

**MIDLAND CITY COUNCIL
MINUTES
June 17, 2014**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on June 17, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (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 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., June 17, 2014.

Council Members present: Mayor Jerry F. Morales, Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (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 Robert Patrick.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:01 a.m.

1. Invocation - Rev. Barbara Kirk-Norris, Holy Trinity Church
2. Pledge of Allegiance

PRESENTATIONS

Love presented Proclamation for Emancipation .

presentd to William Merrit of Lions club.

Lacy presented c. Robnett presented b.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Emancipation Proclamation Celebration Days.
 - b. Presentation of a Proclamation for Midland Christian Lady Mustang Track & Field Team Day.
 - c. Presentation of a Proclamation for Midland Christian Track And Field Team.

PUBLIC COMMENT

Jeff Birch M and M disposal, austin? with growing economy just another infrastructure stressed. landfill wiat time is getting long. offer solutions such as dual scale or another entrance. The other side hurried with all constructiona nd household waste. Guys don't have enough time to do a good job and is cuasing truck fialing because of debris.

Ryder Warren, MISD Superintendent, bring end of school year report couple weeks ago 23158 kids end of school count. plan for 3-4% growth. Moving forward Courtney did good job inf ront of chamber board talking about master plan and invite him to July school board meeting. need to partner with Council moving forward. Have very much apprciated guidance giving everyone over years. decisions about growth and how to deal with secondary school elvel. all schools done by fall of 2015. Henderson parking lot officially rebid. original numbers 4 times and still palnning on having done before christmas.

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

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 34 excluding 5a, 9, 12, 13, 14, 19, 20, 21; 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.

5. Approved a motion approving the following minutes:

- a. Regular Meeting of May 20, 2014.

Council Member Lacy moved to approve Approved a motion approving the following minutes with the amendment to #20 ; seconded by Council Member Dufford.

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

- b. Special Meeting of May 21, 2014.

6. Approved a resolution adding one special meeting on July 7, 2014 and three regular meetings on August 5, 2014, August 19, 2014 and August 25, 2014 to the City Council meetings scheduled for the 2014 calendar year. (FINANCE)

RESOLUTION NO. 2014 - 173

RESOLUTION ADDING ONE (1) SPECIAL MEETING, ON MONDAY, JULY 7, 2014, AND THREE (3) REGULAR ADDITIONAL MEETINGS, ONE ON TUESDAY, AUGUST 5, 2014, THE SECOND ON TUESDAY, AUGUST 19, 2014, AND THE THIRD ON MONDAY, AUGUST 25, 2014, TO THE CITY COUNCIL MEETINGS SCHEDULED FOR THE 2014 CALENDAR YEAR

7. Approved a resolution allowing the extension of Depository Agreement. (FINANCE)

RESOLUTION NO. 2014 - 174

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO RESOLUTION NO. 2012-148 SELECTING WELLS FARGO BANK TO PROVIDE DEPOSITORY AND OTHER BANKING SERVICES FOR THE CITY OF MIDLAND; SAID AMENDMENT WILL AUTHORIZE THE EXTENSION OF THE DEPOSITORY AGREEMENT FOR TWO YEARS PURSUANT TO SECTION XIV OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT AUTHORIZING THE EXTENSION OF THE DEPOSITORY AGREEMENT WITH WELLS FARGO BANK FOR SAID SERVICES

8. Approved a resolution authorizing the City Manager to negotiate an Audit Service Agreement. (FINANCE)

RESOLUTION NO. 2014 - 175

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KPMG LLP FOR AUDIT SERVICES FOR THE CITY OF MIDLAND, TEXAS

10. Approved a resolution awarding an annual agreement for Readymix Concrete and Caliche for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2014 - 177

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT FOR AN ANNUAL SUPPLY OF READY-MIX CONCRETE AND STABILIZED CALICHE FROM TROY VINES, INCORPORATED, OF MIDLAND, TEXAS, AT A TOTAL COST

OF \$84,285.00

11. Approved a resolution awarding an agreement for the Fairgrounds Road Widening Project for the Engineering Department; and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 178

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DUNAWAY ASSOCIATES, L.P. FOR DESIGN SURVEYING, CONSTRUCTION PLAN PREPARATION, AND CONSTRUCTION ADMINISTRATION SERVICES REQUIRED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF FAIRGROUNDS ROAD FROM EAST PECAN AVENUE TO STATE HIGHWAY LOOP 250 FRONTAGE ROAD; AND AUTHORIZING PAYMENT FOR SAID PROFESSIONAL SERVICES IN THE AMOUNT OF \$507,413.00

15. Approved a resolution approving the purchase of microwave equipment and licensing from Johnston Technical Services, Inc. through Department of Information Resources (DIR) contract DIR-SDD-2060 for a total cost of \$58,921.37 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2014 - 182

RESOLUTION APPROVING THE PURCHASE OF MICROWAVE EQUIPMENT AND LICENSING FROM JOHNSTON TECHNICAL SERVICES, INCORPORATED, OF DALLAS, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$58,921.37; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A STATE OF TEXAS COOPERATIVE PROGRAM

16. Approved a resolution authorizing the expenditure of up to \$200,000 additional dollars to fund changes to the scope of work for the Lofts project. (PURCHASING)

RESOLUTION NO. 2014 - 183

RESOLUTION APPROVING A CHANGE ORDER TO THE CONSTRUCTION AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND CARLETON CONSTRUCTION, LTD. REGARDING THE WALL STREET LOFTS PROJECT; AND APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF ADDITIONAL FUNDS IN THE AMOUNT OF \$200,000 THEREFOR

17. Approved a resolution awarding the project described as Airfield Lighting Cabling Replacement and Airfield Signage (7112) at Midland International Airport to Rural Electric, Inc., of Mesa, Arizona, and appropriate the necessary funds. (AIRPORTS)

RESOLUTION NO. 2014 - 185

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RURAL ELECTRIC, INCORPORATED OF MESA, ARIZONA, FOR THE PROJECT DESCRIBED AS AIRFIELD LIGHTING CABLING REPLACEMENT AND AIRFIELD SIGNAGE (7112) AT THE MIDLAND INTERNATIONAL AIRPORT; THE COUNCIL PREVIOUSLY AUTHORIZED ADVERTISEMENT FOR BIDS FOR THE PROJECT; THE TOTAL ESTIMATED COST OF SAID PROJECT IS \$1,466,361.00; AND APPROPRIATING FUNDS

18. Approved a resolution authorizing the appropriation of Airport bond funds in the amount of \$314,988.90 to the project described as Terminal Vehicle Parking Expansion (9019) at Midland International Airport. (AIRPORTS)

RESOLUTION NO. 2014 - 186

RESOLUTION AUTHORIZING THE APPROPRIATION OF AIRPORT BOND FUNDS IN THE AMOUNT OF \$314,988.90 TO THE PROJECT DESCRIBED AS TERMINAL VEHICLE PARKING EXPANSION AT MIDLAND INTERNATIONAL AIRPORT

22. Approved a resolution authorizing the execution of a Sports Agreement with the Boys and Girls Club of Midland, to administer programs, special events, and services related to flag football and soccer for youth ages 8 through 12 years old. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 190

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE BOYS AND GIRLS CLUB OF MIDLAND TO ADMINISTER FLAG FOOTBALL AND SOCCER PROGRAMS FOR YOUTH AGES EIGHT THROUGH TWELVE

23. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator) for a Permit to Drill an Oil & Gas Well within the City Limits, (Madden #1) located 1,050 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 191

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, LP ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,050 FEET FROM THE WEST LINE AND 1,467 FEET FROM THE SOUTH LINE, 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 COTTON FLAT ROAD, APPROXIMATELY 900 FEET NORTH OF WEST INTERSTATE HIGHWAY 20)

24. Approved a resolution approving the issuance of a 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 192

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, LP ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,173 FEET FROM THE WEST LINE AND 2,273 FEET FROM THE SOUTH LINE, 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 COTTON FLAT ROAD, APPROXIMATELY 1,700 FEET NORTH OF WEST INTERSTATE HIGHWAY 20)

25. Approved a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, L.P., regarding its applications to drill oil and gas wells (Madden #1 and Madden #2) within the City Limits, in Section 3, Block 39, T-2-S, T & P RR Co. Survey, Midland County, Texas. The Road Repair Agreement will cover Cotton Flat Road and be in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 193

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, LP REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (MADDEN WELLS) WITHIN THE CITY LIMITS IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

26. Consider a Resolution Authorizing a Utility Easement for Oncor Electric Delivery Company LLC, for the purpose of constructing, extending, maintaining, and operating an underground electric power line across City of Midland's Mockingbird Water Tower property, Block 40, Section 24, T1S, B.N. Aycock Survey, Midland County Texas (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 194

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN EASEMENT AND RIGHT OF WAY TO ONCOR ELECTRIC DELIVERY COMPANY, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, SAID EASEMENT BEING A 0.1240 ACRE TRACT OF LAND SITUATED IN SECTION 13, BLOCK 40, T-1-S, T&P RR COMPANY SURVEY, ABSTRACT NO. 247, MIDLAND COUNTY, TEXAS, SAID TRACT BEING A PART OF A 3.08 ACRE TRACT OF LAND DESCRIBED IN A DEED TO THE CITY OF MIDLAND, AS RECORDED IN VOLUME 2948, PAGE 351, DEED RECORDS OF MIDLAND COUNTY, TEXAS, SAID EASEMENT AND RIGHT OF WAY WILL ALLOW FOR THE INSTALLATION OF UNDERGROUND ELECTRIC SUPPLY AND COMMUNICATIONS LINES, CONSISTING OF A VARIABLE NUMBER OF WIRES AND CABLES, SURFACE MOUNTED EQUIPMENT, CONDUITS, MANHOLES, VAULTS, TRANSFORMERS, SWITCHES, SWITCHGEARS, AUTO-TRANSFORMERS, PROTECTION, SECTIONALIZING DEVICES, AND ALL NECESSARY OR DESIRABLE APPURTENANCES THERETO; AND ORDERING RECORDATION BY THE CITY SECRETARY

27. Approved a resolution authorizing City staff to accept a wastewater utility easement from Richard Tatsch for the purpose of constructing public wastewater utility improvements to serve the Langford Weatherred Addition Section 2. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 195

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.018-ACRE SEWER LINE EASEMENT LOCATED IN LOT 9, BLOCK 7, LANGFORD-WEATHERRED ADDITION, SECTION 2, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

28. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of \$324,116.00 with Midland Rentals LLC for the purpose of constructing public paving improvements to serve the Floyd Acres Addition; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 196

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND RENTALS, LLC FOR DEVELOPMENT OF FLOYD ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ALONG BEAL PARKWAY, SOUTH OF ANETTA DRIVE AND WEST OF BEAL PARK); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$324,116.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

29. Approved a resolution authorizing City staff to accept a Waterline Utility Easement from Cumberland & Western Resources LLC along FM 1788 north of SH 191 for the purpose of constructing public water utility improvements to serve the Covington Addition. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 197

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.3676-ACRE WATER LINE EASEMENT LOCATED IN SECTION 36, BLOCK 41, TOWNSHIP 1 SOUTH, T & P RR COMPANY SURVEY, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

30. Approved a resolution authorizing the execution of an Economic Development Agreement between the Midland Development Corporation and the City of Midland for the design of improvements to Avalon Drive; and authorizing payment therefor in an amount not to exceed \$550,000. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 198

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR IMPROVEMENTS TO AVALON DRIVE, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; AND APPROPRIATING FUNDS THEREFOR

31. Approved a resolution to apply for the FY2014 Justice Assistance Grant (JAG) Program. (POLICE)

RESOLUTION NO. 2014 - 199

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO FILE A JOINT APPLICATION WITH MIDLAND COUNTY FOR FISCAL YEAR 2014 JUSTICE ASSISTANCE GRANT FUNDS PROGRAM TOTALING \$31,422.00; AND AUTHORIZING THE EXECUTION OF AN AGREEMENT REGARDING THE DIVISION OF SAID GRANT FUNDS; THE CITY OF MIDLAND WILL RECEIVE \$18,853.00 (60%) AND MIDLAND COUNTY WILL RECEIVE \$12,569.00 (40%) OF THE GRANT FUNDS RESPECTIVELY; THIS AGREEMENT DOES NOT SUPERSEDE, MODIFY OR AMEND ANY OTHER PRIOR AGREEMENTS

32. Approved a resolution authorizing an Operating Certificate for Midessa Energy International, LLC to operate a taxicab business. (POLICE)

RESOLUTION NO. 2014 - 200

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR MIDESSA ENERGY INTERNATIONAL DBA BASIN TAXI, TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

33. Approved a resolution to accept a modification to the FY2014 grant award in the amount of \$20,000 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2014 - 201

RESOLUTION ACCEPTING A MODIFICATION TO THE FISCAL YEAR 2014 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$20,000.00; THESE FUNDS WILL BE DIRECTED TO THE FISCAL YEAR 2014 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT PROJECT 7127; AND APPROPRIATING FUNDS

34. Approved a resolution to enter in to an agreement with Midland College to accept reuse water from the City's MBR Water Reclamation Facility located at Windlands Park. (UTILITIES)

RESOLUTION NO. 2014 - 202

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND COLLEGE AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS GOVERNMENT CODE, SAID AGREEMENT WILL ALLOW MIDLAND COLLEGE TO USE THE CITY OF MIDLAND'S MEMBRANE BIO-REACTOR WATER RECLAMATION FACILITY TO RECLAIM WASTEWATER FOR USE IN THE IRRIGATION OF THE MIDLAND COLLEGE CAMPUS; SAID WATER RECLAMATION FACILITY IS APPROXIMATELY .5 ACRES LOCATED ON THE SOUTHWEST PORTION OF WINDLANDS PARK (APPROXIMATELY 1,800 FEET WEST OF "A" STREET AND 500 FEET NORTH OF VENTURA DRIVE) MIDLAND COUNTY, TEXAS; SAID RECLAIMED WATER WILL MEET ALL TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGULATORY REQUIREMENTS AND STANDARDS

9. Approved a resolution authorizing the City Manager, City Attorney, Mayor, and a City Council Member to negotiate an agreement with Pioneer Natural Resources for the Treated Wastewater Reuse Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2014 - 176

RESOLUTION AUTHORIZING THE CITY MANAGER, CITY ATTORNEY, MAYOR, AND A CITY COUNCIL MEMBER TO NEGOTIATE AN AGREEMENT WITH PIONEER NATURAL RESOURCES IN ORDER TO PURCHASE THE CITY'S WATER POLLUTION CONTROL PLANT EFFLUENT PRODUCED, WHICH IS CURRENTLY AVERAGING TEN MILLION GALLONS PER DAY; PROVIDE OPTIONS FOR THE WASTEWATER PLANT UPGRADES; DESIGN AND CONSTRUCT IMPROVEMENTS TO THE CITY'S WATER POLLUTION CONTROL PLANT AS NEEDED TO MEET

EFFLUENT QUALITY AS AGREED TO BY BOTH PARTIES, AND MEETING A MINIMUM STANDARD OF SURFACE WATER EFFLUENT DISCHARGE STANDARDS DEFINED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; THE AGREEMENT SHALL NOT BE EFFECTIVE UNTIL SAID AGREEMENT IS APPROVED BY A RESOLUTION OF THE MIDLAND CITY COUNCIL

Sparks pulled primary to get Council Member names and if had a couple of Council members to allow two instead of Mayor. If still want and allowing to say. Mayor will hold his seat and stay on committee. sparks any other Council member. Love met with Pioneer. Lacy rec Dufford. lov edef to Dufford.

Council Member Dufford moved to adopt Resolution No. 2014 - 176 with amendment with Pioneer Water Management LLC instead of Pioneer Natural Resoruces; seconded by Council Member Lacy.

Council Member Lacyadd Council Member Dufford as Council representative; 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.

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 approving plans and specifications and authorizing advertisement for bids for Water & Wastewater Improvements; which includes Midkiff Road to Horseshoe Arena Waterline Extension, Douglas Avenue and "D" Street Water & Wastewater Replacement and Alternative 36" Bores at Interstate 20 (Midkiff Road and Midland Drive) for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2014 - 179

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WATER & WASTEWATER IMPROVEMENTS PROJECT; SAID THREE-PART PROJECT INCLUDES MIDKIFF ROAD TO HORSESHOE ARENA WATERLINE EXTENSION, DOUGLAS AVENUE AND D STREET WATERLINE AND WASTEWATER LINE REPLACEMENT, AND ALTERNATIVE 36" BORES NEAR THE INTERSTATE 20 INTERSECTIONS WITH MIDKIFF ROAD AND MIDLAND DRIVE; SAID PROJECT WILL PROVIDE FOR THE INSTALLATION, REPLACEMENT, AND RELOCATION OF VARIOUS WATER AND WASTEWATER UTILITIES TO PROVIDE UTILITY SERVICE TO A LARGE PORTION OF THE CITY OF MIDLAND, ENABLE A DRAINAGE SYSTEM TO BE INSTALLED TO ADDRESS EXISTING DRAINAGE ISSUES, AND ENABLE FUTURE EXTENSIONS OF UTILITY SERVICE SOUTH OF INTERSTATE 20

Council Member Sparks moved to adopt Resolution No. 2014 - 179 with amendment project 1 midkiff rd horshe radio line. project 1a bores at midkiff and Midland project 2 is douglass avenue and D Street water and waste water.; seconded by Council Member Lacy.

Sparks pulled think this needs to be divided into 3 seperate projects and bid 3 seperated. 1 midkiff horseshoe 2 douglass avenue and d street 3) 36 inch bores

interstate 20 and Midland drive. Two projects funded by MDC one is not this keeps them separate.

Jose clarity initially went to advertise dec 2012 as midkiff involved made sense to put as part of project but added two bores it makes sense to divide. he rec'd st as one and midkiff and bores and additive or alternative and a separate bore in Midland that is all funded in one source. Mayor didn't we learn from Lamesa that bid independently that could have saved time and money by doing all together. Jose if could isolate two projects. Sparks even if kept project 3 could project 1 midkiff rd horshe radio line. project 1a bores at midkiff and Midland project 2 is douglass avenue and D Street water and waste water. (radio is arena)

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

13. Approved a resolution approving the award of a contract for Hogan Park Golf Course Renovations for the Community Services Department; and appropriating funds. (PURCHASING)

RESOLUTION NO. 2014 - 180

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH LANDSCAPES UNLIMITED, LLC, OF DALLAS, TEXAS AT A TOTAL COST OF \$1,857,126.84, PLUS MAKING AN EXTRA \$9,873.16 IN CONTINGENCY AVAILABLE FOR SAID PROJECT, FOR HOGAN PARK GOLF COURSE IMPROVEMENTS AND RENOVATIONS FOR THE COMMUNITY SERVICES DEPARTMENT; AND APPROPRIATING FUNDS

Dufford pulled for information item for community staff at hogan park to tell about project improvements at Golf Course. David Burnahm golf course superintend gregg sykes golf pro??? Excited about project too. contracting with biggest landscape golfcourse in world. when built 9 holes trend a lot of mounding. will flatten place, change grass going to hybrid bermuda grass much more tolerant to traffic and tougher. taking big bunkers into smaller bunkers. this is on road runner. reducing # of acres of turf. bring in native plants and look more natural. Mayor seeing substantial increase in use of course. Greg can't put more people on there but it will be better for players. Haven't lost any players but with traffic it's getting worse. golf course getting more wear and tear. have been letting players know construction is going on will only have 9 holes open at a time until fall when have tournament. Greg will have. David have preliminary sketch. Robert what a good driver of local non profits the golf course is. Sykes had 4 golf tour raised 90,000 to 150,000 for local charities.

Council Member Sparks moved to adopt Resolution No. 2014 - 180; seconded by Council Member Robnett.

Tommy bids came in over budget but cut things back without hindering projects.

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

14. Approved a resolution approving plans and specifications and authorizing advertisement for bids for Doug Russell Pool Renovations for the Community Services Department.

(PURCHASING)

RESOLUTION NO. 2014 - 181

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR LABOR, MATERIAL, EQUIPMENT, AND SUPERVISION NECESSARY FOR RENOVATIONS AT DOUG RUSSELL POOL

Hotchkiss asked group from Parks to come forward. In favor and want to see what is being proposed at Doug Russell Pool. Laurie Williams 2012 funds allocated by Council for equipment upgrade to Doug Russell Pool. Basic upgrade to keep operational at \$1.2 M. brought upgrades and generated another \$2M. Highlights on graphic3 bodies of water. play area, water sundeck that moves into lazy river and top is lily pad crossing area where large tubesslides drop into water. Yellow umbrella is tot splash area. everything to right is teen area. lap lane pool is 4 lanes at 9 foot and drop slide with rock scrambling wall basketball and rock wall. blue umbrella is concession and red group shelter rented out for picnic.

Council Member Hotchkiss moved to adopt Resolution No. 2014 - 181; seconded by Council Member Robnett.

will begin in July go for bid construction in September ready to go in May.

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

19. Approved a resolution approving MDC-Hospital Physician Recruitment Agreement. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 187

RESOLUTION APPROVING A REIMBURSABLE PHYSICIAN RECRUITMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND COUNTY HOSPITAL DISTRICT D/B/A MIDLAND MEMORIAL HOSPITAL TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES; SAID AGREEMENT BEING AUTHORIZED BY CHAPTERS 501 AND 504 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Love moved to adopt Resolution No. 2014 - 187 with the amendment to require physicians to accept medicare patients where applicable; seconded by Council Member Hotchkiss.

Love pulled because getting ready to spend money to bequest doctors and want to make sure new doctors accept medicare patients. trend is to not accept and that is greatest concern. If going to take taxpayer money should be requirement to accept to medicare patients.

?? don't have any problem and is a serious concern for community a welcome amendment the hospital would have no object to. the MDC supported physical recruitment 2008-2011 provided \$1M and recruited 34 physicians. Not all made it some turned out to not be good fits and moved out. Proposal on table amount of support terms 5 year and important tweaks in original deal. One is provision of stipend to

physician still in training and secure early to commitment to come back to midland.

Robnett what is trend industry is getting away from accepting medicare - medicaid is worse payer for physicians practice to be successful is desire to balance to desire amount of medicare business they will take to balance their practice. Not take unlimited but to strike balance. Medicare is poor payer. I obligation to serve medicare discourage recruitment? Do not only challenge is peditirina it will not apply. It should not harm recruitment

Hospital can audit accounts dufford did we do that last time. hosp it wasn't in contract. hosp don't think its a big deal.

sparks how do we form amendment where it makes no sense to accept medicare. sparks how do you form amendment to . Robnett does hospital provide to encourage take medicare. hosp talking about primary care those folks are most likely going to be employed of hospital support in that setting we require it it is non issue will happen whether you require it or not. medicare is fastest payer just don't pay very much. Robnett how many doctors expect to recruit and maintain put limit of 120,000 per doc given structure of agreement not likely to spend all of that per physical couple M over 5 years probably 6-8 doctors a year could be 30-40 physicians getting some subsideize. Dufford will relay on expertise and can recruit without tying hand then okay but hate to put caveats on putting. can't justify not serving the population. Robnett is motion redundant if hospital already requires it. It's your motion and your money. sparks how we carve it out and glad going to do it anyway. We complicate the legal part by having and need list of everybody wouldn't apply to or limit only primary care physicians. Morales hear preference Love one more thing don't think it is redundant asking Meyers and hospital to do something but making decision from City of Midland and MDC as to what doing with money. asking for amendment and no rely on to execute accordingly. would like to see amendment. How can require a business to do something we do it all the time especially when giving tax payer money. Hotchkiss using program at time they do not pay it is ridiculous amount physicians are paid really uncomfortable with changing motion, if it actually does not change the ability to recruit and if hospital is already accustomed to dealing it then appropriate to add.

Dufford Russell Meyer will rely on you. didn't do it in last agreement and have young doctors and

Dufford do we sign kids up when go in residency give stipend 4-5 years of residency. Meyer historically no but residency training 3-5+ years. Very early commitment to ask young person to make. generally in last year or last two years.

sparks wherever says relocation change to relocation and signing bonuses.

Mayor asked Robert Rendall if any issues. Rendall bonus language was in it it was 2-1 vote personally in support.

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

Keith max of \$120,000 per physician but for any year. Hotchkiss clarified that proportionate amount do not specify percentage.

Council Member Dufford moved to adopt Resolution No. 2014 - 187 with amendment to change 1a 1b and paragraph 3 of section 3 to include and/or signing bonuses; seconded by Council Member Robnett.

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

20. Approved a resolution approving the establishment of the "Not in My Town" Charitable Contributions Project. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 188

RESOLUTION APPROVING THE ESTABLISHMENT OF THE "NOT IN MY TOWN" CHARITABLE CONTRIBUTIONS PROJECT FOR THE PURPOSE OF AN ANTI-LITTER CAMPAIGN; AUTHORIZING THE CITY MANAGER TO ACCEPT CHARITABLE CONTRIBUTIONS INTO AND MAKE EXPENDITURES FROM SAID CHARITABLE CONTRIBUTIONS PROJECT; AND ESTABLISHING GUIDELINES FOR THE ACCEPTANCE OF CONTRIBUTIONS INTO AND THE EXPENDITURE OF FUNDS FROM SAID CHARITABLE CONTRIBUTIONS PROJECT

Hotchkiss pulled excited about results and wanted to compliment mayor and sara for hard work exciting kick off and got good press thanked to everyone for supporting a values centered push for city. sara everyone presence is huge show of support. Mayor have to get County and City in put and everyone has to take ownership. encourage everyone to visit literfree.midland.com

Council Member Hotchkiss moved to adopt Resolution No. 2014 - 188; seconded by Council Member Lacy.

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

21. Approved a resolution appointing John B. Love, III, City Council Member District 2, as the City of Midland Representative on the Midland-Odessa Transportation Organization ("MOTOR") Policy Board (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2014 - 189

resolution appointing John B. Love, III, City Council Member District 2, as the City of Midland representative on the Midland-Odessa Transportation Organization ("MOTOR") Policy Board.

Love pulled to abstain.

Council Member Dufford moved to adopt Resolution No. 2014 - 189; seconded by Council Member Lacy.

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

SECOND READINGS

35. Consider an on second reading 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 SEPTEMBER 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

John Ohnemiller been discussed couple of times perviously.

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

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9274 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.

36. Consider an ordinance on second reading on a request by Los Conchos Ventures, LLC for a zone change from TH, Townhouse District to a PD, Planned District for a Housing Development on all of Blocks 20 and 21, Greathouse Addition, Section 7, City and County of Midland, Texas. (Generally located on the east side of Deer Run Avenue, approximately 650 feet north of Hilltop Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9277

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCKS 20 AND 21, GREATHOUSE ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED TH, TOWNHOUSE DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF DEER RUN AVENUE, APPROXIMATELY 650 FEET NORTH OF HILLTOP DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT 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. 9277.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9277 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

37. Consider an ordinance on second reading on a request by 8086, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Lounge or Nightclub, on a 14,292 square foot portion of Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Holiday Hill Road and League Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9278

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 14,292 SQUARE FOOT PORTION OF LOT 1, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF HOLIDAY HILL ROAD AND LEAGUE DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE OR NIGHTCLUB 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. 9278.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9278 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.

38. Consider an ordinance on second reading on a request by The Olive Boat dba Bill's Bistro for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Restaurant, on a 3,054 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of W. Loop 250 North and N. Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9279

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,054 SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9279.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9279 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

39. Consider an ordinance on second reading amending Title XIII, "Airports", Chapter 5, "Prohibited and Regulated Parking Zones", of the City Code of the City of Midland, Texas, to establish new rates or fares for the public parking areas at Midland International Airport. (AIRPORTS)

ORDINANCE NO. 9281

AN ORDINANCE AMENDING TITLE XIII, "AIRPORTS", CHAPTER 5, "PROHIBITED AND REGULATED PARKING ZONES", SECTION 5, "PUBLIC PARKING CHARGES", OF THE CITY CODE OF MIDLAND, TEXAS; ESTABLISHING NEW RATES OR FARES FOR THE PUBLIC PARKING AREAS AT THE MIDLAND INTERNATIONAL AIRPORT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9281.

Council Member Love moved to approve the second and final reading of Ordinance No. 9281 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

PUBLIC HEARINGS

40. At approximately 10:30 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 101D) located 320 feet from the north line and 1,160 feet from the west line located in Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,160 feet east of Big Spring Street.) 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 been to O78g on nside of 349 oil ??? 11L21, no loj at this time. will be using larger reserve pit.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only. No further action was taken.

41. At approximately 10:33 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 102D) located 320 feet from the north line and 1,210 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,210 feet east of Big Spring Street) 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 exact same situationnothing different share same well site.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only. No further action was taken.

42. At approximately 10:36 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans K 1) located 1,954 feet from south line and 1,974 feet from west line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,974 feet east of Midland Drive.) 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 north of mockingbird similar situation two wells on same site. few years ago a well permitted bu trnever drilled. will be using sound barrier walls. O&G comm noted asking for variance and denied for landscaping. Mayor sound walls effective. rfon no compliants. two letters of objection. sparks how far from houses. Ron right at 500 feet don't need variance.

Mayor Morales opened the public hearing at 11:25 a.m.

Tommy Taylor 4100 Timberglend Circle, doing same kind of development in hisneighborhood. this well and next one are 30 feet about assuming will complete wells as others directional will have instrnaces with pulling unit there more frequently than if verticle. fact with two wells quite a bit of activitiy. blue stem is now rio oil and gas and underst?? 11:26 since two wells council consider require to put up permanent fence

around whole site. Know a lot of people asked not put fence up until neighborhood developed feels like in neighborhood. BleuStem Rio does a great job sound walls are great. Don't have problem but encourage to think about fence.

There being no one else wishing to speak, the public hearing was closed at 11:27 a.m. This was a public hearing only. No further action was taken.

43. At approximately 10:39 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans L 1) located 1,954 feet from south line and 1,944 feet from west line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,944 feet east of Midland Drive.) 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 same pad sound barrier walls this one received one letter of objection well too close to home and subdivision.

Mayor Morales opened the public hearing at 11:28 a.m.

Tommy Taylor same thing two wells together. Ron Mr. Taylor is wanting more of a sound wall rather than a regular fence. Asking for permanent fence like required by ordinance. there will be a lot of drilling units. Ron they are meeting minimum standards if subdivision comes in within two years currently chain link with slats it goes around pumping unit but not around ?? 11:29 a.m. difference is when put neighborhood in will have fence sup and people will know hwat it looks like.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m. This was a public hearing only. No further action was taken.

44. 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 No. 104D) located 2,416 feet from the north line and 1,472 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,472 feet east of State Highway 349.) 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 four wells on same pad. surface owner agreed to location and signed off. variance needed extreme large pit. no loj.

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. This was a public hearing only. No further action was taken.

45. 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. 105H) located 2,416 feet from the north line and 1,522 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City

and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,522 feet east of State Highway 349.) 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 exact same situation 4 wells same pad no change.

Mayor Morales opened the public hearing at 11:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only. No further action was taken.

46. 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, (Isbell Hz Unit No. 106H) located 2,416 feet from the north line and 1,572 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,572 feet east of State Highway 349.) 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 exact same situation this well in middle.

Mayor Morales opened the public hearing at 11:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only. No further action was taken.

47. 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, (Isbell No. 107D) located 2,416 feet from the north line and 1,622 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,622 feet east of State Highway 349.) 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 exact same situation last of the four.

Mayor Morales opened the public hearing at 11:34 a.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only. No further action was taken.

48. At approximately 10:54 A.M. hold a public hearing regarding a proposed oil and gas permit to Rust Oil Corporation (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Smith Hughes "9" No. 2) located 200 feet from the east line and 2,350 feet from the south line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 200 feet west of the extension of North Garfield Street.) 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 located across Middle bible church on Midland listen 11:34 no loj no variances.

Mayor Morales opened the public hearing at 11:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only. No further action was taken.

49. At approximately 10:57 A.M. hold a public hearing and consider an ordinance on a request by Denison Development & Construction for a zone change from PD, Planned District for a Shopping Center to PD, Planned District for a Housing Development on Lots 1 and 2, Block 162 and the south 378 feet of Lot 1, Block 163, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the northeast of the intersection of South Loop 250 West and Leisure Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9282

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1 AND 2, BLOCK 162, AND THE SOUTH 378 FEET OF LOT 1, BLOCK 163, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT FOR MULTIPLE-FAMILY HOUSING (GENERALLY LOCATED ON THE NORTHEAST SIDE OF THE INTERSECTION OF SOUTH LOOP 250 WEST AND LEISURE 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

Development Services Director Chuck Harrington gave a brief overview of the item noting recall several months ago had ?? here talking about program 11:36 this is next step have identified property so can move ahead with development, 9 bldgs 1?? units. 1?? parking spaces exceeding city landscape plan and in vie wof those issues and staff rec approval of zone change. Love they got points they needed. Lacy will know next month. Harrington scheduled next July. Harrington went on line to look at some of the objections. Mayor next year differnet criteria.

Mayor Morales opened the public hearing at 11:37 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9282.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9282 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.

50. At approximately 11:00 A.M. hold a public hearing and consider an ordinance on a request by D. R. Horton, Texas, Ltd. for a zone change from 1F-2, One-Family Dwelling District to a 1F-3, One-Family Dwelling District on Block 9, Lots 1A through 14A, Block 10, Lots 7 through 22, Block 11, Lots 7 through 10, Block 12, Lots 7 through 10, Adobe

Meadows, Section 6, City and County of Midland, Texas. (Generally located on the intersection of East San Francisco Avenue and Baca Street, 350 feet east of Magellan Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9283

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1A-14A, BLOCK 9, LOTS 7-22, BLOCK 10, LOTS 7-10, BLOCK 11, AND LOTS 7-10, BLOCK 12, ADOBE MEADOWS ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE INTERSECTION OF EAST SAN FRANCISCO AVENUE AND BACA STREET, APPROXIMATELY 350 FEET EAST OF MAGELLAN 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

Development Services Director Chuck Harrington gave a brief overview of the item noting this app from D>R> horton who has existing subdivison that has been approved. bought additional land and want to continue existing development with new land. has gone through p7z and rec approval. staff rec approval as well.

Mayor Morales opened the public hearing at 11:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9283.

Council Member Love moved approval of the first of two readings of Ordinance No. 9283 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks D.R. Horton talked to him and showed what doing and in support of it. I want to make sure everybody understands these large 1F3 that is continually 1F3 this council doesn't want to see anymore. if start attached some more land onto it don't want to see 1F3. chuck don't anticipate that and not in support of big developments like. Mayor clarified that is not opinion of Council. sparks only talking on his behalf. Chuck will take to P&Z and deve ?? 11:42. Love are you saying against 1F3 in this subdivision in your district or entire city of midland. Sparks in this subdivison if we get too many houses in one place without anything else there don't like it ultimately fits in city. it changes what midland has always been where mix of houses and other open spaces. will say has hoa and open spaces in this subdivison.

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

51. At approximately 11:06 A.M. hold a public hearing and consider an ordinance on a request by Real Property Resources / Lone Star Trails for zone change from PD, Planned District for an Housing Development District to an Amended Planned District on a 302.19-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 on the east side of State

Highway 349, approximately 840 feet north of Arapahoe Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9284

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 WHICH SHALL COMPLY WITH CITY OF MIDLAND ORDINANCE NO. 9223 AND A REVISED SITE PLAN (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, APPROXIMATELY 840 FEET NORTH OF ARAPAHOE ROAD); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT 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

Development Services Director Chuck Harrington gave a brief overview of the item noting this is Lone Star Trails subdivision approved 2-3 months ago. Zone change and plat tied together any changes need to come back before Council. Finished drainage study and need more drainage requires removal of 12 lots and moved on street further to east so intersected better. Engineer reviewed and in favor of changes street and staff in favor of drainage.

Mayor Morales?????? opened the public hearing at 11:47 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9284.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9284 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

- a. Approved a motion of a proposed preliminary plat of Lone Star Trails, being a 318.02-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of State Hwy 349, approximately 840 feet north of Arapahoe Road.)

Council Member Love moved to approve a motion of a proposed preliminary plat of Lone Star Trails, being a 318.02-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of State Hwy 349, approximately 840 feet north of Arapahoe Road.); 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.

52. At approximately 11:09 A.M. hold a public hearing and consider an ordinance on a request by Oilfield Fishing Rental, LLC for the vacation of the public right-of-way, a 20 foot alley out of the unrecorded Carol Crest Addition, Section 1, Block 39, T-2-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the east side of Henderson Boulevard 200 feet south of Garden City Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9285

AN ORDINANCE VACATING AND ABANDONING A 0.09-ACRE PORTION OF ALLEY RIGHT-OF-WAY OUT OF THE UNRECORDED CAROL CREST ADDITION, SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HENDERSON BOULEVARD, APPROXIMATELY 200 FEET SOUTH OF GARDEN CITY HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,477.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director Chuck Harrington gave a brief overview of the item noting request is by land owner who has property on either side of alley. proposing to redevelop and build across lines. must abandon alley, it is an unused portion. value 2740\$.

Mayor Morales opened the public hearing at 11:50 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9285.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9285 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.

- a. Approved a motion on a request by West Company of Midland Inc., for the Overstreet Addition Section 9 to approve items requested for deferral, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located at the southeast corner of Henderson Boulevard and Garden City Highway.

Assistant City Engineer Jeff Cohen plat triggers infrastructure. water, paving in place agreed to provide 2 inch overlay. sewer not there it would run through alley. there is no sewer there now. closest sewer is about 1/4 mile away. they have requested to not put in a sewer and discount value across their frontage would be 29,000. Staff ther eis no way to get sewer to them rec is to defer.

Council Member Love moved to approve a motion on a request by West Company of Midland Inc., for the Overstreet Addition Section 9 to approve items requested for deferral, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located at the southeast corner of Henderson Boulevard and Garden City Highway.; 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.

53. At approximately 11:12 A.M. hold a public hearing and consider an ordinance for the annexation of a 16.90-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9286

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 16.90-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WRIGHT DRIVE AND LOOP 40); AND APPROVING A PUBLIC SERVICE PLAN

Development Services Director Chuck Harrington gave a brief overview of the item noting this is final hearing and annexation of property. Request made by property owners to connect to utilities. staf rec approval.

Mayor Morales opened the public hearing at 11:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9286.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9286 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

54. At approximately 11:15 A.M. hold a public hearing and consider an ordinance on a request by Younger Partners, Ltd. on an initial zoning for a 5.47-acre tract of land to LR-2, Local Retail District and an 11.43-acre tract of land to IP-2, Industrial Park District, on a 16.90-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9287

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 5.47-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR-2, LOCAL RETAIL DISTRICT; ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING AN 11.43-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN IP-2, INDUSTRIAL PARK DISTRICT; SAID TRACTS ARE GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WRIGHT DRIVE AND LOOP 40; 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

Development Services Director Chuck Harrington gave a brief overview of the item noting this is follow up to previous item when annex try to place zoning. this is zoning requested by app it is in compliance and staf rec approval.

Mayor Morales opened the public hearing at 11:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9287.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9287 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love we're approving that section. do we hve any idea of what other annex is going to be. there is 2 parcels one is 5.4 Love nevermind.

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

MISCELLANEOUS

55. Approved a resolution approving a contract for the Utility Extension Program for the Engineering Department; and appropriate funds. (PURCHASING)

RESOLUTION NO. 2014 - 203

RESOLUTION AWARDING A CONTRACT FOR THE UTILITY EXTENSION PROGRAM PROJECT TO TEC EXCAVATION, INC., OF MIDLAND, TEXAS, AT A TOTAL COST OF \$750,000.00; AND APPROPRIATING FUNDS

Engineering Services Director Jose Ortiz gave a brief overview of item noting contract had some discrepancy in language and wanted to make sure had revised. rep from TEC here to verify okay with changes. when contract set up have lump sum it should hav eready not going to exceed R750,000 don't see that happen want to make surethose changes are made prior to going out to bid.

clark understood.

Council Member Sparks moved to adopt Resolution No. 2014 - 203 with amendment to change language of contract to not to exceed \$750,000; 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.

56. Approved a resolution approving a contract for the Water, Wastewater and Fire Hydrant Taps Program for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2014 - 204

RESOLUTION AWARDED A CONTRACT FOR THE WATER, WASTEWATER AND FIRE HYDRANT TAPS PROJECT TO TEC EXCAVATION, INC., OF MIDLAND, TEXAS, AT A TOTAL COST OF \$500,000.00; TEC EXCAVATION, INC. BEING THE LOWEST MOST RESPONSIBLE BIDDER; ENTRENCH, INC. BEING THE LOWEST BIDDER; ENTRENCH, INC. HAVING BEEN GIVEN NOTICE OF THE PROPOSED AWARD AND AN OPPORTUNITY TO APPEAR BEFORE THE GOVERNING BODY OF THE CITY OF MIDLAND, TEXAS, AND PRESENT EVIDENCE CONCERNING ENTRENCH, INC.'S RESPONSIBILITY IN ACCORDANCE WITH TEX. LOC. GOV'T CODE SEC. 271.027(B); AND AUTHORIZING PAYMENT

Jose Ortiz 2 parter first part funding same scenario as previous. language should have state not to exceed \$500,000. rec making revision tec here and verify okay with that. Love concern with wording of bidding and actually little bit of conversation as to whether reject all bidders and sit with TEC and entrench. spoke with president of entrench concern with him being low bidder and his company being passed over for TEC. Mr. Habanero visit with City Staff found him not satisfy with why his bid was rejected. He said staff indicated there was little things he did and wanted to have opportunity to address those little things and have opportunity to win this bid. rep in audience. Jose this was very difficult decision not made lightly. We need help in Midland and need all resources we can use. part of problem used in past there were glitches in new project some things city needed to modify to improve our system but also had concern with their performance throughout entire process. staff rec go with apparent second low bidder. Talked to staff, maintenance folks and wanted to find out what up against. Every individual has concern with performance for various reason. will go into if necessary. Want to retain relationship but this particular project need to look at best contractor vs low bid contractor. Love just for comment of Council to know regardless of what decide today have agreed to meet with Mr. Caballero and Mr. Ortiz to find out where the disconnect is. He is at a loss as to what those things are. Some were Midland fault some his fault. Robnett Robnett safety, workmanship concerns (Caballero) when get in discussion last time was two years ago. What really stuck with me was safety concerns over previous work. Love Mr. Caballero agreed those took place and they were his fault. Robnett there might have been discussion with various inventory because of his size. there is disagreement over whose fault some of these were. What understand from his point is there is some things contractor should have in stock that weren't fulfilled. Love Mr. Caballero is challenging for him as small operator difficult for him to have those types of things in inventory. Love reason doing this is want to make sure bidding process is open honest and fair. want to lay everything out on table. Robnett left in good terms with Mr. Caballero. Jose concur with Love very committed to resolving these items and maintain professional working relationship with Entrench but this project is probably not best. ;pve rec ref for entrench.

Freddie Montes manager of Entrench at point when got first tapping project understood most lines 8 and under. Problem had with saddles not available were 8-10 inch lines. most lines were iron in process which requires different type of saddle. that was put in place in specs. those issues resolved easily. safety issues there is inspector on at all times from city. if addressed we would have corrected it. Didn't see anything that unsafe. another issue they said was keeping stuff in stock. if you can imagine the different sizes of lines and taps you can't inventory from 16" on every size. it's impossible would have to have supplier right there carrying that stuff. Sure TEC can vouch for that don't have everything on hand all the time. Sure TEC does excellent

work. everyone runs into problem important to address and correct and move on. Did not have issues with craftsmanship. Everything under warranty and haven't gotten any calls. Robert Patrick there was gas main tapped instead of a water main and after hours a back hoe running into a trench that could have been safety concern. The larger contractors have contracts with asphalt providers which smaller contractors can't. They put base in there which is fine unless it rains. They were making hot mix and some trenches left uncovered for 2-3 weeks. Larger contractors have covered same day. Freddie gas main that was tapped was marked by the City of Midland. If any erosion happens we can go back and fill up. Robert Patrick the contract requires you to mark utilities. 12:13. Morales current work with City. Freddie only with private contractors. Stuff like this discourages us from bidding process. If we stop bidding it will only be TEC. Did lose other project fair and square but feel treated unfair.

Mayor asked Love to sit down with Entrench. Love would like to see if City Attorney has comments. Keith looks like low bidder and council consider awarding to non low bidder. There is procedural and given low bidder opportunity to appear which you have. Standard of review is not subjective but objective so if feel that objectively looked at as independent third party then free to bid to non low bidder. If decision is 12:15 court give deference to City Council. basically council call. if enough info produced and comfortable with it. you can defer, reject all bids for approve.

Mayor don't want to begin to think that I can judge workmanship so it is in his opinion to rely on staff to ensure getting quality work and protecting citizens. Believe Mr. Ortiz doing great job and his objection has value. Dufford echo that sentiment as well. One thing asked if any impropriety or favoritism and he said not in any way shape or form. So I have to side with staff but the guys that are on the ground making decision as well. go with rec of staff this time.

Council Member Sparks moved to adopt Resolution No. 2014 - 204 with amendment of not to exceed \$500,000; seconded by Council Member Dufford.

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

57. 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

Development Services Director Chuck Harrington gave a brief overview of the item noting Council deferred to offer Mayor opportunity to see if issues can be worked out. Had that meeting and have gotten applicant agreed to put masonry fence on entire length of property line. Secondly did not want to put alley in but put lots with additional 20 feet of alley. Deed restrictions and items took care of things minimum of 1F3 lots is 2000 square feet and go up to 2200 is min lot size on lots. Given city additional row along Stonebridge for bike path and Stonebridge will eventually be a continuous roadway all the way through to Loop 250 which offer another arterial large collector. They have agreed that any front loaded garages will set back 22 feet. Included a letter of joint property owner of alleyway and support of development 12:22. A lot of concerns all larger than 1F3 and a lot in 6-7000 sq foot range and some larger.

Sparks addressed concern of butting up against industrial. Prefer it not be right up but 20 foot and fence addresses concern. Looking at subdivision always thought more of Midland type subdivision than what been given, mixture of different sizes. Didn't like where it was but appreciate spent time and addressed concern of being too close. Dufford agreed and added one more thing that traffic will be more of an issue. In light of that they've mitigated pouring more traffic and more cars out on Big Spring. Most traffic will go on Stone Bridge and access out on loop. Like layout, plan diversity and mix. Think they've done it right.

Robert Rendall in case in questions have fact sheet appreciate Council working with them.

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

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9272 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Dufford one thing is fact that all of those 8 foot masonry fence and HOA stipulations are not in order now can put in now or wait until second reading and incorporate. Keith work with Mr. Rendall to ensure and have ready for second reading. Rendall okay.

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

58. Consider an ordinance on a request by Vineyard Reserve, LLC. c/o Buck Benson #1 for the vacation of the 0.017-acre public right-of-way out of Sandstone Drive, Block 1, Vineyard Addition, Section 3, City and County of Midland, Texas. (Generally located on the west side of Sandstone Drive, approximately 1900-feet north of Sherwood Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9288

AN ORDINANCE VACATING AND ABANDONING A 0.017-ACRE PORTION OF SANDSTONE DRIVE RIGHT-OF-WAY ADJACENT TO BLOCK 1, VINEYARD ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY

LOCATED ON THE WEST SIDE OF SANDSTONE DRIVE, APPROXIMATELY 1,900 FEET NORTH OF SHERWOOD DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$46.31; AND ORDERING RECORDATION BY THE CITY SECRETARY

Development Services Director Chuck Harrington gave a brief overview of the item noting one of those rare occurrences where lay out general play and dedicate future streets. They want to purchase back row along Sandstone that initially made for those cutouts. Value is \$46.31. staf rec approval of request.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9288.

Council Member Love moved approval of the first of two readings of Ordinance No. 9288 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.

59. Consider an ordinance on a request by Vineyard Reserve, LLC. c/o Buck Benson #2 for the vacation of the 0.016-acre public right-of-way out of Sandstone Drive, Block 1, Vineyard Addition, Section 3, City and County of Midland, Texas. (Generally located on the west side of Sandstone Drive, approximately 1100-feet north of Sherwood Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9289

AN ORDINANCE VACATING AND ABANDONING A 0.016-ACRE PORTION OF SANDSTONE DRIVE RIGHT-OF-WAY ADJACENT TO BLOCK 1, VINEYARD ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SANDSTONE DRIVE, APPROXIMATELY 1,100 FEET NORTH OF SHERWOOD DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$43.58; AND ORDERING RECORDATION BY THE CITY SECRETARY

chuck this is ditto to other.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9289.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9289 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.

60. Consider an ordinance vacating and abandoning a 20 foot alley located in Block 30, Original Town Addition and Homestead Addition, City and County of Midland, Texas (generally located east of Carrizo Street and between West Ohio Avenue and West Illinois Avenue); Adopting the appraisal by the City Manager of \$12,000.00; Authorizing the execution of a Quitclaim Deed; Authorizing the execution of a Utility Relocation Agreement; Authorizing the execution of of a revocation of a portion of a Joint Alley Use License Agreement; and Ordering Recordation by the City Secretary. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9290

AN ORDINANCE VACATING AND ABANDONING A 20-FOOT ALLEY LOCATED IN BLOCK 30, ORIGINAL TOWN ADDITION AND HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED EAST OF CARRIZO STREET, BETWEEN WEST OHIO AVENUE AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,000.00; AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED WITH COG REALTY LLC, A TEXAS LIMITED LIABILITY COMPANY AUTHORIZING THE EXECUTION OF A UTILITY RELOCATION AGREEMENT; AUTHORIZING THE EXECUTION OF A REVOCATION OF A PORTION OF JOINT ALLEY USE LICENSE AGREEMENT; AND THE ORIGINAL LICENSE AGREEMENT WAS DATED JANUARY 25, 1983 AND FILED FOR RECORD UNDER VOLUME 720, PAGE 465 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS AND ORDERING RECORDATION BY THE CITY SECRETARY

Chuck Harrington request on behalf of Concho Resources, redev entire Campus and need to close of alley. some utilities in there. they have agreed to relocate at their expense including dry utilities. all utility companies in favor. value of this \$12,000 rec approval of this ord. Love is this one that notes that Oncor had objection at first in regard to pole would you detail. Harrington always question that come up and force applicants to work through and that is why relocation. no remaining objections.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9290.

Council Member Love moved approval of the first of two readings of Ordinance No. 9290 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.

61. Consider an ordinance on a request by Duke Edwards for the vacation of the 0.031-acre portion of West Louisiana Avenue adjacent to Lot 5, Block 29, Homestead Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of North Big Spring Street and West Louisiana Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9291

AN ORDINANCE VACATING AND ABANDONING A 0.031-ACRE PORTION OF WEST LOUISIANA AVENUE RIGHT-OF-WAY ADJACENT TO LOT 5, BLOCK 29, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST LOUISIANA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$4,056.01; AND ORDERING RECORDATION BY THE CITY SECRETARY

Chuck Harrington width of LA in particular section wider than blocks to east. requesting abandon that portion to receive his property for retail uses. there have been no objection other than Oncor. they had ?? they agreed to locate. amount of value 4056.01 would rec approval of this on condition of ?? 12:34.

Love that's little strip m-lal wher esubway it. what seen propsoed is take down and redo whoel site. Morales what happens when put in new infrastructure with aging infrastrucure. Chuck hop eit works typically watch closely to ensure no problems. Mayor doesn't go back on company down a block if busts because of pressure. chuck couldn't prove one wya or the other.

Love clarity on staff vlaue of land is \$130k,00 per sq foot. Robert Patrick should be sq acre.

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9291.

Council Member Love moved approval of the first of two readings of Ordinance No. 9291 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.

62. Approved a resolution approving the purchase of property legally described as Acres: 5.221, E/2 of Section 37, Block 40, T1S, Midland County, Texas. (PURCHASING)

RESOLUTION NO. 2014 - 205

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE PROPERTY LEGALLY DESCRIBED AS A 5.221 ACRE TRACT OF LAND, E/2 OF SECTION 37, BLOCK 40, T-1-S MIDLAND COUNTY, TEXAS, FOR FUTURE FIRE STATION NUMBER SIX; AUTHORIZING THE NEGOTIATION, EXECUTION AND FILING OF ALL DOCUMENTS NECESSARY FOR THE PURCHASE OF SAID PROPERTY; SAID FUNDS NOT TO EXCEED THE AMOUNT OF \$400,000.00 INCLUDING CLOSING COST; AND AUTHORIZING PAYMENT THEREFOR

will address after executive.

reconvened meeting at 2:39 p.m. with all Council members present.

Council Member Love moved to adopt Resolution No. 2014 - 205; 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.

63. Approved a motion granting a variance on a request from Bill Stovall regarding his residence at 5611 Camden, Midland, Texas, 79707. The variance relates to emergency egress from the residence.

chuck harrington applicant withdrew.

64. Approved a motion on a proposed final plat of Westridge Park Addition, Section 30, being a replat of Lot 1, Block 3, Westridge Park Addition, Section 23, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Griffith

Drive and Deauville Boulevard. (DEVELOPMENT SERVICES)

chuck Harrington these item that could have been handled admin but brought o Council for confirmation. property located on Deauville is propsoed large office development. wanting to divide and all properties cross access. no new utilities, roadways, row or dedication 12:38. Lacy spoke with developer they are okay.

Council Member Lacy moved to approve a motion on a proposed final plat of Westridge Park Addition, Section 30, being a replat of Lot 1, Block 3, Westridge Park Addition, Section 23, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Griffith Drive and Deauville Boulevard.; 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.

65. Approved a motion making appointments to Building Codes Review Committee, Midland Football-Soccer and Baseball Complex Development Corporation, Midland-Odessa Urban Transit District Board, Permian Basin Community Cernter, Planning and Zoning Commission; and consider motions appointing individuals to all other Boards and Commissions.

Janet pritchard to community center/ Hotchkiss/Love 7-0

EXECUTIVE SESSION

recess to executive at 12:43. noting Council will return no sooner than 2:30 p.m.

adjourn at 2:40 p.m.

66. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.072 Deliberation Regarding Real Property.
 - a.1. Discuss the, exchange lease or value of real property described as Block 50, Original Town Addition, Midland, Midland County, Texas.
 - a.2. Discuss the purchase, lease or value of real property described as approximately 5.221 acres located in the east half of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas.
 - a.3. Discuss the lease and value of real property and improvements described as the North, East and South General Aviation Lease Areas at the Midland International Airport.
 - a.4. 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.

b. Section 551.071, Consultation with the City Attorney

- b.1. Discuss with the City Attorney contemplated litigation and legal issues involved in and related to litigation styled Catherine Stouffer, et al. v. Union Pacific Railroad Company and Smith Industries, Inc., in the 441 st Judicial District Court in Midland County, Texas, Cause No. CV-50285; and in the Supreme Court of Texas, Cause No. 14-0133, on appeal from Cause No. 05-13-01224-CV, Fifth District Court of Appeals, Dallas, Texas, and the 116th Judicial District Court in Dallas County, Texas, Cause No. DC-12-15024-F.
- b.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
- b.3. Discuss Section 36.121 of the Texas Water Code.

c. Section 551.087, Deliberation Regarding Economic Development Negotiations

- c.1. Discuss business prospects that the City of Midland seeks to have locate, stay, or expand in or near the City of Midland, Texas and discuss possible incentives. The Council will discuss a proposed economic development agreement with Energy Related Properties, LLC.

d. Section 551.074 Personnel Matters

- d.1. Discuss appointments to the Planning and Zoning Commission.

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