

**MIDLAND CITY COUNCIL
MINUTES
May 06, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on May 06, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Mayor Pro Tem John Love (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 Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, Assistant to the City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Holly Rosas McGrath, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Director of Airports Marv Esterly, Planning Division Manager Jim Compton, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Sara Higgins, 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., May 06, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Mayor Pro Tem John Love (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 Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Jim Nichols.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:02 a.m.

1. Invocation - Msgr. Larry Droll, St. Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

Sparks presented proclamation for public service

Lacy presented motorcycle awareness.

Pam Simecka Distinguished Budget Document. COM has 19 years of receiving award. Goes to national committee and reviewed to ensure meetin all qualification less than 4% of cities in Texas receive the award.

Love read proclamation for Brain Tumor Awareness month.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for "Public Service Recognition Week"
 - b. Presentation of a Proclamation for "Motorcycle Safety and Awareness Month"
 - c. Receive presentation of 19th Annual Distinguished Budget Presentation Award from the Government Finance Officers Association.
 - d. Presentation of a proclamation for "Brain Tumor Awareness Month".
 - e. Presentation of a Retirement Commendation to Mary Peña.

PUBLIC COMMENT

Andy Lasater Odess, own 3 stores payday and business loans. here ecause of report in MRT attempt to regulate industry already heavily regulated. Important to describe who customers are all ages who hve pressing need for capital. Many can't qualify for tranditional lender or customer doesn't hve time or desire to wait for loan. See as sensible alternative to overdraft fees, bounced check fees and late fees. People syaing purpose is to protect citizens. Seen calling predatory and put in cycle of debt. Here today to say non rhetoric acurate describe shis business. If did wouldn't have so many repat customers when need quick cash. Don't believe free market system would allow industry to go on if rhetoric was true. Reso being cons by council would work to detriment of very people and will likely put his business out of business. Asked to put ord on hold until look at all sides of issue. Reports to TX on quarterly and annual basis and willing to show reports.

Mark Roush 501 Carol Lane, would hve shop built, restrictions in area and like variance if possible to be equitable with other buildings in area. Sparks aske dhim to come to remind his to talk to staff. Concrete has ato be ordered 4-5 weeks out. If miss opportunity can be long period of time before can start on project.

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 Love moved to approve Consent Agenda items 5 - 24 excluding a, 10, 12, 16, 23; seconded by Council Member Lacy.

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

6. Approved a resolution amending Resolution 2014-076; an agreement with Route Smart Technologies, Inc. for the purchase of Solid Waste Route Optimization software for the Solid Waste Department in the amount of \$98,200.00. (PURCHASING)

RESOLUTION NO. 2014 - 140

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO RESOLUTION NO. 2014-076 AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROUTESMART TECHNOLOGIES INCORPORATED, OF COLUMBIA, MARYLAND FOR THE PURCHASE OF SOLID WASTE ROUTE OPTIMIZATION SOFTWARE AND ASSOCIATED TRAVEL AND CONTINGENCIES AT A TOTAL COST OF \$98,200.00; AND APPROPRIATING FUNDS; AND THE AGREEMENT PROVIDES FOR SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT AND TRAINING; SAID AMENDMENT TO INCLUDE WAIVING THE PAYMENT AND PERFORMANCE BOND REQUIREMENTS

7. Approved a resolution approving a contract for two (2) years with Alldredge Gardens, LP for turf and landscape management for a total cost of \$3,992,948.00 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 141

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR TURF AND LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF MIDLAND PARKS, ATHLETIC FIELDS, AND OTHER CITY PROPERTIES MAINTAINED WITHIN THE PARKS AND RECREATION DIVISION FROM THE SOLE BIDDER, ALLDREGE GARDENS, L.P., IN THE AMOUNT OF \$3,992,948.00 FOR TWO YEARS; AND WAIVING THE PAYMENT AND PERFORMANCE BONDS

8. Approved a resolution approving the issuance of a request for proposals for a Comprehensive Plan Review for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 142

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A COMPREHENSIVE PLAN REVIEW REGARDING THE FUTURE GROWTH AND DEVELOPMENT FOR THE CITY OF MIDLAND THROUGH 2025 FOR THE DEVELOPMENT SERVICES DEPARTMENT; SAID PLAN WILL INCLUDE SIGNIFICANT PUBLIC INVOLVEMENT, A STRONG EMPHASIS ON LAND USE AND

PUBLIC IMPROVEMENTS, AND WILL INCLUDE INFORMATION GATHERED FROM OTHER CITY PLANS, SUCH AS THE PARKS MASTER PLAN, IN ORDER TO CREATE A SINGLE PLAN THAT WILL GUIDE FUTURE GROWTH AND DEVELOPMENT FOR THE CITY OF MIDLAND THROUGH 2025

9. Approved a resolution approving plans and specifications and authorizing advertisement for bids for renovations at Hogan Park Golf Course which will include cart path additions, re-turfing several areas and rebuilding of certain tees for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 143

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR RENOVATIONS AT HOGAN PARK GOLF COURSE, SAID RENOVATIONS WILL INCLUDE CART PATH ADDITIONS, RE-TURFING SEVERAL AREAS, AND THE REBUILDING OF CERTAIN TEES

11. Approved a resolution authorizing the execution of the fourth amendment to the Wholesale Water Delivery Agreement. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 145

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO THE WHOLESALE WATER DELIVERY AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1, REGARDING THE CITY'S WATER SUPPLY IN WINKLER COUNTY AND LOVING COUNTY, TEXAS

13. Approved a resolution appropriating \$100,000 toward an anti-litter campaign from the sanitation fund. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 147

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FOR AN ANTI-LITTER CAMPAIGN FROM THE SANITATION FUND IN THE AMOUNT OF \$100,000.00; A PORTION OF SAID FUNDS WILL BE USED FOR ADVERTISING AND PROMOTING THE ANTI-LITTER CAMPAIGN THROUGH TELEVISION AND RADIO ADVERTISEMENTS, BILLBOARDS, AND OTHER FORMS OF ADVERTISEMENT; AND APPROPRIATING FUNDS

14. Approved a resolution approving the MDC and Frito-Lay Economic Development Agreement. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 148

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND ROLLING FRITO-LAY SALES, LP, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

15. Approved a resolution approving the MDC & Frito-Lay Real Estate Purchase Agreement. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 149

RESOLUTION APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND ROLLING FRITO-LAY SALES, LP, REGARDING THE MIDLAND DEVELOPMENT CORPORATION'S SALE OF LOT 10, BLOCK 10, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK ADDITION, SECTION 5, MIDLAND, MIDLAND COUNTY, TEXAS, TO ROLLING FRITO-LAY SALES, LP

17. Approved a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Incorporated to promote tourism and the convention/hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 151

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ROCK THE DESERT MINISTRIES, INCORPORATED AS AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; THE FUNDS ALLOCATED BY THIS RESOLUTION SHALL BE USED TO PROMOTE TOURISM AND THE MOTEL AND HOTEL INDUSTRY; THE ALLOCATED FUNDS ARE EXPENDED IN A MANNER DIRECTLY ENHANCING AND PROMOTING TOURISM AND THE MOTEL AND HOTEL INDUSTRY; THE USE AND ALLOCATION OF THESE FUNDS ARE AUTHORIZED BY CHAPTER 351 OF THE TEXAS TAX CODE; AND THE APPROVAL OF THIS RESOLUTION SHOULD NOT BE CONSTRUED OR INTERPRETED AS ENDORSING THE MESSAGE OR ACTIVITIES PROMOTED BY ROCK THE DESERT MINISTRIES, INCORPORATED; AND ROCK THE DESERT MINISTRIES, INCORPORATED IS REQUIRED TO PROVIDE INSURANCE PRIOR TO THE EVENT AND THE CITY SECRETARY SHALL ENSURE THAT THE INSURANCE IS RECEIVED AND APPROVED PRIOR TO THE ROCK THE DESERT EVENT; AND ALLOCATING FUNDS

18. Approved a resolution amending contract number 2004-188 between the Hospital District and the City of Midland, Texas as authorized by chapter 791 of the Texas Government Code to provide insurance billing for the City of Midland Health Department. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 152

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO RESOLUTION NO. 2004-188 APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF MIDLAND, TEXAS AND THE MIDLAND COUNTY HOSPITAL DISTRICT AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS GOVERNMENT CODE; SAID AMENDMENT TO INCLUDE PROVIDING INSURANCE BILLING FOR THE CITY OF MIDLAND HEALTH DEPARTMENT

19. Consider an amendment to Resolution 2013-444 for an Oil and Gas Well Drilling Permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask No 1002D) located 1176 feet from the south line and 825 feet from the west line located in Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 153

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH

SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,176 FEET FROM THE SOUTH LINE AND 825 FEET FROM THE WEST LINE, SECTION 10, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY 825 FEET EAST OF THE EXTENSION OF NORTH GARFIELD STREET); SAID AMENDMENT AUTHORIZES THE RELOCATION OF THE ACCESS ROAD, TANK BATTERY, FRAC PIT, AND ELECTRIC LINES.

20. Consider an amendment to Resolution 2013-443 for an oil and gas well drilling permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask No 1001) located 773 feet from the south line and 825 feet from the west line located in Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 154

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 773 FEET FROM THE SOUTH LINE AND 825 FEET FROM THE WEST LINE, SECTION 10, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY 825 FEET EAST OF THE EXTENSION OF NORTH GARFIELD STREET); SAID AMENDMENT AUTHORIZES THE RELOCATION OF THE ACCESS ROAD, TANK BATTERY, FRAC PIT, AND ELECTRIC LINES.

21. Consider an amendment to Resolution 2013-445 for an oil and gas well drilling permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask No 1003) located 513 feet from the south line and 1773 feet from the west line located in Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Mockingbird Lane, approximately 1773 feet east of the extension of North Garfield Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 155

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO HIGH SKY PARTNERS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 513 FEET FROM THE SOUTH LINE AND 1,773 FEET FROM THE WEST LINE, SECTION 10, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE EXTENSION OF MOCKINGBIRD LANE, APPROXIMATELY 1,773 FEET EAST OF THE EXTENSION OF NORTH GARFIELD STREET); SAID AMENDMENT AUTHORIZES THE RELOCATION OF THE ACCESS ROAD, TANK BATTERY, FRAC PIT, AND ELECTRIC LINES.

22. Approved a resolution to execute a Right-of-Way License and a Surface Damage Agreement with ATLAS PIPELINE MID-CONTINENT WESTEX, LLC for the installation and maintenance of a natural gas pipeline, not to exceed 8 inches in diameter, located in Block 37, Section 9, T3S, T&P RR Survey Co, Midland County, Texas.

(ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 156

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND ATLAS PIPELINE MID-CONTINENT WESTTEX, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A NATURAL GAS PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTION 9, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO., SURVEY, RECORDED IN VOLUME 1278, PAGE 577, DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

24. Approved a resolution authorizing the execution of a Professional Service Agreement with Enprotec / Hibbs & Todd Inc. for professional services billed on an hourly basis not to exceed \$150,000. Professional services include but are not limited to planning, engineering, and administration services, to assist the Engineering Services Department and the Development Services Department with the development review process. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 158

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC. FOR PROFESSIONAL SERVICES, INCLUDING BUT NOT LIMITED TO PLANNING, ENGINEERING, AND ADMINISTRATION SERVICES FOR DEVELOPMENT REVIEW SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT AND THE DEVELOPMENT SERVICES DEPARTMENT; THE CONSULTANT SHALL REVIEW PLATS, PLANS, CONSTRUCTION PLANS, AND DRAINAGE ISSUES AND OTHER ITEMS; AND AUTHORIZING PAYMENT THEREFOR; AND THE AGREEMENT IS FOR \$150,000.00

5. Approved a motion approving the following minutes:

Regular Meeting of April 22, 2014.

Sparks minutes look to have address right. Discussed address at 508 S. Lamesa its 500 S. Lamesa wanted to ensure it was correct. Property owner lives at 508 Lamesa actual property is 500. Minutes reflect property talking about was 500 S. Lamesa.

Council Member Lacy moved to approve Regular Meeting of April 22, 2014. with correction; seconded by Council Member Hotchkiss.

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

10. Approved a resolution approving labor, material, equipment and supervision necessary for the purchase and installation of heating and cooling systems in the gym and in the

weight room at the Martin Luther King, Jr. Community Center from the sole bidder, First Service Air Conditioning Contractors, Inc., for a total cost of \$83,986.00 for the Community Services Department; and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 144

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LABOR, MATERIAL, EQUIPMENT AND SUPERVISION NECESSARY FOR THE PURCHASE AND INSTALLATION OF HEATING AND COOLING SYSTEMS IN THE GYM AND WEIGHT ROOM LOCATED AT THE MARTIN LUTHER KING, JR. COMMUNITY CENTER FROM THE SOLE BIDDER, FIRST SERVICE AIR CONDITIONING CONTRACTORS, INCORPORATED, IN THE AMOUNT OF \$83,986.00; AND APPROPRIATING FUNDS

sparks releasing funds rest under budget wanted to explain some of exciting things going at MLK. Tina Jauz center renovated and reopened in 2011. There are some things learned like to add on. One is ac/heating in gymnasium and training room. Award bid to complete project. Other news marque video board outside MLK hasn't been operable. part of 175,000 replacing marquis. hvac came in under budget so doing other smaller projects at mlk but goal to appropriate entire \$175,000. Morales did close windows in prior. Tina yes but fans but hvac is true. big fans will stay.

Tommy a lot of activities tremendous asset in community used by all ages.

Council Member Sparks moved to adopt Resolution No. 2014 - 144; seconded by Council Member Lacy.

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

12. Approved a resolution accepting the retirement of the City Attorney. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 146

RESOLUTION ACCEPTING THE RETIREMENT OF THE CITY ATTORNEY EFFECTIVE AT 5:00 P.M. ON FEBRUARY 28, 2015; AND AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF MIDLAND, AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE CITY ATTORNEY

Love pulled really don't want to accept but necessary. Did not want to be passed on consent to allow Council to recognize Keith and his wife. Thanked Keith for his service. Sparks Keith doesn't like fanfare appreciate him and not leaving today will be here for rest of year and expect good things. Hotchkiss enjoyed Keith great job compliment in having prepared for retirement by provide with well trained staff to step in. Lacy thanked for advice. Morales thanked Mrs. Stretcher for time to allow husband to serve commended both. Reserve comments until actual retirement.

Council Member Love moved to adopt Resolution No. 2014 - 146; seconded by Council Member Hotchkiss.

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

NAY: None. ABSTAIN: None. ABSENT: Dufford.

16. Approved a resolution approving an amendment to the MDC & Kenneth Huseman Family Limited Partnership Economic Development Agreement. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 150

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE KENNETH HUSEMAN FAMILY LIMITED PARTNERSHIP FOR A WATER LINE EXTENSION AND A SEWER COLLECTION SYSTEM TO SERVE A 48.36-ACRE TRACT LOCATED IN SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

Love pulled curiosity of what was cause of delay and why requesting extention. Robert patrick. Jose Ortiz first not able to make meeting. Broad knowledge issues with TXDot on exit and drainage on area is potential car trap. Jeff Cohen, delay with TxDOT issues with concern about bore pits so close to travellanes. Since in past week project moved forward it is underway.

Council Member Sparks moved to adopt Resolution No. 2014 - 150; seconded by Council Member Lacy.

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

23. Approved a resolution to execute a Right-of-Way License and a Surface Damage Agreement with ATLAS PIPELINE MID-CONTINENT WESTEX, LLC for the installation and maintenance of a natural gas pipeline, not to exceed 8 inches in diameter, located in Block 37, Section 24 T3S, T&P RR Survey Co, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 157

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND ATLAS PIPELINE MID-CONTINENT WESTTEX, LLC; SAID RIGHT-OF-WAY LICENSE IS FOR ENTERING CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING A NATURAL GAS PIPELINE AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS FOR SUCH PURPOSE; THE PROPERTY IS LOCATED IN MIDLAND COUNTY, TEXAS, BEING SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO., SURVEY, RECORDED IN VOLUME 1508, PAGE 593, DEED RECORDS OF MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR FIVE (5) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND SHALL AUTOMATICALLY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL FIVE (5) YEAR TERM UPON 120 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Love pulled Bill Hodge told him to. Bill Hodge two row contract on docket this morning both in spraberry and both straightforward. this one in section 24 atmos needs to

modify pipeline and cannot bring forward without modification. moving 300 feet and the city manager authority to execute contract once have final terms. Ask council and give city manager authority to finish

Council Member Sparks approve resolution with amendment to allow City Manager authority to execute; seconded by Council Member Lacy.

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

SECOND READINGS

25. Consider an ordinance on second reading declaring certain structures as dangerous, dilapidated and public nuisances, and ordering their removal or securing. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9261

AN ORDINANCE DECLARING CERTAIN STRUCTURES LOCATED AT 500 NORTH LAMESA ROAD, 105 EAST LOUISIANA AVENUE, 608 SOUTH JACKSON STREET, 427 WEST SPRUCE AVENUE, 506 SOUTH TYLER STREET, 708 EAST TEXAS AVENUE, 710 NORTH MAIN STREET, 901 NORTH WEATHERFORD STREET, 1408 WAYSIDE DRIVE, 1509 SOUTH DALLAS STREET, AND 303 MAPLE AVENUE TO BE DILAPIDATED, SUBSTANDARD OR UNFIT FOR HUMAN HABITATION AND A HAZARD TO THE PUBLIC HEALTH, SAFETY AND WELFARE; ORDERING THEIR DESTRUCTION OR REMOVAL; DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE; AND DIRECTING THE BUILDING OFFICIAL TO DELIVER A COPY OF THIS ORDINANCE TO AFFECTED OWNERS, LIENHOLDERS AND MORTGAGEES; SAID ORDINANCE BEING AUTHORIZED BY CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9261.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9261 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Love asked Mr. Thorpe if any changes. 500 N. Lamesa obtained demolition permit and will. ??? remove mfg home and permit for listen 10:43 a.m. Love in light of changes. Thorpe would like to keep as is in case don't live up to rec.

500 N. Lamesa it is not a non-residential structure it will be demolished. Steve it is residential structure. Keith is reflected in ordinance.

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

26. Consider an ordinance on second reading on a request by Leon Capital Group for a zone change from FD, Future Development District to O-2, Office District on a 3.30-acre tract; MF-1, Multiple-Family Dwelling District on an 11.74-acre tract; and to LR-2, Local Retail District on a 23.92-acre tract on Lot 7A, Block 3, Westridge Park Addition, Section 12, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of Avalon Drive and Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9262

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.30-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT; BY PERMITTING AN 11.74-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT; BY PERMITTING A 23.92-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACTS BEING OUT OF LOT 7A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF AVALON DRIVE 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 SueAnn Reyes read the caption of Ordinance No. 9262.

Lacy question traffic analysis done. chuck no looking at changes. Lacy defer until traffic study done.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9262 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Lacy until done due diligence to surrounding developers. Morales can it not be done in that time frame. Courtney before issue any building permits have to have traffic analysis done can't issue building permits.

Courtney will have to hire consultant and dependant on consultant schedule.

Melanie Muha - requested by Council during first hearing of zoning ordinance that provide letter updating traffic analysis done. That was going to providing updated letter and approve by Engineering services that conditional upon approving building permit. Lacy if approve now it will be changed for that type of zoning if not acceptable don't need to be making zone change until. Hotchkiss you are applying traffic impact analysis. Muha in 2012 brought traffic analysis for area have all info that did analysis for. What asking is provide updated original study that entire tract of land shown as LR 2 which is more conservative traffic pattern than proposed here. show reduction in traffic. Morales will see much change. Melanie it will improve. Morales what is time frame. In a couple of days. Morales cannot move forward without.

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

Council Member Love moved to approve the second and final reading of Ordinance No. 9262 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

27. Consider an ordinance on second reading on a request by Troy Hunt Homes, for a zone change from AE, Agricultural Estate District to PD, Planned District for a Housing Development on a 3.03-acre tract of land out of Section 7, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 300 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9263

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 3.03-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK "X", H.P. HILLIARD 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 HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, APPROXIMATELY 300 FEET NORTH OF MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9263.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9263 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

28. Consider an ordinance on second reading on a request by Larry Miller (Midland Holiday Inn Lodging, LLC) for a zone change from PD, Planned District for a Shopping Center to Amended Planned District on Lot 4, Block 2, Westridge Park Addition, Section 7, City and County of Midland, Texas. (Generally located near the west side of N. Loop 250 West, approximately 700 feet south of Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9264

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 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 NEAR THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 700 FEET SOUTH OF ANDREWS HIGHWAY); 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 Reyes read the caption of Ordinance No. 9264.

Council Member Love moved to approve the second and final reading of Ordinance No. 9264 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

29. Consider an ordinance on second reading on a request by Dusty Evans for a zone change from AE, Agriculture Estate District to LR-2, Local Retail District on a 1.50-acre tract of land out of Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located approximately 460 feet west of N. Midkiff Road, and approximately 750 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9265

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.50-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED APPROXIMATELY 460 FEET WEST OF NORTH MIDKIFF ROAD, AND APPROXIMATELY 750 FEET NORTH OF MOCKINGBIRD LANE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9265.

Council Member Love moved to approve the second and final reading of Ordinance No. 9265 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks asked CM to see if approved Mr. Evans to ask for appropriate rwo for arterial going north? Jim Compton before can get building permit and will receive plat thorough row dedication. sparks have we done it appropriate ask asap instead of holding up later. jim he is aware.

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

30. Consider an ordinance on second reading on a request by Amit Garg – Olivia Management, LLC for a zone change from LR-2, Local Retail District to BP, I-20 Business Park District on a 5.70-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of S. Lamesa Road and E. Interstate Hwy 20.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9266

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 5.70-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S,

T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH LAMESA ROAD AND EAST INTERSTATE HIGHWAY 20); 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 Reyes read the caption of Ordinance No. 9266.

Council Member Love moved to approve the second and final reading of Ordinance No. 9266 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

31. Consider an ordinance on second reading on a request by Kathie Grozdanich / Wings and More for a Specific Use Permit with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on Lot 3G, Block 6, Scotsdale Addition, Nineteenth Section, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 525 feet west of N. Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9267

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3G, BLOCK 6, SCOTSDALE ADDITION, NINETEENTH SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 550 FEET WEST 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 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 Reyes read the caption of Ordinance No. 9267.

Council Member Love moved to approve the second and final reading of Ordinance No. 9267 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

32. Consider an ordinance on second reading amending Title V, Business Regulations" of

the City Code of Midland, Texas, Chapter 10, "Sidewalk Sales and Selling from Fixed Locations." (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9270

AN ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", CHAPTER 10, "SIDEWALK SALES AND SELLING FROM FIXED LOCATIONS", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO MAKE COMPREHENSIVE REVISIONS TO THE REGULATION OF SIDEWALK SALES AND SELLING FROM FIXED LOCATIONS WITHIN THE CITY OF MIDLAND; SETTING FORTH REQUIREMENTS FOR ISSUANCE OF CERTIFICATES, PERMITS, AND LICENSES; PROVIDING FOR A FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR FIXED LOCATION PERMITS AND LICENSES; PROVIDING FOR IMPOUNDMENT UPON FAILURE TO COMPLY WITH AN ORDER TO CEASE OPERATION; SETTING FORTH APPEAL PROCEDURES; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9270.

Council Member Love moved to approve the second and final reading of Ordinance No. 9270 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Lacy once approved will code enf be implementing. steve as soonas signed have app pkgs ready and go out to make contact. will issue warnings. advice of what need to do to get licensed.

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

PUBLIC HEARINGS

33. At approximately 10:30 a.m. hold a public hearing and consider a resolution of the City Council of Midland, Texas, making a finding, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, that there is no feasible and prudent alternative to the extension of a lease at Hogan Park (generally located approximately 1,100 feet north of the Centerline of East Wadley Avenue, and 132 feet east of North Lamesa Road) for use of a cell tower used for transmission and reception of communication signals. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 159

RESOLUTION OF THE CITY COUNCIL OF MIDLAND, TEXAS MAKING A FINDING, PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF AN APPROXIMATE 0.046-ACRE TRACT OF LAND AND AN APPROXIMATE 0.145-ACRE TRACT OF LAND LOCATED IN HOGAN PARK FROM PUBLIC PARK USE TO USE UNDER A TOWER LEASE AGREEMENT WITH GTP TOWERS IV, LLC FOR SITE SPACE INTENDED FOR CELLULAR TELECOMMUNICATIONS

EQUIPMENT; SAID 0.046-ACRE TRACT OF LAND AND SAID 0.145-ACRE TRACT OF LAND ARE LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13, BLOCK 39, T-1-S, T&P RR CO., SURVEY, CITY AND COUNTY OF MIDLAND COUNTY, TEXAS, AND BEING PORTIONS OF HOGAN PARK (GENERALLY LOCATED APPROXIMATELY 1,100 FEET NORTH OF EAST WADLEY AVENUE, AND 132 FEET EAST OF NORTH LAMESA ROAD)

Chief Information Officer Sharlett Chowning gave a brief overview of the item noting tower existed in spot for 10 years at Hogan park. compnay is asking for on park land hav eto hav epublic hearing.

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

Marcella Olson, Ft Worth on behalf of GTE tower in place since 2004 hntohting changing to bring forth lease extention. Lease is what in place now \$750 in current lease new lease \$2500. lesser \$2500 or half reenue with sub lesses. no greater of no lesser. it provides new provision city allowed to place tleecom equip on tower.

Lacy \$2500 plus ?? sharlett 11:09 a.m. Keith if don't go through procedure . park stuff is not just procedure a lot of subsnatie issue. law change din parks. keith will see it come back in 30 days. Keith if parks will not accept parks anything existing will have apublic hearing. future will not acept parks will call green space or open space.

Hotchkiss is use threatening? Stretcher no not as long as go through process wait 30 days. parks are not owned but held in trust for the community. Love sewer line or water line and something happened and had to repair in order to do that hav eto go through process. Kieth if puiblic emg or necessity can go in immediately.

There being no one else wishing to speak, the public hearing was closed at 11:15 a.m.

Council Member Sparks moved to adopt Resolution No. 2014 - 159; seconded by Council Member Lacy.

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

Love come back? Keith see lease on agenda after 30 days.

34. At approximately 10:33 a.m. hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Madden #1) located 1050 feet from the west line and 1,467 feet from the south line located in Section 3, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of the Cotton Flat Road, approximately 900 feet north of West Interstate Highway 20.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of item noting leave Endeavor will hae second well. O&G rec have been completed. no variance are requested. this well locaed to west of petroleum museum no loj. rep is present.

Mayor Morales opened the public hearing at 11:18 a.m.

Jim Prince 6101 N State Highway 349, owner of properties adjacent to this. Don't know what is distance from existing facilities that house 36 apartment complexes. second there is adjacent article zoned multi family how far from that beause two developers that are pursuing that. what is current pos on district to oil well. sparks 500 feet. Do both exceed 500?

Ron location fo well aprt complex outside of 500 feet no variance required. 860 is notification circle wher enotification goes outside of . 3 people have measured and all say elss than 500. Ron survey from endeavor and is sealed so valid.

Ron this circle 500 is to building not to property lines. Building are not inside 500 foot ircle property line can go into circle but not building. Jim Prince ignoring point he has not Sparks ord has to do with existing structures and not buildings. Love if developer wants to build within 500 feet can apply for variance.

Josh harrison 5112 Greentree bldg rep endeavor. Lacy had one wells on property not approved operator. Had to deal with you on back and forth scale don't want to put people in same situation have numerous violation shouldn't subject to same operations. Seen operations know what regulations and not operated under regulations of rr commission. Almost to point to check every lease to see if within regulations. Never was addressed by company. Has concerns. Josh not at liberty to comment on person situation would like to hear more about it. Have worked over since 2009 when had legal issues and since passed. Trying to revamp pr image in that regard. Not in any way shape or form trying to cut corners that is not within complinace. Ron done great job with development and several others complied with ordinance and gone throughs teps which is what ord was designed to do. Think point of future development off Mockingbird they're starting to sell lots and reality is any future development going outward from City unrealistic to think won't have O&G wells. just nature of are alive in and economy. Have to coexist. Lacy should treat city and county same.

Sparks question for Ron Jenkins. been O&G compliance since passed ord assuming had some violations during time period. Have you had problem with any operators about coming back into compliance inr easonable period of time? Ron when started did clean up all locations in City and everybody complied. When do have problem at this time all operators quick to react and usually same day. Some of older batteries been able to bring in compliance when have new well. Sparks want to commend on job done. Do very good job at keepign O&G industry in complinae and want to say doing goo djob and papreciate it. Lacy completely agree nothing against Jenkins.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m.

35. At approximately 10:36 a.m. hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Madden #2) located 2,173 feet from the west line and 2,273 feet from the south line located in Section 3, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of the Cotton Flat Road, approximately 1,700 feet north of West Interstate Highway 20.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting

same situation second well to north of petroleum museum. sharing tank battery to west of well. Love on previous map circle is notification no buildings in 500. Ron no occupied residential structures or commercial structures within area.

Mayor Morales opened the public hearing at 11:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

36. At approximately 10:39 a.m. hold a public hearing and consider an ordinance on a request by Schlumberger Technology Corporation for a zone change from BP, I-20 Business Park District to LI, Light Industry District on all of Blocks 1 and 2, Agri-Empresa Subdivision, and an 8.87-acre tract of land out of Block 40, Section 11, T-2-S, T&P Railroad Company Survey, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of West Interstate Highway 20 and South County Road 1250.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9271

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING ALL OF BLOCKS 1 AND 2, AGRI-EMPRESA SUBDIVISION, AND AN 8.866-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 BP, I-20 BUSINESS PARK DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WEST INTERSTATE HIGHWAY 20 AND SOUTH COUNTY ROAD 1250); 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

Planning Division Manager Jim Compton gave a brief overview of the item noting request by Schlumberger for zone change for property. applicant want to put additional uses included offices and dry cement power mixing requesting zone change to LI light industrial. Feel best zoning. p7z rec 7-0 rec approval on april 14 no letters of opposition. Mayor fencing? Jim more than likely.

Mayor Morales opened the public hearing at 11:33 a.m.

Robert Rendall 550 W Texas, on behalf of Schlumberger. point on to north of property is rail loaning facility operated by agri impressa to ease light industrial not in city limits. multiple uses combining on large tract. this paprop zoning to include all of those hould not make signif change to area. avil to answer questions. Mayor does TCEQ have to get involved? Rendall for powder mixing yes but don't anticipate issues. much elss dusty than rail facility.

James Taylor Schulumberger permit by rule through tCEQ hav eto stay in boundaries.

There being no one else wishing to speak, the public hearing was closed at 11:35 a.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9271.

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

9271 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

37. At approximately 10:42 a.m. hold a public hearing and consider an ordinance on a request by James Isbell for a zone change from AE, Agriculture-Estate District to a 44.61-acre tract of PD, Planned District for a Housing Development and a 33.99-acre tract of 1F-2, One-Family Dwelling District. All out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Solomon Lane, approximately 950 feet east of North Big Spring Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9272

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 44.61-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 33.99-ACRE TRACT OF LAND WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; SAID TRACTS BEING OUT OF SECTION 1, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE, APPROXIMATELY 950 FEET EAST OF 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

Planning Division Manager Jim Compton gave a brief overview of the item noting proposal to rezone property for residential neighborhood development. about 42 acres pd for housing dev subject to 1f3. remaining 33 acres is for 1f2 family dwelling district. more balanced lots. come with direction for east side of property storage units and business fenced is razor wire. residential neighborhood back up to this area. owner of storage facility comment rec approval at april 14 mtg. to address issue of razor wire two rec to put forth. pref to request applicnat dedicate a 20 foot alley along west side of alley to provide buffer and circulation system from storage facility. failing that second choice install 8 foot tall masonry screening fence to be installed by dev of residential neighborhood. Love on scnd option 8 foot fence right next to razor wire. Jim yes seperating from IP2 district. how tall razor wire 7 feet. Sparks common fo residential be next to indsutrial. Jim third alternative is another zoning district for buffer. Sparks AE would be appropriate buffer. Mroales proposed alley prior to submission of plat or after. Jim proposal was discussed at P&Z mtg. rec today this is first time applicant hearing positive recommendation for alley. Lacy what is requirement for this size dev for green space. Jim no. once over certain siste school/park site. Morales if Council require alley hav eto redesign. Jim should still be adequate space for alley dedication.

Mayor Morales opened the public hearing at 11:43 a.m.

Jay Reynolds own warehouses somewhat high security for area. concern is life, property and safety issues when have 44 acres developed that was previous open

space. Proposal comes right to property home. homes and industrial space. concern is safety and needs buffer zone between types of zoning issues. like to urg eto reconsider plans. Hotchkiss do you mean more than an alley. Jay that would be at minimum. as well as 8 foot fence minimal. urge city to take longer term view of what it will be like down the road. Sparks I see lights and commercial traffic and can access 24 horus a day 7 days a week. See problem with people once moved in will get upset people about whats going around them. Sparks problem before its built.

Max Richardson, 110 W Louisiance, very diversified product. There is piepline goes across rpoeprty on east side. On plat up there a common area which will be landsaped and drill site with 4 wells. They have submitted letter to staf rec approval and rec distane of 135 feet from any structure. top of razor wire is 7 foot. 1300 feet of fence to put in. as far as alley trying to keep cost down alley will add \$100 foot add \$6000 to lot. if put 8 foot fence in there it will cost \$80/foot. close to \$5000 lot adding to cost of development. Houses are already built. 5 lots adjacent to warehousel. Developer is one tkaing risk has to downgrade price of lots selling. Other than that. property south is very same thing they have 6 foot fence. have razor wire hanging over into lots. proposing 7 foot fence. Sparks tha tis not razor wire but barbed wire. proposing 7 foot fence that will be above razor wire. Lacy 7 foot wood fence. Hotchkiss those are on addition that is alredy built on other side.

Love lot son west side of property are 100 foot depth. Max 60 by 100. Love though Jim said 120. love ones on west are 120.

Mayor concern of safety that makes nervous. Max feel safer than having alley which give sdirect access. Shielding it better. Concern of trash build up between 2 fences and clutters or kid trapped in there. Morales talking about well developed neighborhoods 10-20 years down road. Hotchkiss came thinking going to ask to deer because another council member has concerns. Sparks just because city council has made error and agreed to have residential next to industrial doesn't mean we should follow suit and have same error. Max west line is 1300 feet long talking about 25% of only problem. south of that is church. Lacy north is junk piled up on property. Morales like to sit down with Max and Mr. Isbell to work through better to see how can better address safety issues.

There being no one else wishing to speak, the public hearing was closed at 11:58 a.m.

Sparks want to clal attention to few things. Have approved several dev to north 1f3 and day break ridge 517 lots; Dr Horton Legacy addition 161 lots; lone star addition 955 lots and 1933 lots. council can approve lots much faster than can be developed. Probably in appropriate. Agree with Max that obviously mark Payne did previously. Things have changed in recent time. Think ought to stay AE at this point. think this is an illconceived development. Hotchkiss intent was to defer to next meeting since Council Member present. Morales would like to sit down with developer and max.

Council Member Hotchkiss moved to defer item to next meeting; seconded by Council Member Love.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9272.

The motion carried by the following vote: AYE: Hotchkiss, Love, Morales. NAY:

Sparks, Lacy. ABSTAIN: None. ABSENT: Dufford.

38. At approximately 10:45 A.M. hold a public hearing and consider an ordinance on a request by Johnny Reyes for a for a zone change from PD, Planned District for a Recreation Center to CE, Country Estate District on Lot 1, Block 1, Rolling Green Acres Addition, City and County of Midland, Texas. (Generally located on the north side of East Highway 80, approximately 400 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9273

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS A CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST HIGHWAY 80, APPROXIMATELY 400 FEET WEST OF TODD 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

Planning Division Manager Jim Compton gave a brief overview of the item noting previously zoned for indoor rec. now wishes to build home and needs to change zoning. property 1.2 acres min lot size 2 acres. change to CE country estate district and allows for keeping of livestock. P&Z rec approval on april 14 no opposition. staf rec approval.

Love was AE zoned for rec but can't go back to AE. Jim after decided not going to build business. Can't apply for AE because lot Ae. Before PD for rec center subdivided and now too small for AE.

Mayor Pro Tem Love opened the public hearing at 12:07 p.m.

Yoyo ketter 1101 Toddbeen there almost 3 years. were nto notified as to what was going to take place. Called and radius was not notification enough for her which is common fence line and that is open land. Don't know what their planning. That is one lot that whole are is 3 acres. Jim compton planning to build house. Sparks undre country estate can only build one home. only allow for one home. What is he doing? was not notified. Council not under consideration.

There being no one else wishing to speak, the public hearing was closed at 12:14 p.m.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9273.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9273 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

MISCELLANEOUS

39. Consider an Ordinance amending Title V, "Business Regulations", of the City Code of Midland, Texas, by establishing Chapter 11, "Credit Access Businesses" (CITY ATTORNEY'S OFFICE)

ORDINANCE NO. 9274

AN ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 11, "CREDIT ACCESS BUSINESSES", SO AS TO ESTABLISH A PROGRAM TO REGISTER AND REGULATE CREDIT ACCESS BUSINESSES WITHIN THE CITY OF MIDLAND; THESE CREDIT ACCESS BUSINESSES ARE COMMONLY KNOWN AS "CASH ADVANCE LENDERS", "PAYDAY LENDERS", AND "AUTO TITLE LENDERS"; PROVIDING FOR A FEE OF TWENTY-FIVE DOLLARS (\$25.00); PROVIDING FOR ENFORCEMENT BEGINNING ON AUGUST 1, 2014; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); SETTING FORTH AN APPEAL PROCEDURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE; AND THE CITY COUNCIL FINDS IT TO BE IN THE PUBLIC INTEREST TO MAKE CERTAIN AMENDMENTS TO THE MIDLAND CITY CODE SO AS TO REGULATE CREDIT ACCESS BUSINESSES IN AREAS WHERE CHAPTER 393 OF THE TEXAS FINANCE CODE IS SILENT OR DOES NOT PREEMPT SUCH REGULATIONS

Council Member Love moved to defer; seconded by Council Member Lacy.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9274.

Love want to defer so can do further study as to what other communities doing. Might be other option that may be able to go with another option. Did not want staff to comment for potential future litigation. Morales feedback now and hearing from locals and lobbyist. Want to discuss previously on last agenda.

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

40. Consider an ordinance amending Ordinance Number 8400 which established fees and charges for Parks & Recreation, the Martin Luther King, Jr. Community Center, and Hogan Park Golf Course. (COMMUNITY SERVICES)

ORDINANCE NO. 9275

AN ORDINANCE AMENDING ORDINANCE NUMBER 8400 ESTABLISHING FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT FOR PARKS AND RECREATION, WASHINGTON AQUATIC CENTER AND DOUG RUSSELL POOL, ANIMAL SERVICES, AND HEALTH AND SENIOR SERVICES DEPARTMENT; AND REPEALING ORDINANCES SPECIFICALLY IN CONFLICT WITH SUCH FEES AND CHARGES ESTABLISHED HEREIN

Tina first pool fees as indicated in briefing last year rec going from 1-2 this season from 2-3 next season at Doug Russell Pool. Second is animal services and shipping fees

gone up for rabies so need to adjust. Last item is health dept. earlier approved agmt between city and hopsitla to bill patient services just need to set fees. Love why all 3 in one ordinance? The ord is community servies and all in that department. Love encouraged concerned about prices going up with punch card individuals can have as low as \$1 visit think good. Sparks how are renovations at Doug Russell. Moving along. In final design phases. In june agenda will see move forward. Still hoping to start after season. How long expected to start after labor day and complete for memorial day. Hoping it comes in budget when bid out.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9275.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9275 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford.

41. Approved a resolution Authorizing a Workforce Housing Incentive Agreement with Formosa Homes, LLC (DEVELOPMENT SERVICES)

ORDINANCE NO. 2014 - 161

RESOLUTION AUTHORIZING THE EXECUTION OF A WORKFORCE HOUSING INCENTIVE AGREEMENT WITH FORMOSA HOMES, LLC FOR THE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL CONSTRUCTION IN THE CITY AND COUNTY OF MIDLAND, TEXAS; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING AN INCENTIVE PROGRAM FOR THE CONSTRUCTION OF SINGLE-FAMILY WORKFORCE HOUSING; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$152,985.00 THEREFOR

chuck Harrington this is request put forward by David Diaz for proposing to construct 31 more homes. original had 34 already sold 3. Affordable price range 129,000 to 179,000. spread out in CDBG area. A lot immediately south downtown. used infill lots . Possibility of incentive to build lower income housing. In doing so ran into problem. where is location. downtown and sweeps to Golf Course south golf course east lamesa and south of Louisiana. Infill type lots. part of agreement if reeiving any other types of funding it would not b elgible for this funding. Lacy any sidewalks.

David Diaz, 5101 sherwood, majority of lots are on 300 400 S dallas 300 S Ft. Wroth. This area may shock you but 2 blocks away from Federal Courthouse. streets are unpaved and not curb and gutter. Morales these homes start at 129,000? yes. Lacy pave for other houses as well. David propose to pave streets where build houses. doing the whole row. Lacy no curb and gutter. David city requires street with curb and gutter. Morales this program in place since David 2007 lancy fridya provided incentives to do paving and infrastructure for deveopment at rnachland. Other developers participation in 2008 and 2009. Morales pleased to see homes going up and clena up area. David area needed revitalization for decades. Hotchkiss this is contrasted with Habitat because for profit. So this money asked Courtney to do workshop only one present hwo had background. think its confusing. Sparks his understanding done in 07-08 and it was money ended up not being successfully used for what its purpose was.

Morales couldn't get developers to build true affordable housing. Hotchkiss with Lance Friday one market took over he was building houses and people came in to buy and wanted certain amenities to bring over workforce. . sparks that means there wasn't need for workforce or what did didn't service what considered workforce. CDBG funds they have to meet certain guidelines Hotchkiss so some protection. Chuck what referring to is have to meet established income level for CDBG and that is not what proposing but open market and restricting does have to provide closing costs that shows met range looking for. Won't get funds until assured he met requirements. Hotchkiss this controlled itself. Chuck reimbursement after doc provided. Courtney that's what happened on Lance Friday. even though sold majority of properties couldn't show proof homes sold in that value so they were due \$400,000 made them show losing ODC and came down to \$62,000 that was eligible.

Love thank you for stepping out on a limb appreciate trying to keep cost down. Historical aspect is reason streets not paved requirement for developer to pave was not in existence in time. Being his district is oldest part of city have a lot of areas where streets aren't paved. Just south of downtown.

Hotchkiss money for improvement that all benefit from would love to have workshop.

David part of fund used to -- total of 10 intersections at corners where paved concrete paver gutter and ramps but no roads. will have to tear out and replace because not up to standards.

\$152,000 over 3 year period. reimbursement. Courtney there is no fund will come out of unappropriated fund balance.

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

Morales good news is will go toward roads. Courtney policy will not issue building permit on unpaved city road.

Council asked for briefing.

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

42. Approved a motion on a proposed preliminary plat of The Vineyard Addition, Section 5, being a 140.28-acre tract of land out of Section 13, Block 40, T-1-S, T&P Railroad Company Survey, City and County of Midland, Texas (Generally located on the west side of Holiday Hill Road, at the west extension of Green Tree Boulevard.) (DEVELOPMENT SERVICES)

Planning Division Manager Jim Compton gave a brief overview of the item noting approved by P&Z. common areas and major variance to throughfare plan. multi family and single family homes. asking to reduce variance from 120 feet to 80 feet on Greentree boulevard. planning and eng determine that is sufficient. Need to provide declaration of restrictive covenants. Some existing oil wells that were granted 120 foot variance. That is still in place P&Z rec approval subject to conditions A through E staff concurs with rec.

Council Member Lacy moved to approve a motion on a proposed preliminary plat of The Vineyard Addition, Section 5, being a 140.28-acre tract of land out of Section 13, Block 40, T-1-S, T&P Railroad Company Survey, City and County of Midland, Texas (Generally located on the west side of Holiday Hill Road, at the west extension of Green Tree Boulevard.) ; seconded by Council Member Sparks.

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

43. Approved a motion on a request by Evans I for approval of the preliminary plat of Sprayberry Winery Plaza on a 54.48-acre tract of land out of Section 8, Block "X", H. P. Hilliard Survey, Midland County, Texas. (DEVELOPMENT SERVICES)

Jim Compton prel plat for winery previously discussed. required city council approval no school siste for plat alrger than 25 acres. misd no need. P&Z cons march 31 . love is this plat just lr2 section or entire lr2 plus jim entire area on map. Love aspect of map looks different than map. The map is stretched. it is same. Sparks asked bout row. how much row there is 120 part of preliminary. reeived 60 foot of row which will be 120 feet total. engineering say ssufficient.

Council Member Lacy moved to approve a motion on a request by Evans I for approval of the preliminary plat of Sprayberry Winery Plaza on a 54.48-acre tract of land out of Section 8, Block "X", H. P. Hilliard Survey, Midland County, Texas.; seconded by Council Member Sparks.

Love do we nticipate midkiff connecting north to craddick highway. Jim it will go that far but it will not be an interchange.

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

44. Approved a motion making appointments to Animal Services Advisory Commission, Housing Authority Commission, Midland Football-Soccer and Baseball Complex Development Corporation, Midland-Odessa Urban Transit District Board, Planning and Zoning Commission; and consider motions appointing individuals to all other Boards and Commissions.

Council Member Lacy moved to appoint Dr. Erickson to Animal Services Advisory; John Love to Motor MPO Board to replace Mayor Morales; appoint Paul Culver to replace Carla Repman on Housing Authority; ; seconded by Council Member Hotchkiss.

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

EXECUTIVE SESSION

recess to Executive Session 12:55 p.m.

45. 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.
- b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Energy Related Properties, LLC.

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

PASSED AND APPROVED the ____ day of _____, ____.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary