

**MIDLAND CITY COUNCIL
MINUTES
April 26, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 26, 2016.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., April 26, 2016.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:00

1. Invocation - Father David Galletly, Holy Trinity 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 a Proclamation for National Service Recognition Day.
 - b. Presentation of a Proclamation for Public Service Appreciation Week.
 - c. Presentation of Certificates of Completion to the 2016 Midland 101 graduates.
 - d. Presentation of a Proclamation for Travel & Tourism Week.

PUBLIC COMMENT

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 6 - 29 excluding 5a, 18; 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.

6. Approved a resolution approving a professional services agreement with Freese and Nichols, Inc. for the Northeast Midland Feasibility Study for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 111

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC. FOR PROFESSIONAL SERVICES FOR THE PERFORMANCE OF A PLANNING AND ENVIRONMENTAL LINKAGE STUDY FOR A NEW REGIONAL HIGHWAY ON THE NORTHEAST SIDE OF MIDLAND; AND AUTHORIZING PAYMENT FOR SAID PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$200,227.00

7. Approved a resolution approving the issuance of a Request for Proposal (RFP) for Metropolitan Area Network Service for the City of Midland's new Municipal Court Building located at 201 East Texas to the City of Midland's Data Center located at 601 N.

Loraine Street. (PURCHASING)

RESOLUTION NO. 2016 - 112

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR METROPOLITAN AREA NETWORK SERVICE; SAID SERVICE WILL PROVIDE COMPUTER NETWORK CONNECTIVITY BETWEEN THE CITY'S NEW MUNICIPAL COURT BUILDING LOCATED AT 201 EAST TEXAS AVENUE AND THE CITY'S DATA CENTER LOCATED AT 601 NORTH LORAIN STREET

8. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located north of West Loop 250 and east of North Midland Drive and south of Mockingbird Lane and west of North Midkiff Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 113

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 26.25-ACRES OUT OF SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST LOOP 250, EAST OF NORTH MIDLAND DRIVE, SOUTH OF MOCKINGBIRD LANE, AND WEST OF NORTH MIDKIFF ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

9. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of Carter Avenue and east of South Midkiff Road and south of West Illinois Avenue and west of South Garfield Street.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 114

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 35.483-ACRES OUT OF SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CARTER AVENUE, EAST OF SOUTH MIDKIFF ROAD, SOUTH OF WEST ILLINOIS AVENUE, AND WEST OF SOUTH GARFIELD STREET); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

10. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 24, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of East Golf Course Road and east of North Lamesa Road and south of East Wadley Avenue and west of North Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 115

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 17.912-ACRES OUT OF SECTION 24, 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 LAMESA ROAD, SOUTH OF EAST WADLEY AVENUE, AND WEST OF NORTH FAIRGROUNDS ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

Council Member Lacy moved to approve Consent Agenda items 6 - 29 excluding 5a, 18; seconded by Council Member Robnett.

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

11. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 13, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of East Wadley Avenue and east of Lamesa Road and south of East Loop 250 North and west of North Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 116

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 320.00-ACRES OUT OF SECTION 13, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST WADLEY AVENUE, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST LOOP 250 NORTH, AND WEST OF NORTH FAIRGROUNDS ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

12. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 25, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of South Street and east of North Lamesa Road and south of East Golf Course Road and west of North Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 117

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 44.771-ACRES OUT OF SECTION 25, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF SOUTH STREET, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST GOLF COURSE ROAD, AND WEST OF NORTH FAIRGROUNDS ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

13. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of East Interstate 20 and east of Rankin Highway and south of East New Jersey Avenue and west of South Lamesa Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 118

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 10.477-ACRES OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF INTERSTATE HIGHWAY 20, EAST OF RANKIN HIGHWAY, SOUTH OF EAST NEW JERSEY AVENUE, AND WEST OF SOUTH LAMESA ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

14. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of West Interstate 20 and east of Cotton Flat Road and south of Carter Avenue and west of Rankin Highway.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 119

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 8.701-ACRES OUT OF SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF INTERSTATE HIGHWAY 20, EAST OF COTTON FLAT ROAD, SOUTH OF CARTER AVENUE, AND WEST OF RANKIN HIGHWAY); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

15. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 34, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of Carter Avenue and east of Cotton Flat Road and south of West Illinois Avenue and west of South A Street.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 120

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 13.188-ACRES OUT OF SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CARTER AVENUE, EAST OF COTTON FLAT ROAD, SOUTH OF WEST ILLINOIS AVENUE, AND WEST OF SOUTH A STREET); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

16. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 35, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of East New Jersey Avenue and east of South A Street and south of West Michigan Avenue and west of South Lamesa Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 121

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY

21.784-ACRES OUT OF SECTION 35, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST NEW JERSEY AVENUE, AND EAST OF SOUTH A STREET, SOUTH OF WEST MICHIGAN AVENUE, AND WEST OF SOUTH LAMESA ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

17. Approved a resolution approving the issuance of a request for proposals for an oil and gas lease located in Section 36, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located north of Cloverdale Road and east of South Lamesa Road and south of South Street and west of South Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 122

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 20.544-ACRES OUT OF SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CLOVERDALE ROAD, EAST OF SOUTH LAMESA ROAD, SOUTH OF SOUTH STREET, AND WEST OF SOUTH FAIRGROUNDS ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

19. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Pipe Bore under Interstate 20 near Midland Drive for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 124

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PIPE BORE PROJECT; SAID PROJECT WILL PROVIDE A CONDUIT UNDER INTERSTATE HIGHWAY 20 NEAR SOUTH MIDLAND DRIVE FOR A FUTURE CITY UTILITY LINE, WITH TWO ADDITIVE ALTERNATES UNDER INTERSTATE HIGHWAY 20 NEAR SOUTH MIDKIFF ROAD

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 1004H) located 230 feet from the north line and 275 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 251 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 125

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 275 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 251 FEET EAST OF NORTH GARFIELD STREET AND 1,095 FEET NORTH OF PASSAGE WAY EXTENSION)

21. 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 1005H) located 230 feet from the north line and 315 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 291 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 126

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 315 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 291 FEET EAST OF NORTH GARFIELD STREET AND 1,095 FEET NORTH OF PASSAGE WAY EXTENSION)

22. 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 1006H) located 230 feet from the north line and 830 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 806 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 127

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 830 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 806 FEET EAST OF NORTH GARFIELD STREET AND 1,095 FEET NORTH OF PASSAGE WAY EXTENSION)

23. Approved a resolution approving the issuance of a permit RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask HZ Unit No 1007H) located 230 feet from the north line and 870 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 846 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 128

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 870 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 846 FEET EAST OF NORTH GARFIELD STREET AND 1,095 FEET NORTH OF PASSAGE WAY EXTENSION)

24. Approved a resolution of the City Council of Midland, Texas committing to make a loan with conditions to DDC Merritt Leisure, LTD to pay for costs associated with the proposed Merritt Leisure Housing Development. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS COMMITTING TO MAKE A LOAN WITH CONDITIONS TO DDC MERRITT LEISURE,

LTD. TO PAY FOR COSTS ASSOCIATED WITH THE PROPOSED MERRITT LEISURE HOUSING DEVELOPMENT; THE PROPOSED DEVELOPMENT IS LOCATED AT THE NORTHEAST QUADRANT OF LEISURE DRIVE AND SOUTH TEXAS LOOP 250 WEST; PROVIDING NO WAIVER OF GOVERNMENTAL IMMUNITY OR SOVEREIGN IMMUNITY; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

25. Approved a motion on request by Newton Engineering, PC to defer public improvements for Furrever Acres, and to waive the corresponding financial security guarantee valued at \$219,959.65, an amount equal to the estimated cost of construction. The subject property is generally located approximately 2.8 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
26. Approved a resolution accepting a Sanitary Sewer Easement, located in Section 42, Block 40, T-1-S, T&P RR. Co. Survey, for the purpose of constructing and maintaining a sewer line and any associated facilities; authorizing the execution of said Sanitary Sewer Easement; and ordering recordation by the City Secretary. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 130

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 1.0307-ACRE SANITARY SEWER EASEMENT GRANTED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM AND LOCATED IN SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND APPROPRIATE TO EFFECT THE ACCEPTANCE OF SAID EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

27. Approved a resolution authorizing the assignment of previously executed Right-of-Way Licenses between the entities below and the City of Midland: Right-of-Way License Agreement from Resolution 2012-004, from Bluestem Energy Assets, L.L.C., to Diamondback Energy LLC; Right-of-Way License Agreements from Resolutions: 2008-093, 2008-904, 2008-323 from DCP Midstream, LP, to Navitas Midstream Partners. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 131

RESOLUTION APPROVING BLUESTEM ENERGY ASSETS, LLC'S ASSIGNMENT OF AN EXISTING RIGHT OF WAY LICENSE TO DIAMONDBACK ENERGY LLC (REGARDING CITY-OWNED PROPERTY ABUTTING THE NORTHEAST QUARTER (NE/4) OF SECTION 8, BLOCK X, H.P. HILLIARD SURVEY AND THE NORTHWEST QUARTER (NW/4) OF SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS); AND APPROVING DCP MIDSTREAM, LP'S ASSIGNMENT OF THREE (3) EXISTING RIGHT OF WAY LICENSES TO NAVITAS MIDSTREAM PARTNERS (REGARDING CITY-OWNED PROPERTIES LOCATED IN: SECTIONS 13 AND 30, BLOCKS 38 AND 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; SECTIONS 31 AND 32, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND SECTIONS 4 AND 5, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, RESPECTIVELY)

28. Approved a motion on request by Dawson Geophysical Co. to defer public improvements for Dawson Addition, and to waive the corresponding financial security guarantee valued at \$330,693, an amount equal to the estimated cost of construction. The subject property is a 40 acre tract out of Section 18, Block 39 T 2 S, approximately 1.3 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
29. Approved a motion on request by Schumann Engineering to defer public improvements for Midland 817, and to waive the corresponding financial security guarantee valued at \$137,112.13, an amount equal to the estimated cost of construction. The subject property is generally located approximately 2910 feet west of the intersection of State Highway 158 and West County Road 60, approximately 0.55 miles west outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
5. Approved a motion approving the following minutes:

Council Member Love moved to approve Approved a motion approving the following minutes;; seconded by Council Member Dufford.

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

Regular meeting of April 12, 2016.

- Council Member Love moved to approve Approved a motion approving the following minutes;; seconded by Council Member Dufford.
- The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: Lacy. ABSENT: None.
18. Approved a resolution approving specifications and authorizing advertisement for bids for the annual purchase of gasoline and diesel fuels for the Vehicle Services Division. (PURCHASING)

RESOLUTION NO. 2016 - 123

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE ANNUAL PURCHASE OF GASOLINE AND DIESEL FUEL

Love pulled don't recall ever doing annual gasoline purchase. \$2.5 m a lot of gas. Regina, first annual. Been so volatile been taking bids weekly now try to address situation and get bid for more stable price. Love trying to hedge. Regina yes. Love first time buying it will be delivery when needed. Regina correct. every year, yes.

Council Member Love moved to adopt Resolution No. 2016 - 123; 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.

SECOND READINGS

30. Consider an ordinance on second reading on a request by Rankin-Longview Development Partners, LLC for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas (Generally located on the west side of Rankin Highway, approximately 280-feet south of Wolcott Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9551

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6A, BLOCK 2, AMARON ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF RANKIN HIGHWAY, APPROXIMATELY 280 FEET SOUTH OF WOLCOTT 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. 9551.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9551 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

31. Consider an ordinance on second reading on a request by GBB North Texas Beverages, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,116-square foot portion of Lot 27A, Block 46, Skyline Terrace West, Section 8, City and County of Midland, Texas. (Generally located approximately 250-feet east of N. Midland Drive, approximately 170-feet north of Raleigh Court.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9552

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,116-SQUARE FOOT PORTION OF LOT 27A, BLOCK 46, SKYLINE TERRACE WEST, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 250 FEET EAST OF NORTH MIDLAND DRIVE, AND APPROXIMATELY 170 FEET NORTH OF RALEIGH COURT), 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 SueAnn Lopez read the caption of Ordinance No. 9552.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9552 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.

32. Consider an ordinance on second reading on a request by Midland Wings, Ltd. for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 13A, Block 28, Wydewood Estates, Section 27, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 240-feet east of Sunburst Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9553

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 13A, BLOCK 28, WYDEWOOD ESTATES, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 240 FEET EAST OF SUNBURST DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, 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. 9553.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9553 in accordance with the Charter of the City of Midland with amendment to require six month review by City Manager.; seconded by Council Member Love.

Lacy asked if applicant present and invited forward.

Lacy concerns with laxing po requirement asked for reasoning. Michael Carper, rep buffalo wild wings, lubbock, mainly expense and necessity is not needed. Expense about \$125,000/year. Meet 60/40 requirements sales about 30%. completely changed concept is stadium family, no smoking, no drink specials. Kitchen is open until 1/2 hour before closing. Service a lot of restaurant folks. Cost major consideration in changing focus. Secondly is fact that, had chief o police had gotten police reports for 5 months he had a eyar. only 26 total calls. They usually use calls as bww area 7 cell phone hang up 3 auto accidents...2 disturbances 3 checks of area 1 narcotic. in 4 months very few calls apply tot hem. They had about 9 in lasat year of public intoxication and none

reflected in his report. That is generally a cost in ened feel can adequately address safety. Have 30 some stores certain events always have security including ufc fights. They can handle in in climate appreciate consideration. Robnett this only requirement that CPO requirement in place out of 30 stores. Lacy at that time reason clientele was not desirable. Lacy asked against 6 month review process. 10pm to 2 am no objection to 6 month review. Lacy would like constituents to have review. Other in business for 25 years when service do food sales. Won't have to come before Council but just in case something has happens that Council has opportunity to review.

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

33. Consider an ordinance on second reading on a request by Texas Roadhouse for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 220-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9554

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9554.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9554 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

34. Consider an ordinance on second reading on a request Donn E. Fizer for a Zone Change from PD, Planned District for an Office Center, in part, and LR-2, Local Retail District, in part, and 1F-2, One-Family Dwelling District, in part, to LR-3, Local Retail District, on Lot 3 less the east 45.84-feet, Lots 4 through 8, Lot 11, and the west 8.8-feet of Lot 12, all out of Block 6, Barberdale Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of W. Wadley Avenue and N. Big Spring Street. - District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9556

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, LESS THE EAST 45.84 FEET, LOTS 4-8, 11, AND THE WEST

8.8 FEET OF LOT 12, BLOCK 6, BARBERDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, IN PART, LR-2, LOCAL RETAIL DISTRICT, IN PART, AND 1F-2, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9556.

Council Member Love moved to approve the second and final reading of Ordinance No. 9556 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.

35. Consider an ordinance on second reading on a request by Donn E. Fizer for a vacation of the 0.087-acre portion of alley right-of-way, located adjacent to Lots 6, 7 & 8, Block 6, Barberdale Addition, City and County of Midland, Texas. (Generally located on the east side of N. Big Spring Street, approximately 140-feet north of W. Shandon Avenue. - District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9557

AN ORDINANCE VACATING AND ABANDONING A 0.087-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 6, BARBERDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 140 FEET NORTH OF WEST SHANDON AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$15,176.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9557.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9557 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Morales not requiring to be paved alley. cm no. Courtney primarily used for trash truck. Morales drive through not thru alley cm yes

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

PUBLIC HEARINGS

36. Hold a public hearing and consider a request by Fivestones Ventures for a Zone

Change from LR-1, Local Retail District, to LR-2, Local Retail District, on Lot 1A, Block 20, Northgate Addition, Section 25, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 240-feet south of Briarwood Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9558

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 20, NORTHGATE ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 240 FEET SOUTH OF BRIARWOOD 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. 9558.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant proposing rezone for retail use. No specific business at this time. Lr-1 to LR-2 gives more flexibility to develop in retail. rezoning approp matches zonign to north. Concurrently replatted into 3 lots form 1. Staff rec approval. p7z rec approval no loj. Love MF1 is it developed? chuck yes. is ther fence, chuck yes.

Mayor Morales opened the public hearing at 10:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9558 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.

37. Hold a public hearing and consider a request by Arturo Trillo for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,831 square foot portion of Lot 5, Block 1, Amaron Addition, Section 7, City and County of Midland, Texas. (Generally located on the north side of W. Interstate 20, approximately 400-feet east of Johnston Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9559

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,831-SQUARE FOOT PORTION OF LOT 5, BLOCK 1, AMARON ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INTERSTATE HIGHWAY 20, APPROXIMATELY 400 FEET EAST OF JOHNSTON 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 SueAnn Lopez read the caption of Ordinance No. 9559.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing to open for alcoholic beverage sales max of 76 customers. hours 8-10 m-sat and sun 12-4 p.m. required to keep food sales at 60% to maintain. P&Z approved and staff rec approval. no loj.

Mayor Morales opened the public hearing at 10:36 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. 9559 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.

38. Hold a public hearing and consider an ordinance on a request by Bynum School for a zone change from FD, Future Development District, to 1F-1, One-Family Dwelling District, on a 64.96-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Avalon Drive, approximately 1800-feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9560

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 64.96-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A 1F-1, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF AVALON DRIVE, APPROXIMATELY 1,800 FEET NORTH OF BRIARWOOD 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. 9560.

Development Services Director Chuck Harrington gave a brief overview of the item noting Bynum School proposed new site for facilities. annexed nov 2005 and applicant in process of platting request of change to 1f1 which allows for schools. second proposed location other project not come to fruition. first phase 122 students proposed master plan academic, vocation, and residential facilities. Need change due to permitted oil wells. estimate to generate 200 trips during weekday peak hours. school permitted in any residential district. find school compat with prop existng and future dev. p7z rec approval. one loj.

Mayor Morales opened the public hearing at 10:40 a.m.

Diana Small 6401 Fern.?? Ave, Brian Small, Brian impact on property rights. Has there been a study done. Opposed to a school in neighborhood. Diana if wanted to live next to school she would have bought there. Wondered how far down would be connected to? Will there be a fence. Morales asked them to sit with staff and answer questions. Lacy raised about 18M will be done nice. this is first reading has to go to another reading. Dufford suggested calligna appraisal district to see what homes near schools go up or down.

John Landgraff 521 N Texas, landgraff crutcher and associates. This very close to what is being proposed and coming back with setback deviations because of adjacent production. Bynum school worked out no production one existing well will be capped and plugged prior to beginning construction. First phase of construction is school, administration, green houses and other vocational type of activities. Second phase will be living facilities. Fencing there may be some fencing inside interior for activities but not whole fence. Lacy what materials. John no rendering but masonry. some metal may be in green house. As population grows will add the housing. Morales how many kids enrolled. John don't know exact number of kids about 122 bodies there including staff and students. On site detention with natural playa. Will develop a portion of Avalon. curb and gutter and 3 lanes.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9560 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

39. Hold a public hearing and consider a resolution on a request by Mode Entertainment for a Temporary Land Use Permit for an amusement facility on a 1.64-acre portion of Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located on the west side of N. Loop 250 West, approximately 600-feet south of Deauville Boulevard.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 132

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN AMUSEMENT FACILITY ON LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 600 FEET SOUTH OF DEAUVILLE BOULEVARD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave brief overview of the item noting similar to last summer temp water park at Rockhounds. Site plan shows layout of site there is a stage for live music plenty of restrooms, temp trash pick-up. water provided through metered fire hydrant waste water haul off. Robnett anything materially different from last year. chuck no.

Mayor Morales opened the public hearing at 10:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2016 - 132; 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.

40. Hold a public hearing and consider a resolution on a request by Robert Cory for a Temporary Land Use Permit for a Carnival on Lot 1R, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Road, approximately 850-feet south of West Loop 250 North.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 133

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON LOT 4, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 850 FEET SOUTH OF WEST LOOP 250 NORTH); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; AND PROVIDING THAT THE CHIEF OF POLICE SHALL ENSURE THAT ALL PARTICIPANTS ARE LICENSED PURSUANT TO TITLE V, CHAPTER 9 OF THE MIDLAND CITY CODE

Development Services Director Chuck Harrington gave a brief overview of the item noting carnival there number of years with one major change. Move carnival activities to east side. staff felt not acceptable location due to residential neighborhood nearby. They do not have also be sales. adequate peace officer. staff rec denial of the request. May be here today with revised site plan. Love east side is where proposing.

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 Dufford moved to adopt Resolution No. 2016 - 133; seconded by Council Member Lacy.

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

41. Hold a public hearing and consider an ordinance on a request by Manor Park for approval of a Site Plan on Lot 1, Block 10, Arbor Park Addition, Section 5, City and County of Midland, Texas. (Generally located southwest of the intersection of Sunshine Parkway and Idlewilde Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9561

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 10, ARBOR PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS

(GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SUNSHINE PARKWAY AND IDLEWILDE DRIVE); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9561.

Chuck Harrington this is expansion of Manor Park to East. PProp zoned mf1 which would allow dev of prop. bringing forward proposed site plan to get Council approval. 7.4 dw units per acre. Adequate parking for facility would require to plant trees. asking to have primary access points connect into existing manor park campus. emergency access for fire. staff rec approval of request no loj.

Mayor Morales opened the public hearing at 10:58 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. 9561 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.

42. Hold a public hearing and consider an ordinance on a request by Reed's Super Bowl for a Specific Use Permit with Term for the sale of alcoholic beverages, for on-premises consumption, in a bowling center on Lot 21-25, Block 82, Permian Estates Addition, City and County of Midland, Texas. (Generally located on the north side of West Wall Street, approximately 600-feet west of Fasken Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9562

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,300-SQUARE FOOT PORTION OF LOTS 21-25, BLOCK 82, PERMIAN ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 600 FEET WEST OF FASKEN 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 BOWLING CENTER 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. 9562.

Development Service Director Chuck Harrington gave a brief overview of the item noting bowling alley at location for years. Remodeled and requesting to have ability to sell alco bev to clients. Max floor area 4300 sq ft. Adequate parking on site proposed horus 12 p 12 a no schools or churches within 300 feet. and nearest rresidential structure 330 feet. staff rec approval with stnadard conditions.

Mayor Morales what about ADA compliance. Chuck don't review ADA that is handled by state.

Sparks question on when selling alcohol in entertainment center is that a restaurant? Is there a different rule? Chuck bowling alleys will have some food. No food requirement on entertainment center. Lacy alco limited to bar area? chuck carry to lanes.

Mayor Morales opened the public hearing at 11:02 a.m.

Zoe Reed 4800 Midland Court?? husband and brother own. they are going to serve beer and wine, going to have snack bar. put \$10,000 in parking lot putting in more. Want it to be a good thing for community. Want kids involved alco not major thing. They don't own building but busienss.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9562 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

43. Hold a public hearing and consider an ordinance on a request by Braxton LP for a vacation of the 2.2-acre portion of utility easement located out of Lots 1, 2 and 14, Block 8, Sunridge Ranch Estates, Section 3, Midland County, Texas. (Generally located northwest of the intersection of N. County Road 1240 and W. County Road 44.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9563

AN ORDINANCE VACATING AND ABANDONING A 2.20-ACRE PORTION OF A UTILITY EASEMENT LOCATED IN LOTS 1, 2 AND 14, BLOCK 8, SUNRIDGE RANCH ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH COUNTY ROAD 1240 AND WEST COUNTY ROAD 44); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$89,100.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9563.

Chuck Harrington gave a brief overview of the item noting vacation of a well easement and waterliine easement that runs across property. Water well plugged 2008 wateer line abandoned nno use for that site. Applicant is asking that be vacated to devleop the lots and sell for residential use. Appraised. no loj. Lacy on ord 89,100 but memo is a

different number. second revision to cut 20 feet off so it is 89,100.

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

Ben Sanchez Schumann Engineer 408 N. pecos, ask council waive 89,100. Love he originally granted without selling to City of Midland. It said utility easement not dedication row.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9563 in accordance with the Charter of the City of Midland with amendment to waive the \$89,100.00; 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.

44. Hold a public hearing and consider a resolution on a request by Green Tree Country Club for approval of a Temporary Land Use Permit for a Temporary Event featuring live music on Lot 1, Block 3, Green Tree North, City and County of Midland, Texas. (Generally located on the north side of Green Tree Boulevard, approximately 400-feet east of Holiday Hill Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 134

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN EVENT FEATURING LIVE MUSIC ON LOT 1, BLOCK 3, GREEN TREE NORTH, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF GREEN TREE BOULEVARD, APPROXIMATELY 400 FEET EAST OF HOLIDAY HILL ROAD); 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 proposed event fri may 6 from 6-11 p.m. Live music past 10 p.m. Request sale of alco bev which have on property any way. no street losed. use restrooms in club no loj. Morales under fees will be reimbursed? Chuck yes if on their own property staff will come back with proposal.

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

Council Member Lacy moved to adopt Resolution No. 2016 - 134; seconded by Council Member Robnett.

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

45. Hold a public hearing and consider an ordinance on a request by Mark Brown, for a Special Exception to the Zoning Code concerning a detached accessory structure that is not incidental to another permitted use on Tract 4, less the south 31.3-feet, Parker Acres Addition, City and County of Midland, Texas. (Generally located on the west side of Todd Drive, approximately 400-feet south of East Golf Course Road.) (DEVELOPMENT

SERVICES)

ORDINANCE NO. 9564

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR TRACT 4, LESS THE SOUTH 31.3 FEET, PARKER ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TODD DRIVE, APPROXIMATELY 400 FEET SOUTH OF EAST GOLF COURSE ROAD), BY PERMITTING A DETACHED ACCESSORY BUILDING THAT IS NOT INCIDENTAL TO ANOTHER PERMITTED USE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9564.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing put up barn facility to house equipment for upkeep of his property. Requires primary use before a barn. His intent his wife is proposing to plant pecan trees to store equipment. Mr. Brown could not be here out of country. Strange quirk in ord. If property were farmed then could have a barn.

Mayor Morales opened the public hearing at 11:13 a.m.

Rafael Ruedas, 2912 Ann Dr there was supposed to be oil well drilled on land is that going to be continue drilling or waived. Ron no well. Morales if application submitted everyone with distance would be notified. If horizontal have bottom and top if bottom then know can place structure there. . It caught eye he owns land that wants to replat if no drilling oil wells he can continue. Sparks not one permitted there today. Love asked him to get in touch with him about issues. Ron they may have a deed agreement may be say well location but city has no knowledge of it.

There being no one else wishing to speak, the public hearing was closed at 11:17 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9564 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

46. Hold a public hearing and consider an ordinance on a request by Midland Humane Coalition for a zone change from AE, Agriculture Estate District, to PD, Planned District for a Transition District, on a 7.00-acre tract of land out of Section 5, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of North Elkins Road, approximately 100-feet north of Crownridge Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9565

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING A 7.00-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH ELKINS ROAD, APPROXIMATELY 100 FEET NORTH OF CROWNRIDGE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9565.

Development Services Director Chuck Harrington gave a brief overview of the item noting Midland Humane coalition site for new facility with a dog and catery. Facility to take care of injured or ill animals do quite a few adoptions through petsmart make perm rehab and adoption center. PProvided site plan stucco stone metal develeoped inmanor similar to what depicted on site plan. no loj orig but passed out 2 received this morning and done calculations and do not qualify for 20 % rule. Also passed otu petition had not had opportunity to verify signatures. There was an issue in 2014 proposing heavy industrial staff rec denail of request. from staff standpoint this type of use is about as innocuous as can have.

Mayor Morales opened the public hearing at 11:22 a.m.

LuAnn Morgan 609 Meadow Park Midladn Human Colition formed in 2010 to help reduce utenasia at midland animal services. Partnered with other rescue gorups and cut rate in half. Made an impact on COM. Last year had citizen of Midland donate 7 acres of land to organization and most of animals have been picked up ahve been strays or exposed to elements that cause themt ob e unhealthy. Also want to fix before adoption. Too many animals reproducing. As a result we flet like needed palce for observation prior to adoption. Lack of foster families this facility evolved in foster facility observation and spay and neuter to palc ein adoption for rescue gorups. Plan B in event doesn't work otu at Pets Mart recently purchased by anotehr company but always need ot have succession planning. One day could become adoption facility. Concern of residents form area was traffic so yesterday went ot area there is a lot of traffic. Will be just southwest of reece albert caliche pit. Majority of facilities is industrial and commercial, residential and ag use. There will not be a lot of traffic created by this facility initially. However may take on released animals. Spencer more concerned about noise speak to design. LuAnn that was concern about in their design. In design facility as enclsoed facility to retain and have barriers to ekep noise inside facility and to keep it to a minimum. There will be someone on site 24-hours a day. Lacy and love thanekd her for all do for community and keepign in mind being a good neighbor to community.

Mayor asked if someone can talk with loj to ensure will be good neighbors. Luann agreed.

Sparks this getting changed to PD; chuck yes. Sparks if have PD can't use for anything other than this use; correct: chuck correct. Love inquired about that as PD for 1F but mad esnese when talked ot Kevin Crosby on why did that way to protect neighborhood.

JB Saul, 3900 Timberwolf Trail, just south of this area. All usual stuff property values, noise, traffic, suggested coming out at rush hour morning and afternoon. His overriding concern is intentions of land owner who donated this. This second time wanted to rezone property. First time heavy industrial and now maybe trying to sneak in and open door for something else. Sparks this being changed is just a planned district. What you see there is what they have to build. It can't be expanded on without coming to Council. The rest has to go through p7z and then council just like heavy industrial turned down that is point in time you fight whatever zoning. Love this has underlying zoning of 1f residential housing. Wants all commercial kept south of 40.

Cathy Stasny 6611 Elkins Rd, she assembled petition. 31 residents have all signed all discussed did not have time to get signatures. Two people sent letters within 200 feet. One of homeowners was Mike Garcia. His letter was sent to Georgia. He signed letter of objection and Zunigas very contentious about the move in of a business to this area. Told when built and planted trees that it would be a country life, ranch ag, Airport had been dropped and AE was going to be built up with residences and ranch. A dog refuge is a good thing but more conducive places to locate it. With money for infrastructure put in area without contention. Homes in timberwolf are 400,-600,000 homes. worried about devaluation. Worried about Midland/Martin county line. Dog dropped off and took 4-6 days for animal services to respond. Reece Allbert 18 wheel belly trucks carrying caliche talked to staff in school district to get bus stop pick up moved to north because parents parking on both sides of road, kids walking across road very dangerous. Concerned about devaluation, added traffic, exhibit does not show going down Elkins Rd one lane in and one lane out. Its only road in and out. Homes and ranches in area. Hotchkiss been to vet office on Midland Mockingbird its similar it would be very similar across from Bruce AE estate. Can't see residents would look at dog refuge. Lacy previous council never said no other will go out there. Heard concerns in past and that is why went with PD to be as restrictive as possible. Done everything can to protect integrity of area. ONLY thing allowed is plans that humane coalition submitted. every change will have to be approved by Council. Cathy concerns as City attorney said for prospective future businesses. that was not said.

TJ Henson 2107 W Indiana, lead designer for project. Getting best of designs from vets of ways to keep noise down. Available to answer questions for anyone in the neighborhood. Lacy he does good work and will be complement.

JB Saul, want to keep noise down he is quarter mile away if sitting on driveway admiring sunset and can hear yapping dogs what is his recourse. . Dufford do you hear truck traffic, JB yyes.

Chuck Harrington underlying zoning will remain AE. the comprehensive planned called for area to be industrial and staff is part of new comp plan and asking for area to be residential.

Charles Nell, 1102 N. A. property on N. Elkins rd within 1000 feet of proposed facility. Would like to hear from people who are asking to be considered how they envision controlling sound. His property intended for residential expects to have nice housing on his 40 acres.

Luanne Morgan, animals inside at night and in design of facility will have acoustical design to limit noise. Goen with ASPCA recommendations to keep sound to a

minimum. Hours of operation will be open at 6 p.m. so should not hear any animals at all. They will be out during the daytime but still within building barrier design to keep sound down. They are very nice homes and he doesn't want to interfere with neighbors. If design flaw he would change. Robnett how many dogs? Up to 40.

Cathy Stasney many nice homes out there prior to dog.

There being no one else wishing to speak, the public hearing was closed at 11:55 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9565 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love when consider noise maybe with respect to dog training facility on north Midkiff technology exists to design facility for dogs, cats where noise will not be a problem.

Dufford hours of operation 24 hours but 9-6 mon-fri.

Sparks also approved one off Midland north of Briarwood and had no complaints.

Morales willing to set with a member in district if passes and better understand project and include Mayor in meeting. Love Council Member for District is Jeff Robnett offered and Love.

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

MISCELLANEOUS

47. Consider an ordinance re-naming a portion of Northrup Drive in Park Place Addition Section 2, between Princeton Avenue and its southern terminus, as Silver Star Way. (ENGINEERING SERVICES)

ORDINANCE NO. 9566

AN ORDINANCE CHANGING THE NAME OF THE PORTION OF NORTHRUP DRIVE THAT IS ADJACENT TO LOT 6, BLOCK 1, AND LOT 1, BLOCK 2, PARK PLACE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN PRINCETON AVENUE AND THE SOUTHERN TERMINUS OF NORTHRUP DRIVE), TO "SILVER STAR WAY"; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9566.

Mike Pacelli gave a brief overview of the item noting item to change name of small section of street from Northrup Drive to Silver Star Way. Mr. Gary Kenedy Coordinator with Hart faith based group and requested name in May Jerry Morgan recently passed away. Two homes side yards but no properties address no issues with changing name. Send letters to each of two party owners no replay.

Love understand to honor Jerry Morgan and assuming he won Silver Star why not name it after him opposed to Silver Star. Mike first request was Morgan Lane or street, already road by that street.

Gary Kennedy 704 Alpine known Mr. Morgan when pastor of church where he went. Mayor Morales met him. He received Silver Star under General Patton but not signed by him. He was a captin when written but existed as Mjaor. went with Silver Star because no conflicts. Jerry Morgan not only thorough service of military retired cpa and made miniature wooden cars by hand with turning wheels and steering wheel. everywhere he went if child he gave those cars. This is his house and out on corner.

Hotchkiss of years on P&Z always having street names and being consistent with rules. This is not consistent with anything done before. Not emitonal standpoint but from govt viewpoint can speka to that. Chuck Harrington did look at this and normally have to agree try to avoidd any kind of confusing interchanges. In looking easiest to do nobody facing street doesn't imapct street doesn't go through. Normal process say no but circumstances felt it may be an exception. Dufford worry about precedent it might set. Been on Council long neough to remember contentiousness with renaming Fiargrounds Rd after MLK As much as like to honor dont' think it's appropriate to change name of existing street if new street happy to approve. Chuck don't think it sets precedence for us unique circumstance never bring forward if major street change. Courtney really keep street name same but could add memorial designation isntead.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9566 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

48. Consider an ordinance on third reading granting to Sharyland Utilities, L.P., its successors and assigns, an electric power franchise to use the present and future streets, alleys, highways, public utility easements, and public ways of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Sharyland Utilities, L.P., its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public. (CITY MANAGER'S OFFICE) (First reading held on March 22, 2015)

ORDINANCE NO. 9547

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

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

Council Member Lacy moved to approve the third and final reading of Ordinance No. 9547 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.

EXECUTIVE SESSION

recess to executive session at 12:08 a.m.

49. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section 551.087 Deliberate Economic Development Negotiations

- a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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

PASSED AND APPROVED the __ day of ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary