

**MIDLAND CITY COUNCIL
MINUTES
March 28, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on March 28, 2017.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Interim Fire Chief Chip Balzer, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Sara Bustilloz.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 28, 2017.

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

cto 10:04

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation to Senior Link for National Service Recognition Day.
 - a. Mayor presented
 - b. Presentation of Proclamation to Negro Business and Professional Women's Club of Midland for Women History Day.
 - b. presented by Mayor Morales, Council Member Hotchkiss and Council Member Love

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 19 excluding 5, 6, 10, 11, 19; 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.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of February 28, 2017.
7. Approved a resolution awarding a professional services agreement for the Pavement Condition Index Survey for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 067

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TRANSMAP CORPORATION FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE PAVEMENT CONDITION INDEX SURVEY; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$149,497.68

8. Approved a resolution approving a contract for two (2) years for dry cleaning services for the Police Department, Municipal Court, Fire Department, Water and Wastewater Division, Garage Division and Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 068

RESOLUTION AWARDING A TWO-YEAR SERVICE CONTRACT FOR DRY CLEANING SERVICES TO CARRASCO CORRALES DC, LLC, DBA PRISTINE CLEANERS, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$190,177.10

9. Approved a resolution approving the purchase of spring seed for the Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2017 - 069

RESOLUTION AUTHORIZING THE PURCHASE OF 8,750 POUNDS OF COTTON SEED AND 36,000 POUNDS OF HAY GRAZER SEED FOR SPRABERRY FARM FROM HELENA CHEMICAL COMPANY, OF STANTON, TEXAS, AT A TOTAL COST OF \$66,565.00

12. Approved a resolution correcting Resolution 2016-291 appropriating funds to the MAF Access Control System and Cable Upgrade Project. (AIRPORTS)

RESOLUTION NO. 2017 - 072

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$23,845.00 FROM THE AIRPORT OPERATING FUND TO THE ACCESS CONTROL SYSTEM SOFTWARE AND CABLE UPGRADE PROJECT

13. Approved 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. 2017 - 073

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

14. Approved a motion authorizing the acceptance of additional grant funds from the U.S. Committee for Refugees and Immigrants in the amount of \$54,360.00 to assist the Health and Senior Services Division with the delivery of Refugee Immunizations; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES)
15. Approved a resolution authorizing the Midland Chamber of Commerce to hold the annual Star Spangled Salute at Hogan Park and where alcohol can be sold and consumed and authorizing the City Manager or his designee to notify the Texas Alcoholic Beverage Commission of the permission granted. (COMMUNITY SERVICES)

RESOLUTION NO. 2017 - 074

RESOLUTION AUTHORIZING THE MIDLAND CHAMBER OF COMMERCE TO HOLD THE ANNUAL STAR SPANGLED SALUTE AT HOGAN PARK ON JULY 4, 2017; AND AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT

SAID EVENT

16. Approved a resolution approving the transfer of the Oil and Gas Well Permit and Road Repair Agreement issued to Trail Ridge Energy Partners II LLC (Current Operator). The following permit will be transferred to Lario Oil & Gas Company: Willow Lakes 191H located in Section 19, Block 38, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located off Fairground Road extension and East Mockingbird Lane extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 075

RESOLUTION APPROVING THE TRANSFER OF A CERTAIN OIL AND GAS WELL PERMIT FROM TRAIL RIDGE ENERGY PARTNERS II LLC ("OPERATOR") TO LARIO OIL & GAS COMPANY ("TRANSFeree"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMIT FROM OPERATOR TO TRANSFeree; THE OIL AND GAS WELL BEING WILLOW LAKES 191H; SAID OIL AND GAS WELL BEING LOCATED IN SECTION 19, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE NORTH FAIRGROUNDS ROAD EXTENSION, SOUTH OF THE MOCKINGBIRD LANE EXTENSION)

17. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navitas Midland Basin, 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, not to exceed twelve (12) 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, Section 44, Block 38, T-1-S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 076

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

18. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Enterprise Crude Pipeline, 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 ten (10) 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 5 and 8, Block 38, T2S T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 077

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENTERPRISE CRUDE PIPELINE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5 AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY,

TEXAS

5. Approved a resolution awarding an agreement for a retail study and analysis for the Development Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2017 - 065

RESOLUTION AWARDING A CONTRACT FOR A RETAIL STUDY AND ANALYSIS FOR THE DEVELOPMENT SERVICES DEPARTMENT TO BUXTON COMPANY OF FORT WORTH, TEXAS; APPROPRIATING \$50,000.00; AND AUTHORIZING PAYMENT THEREFOR

Sparks pulled don't think necessary spending money on. Do have question on way it reads. approving 150,000 over 3 years or just 50,000? Even though can renew will come back to Council? Chuck only suggesting 2 years and second one have to come back. Sparks went back and looked and said what needing upgrade is rooftops and everything for retail. we have that data know how many building permits. just think this is money we don't need to spend. Chuck data is a lot more than rooftop. Buxton is able to provide credit card data where come from where spend money can be used for hotel/motels. If some other questions, lisa mckay with buxton is here can provide more detail about data.

Lisa McKay vp community id for buxton in ft worth tx. Morales campaign going on dealing with a sales tax one questions is economic for using sports complex. heard credit card usage can you elaborate. been in business over 25 years largest purchaser of consumer purchasing products use for retail and restaurants. and reverse eng of that is same level of intelligence for retailer using to select site. experience, equifax data by household, debt to income, expendable income and how those dollars are being spent. 70 client cities in tx alone over 800 across nation landed over 35m sf of retail in last 5 years. getting rolling real time snap shops allows to be proactive in retail. having this info gives opportunity to be proactive. Trying to get big boxes here and if can provide that type of data can compel to become int. for every one site selected looking for 10-15 opportunities that look like you. Mayor think that type of tool is win win, Love will reap more than 50,000 spending. Mayor what other opportunities. Lisa labor and statistic data job creation and business retention tools, a ton of info for how to stock shelves based on consumers in the market and leverage data for marketing intelligence. Morales can it get as fine as 100 team tournament that weekend. lisa yes can look at events. can't share all info but do have info looking at rolling real time snapshots 7500 variable with how consume, purchasing behavior very granular and specify what retail matches core retail base. Love that is reason committee rec buxton.

Christina feel can provide a lot of valuable data for city and hone in on opportunities that midland has for retail as well as any gaps recommend it.

Council Member Love moved to adopt Resolution No. 2017 - 065; seconded by Council Member Lacy.

Morales this population could be 180,000 in 2028 could prepare for future.

The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy,

Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

6. Approved a resolution awarding a contract to the sole bidder, Andale Construction, Inc., for the High Density Mineral Bond Surface Treatment Project for \$863,468.67 plus \$1,727.88 in contingencies for a total of \$865,196.55 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 066

RESOLUTION AWARDING A CONTRACT FOR THE FY 2017 HIGH DENSITY MINERAL BOND SURFACE TREATMENT PROJECT TO THE SOLE BIDDER, ANDALE CONSTRUCTION, INC. OF WICHITA, KANSAS, AT A TOTAL COST NOT TO EXCEED \$863,468.67; AND AUTHORIZING PAYMENT THEREFOR

Lacy pulled. on bid tab sheet shows total 998,000 however on his agenda 863,000 what is difference. Gabe project came in 15% over expense. Wanted to award not to exceed estimates. Lacy looks like touchign a bunch of street that already received mill and overlay in last five years. gabe now is time to prevent potholes. this product placed on brand new pavement to help preserve existing asphalt. Lacy oxidation exp with asphalt. Gabe noticed that paved streets turning white and oxidizing fast. noticed on several streets even months after new pavement done see color change. don't think used to do that hap at first rate first sigh of distressed pavement. if street treated early slows distress. Love cont 1700 expan how only a 1000 cont. Gabe removed streets from project to get within budget came up to 863,000 orig 865,000 dif is as contingency. lacy able to do with this because of extra money. gabe yes. Sparks tried to determine why oxidizing faster. gabe yes research over years 20plus years refining tech changed. refining products is less quality. left with lesser quality product. Robnett what our est is and number going. 863,000 or 997,000. Gabe our est 865,000 and change. the project bid was 997,000. forced to remove a few streets from project to fit within budget which comes up to 863,000. Robnett remove from reso. John o reso captures what happened.

Council Member Love moved to adopt Resolution No. 2017 - 066; 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.

10. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Spraberry Farm and Plant Farm Improvements Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 070

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SPRABERRY FARM AND PLANT FARM IMPROVEMENTS PROJECT FOR THE UTILITIES DEPARTMENT

Council Member Love moved to adopt Resolution No. 2017 - 070; 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.

11. Approved a resolution approving a change order to the Utility Extension Program 02 to increase the not to exceed amount by \$340,000 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 071

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH TEC EXCAVATION, INC. REGARDING THE UTILITY EXTENSION PROGRAM 02; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$340,000.00

Lacy pulled for clarification 340,000 instead of 25% rules. tec always behind and we keep rewarding company. Josh Ferguson, proj mgr in this case TEC only bidder for utility ext prog. felt ocmfortable with awarding prog. chng order form tax program did go out to bid with no bid req transfer of funds. is tax prog priority. Josh go out with tach project funds will not be available in enxt fiscal year by time ready to go out. Sparks you ahve no specific that going to get spent it will bee just like in taps proejct moved to next eyars budget. \$ amounts ofr current year will roll back into fund. Sparks have a lot to do on utility ext proj and all doing is if get time to do it this year have 340,000more to do. if running way behind it will roll over into next years proj. josh yes if run behind and didnt' spend it.

Council Member Love moved to adopt Resolution No. 2017 - 071; 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.

19. Approved a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, including closing costs, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for public infrastructure, or any other usual and customary related purposes; beginning at the intersection of Big Spring (BS-349-C) and Mockingbird Lane, continuing approximately one half miles east to the intersection of Mockingbird Lane and Baca Street, continuing from said point approximately 1.8 miles north to the intersection of Martin County Line, continuing west along the County Line approximately 1.1 miles; then south approximately 2.1 miles to a point on Mockingbird Ln and finally, one half mile east from said intersection to arrive at the intersection of BS 349-C and Mockingbird Ln, appropriating funds in the amount of \$1,565,937 for right-of-way, roadway, and drainage construction. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 078

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH IN ANY PORTION OF MIDLAND COUNTY THAT IS

LOCATED WITHIN APPROXIMATELY ONE-HALF MILE EAST TO APPROXIMATELY ONE-HALF MILE WEST OF THAT PORTION OF BUSINESS STATE HIGHWAY 349-C THAT BEGINS AT MOCKINGBIRD LANE AND ENDS AT THE NORTHERN BOUNDARY OF MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; APPROPRIATING AND REALLOCATING FUNDS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, REAL PROPERTY INTERESTS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

Lacy have confusion on where funds coming from frank clarified. Ortiz funds coming from st imp fund primarily. from fees assessed from developments. its hard to budget what can use if funds avail and have capital avail on these types of projects. since surplus felt perfect coming from this source.

Council Member Love moved to adopt Resolution No. 2017 - 078; seconded by Council Member Lacy.

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

SECOND READINGS

20. Consider an ordinance on second reading on a request by University Food Services Inc. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a theater, on a 109,130-square foot portion on the south 1/2 of the northwest 1/4 of Section 42, Block 40, T-1-S, City and County of Midland, Texas. (Generally located on the southside of State Highway 191, approximately 1,300-feet east of North FM 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9644

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 109,130-SQUARE FOOT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,300 FEET EAST OF NORTH FM 1788), 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 THEATER FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9644.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9644 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.

21. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9645

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9645.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9645 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.

22. Consider an ordinance on second reading establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9646

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9646.

Council Member Love moved to approve the second and final reading of Ordinance No. 9646 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.

PUBLIC HEARINGS

23. Hold a public hearing and consider an annexation of a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Arlington Road, approximately 1800 feet south of State Highway 191.) This annexation item is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting ext of legacy addition. second ph in process will bring back next month.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

24. Hold a public hearing and consider an annexation of a 36.36 -acre tract of land out of Section 35, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158.) This annexation item is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting much like prev ph this one for expansionf or residnail grasslands to the west. this third council meet bring rforward next monhth final process.

Mayor Morales opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

25. Hold a public hearing and consider an ordinance on a request by Memorial Christian Church for a zone change from 1F-1, One-Family Dwelling District, to LR-2, Local Retail District on 2.66-acres of land out of the south half of Block 6, John and Moran Addition, City and County of Midland, Texas. (Generally located west of the intersection of Andrews Highway and West Cuthbert Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9647

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.59-ACRE TRACT OF LAND OUT OF BLOCK 6, JOHN AND MORAN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED WEST OF THE INTERSECTION OF ANDREWS HIGHWAY AND WEST CUTHBERT AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9647.

Development Services Director Chuck Harrington gave a brief overview of the item noting corner of Cuthbert and Andrews. When put forward applicant interested in developing as convenience. Since then have backed out of their deal. Memorial Christian Church would like to proceed so if other people come in can slel property. Consistent with surrounding area and comp plan, reviewed by staff members and rec approval of zone change as requested.

Lacy how does something zone 1F1. church can go in 1F1. Sparks picked most restrictive zone that church can grow zoning changed aorund it love.

Mayor Morales opened the public hearing at 10:42 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. 9647 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Sparks LR2 tell dif between lr1 and lr2. Chuck lr1 more like neighborhood type activity. Sparks across street in lr1 and need to get reminded. Chuck across street under planned developement. Can do car wash in lr2 but not lr1. Love don't have problem except for fact that previously had something were going to submit and now lr2 so start shopping it around no idea what miht occur. everything else around there is pd and this council trying to get around pd but hate to popup something totally... Chuck biggest dif can't have auto sales. neighborhood is more what lr1 aimed around. Love will not have to come before council to plat. Chuck not through council.. worked heavilywith previosuly applicant shshwoing have to protect andrews highway. Love going form church no taxes to a group that will be taxes.

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

26. Hold a public hearing and consider an ordinance on a request by Davis Laabs for a Specific Use Permit, without term, for an accessory building used for living or sleeping quarters, on Lot 25, Block 5, Ranchland Hills Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of Lincoln Street and Magnolia Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9648

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 25, BLOCK 5, RANCLAND HILLS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF LINCOLN STREET AND MAGNOLIA AVENUE), WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9648.

Development Services Director Chuck Harrington gave a brief overview of the item noting section in ord that allows for second accessory blodg in residential to meet medical needs. in this case person requ case has existing and want to convert into living quarters for daughter who is a nurse providing for care of parents. circ to depts biggest is building permit have to work thorough that process. can't rent out for any other use cant ret. staff rec approval.

sparks how enforce don't rent out. Chuck gives extra angle if find out that is case permit goes away. Sparks what if property is soled? Chuck it doesn't allow to use sup only goes with current property owner. No ingress from rear. Hotchkiss cannot aprk in alley has to be in front of house. John O permit belongs to land. Sparks permit would if sell property new people living there in accessory buidling is sitll can be used as living quarters? John not for commercial and cannot be rented out.

Mayor Morales opened the public hearing at 10:48 a.m.

Davis Lobbs 1601 Magnolia Aveue. beent here 50 years dont expect to move otu any time soon. when do check out daughter will inherit place.

There being no one else wishing to speak, the public hearing was closed at 10:49 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9648 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

robnett alot of people od this without going thorough process. Love this is two blocks form his house. I pass by there every day and property owners maintain this peice of property immaculately best house on block. very confident tha tpplicant will adhere to everything in ord.

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

27. Hold a public hearing and consider an ordinance on a request by Café Nitro LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,241 square foot portion on Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas. (Generally located southwest of the intersection of Starboard Drive and Liberty Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9649

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,241-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, GATEWAY PLAZA, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A

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 SueAnn Lopez read the caption of Ordinance No. 9649.

Development Services Director Chuck Harrington gave a brief overview of the item noting cafe nitro prev request in nov issue with sup for alco bev in restaurant. since that type looked to expand to aptio area that will add 20 patio setas and amend operation from 11-1 to 10-10. rev by everyone no obj does compliance with com pplan staff rec approval.

Mayor Morales opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9649 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Council Member Sparks moved to amend the motion by making start time 11 a.m. on Sunday; seconded by .; seconded by Council Member Lacy.

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

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

28. Hold a public hearing and consider a resolution on a request by VIVID for approval of a Temporary Land Use Permit for a Performance on Lots 2, 3, and 4; and a 0.30-acre portion of North Marienfeld Street right-of-way, located adjacent to Lots 2, 3, and 4; all out of Block 29, Original Town Addition, City and County of Midland, Texas. (Generally located north of the intersection of North Marienfeld Street and West Illinois Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 079

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PERFORMANCE ON LOTS 2, 3, AND 4, AND A 0.30-ACRE PORTION OF NORTH MARIENFELD STREET RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, ALL OUT OF BLOCK 29, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH MARIENFELD STREET AND WEST ILLINOIS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a breif overview. coming back on feb 28 request for dancers on wall. got permit and orig thourght horus 5-10 p.m. and street lcosure didn't need as muc. since then performers come back and do practice

earlier asking to change hours of operation from 4-9 for event and street closure on tues day april 25. transpo div worked to make sure accomplish no obj. mariendfelt reopened 8 a.m. sat morning. in compliance with ch 2 to city comp plan staff rec approval.

Mayor Morales opened the public hearing at 10:56 a.m.

Elizabeth Mclelland avail to answer questions still bring down vertical dance groupe. have approval all parties in building several sponsors added. now added a ground level dance performance team to supplement pretty incredible. Morales visit with adjacent properties. Elizabeths mgmt by same team.

Council Member Love moved to adopt Resolution No. 2017 - 079; seconded by Council Member Hotchkiss.

Austin Leuger 339 Midland County, property mgr for buildings around there. they have approved times and dates.

There being no one else wishing to speak, the public hearing was closed 10:58 a.m.

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

MISCELLANEOUS

29. Consider an ordinance of the City Council of the City of Midland, Texas, approving a negotiated resolution between the Atmos West Texas Cities Steering Committee ("WTX Cities") and Atmos Energy Corp., West Texas Division (the "Company") regarding the Company's 2016 rate review mechanism ("RRM") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached tariffs to be just and reasonable and in the public interest; establishing a process for renegotiating the RRM tariff in 2017; requiring the Company to reimburse WTX Cities' reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the WTX Cities' legal counsel. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9650

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS WEST TEXAS CITIES STEERING COMMITTEE ("WTX CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION (THE "COMPANY") REGARDING THE COMPANY'S 2016 RATE REVIEW MECHANISM ("RRM") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; ESTABLISHING A PROCESS FOR RENEGOTIATING THE RRM TARIFF IN 2017; REQUIRING THE COMPANY TO REIMBURSE WTX CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS

OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE WTX CITIES' LEGAL COUNSEL

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9650.

Assistant City Manager Frank Salvato gave a brief overview of the item bRandy price here with Atmos she can ehlp. Atmos West Tx filed rate mech at first dec 2016 since that time legal council looking at rates 12.71 cost of services inc for all of area which is 5.15 m to west to cities. through neg since then their rates suppoed to go into affect march 15 couns agreed and legal agreed to settle and atmos is good as long as get on as soon as possible. 50cetrn inc to monthly service charge up from 16 c to 19.5 c about 2.25 per month increase.

Brandy Price mgr of public of this div. the rn emch is a eyar process this increase was also done last year. allows us to take a look eveyr year. Lacy to help address aging infrasturcture. Brandy yes

Hotchkiss still cities rec that deny? rec to approve settlement offer.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9650 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.

30. Approved a motion approving a proposed Preliminary Plat of The Park at 1788 South, Section 1, being a 111.92-acre tract of land out of Section 29, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas (Generally located on the east side of Farm-to-Market Road 1788, approximately 500-feet north of County Road 150 ETJ, Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item nting gave revised agenda form. This amounts to prel plat of larger than 25 acres requires city council action. as stated in etj looks suspicious. applicant proposing investor park development which have impact in aoz4. have reviewed with consultant to ensure no iussues. consultant has no issues and adding statement to final palt which is part of paper have if go through process prior to any structures have tog et permit in AOZ4. Lacy aslong as consultant okay especially with space craft. Love the addition to plat is nice.

Council Member Love moved to approve a motion approving a proposed Preliminary Plat of The Park at 1788 South, Section 1, being a 111.92-acre tract of land out of Section 29, Block 40, T-2-S, T&P RR Co Survey, Midland County, Texas (Generally located on the east side of Farm-to-Market Road 1788, approximately 500-feet north of County Road 150 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.

31. Approved a motion on request by Aaron Burrell Land Surveyors, LLC to defer public paving, water, wastewater, sidewalk, and drainage improvements for Alex Taylor Addition, and to waive the corresponding financial security guarantee valued at \$66,814, an amount equal to the estimated cost of construction. The subject property is generally located approximately 325 feet north of the City of Midland corporate limits on the north side of Highway 80, approximately 3,000 feet west of the intersection with Tradewinds Boulevard, in Midland County, Texas. (ENGINEERING SERVICES)

Assistant ? Jeff Cohen this is small 1/2 acre plat in etj heating and air looking for septic tank and has to plat. The location is a little unusual which is why on misc. STaf agrees with applicant to defer the wastewater and sidewalk and paving but do think that ghe is responsible for water construction. We have avalong drive just about 200 feet ot west of his tract. Think ripe for development and will be looping water and would like developers to pay for water. Mayor saying not to waive the security for water. Sparks 3000 feet form where tie in. Jeff yes 2150 feet form water. Morales if somebody develops to east or west will ber esponsible for financial respon jsut to tap in. Courtney each person will pay for their portion as it devleops that is reason will put in escrow. Saprks existing busienss on that property? Not an existing business a new Aaron Borrel 215 W Wall here to rep Alexs Taylor and liberty heating and air. convince Avalon will not be built in10 year. if look at Tradewinds two willing participant no pavement on ground. With Avalong a lot rougher road up to 10 owenrs 2 or 3 oil wells, a playa lake no easement for water sewer or roadway so don't beleive in 10 year period going to accomplish all of that. If water line built in this 10 year he will still be denied water service and not given a meter. That seems wrong. Lacy that is correct that is the policy. he has o option to get annexed. Courtney we can for economic sell water outside the city limits outside at 1 1/2. His understading from Jeff is would not be given a meter. They did agree to give city 20 foot easement for water line on plat for no charge for the understanding that we need all agree takes longer than 10 years. Sparks from his stand point talking about something at end, ahve water restrictions in City concerned about the amount of water. If get it annexed or avalon gets built out and he wants water later because he doesn't have good water he will ahve to pay for it at that point. Cant see why we need this until it starts moving. Some of proeprties along highway 80 already developed so won't get moeyf rom them. applicant. Love policy on rebating escrow money if proj not built. John enter into public dev agreement with land owner. that would require to submit funds at time of plat and hold for certain period of time if not built within time period then moey goes back.

John moiton on agenda lists all item believe financial security accounts for all of them. if you want to do something other then wavive then need to amend the motion.

Council Member Sparks moved to approve a motion on request by Aaron Burrell Land Surveyors, LLC to defer public paving, water, wastewater, sidewalk, and drainage improvements for Alex Taylor Addition, and to waive the corresponding financial security guarantee valued at \$66,814, an amount equal to the estimated cost of construction. The subject property is generally located approximately 325 feet north of the City of Midland corporate limits on the north side of Highway 80, approximately 3,000 feet west of the intersection with Tradewinds Boulevard, in Midland County, Texas.; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford,

Robnett. NAY: Love, Lacy. ABSTAIN: None. ABSENT: None.

32. Approved a resolution rejecting all proposals received for request for proposals 01-17, 02-17, 03-17, 04-17 and 05-17 for oil and gas leases and authorizing the re-issuance of request for proposals for these oil and gas leases at a later date for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 080

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO THE REQUESTS FOR PROPOSALS FOR LEASES OF CITY-OWNED MINERALS IN THE FOLLOWING LOCATIONS: IN APPROXIMATELY 337.08 ACRES OUT OF SECTION 15, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST WADLEY AVENUE, EAST OF NORTH GARFIELD STREET, SOUTH OF LOOP 250, AND WEST OF NORTH A STREET); IN APPROXIMATELY 114.37 ACRES OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST WADLEY AVENUE, EAST OF NORTH A STREET, SOUTH OF LOOP 250, AND WEST OF NORTH LAMESA ROAD); IN APPROXIMATELY 68.61 ACRES OUT OF SECTION 22, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST GOLF COURSE ROAD, EAST OF NORTH GARFIELD STREET, SOUTH OF WEST WADLEY AVENUE, AND WEST OF NORTH A STREET); IN APPROXIMATELY 9.11 ACRES OUT OF SECTION 23, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST GOLF COURSE ROAD, EAST OF NORTH A STREET, SOUTH OF WEST WADLEY AVENUE, AND WEST OF NORTH LAMESA ROAD); AND IN APPROXIMATELY 6.74 ACRES OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF ILLINOIS AVENUE, EAST OF NORTH A STREET, SOUTH OF EAST GOLF COURSE ROAD, AND WEST OF NORTH LAMESA ROAD); AND AUTHORIZING THE CITY MANAGER TO RE-ISSUE REQUESTS FOR PROPOSALS FOR LEASES OF SAID MINERALS

Council Member Lacy moved to adopt Resolution No. 2017 - 080; 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.

PUBLIC COMMENT

Gary Olgin, 1600 Delmar, speak about skate park to see if any way it could upgraded or added on to. He is avid skateboarded there every day. Gone and covered graffiti gone every sunday to pick up trash and would like something bigger and better for kids. Beal park has a lot of kids. brought to attention that soccer fields updated and stage fixed. Mayor will sit down and include in what proposing through 4b and will talk in detail.

Michelle Aguire, from Odessa Up with People bringing 100 people from 20 different countries biggest concern is looking for host families for 100 kids arriving in 2 weeks 85 need host family. April 10-17. Love pointing out information director can help get out. up with people.org/permian basin.

33. 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.)

EXECUTIVE SESSION

recessed the meeting at 11:26 a.m. and will reconvene in Executive Session

34. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
- a. Section 551.072 Deliberation Regarding Real Property.
 - a.1. Discuss the sale, exchange, lease, or value of real property related to potential mineral leases on City of Midland property.
 - a.2. Discuss the sale, exchange, lease, or value of real property described as Sections 2, 3, 4, 9, 10, 11, 13, 14 and 15, Block 37, T-3-S, T&P Ry. Co. Survey, Midland County, Texas.
 - b. Section 551.087 Deliberation Regarding Economic Development Negotiations
 - b.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the __ day of ____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary