

**MIDLAND CITY COUNCIL
MINUTES
April 28, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 28, 2015.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., April 28, 2015.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

10

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

PRESENTATIONS

Love pub ser

myor trinity

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for "Trinity School's BIGG (Big Ideas for a Greater Good) Day of Service".
 - b. Presentation of a Proclamation for "Public Service Recognition Week".

PUBLIC COMMENT

none.

George Lohm.nn 3702 Northfield expl.ined issue with Midl.nd PD

pfowl .g.inst him elec surv on his prop without his permission

M.yor will visit with him person.lly.

Martin Munguia, 1117 E. Nobles spoke about biker awareness day throughout City trying to get people to slow down throughout the city.

looking for ways to get signs put up to make people aware of situation. Lacy is also motorcycle rider and would like to help with this.

May is motorcycle awareness month throughout state of Texas. Mayor will see if can get billboards.

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 19 excluding a, b, c, 6, 8, 12, 17; 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.

7. Approved a resolution rejecting all bids received for equipment to outfit new police vehicles and authorize re-advertisement for bids for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 114

RESOLUTION REJECTING ALL BIDS RECEIVED FOR BID NO. 9120-15 FOR EQUIPMENT TO OUTFIT NEW POLICE VEHICLES; AND AUTHORIZING RE-ADVERTISEMENT FOR BIDS

9. Approved a resolution ratifying the professional services agreement with Hilliard Energy, LTD for land services and expanding the cost of the agreement by \$75,000.00. (PURCHASING)

RESOLUTION NO. 2015 - 116

RESOLUTION RATIFYING THE CITY OF MIDLAND'S EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HILLIARD ENERGY, LTD. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING LAND MANAGEMENT SERVICES ON AN AS-NEEDED, ON-CALL BASIS FOR THE TERM OF FEBRUARY 1, 2015, TO FEBRUARY 1, 2018; APPROPRIATING FUNDS IN THE AMOUNT OF \$75,000.00; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$125,000.00, INCLUSIVE OF PAYMENTS FOR ALL WORK PERFORMED UNDER THE AGREEMENT PRIOR TO RATIFICATION

10. Approved a resolution appropriating \$900,000.00 to project 9126 for the Dennis the Menace Park Renovation Project and allocating \$47,400.00 of this funding for the professional services agreement with Parkhill, Smith and Cooper, Inc. to provide consulting services for public meetings, the survey of the site, and the conceptual design for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 117

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH AND COOPER, INCORPORATED, TO PROVIDE CONSULTING SERVICES FOR THE DENNIS THE MENACE PARK RENOVATION PROJECT; AND AUTHORIZING THE APPROPRIATION OF \$900,000.00 FOR SAID PROJECT AND ALLOCATING \$47,400.00 OF SAID FUNDING FOR SAID PROFESSIONAL SERVICES AGREEMENT

11. Approved a resolution authorizing the execution of a Memorandum of Understanding between the City of Midland and the Midland County Hospital District regarding Law Enforcement Operations. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 118

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIDLAND AND THE MIDLAND COUNTY HOSPITAL DISTRICT REGARDING LAW ENFORCEMENT OPERATIONS

13. Approved a resolution authorizing the City of Midland to apply for grant funds from the Texas Department of Transportation for the purpose of constructing a Hike Bike Trail; said grant funds require an 80/20 match. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 120

RESOLUTION AUTHORIZING THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT TO APPLY FOR A GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONSTRUCT A HIKE AND BIKE TRAIL SYSTEM; SAID GRANT IS A MATCHING FUNDS GRANT IN WHICH THE TEXAS DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVE PROGRAM WOULD FUND 80% OF THE TOTAL AMOUNT AND THE CITY OF MIDLAND WOULD FUND 20% OF THE TOTAL AMOUNT

14. Approved a resolution rescinding Resolution No. 2014-392 with Community and Senior Services of Midland, Inc. due to a name change and approving a new resolution reflecting the new name change to Senior Link Midland; authorizing the execution of a new agreement with Senior Link Midland for consulting and management services and to conduct the operation of the Midland Southeast Senior Center and Midland Senior Center (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 121

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF MIDLAND, TEXAS AND SENIOR LINK MIDLAND, IN THE AMOUNT OF \$400,000.00, FOR CONSULTING AND MANAGEMENT SERVICES IN ORDER TO CONDUCT THE OPERATION OF THE MIDLAND SOUTHEAST SENIOR CENTER AND MIDLAND SENIOR CENTER

15. Approved a resolution authorizing the negotiation and execution of an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone #1 and the City of Midland. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 122

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ) AND THE CITY OF MIDLAND

16. Approved a resolution authorizing the City Manager to enter into a revised Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) in the amount of \$1,845,741 for the construction of Fairgrounds Road between Pecan Avenue and East Loop 250 North.) (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 123

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE WIDENING OF FAIRGROUNDS ROAD FROM EAST LOOP 250 NORTH TO PECAN AVENUE; REDUCING THE ESTIMATED TOTAL COST TO THE CITY FROM \$3,597,125.00 TO \$2,337,741.00; THE CITY HAVING PAID AN INITIAL INSTALLMENT PAYMENT IN THE AMOUNT OF \$492,000.00; AUTHORIZING PAYMENT OF THE REMAINING BALANCE IN THE AMOUNT OF \$1,845,741.00; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF TRANSPORTATION

18. Approved a resolution to appropriate unclaimed funds to the Police Equipment and Technology Project. (POLICE)

RESOLUTION NO. 2015 - 125

RESOLUTION APPROPRIATING UNCLAIMED OR ABANDONED FUNDS IN THE AMOUNT OF \$16,062.00 TO THE POLICE EQUIPMENT AND TECHNOLOGY PROJECT (8922)

19. Approved a resolution to appropriate proceeds from the sealed bid sale of old service weapons and court awarded weapons. (POLICE)

RESOLUTION NO. 2015 - 126

RESOLUTION APPROPRIATING PROCEEDS FROM THE SEALED BID SALE OF OLD SERVICE WEAPONS AND COURT AWARDED WEAPONS TO THE POLICE EQUIPMENT AND TECHNOLOGY PROJECT (8820) FOR THE REPLACEMENT OF MIDLAND POLICE DEPARTMENT DUTY WEAPONS

5. Approved a motion approving the following minutes:

Lacy pulled to abstain from a and b.

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

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

Special meeting of April 6, 2015.

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

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

Special meeting of April 9, 2015.

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

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

Regular meeting of April 14, 2015.

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

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

6. Approved a resolution awarding a contract for the Douglas Avenue and D Street Paving & Drainage Improvements Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 113

RESOLUTION AWARDING A CONTRACT FOR THE DOUGLAS AVENUE AND D STREET PAVING AND DRAINAGE IMPROVEMENT PROJECT TO REESE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,945,803.15; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

Hotchkiss pulled to compliment staff. D Street constituents wanted concrete instead of asphalt. staff repoded and additional bids but would cost 565,000. but thanked staff for extra time.

Council Member Love moved to adopt Resolution No. 2015 - 113; seconded by Council Member Hotchkiss.

Jose appreciate staffed tried to put in effort appreciate gesture.

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

8. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Briarwood Avenue Paving and Drainage Project, from Avalon Drive to Holiday Hill Road, for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 115

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE BRIARWOOD AVENUE PAVING AND DRAINAGE PROJECT; SAID PROJECT WILL PROVIDE FOR THE WIDENING OF BRIARWOOD AVENUE TO A FOUR-LANE ROADWAY FROM AVALON DRIVE TO HOLIDAY HILL ROAD AND RELATED FEATURES INCLUDING A RAISED, LANDSCAPED CENTER MEDIAN, SIDEWALKS, AND DRAINAGE FACILITIES

Lacy pulled to const very enthusiastic that moving on. happy tos ee gettin built. Jose will pass on to staff.

Council Member Hotchkiss moved to adopt Resolution No. 2015 - 115; 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.

12. Approved a resolution adopting the 2015 Hike and Bike Trail Master Plan. (COMMUNITY SERVICES)

RESOLUTION NO. 2015 - 119

RESOLUTION ADOPTING THE 2015 HIKE AND BIKE TRAILS MASTER PLAN

Love pulled to share with public what doing. Laurie working on next step to make reality

for hike and bike trail. will hlep with future development. roadmap for dev of hike and bike trail for com. It willbe on website if approved.

Council Member Love moved to adopt Resolution No. 2015 - 119; 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.

17. Approved a resolution to authorize the City Manager to negotiate the sale of real property. The subject property is Lot 2, Block 5, Sun Garden Village Section 2, generally located on the south side of Spruce Avenue at the intersection with Midland Draw in the City of Midland. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 124

RESOLUTION AUTHORIZING THE SALE OF LOT 2, BLOCK 5, SUN GARDEN VILLAGE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, TO CASTLE RESTORATION, INC.; ADOPTING THE APPRAISED FAIR MARKET VALUE OF \$729.10 AS DETERMINED BY THE CITY MANAGER; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY FOR THE SALE OF SAID PROPERTY; AND ORDERING RECORDATION

Love pulled unclear on whether or not property needed to be bidded or not?. John exception to bidding for tract is because small irregular shaped track cant be developed independent.

Council Member Love moved to adopt Resolution No. 2015 - 124; 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.

SECOND READINGS

20. Consider an ordinance on second reading on a request by Rankin Longview Development Partners, LLC for an approval of a Site Plan 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 250-feet north of Crump Street.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9423

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 6A, BLOCK 2, AMARON ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF RANKIN HIGHWAY, APPROXIMATELY 250 FEET NORTH OF CRUMP STREET); 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 Karla Mata read the caption of Ordinance No. 9423.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9423 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.

21. Consider an ordinance on second reading on a request by Real Property Resources, Inc. for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on a 302.19-acre tract of land; and a revised Site Plan on a 15.60-acre tract of land; all out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of North State Highway 349, approximately 840-feet north of Arapahoe Road.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9424

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 302.19-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT TO BE USED AS AN AMENDED PLANNED DISTRICT; APPROVING A REVISED SITE PLAN FOR THE ABOVE-DESCRIBED TRACT AND A 15.60-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1; SAID TRACTS BEING GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 840 FEET NORTH OF ARAPAHOE 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 Karla Mata read the caption of Ordinance No. 9424.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9424 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.

22. Consider an ordinance on second reading on a request by John Dunn for a zone change from PD, Planned District for a Housing Development to an Amended Planned District, on Lot 2A, Block 84, East Midland Addition, Section 19, City and County of Midland, Texas (Generally located on the west side of North Fairgrounds Road, approximately 1,000-feet south of East Golf Course Road.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9425

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2A, BLOCK 84, EAST MIDLAND ADDITION, SECTION 19, CITY

AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 1,000 FEET SOUTH OF EAST GOLF COURSE 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 Karla Mata read the caption of Ordinance No. 9425.

Council Member Love moved to approve the second and final reading of Ordinance No. 9425 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.

23. Consider an ordinance on second reading on a request by Kenneth V. Huseman for a zone change from FD, Future Development District to AE, Agriculture-Estate District, on a 1.90-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located approximately 1,300-feet south of West I-20, 0.75-miles west of Antelope Trail.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9426

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.90-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,300 FEET SOUTH OF WEST INTERSTATE HIGHWAY 20, AND 0.75 MILES WEST OF ANTELOPE TRAIL); 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. 9426.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9426 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.

24. Consider an ordinance on second reading on a request by Kenneth V. Huseman #2 for a zone change from 1F-3, One-Family Dwelling District to AE, Agriculture-Estate District, on a 40.60-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located approximately

1,300-feet south of West I-20, 0.5-miles west of Antelope Trail.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9427

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 40.60-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-3, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,300 FEET SOUTH OF WEST INTERSTATE HIGHWAY 20, AND 0.5 MILES WEST OF ANTELOPE TRAIL); 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. 9427.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9427 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.

25. Consider an ordinance on second reading on a request by Kenneth V. Huseman #3 for a zone change from FD, Future Development District to AE, Agriculture-Estate District, on a 33.30-acre tract of land out of Section 11, Block 40, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located approximately 1,100-feet south of West I-20, 0.8-miles west of Antelope Trail.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9428

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 33.30-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN AE, AGRICULTURE ESTATE DISTRICT (GENERALLY LOCATED APPROXIMATELY 1,100 FEET SOUTH OF WEST INTERSTATE HIGHWAY 20, AND 0.8 MILES WEST OF ANTELOPE TRAIL); 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. 9428.

Council Member Love moved to approve the second and final reading of Ordinance No. 9428 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.

26. Consider an ordinance on second reading on a request by J. Michael Lynch / Fast Freddy's for Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in an indoor commercial amusement facility, on an 8,202-square foot portion of Lot 2, Block 15A, Oxford Heights Addition, Section 7, City and County of Midland, Texas (Generally located on the north side of West Illinois Avenue, approximately 300-feet east of North Midland Drive.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9430

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,202-SQUARE FOOT PORTION OF LOT 2, BLOCK 15A, OXFORD HEIGHTS ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 300 FEET EAST OF NORTH MIDLAND DRIVE), 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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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. 9430.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9430 in accordance with the Charter of the City of Midland with amendment to allow city manager to add or subtract days of certified peace officers being required on site.; 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.

27. Consider an ordinance on second reading on a request by Pilot Addition #2 for the annexation of a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9431

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 9.15-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET EAST OF SOUTH FAIRGROUNDS ROAD); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9431.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9431 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.

28. Consider an ordinance on second reading on the initial zoning of annexed land to LR-2, Local Retail District on a request by Pilot Flying J, LLC #2, on a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9432

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.15-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET EAST OF SOUTH FAIRGROUNDS ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9432.

Council Member Love moved to approve the second and final reading of Ordinance No. 9432 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.

29. Consider an ordinance on second reading on a request by Pilot Addition for the annexation of a 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9433

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 1.53-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET EAST OF SOUTH FAIRGROUNDS ROAD); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9433.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9433 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.

30. Consider an ordinance on second reading on the initial zoning of annexed land to LR-2, Local Retail District on a request by a request by Pilot Flying J, LLC, on a 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9434

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 1.53-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACT IS GENERALLY LOCATED ON THE SOUTH SIDE OF EAST STATE HIGHWAY 158, APPROXIMATELY 2,200 FEET EAST OF SOUTH FAIRGROUNDS ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9434.

Council Member Love moved to approve the second and final reading of Ordinance No. 9434 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.

31. Consider an ordinance on second reading adopting the Rate Review Mechanism tariff (RRM) as proposed by Atmos Energy Corp. (CITY MANAGER'S OFFICE) (First reading held on April 14, 2015.)

ORDINANCE NO. 9435

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 REGARDING THE COMPANY'S 2014 RATE REVIEW MECHANISM 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; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED

ED 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. 9435.

Council Member Love moved to approve the second and final reading of Ordinance No. 9435 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, Robnett. NAY: Lacy. ABSTAIN: None. ABSENT: None.

32. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9436

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

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9436.

Council Member Love moved to approve the second and final reading of Ordinance No. 9436 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.

33. Consider an ordinance on second reading establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9437

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A

SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9437.

Council Member Love moved to approve the second and final reading of Ordinance No. 9437 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

PUBLIC HEARINGS

34. At approximately 10:30 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a permit to drill an oil & gas well within the city limits, (Pecan Acres 23 PSA 1 #2SH) located 577 feet from the north line and 1,929 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located to the west side of Golden Gate Drive approximately 577 feet south of extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Lacy abstain 34 and 35.

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting one of two wells on same site horizontal. asking for var 12 month irrig variance . irrig by truck asking for 24 hour fracturing variance. no letter of objection. using exiswtn tank batter already approved by City.

Hotchkiss asked for total variance of no irrigation. to protect for development once development occurs to provide fo rirrigation. for both items to insert tha tlanguage. Ron acknowledged will go back.

Mayor Morales opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

35. At approximately 10:33 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a permit to drill an oil & gas well within the city limits, (Pecan Acres 23 PSA 1 #1H) located 577 feet from the north line and 1,889 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located to the west side of Golden Gate Drive approximately 577 feet south of extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting second of two apps. one letter of objection from landowner to east 960 feet aware. same request for var will speak to about irrigation req of hotchkiss.

Mayor Morales opened the public hearing at 10:46 a.m.

Michael Kykendall Odessa ??, filed objection CC Cinko Robert Sanderson his 24 1/2 acres close to property. Two points concern with drilling through water table that poisons well. If houses around area drilling through land would affect their water as well if not servicing water from City. Viable concern not only to him but to hos. Dufford have to monitor wells. Courtney homeowners can ask operator to do water well testing before and after well is drilled. Michael, already requested. Second issue is conservation. They can take water from table to drill well and can do on rule of capture in 1999 supreme court said rule of capture may be outdated law but start considering environment. In CA out of water if this poisons well this would kill water. Private property rights he wants water to stay clean. May affect his well. Other than that health and safety.

Sparks railroad commission is in charge of taking care of water. There are wells drilled all around state and never been contamination from drilling a well. There is surface casing set and drill through water table. Not city's jurisdiction to protect water. Bring up CA is pretty silly they dump fresh water into ocean to protect fish no native to that delta which is big reason they don't have water. They have stopped a lot of reservoirs from being built. Bringin up in this meeting is silly. Michael did have a water well poisoned on another property. Sparks interesting to see.

There being no one else wishing to speak, the public hearing was closed at 10:51 a.m.

36. At approximately 10:36 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Isbell Hz Unit No 111WA) located 2,416 feet from the north line and 1,943 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,943 feet east of Lamesa Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting app one of four wells on same pad. Land owner has agreement with developer. O7g approved app. One variance for larger pit size for four wells. Variance for fracking 24 hours they are horizontal wells. Using ank batter been approved by city. Mayor tha tone pit will be good size 400 x 175.

Mayor Morales opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

37. At approximately 10:39 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Isbell Hz Unit No 108MS) located 2,416 feet from the north line and 1,793 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,793 feet east of Lamesa Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto second of 4 wells.

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.

38. At approximately 10:42 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Isbell Hz Unit No 110WB) located 2,416 feet from the north line and 1,893 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,893 feet east of Lamesa Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto third of four wells.

Mayor Morales opened the public hearing at 10:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

39. At approximately 10:45 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Isbell Hz Unit No 109LS) located 2,416 feet from the north line and 1,843 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located north of Solomon Lane extension and approximately 1,843 feet east of Lamesa Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto 4 of 4.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

40. At approximately 10:48 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Ramcon No 1208D) located 341 feet from the north line and 1,051 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 341 feet south of Mockingbird Lane extension and approximately 1,051 feet west of Fairgrounds Road extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same area south of mockingbird ext close to fairgrounds one of four wells to be using battery to north. var for pit size no variance for fracking. just one entrance? two dirt roads

Mayor Morales opened the public hearing at 10:57 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

41. At approximately 10:51 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Ramcon No 1207D) located 298 feet from the north line and 1,076 feet

from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 298 feet south of Mockingbird Lane extension and approximately 1076 feet west of Fairgrounds Road extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto second of four wells.

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.

42. At approximately 10:54 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Synatschk No 2) located 428 feet from the north line and 1,000 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 428 feet south of Mockingbird Lane extension and approximately 1000 feet west of Fairgrounds Road extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto third of four wells. tank batter to due easat one pit for all.

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.

43. At approximately 10:57 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to High Sky Partners LLC (Operator), for a permit to drill an oil & gas well within the city limits, (Nickel No 103D) located 384 feet from the north line and 1,025 feet from the east line located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located approximately 384 feet south of Mockingbird Lane extension and approximately 1025 feet west of Fairgrounds Road extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto fourth of four wells.

Mayor Morales opened the public hearing at 11:00 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

44. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on request by Darpan Bhatka, Midland I-20 Development, LP (Midland Towneplace Suites) for a zone change from LR-2, Local Retail District, to O-2, Office District, on Lot 9, Block 2, Amaron Addition, Section 8, City and County of Midland, Texas (Generally located northeast of the intersection of Camp Street and Crump Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9438
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING

CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 9, BLOCK 2, AMARON ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF CAMP STREET AND CRUMP STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9438.

Development Services Director Chuck Harrington gave a brief overview of the item noting request is to go from lr2 for o2 for construction of hotel because restricts heights in lr2. 4 story hotel 70 feet height max. to east is a similar hotel of same height under a planned development. with p7z rec approval staff in favor. one loj.

Mayor Morales opened the public hearing at 11:04 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. 9438 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

45. At approximately 11:03 A.M. hold a public hearing and consider an ordinance on a request by Corbette Padilla and Justine Sosa dba Steak 42 for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lots 7 through 9, Block 183, Southern Addition, City and County of Midland, Texas (Generally located northeast of the intersection of S. Big Spring Street and W. Dakota Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9439

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA AVENUE), 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. 9439.

Development Services Director Chuck Harrington gave a brief overview of the item noting request is for sup with term for sale of alcoholic for on prem cons in rest. rest is

currently open. capacity of 200 seats. no church or school in 300 feet hoursm-s 11 to 11 p7z approved staff agrees.

Mayor Morales opened the public hearing at 11:06 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. 9439 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love curious if Lacy concerns. Lacy none.

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

46. At approximately 11:06 A.M. hold a public hearing and consider an ordinance on a request by Stephen & Teresa Parnell for a Specific Use Permit without Term for an accessory building for living or sleeping quarters on Lot 15, Block 7, Arbor Park Addition, Section 3, City and County of Midland, Texas (Generally located southeast of the intersection of Rainbow Road and Sunburst Drive.) (DEVELOPMENT SERVICES) (11:06)

ORDINANCE NO. 9440

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 15, BLOCK 7, ARBOR PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF RAINBOW ROAD AND SUNBURST DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, 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. 9440.

Development Services Director Chuck Harrington gave a brief overview of the item noting request is for sup without term for accessory buldg living and sleeping qtrs. accessory bldg at rear is used as garage hobby shop. they have elderly family membe require special care and requesting to convert to second dwelling unit on property. sup with specify cannot be used for rental purp. was approved by p7z staff no loj and support request. Love sup is temporary does it need to be tied to deed? John include prov in sup that will be filed for subsequent purchaser on notice. Dufford any way to gain acces from alley? chuck no.

Mayor Morales opened the public hearing at 11:09 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. 9440 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.

47. At approximately 11:09 A.M. hold a public hearing and consider an ordinance on a request by for a zone change Mid-TSC Development, LP from PD, Planned District for a Shopping Center to O-2, Office District, on Lots 2 & 3, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas (Generally located southeast of the intersection of Tradewinds Boulevard and Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9441

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 2 AND 3, BLOCK 5, WESTRIDGE PARK 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 O-2, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND DEAUVILLE BOULEVARD); 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. 9441.

Development Services Director Chuck Harrington gave a brief overview of the item noting request for exp of existing medical facility. asking for O-2 allow to build or construct building of 38 feet. sufficient controls in city rules to do with height of building to adjacent properties. pu7z rec approval staff concur. no loj.

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 approval of the first of two readings of Ordinance No. 9441 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.

MISCELLANEOUS

48. Approved a motion to approve a proposed final plat on Lone Star Trials Business Park Addition, Section 2, being a 13.66-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located southeast of the intersection of North State Highway 349 and Green Tree Boulevard.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting final plat normally don't see part of Lone Star Trails. proposing to put in business lot son frontage of 349. Giving additional row to green tree blvd. met all requirmenets including tax certificates. staff rec approval of request. Morale sdrive off 349 to entrance. Harrington no off of main road.

Keith Smithbetenbough, 3603 Champions Drive. 3 accesses coming in working on city with permit for decel lane all the wya to green tree. working with TxDot. Jose Ortiz working with TxDot and participating with them. looking for funds. finding funds to put in two way left turn lane and . Morales will it be in place prior Jose no for now just putting in their office facility and will not be a heavy mpact. as continue to see more development will need to get. Platting everything and make sure infrastructure in palce. betenbough will provide funds for right turn deel so looking for four weay no. Dufford how different then at claydesta where decel lanes going in at pioneer. whose paying for that. Jose in this situation developer is paying for. If have 5 lanes then Betenbough could buildg right turn lne. concern if put in now would be thorw away. Lacy if state of TX decides not paying for who pay for. Jose securing funds now from Betenbough. Not just this development but entire segment 1.5 to 2 miles long.

Love question for chuck. Is ther contention with lots to left and housing development to right and gap in fence concern about kids getting back there. Chuk differnet case.

Chuck there will be a wall up there.

Council Member Love moved to approve a motion to approve a proposed final plat on Lone Star Trials Business Park Addition, Section 2, being a 13.66-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located southeast of the intersection of North State Highway 349 and Green Tree Boulevard.) ; seconded by Council Member Hotchkiss.

wall stone and wood. bottom two foot stone and brick colums with wood fence on top.

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

49. Approved a motion to approve a proposed final plat on Lone Star Trails, Section 3, being a 19.52-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located at the south end of Cattleman Drive, approximately 800-feet north of Arapahoe Road.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting next section of Lone Star Trails section 3. business park 90 lots in this phase just south of second two. made corrections in preliminary plats. was approved by p7z prel plat approved by council. have met all requirement staf rec approval.

Council Member Sparks moved to approve Approved a motion to approve a proposed final plat on Lone Star Trails, Section 3, being a 19.52-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located at the south end of Cattleman Drive, approximately 800-feet north of Arapahoe Road.); 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.

50. Consider an ordinance on a request by Lisa Puente for a zone change from LI, Light Industrial District to MH, Mobile Home Dwelling District, on Lots 1 through 6, Block 120, Southern Addition, City and County of Midland, Texas (Generally located southwest of the intersection of East Washington Avenue and South Dallas Street.) (DEVELOPMENT SERVICES) (First reading held on April 14, 2015.)

ORDINANCE NO. 9429

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 THROUGH 6, BLOCK 120, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED LI, LIGHT INDUSTRY DISTRICT, TO BE USED AS AN MH, MOBILE HOME DWELLING DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH DALLAS STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9429.

Development Services Director Chuck Harrington gave a brief overview of the item noting this was ph deferred to this meeting. provided fairly good description of what is occurring out there. extension of existing mh area but strictly talking about just zoning for neighborhood. above c-3 and mobile home to south and east kind of mixed develop. some light industrial and isngl efmailly housing. Trying to have Council consider extending mh up to area to north. alot of questions came up about lot and alley abnaddonment. while not part of zoning case application has made application. no utilities dead alley not used. the existing lot is non conforming legal nonconforming use. Asking is zoning. staff feels like property zoning to extend to washington avenue.

Lacy trash pick up affected? chuck no 90 degree turn now. lacy asked love if still opposed. Love sympathize but don't think need to increase mobhile home zoning and concern about LI district that it creates. still not in support. Lacy support of another mh park off fiargrounds. Love yes. Dufford is MH going next to that MH. sparks it fits in with is currently being used for. Morales has to be new codes on mfg housing. the existing one is grandfathered. if approve mobile home zoning then wouldn't have to upgrade what is existing then have to come to code. Love if vote for this MH change then it no longer becomes non comforming use but the neighboring MH would be required to upgrade to current standards if upgrades made. Morales that entire area could be mfgd home. Love want to make position clear. Not against mobile homes or mobile home parks if designed correctly can work. Encraoching on area tha tis trying to get away from mobile homes. there is a lot of stick built. this mh created just to allow mobile homes in there. Mayor just to north on Dallas it is mobile homes.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9429 in accordance with the Charter of the City of Midland; seconded by Council

Member Dufford.

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

51. Approved a resolution approving the employment agreement for the new City of Midland Associate Judge effective May 1, 2015. (MUNICIPAL COURT)

RESOLUTION NO. 2015 - 127

RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT WITH THE NEW ASSOCIATE JUDGE OF THE CITY OF MIDLAND MUNICIPAL COURT EFFECTIVE MAY 1, 2015

Council Member Lacy moved to adopt Resolution No. 2015 - 127; 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.

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

Joe Basco is leaving city thanked for devotion to City. will be here for retreat. going to austin.

no appointments

EXECUTIVE SESSION

recess 11:32 a.m.

53. 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 551.071, Consultation with the City Attorney

- a.1. Discuss with the City Attorney and attorney(s) with the law firm of Cotton, Bledsoe, Tighe and Dawson litigation styled Lockridge Outdoor Advertising, LLC v. City of Midland, in the 142nd Judicial District Court in Midland County, Texas, Cause No. CV-50,846.

b. Section 551.074, Personnel Matters

- b.1. Deliberate the employment, evaluation, compensation and duties of the Associate Judge of the City of Midland Municipal Court.

c. Section 551.087, Deliberate Economic Development Negotiations

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

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

PASSED AND APPROVED the ____ day of _____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary