

**MIDLAND CITY COUNCIL
MINUTES
April 11, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 11, 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., April 11, 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

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

PRESENTATIONS

Mayor presented Fair Housing

Sparks presented B

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation for Fair Housing Month
 - b. Proclamation honoring Public Safety Dispatchers

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 28 excluding 11, 14; 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. Special meeting of March 21, 2017
 - b. Regular meeting of March 28, 2017
5. Approved a resolution approving the issuance of a request for proposals for Software and Implementation Services for a Computer-Aided Dispatch (CAD) and Records Management System (RMS) for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 081

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR A COMPUTER-AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

6. Approved a resolution approving the purchase of Cellular Services for City of Midland personnel for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 082

RESOLUTION APPROVING THE PURCHASE OF CELLULAR DATA SERVICES, MOBILE WIRELESS DEVICES, AIRCARDS, WIFI/HOTSPOT DEVICES, CELLULAR PHONES, I-PHONES, AND I-PADS FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT FROM VERIZON WIRELESS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$416,543.28

7. Approved a resolution approving a contract for Cabling at City Hall and the Police & Communications Building for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 083

RESOLUTION AWARDING A CONTRACT FOR THE REPLACEMENT OF CABLE AT CITY HALL AND THE POLICE AND COMMUNICATIONS BUILDING TO THE SOLE BIDDER, FREEDOMS COMPUTER CABLING AND ELECTRICAL CONTRACTOR, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$319,020.00; AND APPROPRIATING FUNDS THEREFOR

8. Approved a resolution awarding a contract for the FY2017 Mill/Inlay Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 084

RESOLUTION AWARDING A CONTRACT FOR THE FY 2017 MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$2,591,806.95; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution awarding a contract for the Frictional Asphaltic Surface Preservation Treatment Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 085

RESOLUTION AWARDING A CONTRACT FOR THE FRICTIONAL ASPHALTIC SURFACE PRESERVATION TREATMENT PROJECT TO CROSSROADS ASPHALT PRESERVATION, INC. OF WINNIE, TEXAS, AT A TOTAL COST OF \$1,900,173.33; AND AUTHORIZING PAYMENT THEREFOR

10. Approved a resolution awarding a contract for the Hot in Place Asphalt Recycling Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 086

RESOLUTION AWARDING A CONTRACT FOR THE HOT IN PLACE ASPHALT RECYCLING PROJECT TO THE SOLE BIDDER, CUTLER REPAVING, INC. OF LAWRENCE, KANSAS, AT A TOTAL COST NOT TO EXCEED \$1,231,419.00; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution authorizing the City Manager to negotiate and execute an agreement for the expansion of the ShoreTel Connect Voice Over Internet Protocol (VOIP) Phone System and associated Session Initiation Protocol (SIP) Trunks Citywide

for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 088

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR THE EXPANSION OF THE SHORTEL VOIP TELEPHONE SYSTEM AND ASSOCIATED SESSION INITIATED PROTOCOL TRUNKS TO CENTURYLINK, OF STEPHENVILLE, TEXAS, AT A TOTAL COST OF \$645,331.71; AND APPROPRIATING FUNDS THEREFOR

13. Approved a resolution of the City of Midland suspending the April 21, 2107, effective date of Oncor Electric delivery company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 089

RESOLUTION OF THE CITY OF MIDLAND SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF THE REQUESTED RATE CHANGE OF ONCOR ELECTRIC DELIVERY COMPANY, LLC ("ONCOR") TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH ONCOR AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

15. Approved a resolution approving the issuance of a permit Fasken Oil and Ranch, Ltd (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Fee "CK" No. 1H) located 463 feet from the north line and 285 feet from the west line located in Section 30, Block 39, T-1-S, T&P RR CO. Survey, City of Midland and County of Midland, Texas (Generally located 453 feet south of Andrews Highway and 248 feet east of North Loop 250 West.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 091

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 463 FEET FROM THE NORTH LINE AND 285 FEET FROM THE WEST LINE, SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 453 FEET SOUTH OF ANDREWS HIGHWAY AND 248 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 315 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE; AND APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS

16. Approved a resolution approving the issuance of a permit Fasken Oil and Ranch, Ltd (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Fee "CK" No. 2H) located 556 feet from the north line and 734 feet from the west line located in Section 30, Block 39, T-1-S, T&P RR CO. Survey, City of Midland and County of

Midland, Texas (Generally located 403 feet south of Andrews Highway and 823 feet east of North Loop 250 West.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 092

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 556 FEET FROM THE NORTH LINE AND 734 FEET FROM THE WEST LINE, SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 403 FEET SOUTH OF ANDREWS HIGHWAY AND 823 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 436 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE; AND APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS

17. Approved a resolution authorizing the execution of a road repair agreement with Fasken Oil and Ranch, Ltd (Operator), regarding its application to drill oil and gas wells (Fee "CK" No. 1H and Fee "CK No. 2H) located in Section 30, Block 39, T-1-S, T&P RR CO. Survey, City of Midland and County of Midland, Texas. The Road Repair Agreement will cover Princeton Ave. in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 093

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH FASKEN OIL AND RANCH, LTD. REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (FEE "CK" WELLS) WITHIN THE CITY LIMITS IN SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

18. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (MCC HZ Unit No 1108H) located 285 feet from the north line and 1,978 feet from the east line located in Section 11, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,978 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 094

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 1,978 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,978 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE)

19. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (MCC HZ Unit No 1109H) located 285 feet from the north line and 2,018 feet from the east line located in Section 11, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 2,018 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 095

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 2,018 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,018 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE)

20. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Mask HZ Unit No 1009H) located 230 feet from the north line and 1,730 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,664 feet east of North Garfield Street Extension and 1,095 feet north of Passage Way Extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 096

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 230 FEET FROM THE NORTH LINE AND 1,730 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,664 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 1,095 FEET NORTH OF PASSAGE WAY EXTENSION)

21. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, LP, said Surface Use Agreement is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing two three (3) inches oil flowlines, two three (3) inch gas lines, two ten (10) inch temporary lay-flat water lines, and other necessary related facilities; to have the right to ingress and egress at convenient points for such purpose; all facilities are located on City of Midland property, Section 10, Block 37, T-3-S, T&P R.R. Co., Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 097

RESOLUTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

22. Approved a resolution authorizing the City Manager to execute a purchase and sale agreement for the acquisition of the property currently owned by Richard K. Fesmire, Richard L. Fesmire, and Jeff McFarlin. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 098

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, A 3.209-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO ACQUIRE SAID TRACT OF LAND, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING FOR SAID ACQUISITION; AUTHORIZING PAYMENT FOR SAID TRACT OF LAND, TITLE INSURANCE POLICY

AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

23. Approved a resolution authorizing the City Manager to allocate funds to Midland County for paving of Antelope Trail from the terminus of Antelope Trail located 600 feet south of Cholla Road to County Road 120. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 099

RESOLUTION AUTHORIZING MIDLAND COUNTY, TEXAS TO PERFORM PAVING SERVICES ON ANTELOPE TRAIL, FROM COUNTY ROAD 120 TO THE EXISTING TERMINUS OF ANTELOPE TRAIL LOCATED APPROXIMATELY 600 FEET SOUTH OF CHOLLA ROAD, IN ACCORDANCE WITH THE CITY - COUNTY INTERLOCAL COOPERATION CONTRACT AUTHORIZED BY RESOLUTION NO. 2013-401; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$270,000.00

24. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Graham Oil and Gas LP in the amount of \$173,078.00 for future design and construction of public paving improvements on Bluebird Lane to serve Blackbird Estates; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is located at 4000 & 4002 Bluebird Lane in the City of Midland. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 100

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH GRAHAM OIL AND GAS LP FOR PAVING IMPROVEMENTS TO BLUEBIRD LANE ADJACENT TO BLACKBIRD ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BLUEBIRD LANE, APPROXIMATELY 520 FEET EAST OF NORTH MIDLAND DRIVE); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

25. Approved a resolution accepting a Utility Easement from Chick-Fil-A Inc., located in Section 19, Block 39, T-1-S, T&P RR. Co. Survey, for the purpose of constructing and maintaining a water line and any associated facilities; authorizing the execution of said Utility Easement; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 101

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.098-ACRE UTILITY EASEMENT LOCATED IN SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

26. Approved a resolution accepting a Utility Easement from Chick-Fil-A Inc and Manor Park Inc., located in Section 19, Block 39, T-1-S, T&P RR. Co. Survey, for the purpose of constructing and maintaining a water line and any associated facilities; authorizing the execution of said Utility Easement; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 102

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.360-ACRE UTILITY EASEMENT LOCATED IN SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

27. Approved a resolution authorizing the City Manager to provide notice of termination to the Waste Water Operations Agreement at Spraberry Farms. (UTILITIES)

RESOLUTION NO. 2017 - 103

RESOLUTION AUTHORIZING THE CITY MANAGER TO PROVIDE A NOTICE OF CANCELLATION TO SPRABERRY CGC, LTD. AND SPRABERRY CGC, INCORPORATED REGARDING THAT CERTAIN WASTE WATER OPERATIONS AGREEMENT CONCERNING CERTAIN PROPERTY DESCRIBED AS SECTIONS 13, 14 (SAVE AND EXCEPT AN 80-ACRE TRACT DESCRIBED AS THE E/2 OF THE NE/4) AND 15, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

28. Approved a resolution authorizing the execution of a Chapter 380 Economic Development Agreement between the City of Midland and Midland Owner LLC, as authorized by Chapter 380 of the Texas Local Government Code. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 104

RESOLUTION AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND OWNER LLC, AS AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

11. Approved a resolution approving the purchase of Trash Compactor Wheels for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 087

RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) TRASH COMPACTOR WHEELS FOR THE GARAGE DIVISION FROM TERRA COMPACTOR WHEEL CORPORATION, OF SHEBOYGAN, WISCONSIN, AT A TOTAL COST OF \$82,760.00

did not include p l dium w nt to rebid nd bring b ck.

Council Member Sparks moved to defer; 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.

14. Approved a resolution authorizing the execution of a Term Sheet between the Midland Development Corporation ("MDC") and the University of Texas of the Permian Basin ("UTPB") for the purpose of facilitating certain agreements relating to the construction of a new Engineering Building to be located within the corporate limits of the City of Midland, Texas, and the establishment and management of an incubator and makerspace to be located in UTPB's Center for Energy & Economic Development Building. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 090

RESOLUTION APPROVING A TERM SHEET BETWEEN THE MIDLAND DEVELOPMENT CORPORATION ("MDC") AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN ("UTPB") FOR THE PURPOSE OF FACILITATING CERTAIN AGREEMENTS RELATING TO THE CONSTRUCTION OF A NEW ENGINEERING BUILDING TO BE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND, TEXAS, AND THE ESTABLISHMENT AND MANAGEMENT OF AN INCUBATOR AND MAKERSPACE TO BE LOCATED IN UTPB'S CENTER FOR ENERGY & ECONOMIC DEVELOPMENT BUILDING

jr pulled to dress home run based in education happy to h

Council Member Lacy moved to adopt Resolution No. 2017 - 090; seconded by Council Member Love.

David watts corner of 1788 191 engineering building there broke ground about 10 days ago, 52 m dollar project 3 story building include on ground floor mechanical eng petrol on second and if pass will enable to finish out third floor. bid of 4.9 m fr third floor accomodate chemical and electircal engineering. pleased ot report on board of regents agenda may 9 and may 10. major step forward significant sign of collab between univ and city of midland. one of 10 sstudents who attend utpb are eng majors or aspire to be eeng majors. with addition of chemicl and electircla number will cont to grow. dont' need to tell elec and chem are important for this region as mjaor prod of petrol and other proj. elec important ot make sure all rigs cont to oeprate and pump valfualbe commot for all of us. look forward to approval and term sheet approval.

Sparks sure appreciate all done for utpb to amke university outstanding. few more months to go and afew more items up sleeve.

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

SECOND READINGS

29. Consider an ordinance on second reading 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) (First reading held March 28, 2017)

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 Karla Mata read the caption of Ordinance No. 9647.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9647 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.

30. Consider an ordinance on second reading 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) (First reading held March 28, 2017)

ORDINANCE NO. 9648

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS 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), 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 Karla Mata read the caption of Ordinance No. 9648.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9648 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

31. Consider an ordinance on second reading 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) (First reading held March 28, 2017)

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 Karla Mata read the caption of Ordinance No. 9649.

Council Member Love moved to approve the second and final reading of Ordinance No. 9649 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Council Member Sparks moved to amend the motion by change Sunday start time at 11:00 a.m. ; seconded by .; seconded by Council Member Lacy.

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

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

32. Consider an ordinance on second reading 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) (First reading held March 28, 2017)

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 Karla Mata read the caption of Ordinance No. 9650.

Council Member Lacy moved to approve the second and final reading 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.

PUBLIC HEARINGS

33. Hold a public hearing and consider an ordinance on a request by Aces Grill, LLC for Specific Use Permit with Term, for the sale of beer and wine, for on-premises consumption, in a restaurant on a 3,152 square foot portion of Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas (Generally located southwest of the intersection of Starboard Drive and Liberty Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9651

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,152-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 BEER AND WINE 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 Karla Mata read the caption of Ordinance No. 9651.

Development Services Director Chuck Harrington gave a brief overview of an item noting Aces Grill Tores Cafe by Nitro Cafe property no church or school 300 feet. zoned lr3 prop horus 11 a.m. to 10 p.m. sun through sat. Been reviewed everyone approved req rec approval. no loj.

Mayor Morales opened the public hearing at 10:22 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. 9651 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.

34. Hold a public hearing and consider an ordinance on a request by John George dba The Turn for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1-F, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 670-feet east of North Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9652

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1-F, BLOCK 5, CORRECTION PLAT OF COLONY PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 670 FEET EAST OF NORTH GARFIELD 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 Karla Mata read the caption of Ordinance No. 9652.

Development Services Director Chuck Harrington gave a brief overview of the item noting site of former sedona grill bought out by John George under operation of old permit until through this process no church or school nearest 160 feet north. in LR2 allows for this type of operation. In Jan 2016 when sedona grill had issues and put that to requirements in place. Mr. George bought it made improvements limited issues, some police calls considerable reduced. only shown 10 incidents from 2016 2017 none loud music, narcotic or alcohol related. propo to have hours of operation m-th 10-12 and f sat 9-1 and sun 12 to 12. in curr new sun tue 11-11 thur sat 11 to 1 10:25 a.m. as moving forward old ord reg music on patio area app proposed to have coustic loud music with no more than 2 players every night until 10 p.m. p7z heard request but put requirement in there for ocnditions and left to council for that decision. Sparks if understand sale of sun -t 11 to 11 and other days 2e 11 12 thur 11 a th f s. Hotchkiss decrease in number of hours before. Do remember residents came out in force still concerned about music on patio event though acoustic and two people asked council weight in. Lacy more crowd sitting on patio louder than guitar. Sparks no amplification? Lacy allowable maximum of decibels. 70. Morales previous issue is later doing live remotes out in parking lot which is where saw challenge. Lacy also dj outside. Sparks as long as not electronically amplified. Morales reduction in police presence. Dufford can leave way requesting and have come back in 6 months. Turned place around.

Mayor Morales opened the public hearing at 10:27 a.m.

Ed Rivas operator at 2101 W Wadley concerning music being amplified it is amplified at 1 or 2 small speakers directed into garage doors. previously before took it over speakers on aptior were turned out toward street now poitned in. 6:30 start 9:30 is cut off time.

There being no one else wishing to speak, the public hearing was closed at 10:28 a.m.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9652 in accordance with the Charter of the City of Midland with amendment to review in one year; 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.

35. Hold a public hearing and consider an ordinance on a request by Laurence Oeth for a Specific Use Permit, without term, for an accessory building used for living or sleeping quarters, on the west 12.15-feet of Lot 3, and Lot 4, less the west 3-feet, Block 3, Scotsdale Addition, Section 3, City and County of Midland, Texas (Generally located on the north side of Cimmaron Avenue, approximately 165-feet east of Mark Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9653

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE WEST 12.15 FEET OF LOT 3, AND LOT 4, LESS THE WEST 3 FEET, BLOCK 3, SCOTSDALE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF CIMMARON AVENUE, APPROXIMATELY 165 FEET EAST OF MARK LANE), WHICH IS PRESENTLY ZONED 1F-2, ONE-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 Karla Mata read the caption of Ordinance No. 9653.

Development Services Director Chuck Harrington gave a brief overview of the item noting sup propos to construc accesssory buidling bottom garage with living sleeping facilities above for ext family members not a living dwelling no kitchen unit. ord allows for that to occur with approval of sup. does not exceed height requirement. 20 ft hs is 19 ft 9 inches. the issue came up during p7z when approved 4/3 was put amendment asked for 3 foot side yard back for accessory allowed. p7z pref to see 5 feet as used for residential uses and asked that that condition be put in form east line. one loj received talked with adjoining prop owners on site. site sold in 60s that doesn't line up with lot lines. he will repalt to clean up his lot. they will palce ont here a plat note that says cannot be used for rental purpsoes but family occupancy only. sparks accessory building can be 3 feet but because someone sleepign in garage code says 5 ft. chuck p7z felt like it should be 5 feet since that is what single family structure requires.. hotchkiss for consistency with code felt 5 foot made more sense. Lacy residence to

east. chuck yes. love how will that be affected when replat comes in? Chuck 3 foot or 5 foot is measures from his property line sued legal description from which he purchased property. west 12.15 feet lot. chuck max lines will not change he is platting from legal description.

Mayor Morales opened the public hearing at 10:34 a.m.

Larry Oeth applicant support the p7z rec to approve but request amendment to give 3 foot setback. when laid out on lot went to city ord detached accessory building can be build on line if properly fire rated. this house was a rental upgrading for 3 years. Have new son possible another one on way opair will be upstairs or in guest unit. typical 68 tract home. Fence was build 3 foot on their yard they will leave fence there and building lines up with it. efficient use of space on her side don't want to push and crowd red oak. There is property line which will be com lot line. Shared proposed floor plan no windows on the property line side and one hour rated lap siding consistent with way designed house. shared shots of other two story house in neighborhood not unusual for neighborhood. Detached structures shown at end of block and in neighborhood right on property line. Shared info form ord that says shall observe 3 feet setback. Love is existing fence going to terminate at building? five foot setback creates dead space.

Madeline Manning 4504 Cimmaron homeowner to east she opposes this add on. Mainly for fact of two stories. Mr. Oeth showed two story building in her view point nothing that high or close to property line. worried about cohesiveness of area. enjoying sitting out side concerned about 20 foot wall close to house. She is physical with tx tech will move in July this is her first home wants to leave it better than when she bought it 20 foot structure does not leave it better than bought it. No windows on that side not a privacy issues concerned about line of site and sunlight? Manning there is a tree on her side of yard that provides 50% shade to her back yard and in mornings like to sit on back porch. Hotchkiss would be more comfortable if it were 5 foot setback. On fence because of way fence her main 20 feet five feet would help open it up and 1 story 3 foot would be fine.. Lacy accessory building. yes one story building used for storage. Lacy how far off property line looks like it is exactly on property line. She can walk would give two feet.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

Love way written approve this item with 5 foot, if want to grant 3 have to amend yes.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9653 in accordance with the Charter of the City of Midland with amendment to change setback to three foot from east property line; seconded by Council Member Robnett.

Dufford can build but talking about two feet. Lacy technically he can build on property line. Sparks make a

Robnett he could live it none wise going through proper channels people don't do proper process. appreciate reasonable given circumstances. Hotchkiss but he is doing it because not fulfilling actual ord someone will be sleeping out there and ord shouldn't be stepped on.

Sparks not stepped on with no kitchen. Chuck with a plat not easier to enforce violation

and in ordinance as well. Ross applicants family expanding need more space for his children. Its for nanny not hchildren.

Robnett how maintain ensure no windows built on proeprty line. Courtney thorough building permit process.

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

36. Hold a public hearing and consider a resolution on a request by St. Stephen's Catholic Church for approval of a Temporary Land Use Permit for a Family Fair and Carnival on Blocks 86, 94, and 95, Original Town Addition, City and County of Midland, Texas (Generally located north of West Front Street between South Big Spring Street and South Loraine Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 105

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FAMILY FAIR AND CARNIVAL ON BLOCKS 86, 94, AND 95, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST FRONT STREET, BETWEEN SOUTH BIG SPRING STREET AND SOUTH LORAIN STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overivew of the item noting for church tlup for fmai yaffiar and carnival. locatd on parking lot directly across from county library proposed for sat may 13 12-10 and sun may 14 12 8 p.m. family event will ahve on sale prem cons of alco 12 restrooms 2 security guards on duty all. no loj. staf 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 Lacy moved to adopt Resolution No. 2017 - 105; 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.

37. Hold a public hearing and consider a resolution on a request by Bourbon St., D.C., LLC for approval of a Temporary Land Use Permit for a Street Party on Lot 24; and a 0.17-acre portion of East Texas Avenue right-of-way, located adjacent to Lot 24; all out of Block 53, Original Town Addition, City and County of Midland, Texas (Generally located southeast of the intersection of North Main Street and East Texas Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 106

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A STREET PARTY ON LOT 24 AND A 0.17-ACRE PORTION OF EAST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 24, BLOCK 53, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH MAIN STREET AND EAST

TEXAS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting Bourbon Street 5th anniversary at site proposing sat may 6 12 - 12. feature live music sale of alco bev min of 3 restrooms 2 security guards on duty. staff rec approval of tlup. jsut passed out letter received. He is returned to let us know received no opposition.

Love how does this impact construction oin area. should have no impact was reviewed by traffic.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 106; 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.

38. Hold a public hearing and consider a resolution on a request by Arts Council of Midland for approval of a Temporary Land Use Permit for an Arts Festival on Lot 13A, Block 53, Original Town Addition, Section 7; the north 7 feet of Lot 9 and the east 65 feet of Lots 9, 10, 11, and 12, Block 53, Original Town Addition; a 0.05-acre portion of North Main Street right-of-way and a 0.12-acre portion of alley right-of-way, both located adjacent to Lot 13A, Block 53, Original Town Addition, Section 7; and 0.64-acre portion of East Wall Street right-of-way and a 0.56-acre portion of North Baird Street right-of-way, both located adjacent to Block 53, Original Town Addition; City and County of Midland, Texas (Generally located northeast of North Main Street and East Wall Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 107

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN ARTS FESTIVAL ON LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, THE NORTH 7 FEET OF LOT 9 AND THE EAST 65 FEET OF LOTS 9, 10, 11, AND 12, BLOCK 53, ORIGINAL TOWN ADDITION, A 0.05-ACRE PORTION OF NORTH MAIN STREET RIGHT-OF-WAY AND A 0.12-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, AND A 0.64-ACRE PORTION OF EAST WALL STREET RIGHT-OF-WAY AND A 0.56-ACRE PORTION OF NORTH BAIRD STREET RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO BLOCK 53, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH MAIN STREET AND EAST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting Arts Council of Midland fro art festival. Little different than past. horseshoe and then midland center. Better success in downtown. The event will be with Bourbon

street active block, prop days fri 8-10 sat 10-5 sun 10-7. live music tents with child activities prov min 10 restrooms and one security guard. staff reviewing and in process portion of lofts unfinished portion of lofts does have fire sprinkler but only one exist concerna bout number of people asking council cons palcing additional sec to limit occupancy load in building. two additional security for total of 3. two spjec for occ level. happy to ans any qeustions. Love based on last question not probl with traffic, chuck went hrough traf. Love how expect fed govt, chuck left openign to get in and out. Love parking lot for court. Chuck sitll access to parking lot off of wall street.

Mayor Morales opened the public hearing at 10:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 107; 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.

Council Member Love moved to reconsider; 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.

Council Member Love moved to increase security by two additional officers; 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.

MISCELLANEOUS

39. Approved a resolution providing for the redemption of the outstanding City of Midland General Obligation Refunding Bonds Series 2006B. (FINANCE)

RESOLUTION NO. 2017 - 108

A resolution providing for the redemption of the outstanding City of Midland, Texas, General Obligation Refunding Bonds, series 2006B; and resolving other matters incident and related to the redemption of such bonds.

Pam Simeca req of sports complex to presentwith reso requ auth to redeem 2006 D refunding bonds used to refinance sports complex.

Morales by paying off it will be over 14 M sav. pam 17.925 savings. moving form 2030 down to current date.

Mayor this will be complete in full by what date? pam may 29 estimate. time to notify bond holders and redeem bonds. love what ref to resolving other matters. pam have to pay part accrual int in interest. 6 months due in aguust. also agency fees and redemption fees.

Council Member Love moved to adopt Resolution No. 2017 - 108; 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.

40. Consider an ordinance on a request by DR Horton - Texas, Ltd for 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.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9654

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING 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 1,800 FEET SOUTH OF STATE HIGHWAY 191); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9654.

Development Services Director Chuck Harrington gave a brief overview of the item noting final step to annex 120 acres for dr horton to ext legacy addition.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9654 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.

41. Consider an ordinance on a request by Robert Graham Construction for an annexation of a 35.77-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.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9655

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 35.77-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); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9655.

Development Services Director Chuck Harrington gave a brief overview of the item noting to annex ext of grasslands west.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9655 in accordance with the Charter of the City of Midland; seconded by Council

Member Lacy.

love contig, chuck yes

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

42. Approved a motion authorizing the City Manager to negotiate and execute a license agreement with Dawson Geophysical Company (DEVELOPMENT SERVICES)

Council Member Lacy moved to approve Approved a motion authorizing the City Manager to negotiate and execute a license agreement with Dawson Geophysical Company; 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.

PUBLIC COMMENT

43. 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.)

Marci Corry Kitty Brandon, work with each city expand to and get city sponsorship reward people not to text and drive want to end manuy copnmversaiton with tom craddick pass statewide band they do have city wide band that hands free driving. city of collee station loves being official save to save even when goes hadns free positive rewards to not be on phone still want epople to to be motivated. partner with local midland business, rest retail health related services coffee shops restauraunts. reason 18,000 users are motivated because getting coupons or discounts athat 18-45 year olds love. in turn helping city with economy and with unifying everyone encouraging safety presenting to day to see if city of midland want to be official sponsor completly free. Robnet marci approache him and mayor gives local busiensses. . Love point of order public comment cannot discuss can onoy put on future agenda item.

Council Member Robnett moved to place Safe2Save on future Agenda ; seconded by Council Member Lacy.

allow app to traack speed when going 15 miles an hour or not knows when not touching phone. Do we know 100% that not driver but do know they are mvoing has to be certain speed publoic transportation. that how it works.

reached out to school district and done other presentations.

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

EXECUTIVE SESSION

recess at 11:13 a.m. to Executive Session.

reconvene 11:21 a.m. all council present

Meeting adjourned 11:22 a.m.

44. 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 certain City-owned real property located in Winkler County and Loving County, Texas.

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