to. Love in debate and no ph.. Jose make open to provide additional data needed or required. John O item establishes utility next order is one that speaks to fees and appeal process if want to change on next tier. Sparks when make utility what happens if made utility and don't come up with solution of fees. Stephen Gates state law requires order

adopting utility with finding of municipality will adopt fees needs establishing utility with expectation will adopt fees.

Mayor it would take several years to really accumulate funds before can begin projects. Jose can start next year by designing projects to complete 10 year project need funds.

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

Andrew Smith 4509 WarHorton? Drive, make sure he and colleagues talking com storm drainage design manual revised June of 1992 and since then question is has there not been anything else done or any other opportunities to improve drainage since the 90s. A lot of development, retain own storm water on one side and hope that other developments doing the same thing. Saw new apts on Briarwood and Holiday Hill thinking keeping some of their storm water on their site, council yes. Mayor Sparks alluded to that, all developers have to show plan of how to retain or detain own storm water or have a plan of drainage. Done more work on Jal Draw but no more planning. Did do study on Midland Draw recently in last few years completed, Love done 2. Sparks master plan has not changed. Andre hope that com would start to think about future development and maybe pass storm water impact fees from developers. Citizens have to absorb everything that future growth is being shoved down throat. Love we are looking at impact fees because understand hitting community and not fair for current taxpayers to bear burden. At this meeting today another item donating land to use for retention basin in area of town that needs it badly. to allay concerns doing both to solve drainage it takes both. Lacy started process for water, sewer and roadway impact fees. Andrew drainage now sewer later. Morales all plans are going through revision and going through all plans to get Midland ready for the future. Andre worked with Engineer on other projects help to get drainage going in his alley. very difficult looking through hydrology graphs.

Pastor Barrick Stanford 1108 Chestnut, his issue is distinguishing between infrastructure improvign and infrastructure already voted to raise taxes to improve. Drainage is it different from \$100 M bond. Lacy two props specifically for roads and water and sewer utility. Frank drainage is not addressed in \$100 M bond issue. Love how we construct the street does affect how water runs off street. Bond does not affect drains. Pastor if addressing drainage and assessing fees. Love No. Pastor understand getting grant money for bike lanes in downtown midland can request money for bike lanes why can't use bike lane money for drainage. Mayor if grants for any item staff looking for those opportunities, no federal or state assistance have to do in our own back yard. How do we pay for capital improvement projects. Love our budget for drainage was \$1500 no money in budget situation was created before majority of this council serious problem. Mayor if bike grant money available go after those funds not try to other compete with other communities to get funds to help keep taxes in livable range. Pastor were those funds specifically for bikes. Mayor very specific. Pastor seems priorities out of balance. Love grant is specifically for specific purpose quality for grant go and use it doesn't negate that still have other problems in other area. won't not go after funds to improve quality of life. Not our opportunities messed up take advantage of opportunities. Robnett drainage is no briar. Mayor think need to bring some type of presentation to talk specifically what it will bring and do presentation, Pastor money mgmt problem Lacy police and fire take up more money than taxes bringing in. sometimes have excess sales tax. hard to pass drainage when have 2 flood events a year. Morales just because of 7g does not mean benefits city. Pastor understand txdot takes care of highways is there

money anywhere to address issue of front street of coming into Midland. any grant money or area pursue to do something about roadways on front way. Love chairman of MPO any time txdot has money to spend in metropolitan area comes before their body. very few grants available for road projects when they do come up every municipality pounces usually less than 50,000. get funding from txdot aware of roads in and out and doing best can with money have to make safer place for Midland. Love town hall meetings this quarter at that the meeting talked about drainage come to next meeting.

There being no one else wishing to speak, the public hearing was closed at 11:56 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9752 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

60. Hold a public hearing to consider an ordinance on request by Engineering Services to amend Title XI "Planning and Development", Chapter 13 "Municipal Drainage Utility" of the City Code of Midland, Texas, by adding Article II "Administration of Drainage Utility", so as to establish rules for the City of Midland Drainage Utility; to establish a drainage utility fund; to levy a schedule of drainage charges; to provide an appeal procedure; to negate and dispense with the culpable mental state requirement; and, to provide for criminal enforcement and establish a maximum penalty. (ENGINEERING SERVICES)

ORDINANCE NO. 9753

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 13, "MUNICIPAL DRAINAGE UTILITY" OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING ARTICLE II, "ADMINISTRATION OF DRAINAGE UTILITY", SO AS TO ESTABLISH RULES FOR THE CITY OF MIDLAND DRAINAGE UTILITY; ESTABLISHING A DRAINAGE UTILITY FUND; LEVYING A SCHEDULE OF DRAINAGE CHARGES THAT SHALL BE BILLED AFTER OCTOBER 1, 2018; PROVIDING AN APPEAL PROCEDURE; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR CRIMINAL ENFORCEMENT AND A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9753.

Engineering Services Jose Ortiz gave a brief overview of the item noting can address comments. Sparks how are churches or other non profits handled? Steve Gates exemptions are addressed in ordinance just approved property owned by religious org exempt for taxation under tax code is exempt from this code. has to be owned by religious organization as opposed to used. Hotchkiss what are others? Stephen property with property construction with wholly owned drainage system, held and maintained in natural state until accepted, subdivided read list of exemptions, state, county muni, school state agency public or private of higher education. Lacy monthly billing rate of \$2 established. Steven multiply by the area.

Mayor tier 456 commercail camparable to other communities. Jose some jurisdictions had artifical cap on fees at certain size. went through adjustment recentlyly. Lacy is there another city that does not have drainage, jose none that he can think of. Sparks it looks like 4 5 6 amarillo and san angelo higher.

Mayor Morales opened the public hearing at 12:01 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love first 6 numbers on ease side of town when it rains you don't see water stadning for up to two weeks. severe problem on behalf of all of district 2 citizens thank staff and council forbringing forward and making priority. this is investment reduce flood plain and hae more real estate available for development.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9753 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.

61. Hold a public hearing and consider a resolution to petition the City Council of the City of Midland, Texas, providing for the annexation of certain sparsely populated property; the owner has requested that the property be annexed; said property is adjacent to and contiguous to the present boundary limits of the City of Midland; said property being a 3.31- acre tract of land located in Section 24, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas. Generally located on the north side of Briarwood Avenue, approximately 2,460-feet west of Holiday Hill Road. ETJ, Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 125

RESOLUTION OF THE CITY COUNCIL OF THE CITYOF MIDLAND, TEXAS, PROVIDING FOR THEANNEXATION OF AN APPROXIMATE 3.31-ACRETRACT OF LAND OUT OF SECTION 24, BLOCK 40,T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY,TEXAS (THE "AREA"); THE OWNER OF THE AREAHAVING SUBMITTED A PETITION FOR ANNEXATIONOF THE PROPERTY; SAID AREA BEING SPARSELYPOPULATED AND BEING ADJACENT TO ANDCONTIGUOUS TO THE PRESENT BOUNDARY LIMITSOF THE CITY OF MIDLAND; GRANTING SAIDPETITION FOR ANNEXATION AS AUTHORIZED BYSECTION 43.028 OF THE TEXAS LOCALGOVERNMENT CODE; AND AUTHORIZING ANDDIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH ACERTIFIED COPY OF THE ORDINANCE ANNEXINGTHE AREA UPON THE APPROVAL OF SUCHORDINANCE BY THE CITY COUNCIL

Development Services Chuck Harrington gave a brief overview of the item noting request for 3.31 acrew tract adjacent to Bush Tennis Center on west side. annexation allow provision of city services to property and asked to be annexed into city. chapter 43 requires that small tract of land that doesn't meet distance requirements less than one mile in width and unoccupied state law has special restrictions and part is petition be presented and is part of packet. this seciton of state law is satisfied rec move forward with annexation.

Mayor Pro Tem Robnett opened the public hearing at 12:05 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 125; seconded by Council Member Sparks.

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

62. Hold a public hearing for and consider a resolution to authorizing the execution of a Public Improvement Development Agreement with Cumberland and Western Resources, LLC; authorizing the City Manager to accept, on behalf of the City, Special Warranty Deeds from two landowners (1) SBC, LP, and (2) Cumberland and Western Resources, LLC, for Tradewinds Boulevard, said Agreement and Special Warranty Deeds will be considered as a written petition for annexation; grant a petition for annexation of the proposed area in the aforementioned Warranty Deeds. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 126

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH CUMBERLAND & WESTERN RESOURCES, LLC IN ACCORDANCE WITH SECTIONS 43.016 AND 212.172 OF THE TEXAS LOCAL GOVERNMENT CODE CONCERNING TRACTS OF LAND LOCATED IN SECTION 48, BLOCK 40, T-1-S, T & P RR CO. SURVEY, AND SECTION 1, BLOCK 40, T-2-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM CUMBERLAND & WESTERN RESOURCES, LLC CONVEYING TO THE CITY AN APPROXIMATE 16.386-ACRE TRACT OF LAND LOCATED IN SECTION 48, BLOCK 40, T-1-S, T & P RR CO. SURVEY, AND SECTION 1, BLOCK 40, T-2-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND A SPECIAL WARRANTY DEED FROM SBC, LP CONVEYING TO THE CITY AN APPROXIMATE 4.487-ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO HOLD CLOSINGS FOR SAID CONVEYANCES; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, SAID SPECIAL WARRANTY DEEDS; SAID AGREEMENT AND SPECIAL WARRANTY DEEDS CONSTITUTING A WRITTEN PETITION TO ANNEX THE TRACTS DESCRIBED IN THE SPECIAL WARRANTY DEEDS (COLLECTIVELY, THE "AREA"); SAID AREA BEING SPARSELY POPULATED AND BEING ADJACENT TO AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF MIDLAND; GRANTING SAID PETITION FOR ANNEXATION AS AUTHORIZED BY SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Mayor Pro Tem Robnett opened the public hearing at 12:08 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 126; seconded by Council Member Love.

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

MISCELLANEOUS

63. Approved a resolution amending Resolution 2017-316 on a request from Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Elkins Atrelle 31-42 #141) located 1,656 feet from the north line and 2,291 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas, generally located 339 feet south of East Cynthia Drive extension and 2,291 feet west of Todd Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 127

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,656 FEET FROM THE NORTH LINE AND 2,291 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 339 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,291 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

O& G compliance office ron jenkins 4 wells permitted previously and want to amend to use gas compressor. says no onsite compressor can be used. if use this iw hat doing today endeavor using electric compressorss rep can expand on what doing.

Mayor those compressors nosie factor and in location that doesn't matter. Ron no gas compressor is louder than pumping unit compare to pulling unit. That is why including use of suppressor walls. Lacy by approving various will other operators swmp our office? Ron yes see heavy activity.

Council Member Hotchkiss moved to adopt Resolution No. 2018 - 127; seconded by Council Member Love.

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

change Mayor to no vote.

64. Approved a resolution amending Resolution 2017-317 on a request from Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Elkins Atrelle 31-42 #242) located 1,655 feet from the north line and 2,266 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas, generally located 340 feet south of East Cynthia Drive extension and 2,266 feet west of Todd Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 128

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,655 FEET FROM THE NORTH

LINE AND 2,266 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 340 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,266 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

Ron Jenkins ditto

Council Member moved to adopt Resolution No. 2018 - 128; seconded by Council Member .

65. Approved a resolution amending Resolution 2017-318 on a request from Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, Harvard McClintic 31-30 #151) located 2,398 feet from the north line and 2,284 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas, generally located 1,082 feet south of East Cynthia Drive extension and 2,284 feet west of Todd Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 129

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,398 FEET FROM THE NORTH LINE AND 2,284 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,082 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,284 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

Ron Jenkins didtto.

Council Member moved to adopt Resolution No. 2018 - 129; seconded by Council Member .

66. To consider a resolution amending Resolution 2017-319 on a request from Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Harvard McClintic 31-30 #252) located 2,398 feet from the north line and 2,309 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas, generally located 1,082 feet south of East Cynthia Drive extension and 2,309 feet west of Todd Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 130

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,398 FEET FROM THE NORTH LINE AND 2,309 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,082 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,309 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

Ron Jenkins ditto

Council Member moved to adopt Resolution No. 2018 - 130; seconded by Council Member .

67. Approved a motion directing staff to begin the annexation of a 70.04- acre tract of land located in Section 20, Block 38, T-1-S, T & P RR. Co. Survey, Midland County, Texas. (Generally located on the north side of East Loop 250 North, approximately 1,872-feet east of North County Road 1162. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Development Services Chuck Harrington to proceed with annexation of 70 acres intent for housing and commercial development.

Council Member Love moved to approve directing staff to begin the annexation of a 70.04- acre tract of land located in Section 20, Block 38, T-1-S, T & P RR. Co. Survey, Midland County, Texas. (Generally located on the north side of East Loop 250 North, approximately 1,872-feet east of North County Road 1162. ETJ, Extraterritorial Jurisdiction); 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.

68. Approved a motion directing staff to begin the annexation of a 43.97-acre tract of land out of the east 1/2 of Section 18, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas. (Generally located on the east side of South FM 1788, approximately 187-feet north of West County Road 127. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting motion direct annexation of 43.97 acre land for warren cat redevelopment site staff rec approval.

Council Member Robnett moved to adopt Resolution No. NUMBER>; 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.

69. Approved a motion making appointments to various Boards & Commissions. (CITY SECRETARY'S OFFICE)

Council Member Hotchkiss moved to appoint Carolyn Jackson to Housing Authority; 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.

Council Member Robnett moved to remove Clifford Sanden and appoint Sara Harris to Animal Services Advisory Board; 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.

PUBLIC COMMENT

70. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

There were no ciitizens present wishing to speak.

adjourn 12:19 p.m.

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

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary