

**MIDLAND CITY COUNCIL
MINUTES
July 24, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on July 24, 2018.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Steve Henry, Fire Chief Chuck Blumenauer, Utilities Director Laura Wilson, Administrative Services Director __, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Elana Ladd.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 24, 2018.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at ___ a.m.

OPENING ITEMS

cto 10:01 a.m.

1. Invocation - Reverend Roy Smith, True Lite Christian Fellowship
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

- a. Regular Meeting of July 9, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

- b. Regular Meeting of July 10, 2018

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

5. Approved a resolution appropriating the sum of \$525,000 to Hwy 349. (FINANCE)

RESOLUTION NO. 2018 - 254

RESOLUTION APPROPRIATING THE SUM OF \$525,000.00 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE ACCOUNT (35650) TO THE HWY 349 FROM 250 LOOP TO MARTIN CO PROJECT (900234), SAID SUM HAVING BEEN CONTRIBUTED TO THE CITY BY THE MIDLAND DEVELOPMENT CORPORATION

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

6. Approved a resolution approving and authorizing changes to the City of Midland bank accounts. (FINANCE)

RESOLUTION NO. 2018 - 255
RESOLUTION AUTHORIZING NEW SIGNATORIES TO AND REMOVING CERTAIN
SIGNATORIES FROM CITY OF MIDLAND BANK ACCOUNTS

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

7. Approved a resolution approving the sole source purchase of Intelight MaxView Management System software from Texas Highway Products, Ltd of Round Rock, Texas for a total cost of \$122,250.00 for the Traffic Operations. (PURCHASING)

RESOLUTION NO. 2018 - 256
RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF INTELIGHT
MAXVIEW TRAFFIC MANAGEMENT SYSTEM SOFTWARE FOR THE TRAFFIC
OPERATIONS DIVISION FROM TEXAS HIGHWAY PRODUCTS, LTD. OF ROUND
ROCK, TEXAS, AT A TOTAL COST OF \$122,250.00; AUTHORIZING THE
EXECUTION OF A LICENSE AGREEMENT THEREFOR; AND AUTHORIZING
PAYMENT THEREFOR

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

8. Approved a resolution authorizing an intergovernmental cooperative purchasing agreement with National Intergovernmental Purchasing Alliance Company ("National IPA") for the Purchasing Division. (PURCHASING)

RESOLUTION NO. 2018 - 257
RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER
INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH
NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE COMPANY; SAID
AGREEMENT PROVIDING FOR THE CITY OF MIDLAND'S PARTICIPATION IN A
PURCHASING COOPERATIVE IN ACCORDANCE WITH TEXAS LOCAL
GOVERNMENT CODE § 271.102

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

9. Approved a resolution awarding a contract to Consolidated Traffic Controls, Inc. for the purchase and installation of Opticom Traffic Control Equipment through the Houston-Galveston Area Council (H-GAC) for a total cost of \$829,091.50 for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2018 - 258

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CONSOLIDATED TRAFFIC CONTROLS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL, FOR THE PURCHASE AND INSTALLATION OF OPTICOM TRAFFIC CONTROL EQUIPMENT AT A TOTAL COST NOT TO EXCEED \$829,091.50; AND AUTHORIZING PAYMENT THEREFOR

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

10. Approved a resolution creating the Royalty Allocation Advisory Board and establishing duties, qualifications, terms of office, methods for filling vacancies, and related organizational matters. (CITY ATTORNEY'S OFFICE)

Robnett pulled for intent that led to palc eon agenda. Open up for discussion when talk about different form sof rev that city receives property, sales, enterprise , never line item that could make such impact outside of normal revenue stream (outside aireport) intent behind board encourage structured conversation of tax dollars that will come in. place in hadns of advisory board and comes back city council. this is mart decision responsible could truly meaningful impact encourae structured conversation. ehared loud and clear blnk check to com know how that vote went for 4b. involve citeiens to receive structured conversation. that is intent and appreciate working through.

Love said tax dollars not tax dollars.

what this board does as city council not discounting what trying to do but what might be approp is to defer indef tot hink about unless against and vote down.

doied lack fo second.

Council Member Robnett moved to adopt Resolution No. 2018 - 259; seconded by Council Member .

11. Approved a resolution authorizing the execution of an amendment to that certain economic development agreement between the Midland Development Corporation and the University of Texas of the Permian Basin for the purpose of facilitating the construction of a new engineering building to be located within the corporate limits of the City of Midland, Texas; and authorizing payment therefor (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 259
RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT
AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE
UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10;
seconded by Council Member Love.

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

12. Resolution authorizing a fourth amendment to the agreement between the Midland Development Corporation and Permian Basin Public Telecommunications, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 260
RESOLUTION APPROVING A FOURTH AMENDMENT TO THE AGREEMENT
BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN
PUBLIC TELECOMMUNICATIONS, INC.

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10;
seconded by Council Member Love.

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

13. Approved a resolution ratifying the Chairman of the Midland Development Corporation's execution of (1) the Purchase and Sale Agreement, (2) the Amendment to Purchase and Sale Agreement, (4) the Joint Written Instruction to Escrow Agent to Release Escrow Funds, and (5) any other legal instruments or documents executed by the Chairman for the closing of the purchase of certain real property described as Lots Five (5) and Six (6), Block Thirty-Five (35), Original Town of Midland, an addition to the City of Midland, Midland County, Texas; authorizing the negotiation, execution and filing of all documents necessary and appropriate for the purchase of said real property; authorizing payment for said purchase, title insurance, and all associated closing costs; and ordering the recordation of the instrument(s) of conveyance (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 262
RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S
PURCHASE OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS FIVE (5) AND
SIX (6), BLOCK THIRTY-FIVE (35), ORIGINAL TOWN OF MIDLAND, AN ADDITION
TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10;
seconded by Council Member Love.

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

14. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil

Co., LLC, for the drilling of oil and gas well, being Charger A #H110UH located 240 feet from the north line and 1,720 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 1,720 feet west of Rankin Highway and 620 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 263

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 1,720 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,720 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 265 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

15. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Charger A #H115WA located 240 feet from the north line and 2,050 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 2,050 feet west of Rankin Highway and 620 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 264

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 2,050 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,050 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 316 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

16. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Charger A #H120WB located 240 feet from the north line and 2,380 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 2,380 feet west

of Rankin Highway and 620 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 265

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 2,380 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,380 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 263 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

17. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Mustang A #H145SS located 240 feet from the north line and 862 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 862 feet west of Rankin Highway and 620 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 266

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 862 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 862 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 254 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

18. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Mustang A #H145WA located 270 feet from the north line and 862 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 862 feet west of Rankin Highway and 590 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 267

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 862 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 862 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 227 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

19. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Mustang A #H150LS located 270 feet from the north line and 892 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 892 feet west of Rankin Highway and 590 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 268

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 892 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 892 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 226 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

20. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang A #H150WB located 270 feet from the north line and 922 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 922 feet west of Rankin Highway and 590 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 269

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 922 FEET FROM THE EAST

LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 922 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 255 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

21. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Mustang A #H155WA located 240 feet from the north line and 922 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 922 feet west of Rankin Highway and 620 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 270

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 240 FEET FROM THE NORTH LINE AND 922 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 922 FEET WEST OF RANKIN HIGHWAY AND 620 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 255 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

22. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas well, being Mustang A #H160WB located 270 feet from the north line and 952 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (generally located 952 feet west of Rankin Highway and 590 feet north of Dayton Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 271

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 270 FEET FROM THE NORTH LINE AND 952 FEET FROM THE EAST LINE, SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 952 FEET WEST OF RANKIN HIGHWAY AND 590 FEET NORTH OF DAYTON ROAD) BY ALLOWING SAID OIL AND GAS

WELL TO BE NO CLOSER THAN 228 FEET OF AN OCCUPIED RESIDENTIAL OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

23. Approved a resolution authorizing and executing an Amendment to the Right-of-Way License Dated December 14, 2011 between the City of Midland and Vitol Midstream LLC, now recognized as Sunoco Midland Terminal LLC. Said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing thereon, a maximum of two (2) petroleum products, petroleum by-products pipelines, not to exceed twelve (12) inches in diameter, with appurtenant surface facilities and to have the right to ingress and egress at convenient points for such purpose; the pipeline, bullpen and access road are located within City of Midland property, Section 44, Block 38, T-1-S, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 272

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SUNOCO MIDLAND TERMINAL LLC, SUCCESSOR-IN-INTEREST TO VITOL MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, T-1-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

24. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Enterprise Crude Pipeline LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of boring and placing, installing, constructing, operating, repairing, maintaining and removing one Common Carrier Oil transportation pipeline, not to exceed twenty (20) inches in diameter; the pipeline will be located under Elkins Road, a City of Midland owned road, between Sections 40 & 41, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 273

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENTERPRISE CRUDE PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 40 AND 41, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

25. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Enterprise Crude Pipeline LLC. Said Right-of-Way License is for entering the City of Midland's property for the purpose of boring and placing, installing, constructing, operating, repairing, maintaining and removing one Common Carrier Oil transportation pipeline, not to exceed twenty (20) inches in diameter. The pipeline will be located under Elkins Road, a City of Midland owned road, between Sections 16 & 17, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2018 - 274

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENTERPRISE CRUDE PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 16 AND 17, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 10; seconded by Council Member Love.

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

SECOND READINGS

26. Consider an ordinance on second reading on a request by Warren CAT for the annexation of a 43.97-acre tract of land out of the east 1/2 of Section 18, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas, (generally located on the east side of South FM 1788, approximately 187-feet north of West County Road 127). (DEVELOPMENT SERVICES) (First reading held July 10, 2018.)

ORDINANCE NO. 9789

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 43.97-ACRE TRACT OF LAND OUT OF THE EAST HALF OF SECTION 18, BLOCK 40, T-1-S, AND A 6.66-ACRE TRACT OF LAND OUT OF EAST HALF OF SECTION 18 AND THE SOUTHWEST QUARTER OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FM 1788, APPROXIMATELY 187 FEET NORTH OF WEST COUNTY ROAD 127); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9788.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9789 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

27. Consider an ordinance on second reading on a request by Bush Tennis Center/Opportunity Park, for the annexation of a 3.31- acre tract of land located in Section 24, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas, (generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road). (DEVELOPMENT SERVICES) (First reading held July 10, 2018.)

ORDINANCE NO. 9790

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 3.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 2,460 FEET WEST OF HOLIDAY HILL ROAD); APPROVING A PUBLIC SERVICE PLAN; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9790.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9790 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

PUBLIC HEARINGS

28. Hold a public hearing and consider a request by Brandon Easterling for a Zone Change from a LR-2, Local Retail District and MF-1, Multiple Family Dwelling District, to PD, Planned District for a Housing Development on Lot 15 Block 2 and Lot 1, Block 3, Adobe Meadows, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of Mockingbird Lane and Big Spring Street). (DEVELOPMENT SERVICES) (Deferred from July 10, 2018 Meeting)

ORDINANCE NO. 9788

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 15, BLOCK 2, AND LOT 1, BLOCK 3, ADOBE MEADOWS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, IN PART, AND MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MOCKINGBIRD LANE AND BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9788.

PLanning Divission Manager? Crristina Odenborg gave a brief overview of the item noting zzone change for housing dev of apt complex 300 units density 21/acer. club house, pool, 8 foot fence screenf rom adjacent single family. staff received 3 loj subject to conditions. Love hs zoning code changed with respect ot desnity. Love asking for for mroe than code made any concessions? cristina provided ammentieeis as far as affordability can't say. Dufford know talking about east side northeast side as far as water and presssures and taffic. can we support that many units. cristina defer tto Utilityies hav. Courtney answered when apply for building permit . dufford do we know answers now? Laura Wilson had Hiibbs and Todd that is in area been designated as shwoing low rpressure, issues with being able to move forward with unit.s How do we address Courtney part of building permit requirement to do some infrastructurre improvements to get pressure required as part of their building permit. Jerry added pump or water tower? whatever is needed. Courtney we would more then likely participate but from water tower to pump dontp; know until complete study completed. Laura draft presented last week expect middlee of august and august 28 come forward with scope of worrk. will be site specific is not enough pressure not looked at for one lot what it would take. Dont want own lot look at as city and participate in what it takes. Lacy don't need ot stand in way of zone change need more units on ground. Love have to mae sure it works. dufford without affecting current residents. Dufford traffic as well. dufford liek traffic analysis as well. Mlek pacella don't have mechanism for collecting from developers in case have sjpecific improvements. did not requirest becausen't didn't feel anything could do to improve. Lacy curbcuts on mockingbird and not 349. Dufford how many addiitonal cars? 300 units.

Mayor Morales opened the public hearing at 10:17 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9788 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Love would like applicant or his rep to come to second reading would be itnerested in what type of affordable housing concessions they would make and addiitonal housing.

Mayor opportunity in front of us. Dufford and ensure areas have adequat services.

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

29. Hold a public hearing and consider an ordinance on a request by Winkelmann & Associates Inc., for a Zone Change from PD, Planned District for an Office Center to LR-3, Local Retail District on Lot 1A, Block 6, Barberdale Addition, Section 3, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Wadley Avenue and North Main Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9791

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

PERMITTING LOT 1A, BLOCK 6, BARBERDALE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH MAIN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9791.

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting zone change for dev of jiffy lube. rec screen fences east and south boundaries. one lot received but rec approval. Hotchkiss notes in pkt was called buffer walls instead of screening what is difference. Cristina provides buffer to residential neighborhood same.

Mayor Morales opened the public hearing at 10:21 a.m.

Michael Dogget, Dallas, Tx, Love so close to residential rec don't have curb cut on Main and you were going to leave open. Love specifically rec allowing traffic coming through neighborhood. You want curb cut on main speak to that. Michael after meeting came back to Jiffy Lube asked to explore option for actual retailer in hard corner. did get comments back heard loud and clear no objection to one curb cut will construct screen wall along south and turn north to main building. Hotchkiss what material wall, 6 foot wood fence along cvs they will continue same materials but increase to 8 feet. Hotchkiss was going to give you grief all trees removed but upon further examination of site they are dead, Michael they are putting trees back.

There being no one else wishing to speak, the public hearing was closed at 10:23 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9791 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

30. Hold a public hearing and consider a request by John Gannon, Inc., for a Specific Use Permit with Term for a Billboard on a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas, (generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market Road 1788). This is a public hearing only. (DEVELOPMENT SERVICES)

Planning Division Manager Cristina Odenborg gave a brief overview of the item noting one of two apps for billboards prop at 2000 fm 1788 in LI district double sided 300 sq ft with ht of 30 feet meets requirements. not in special control area and does not need to replace existing 4874 feet exceed separation distance. 1215 ft from on premise sign min sep req. meets required setbacks. provided letter from FAA stating not hazard to air navigation. no lot staff rec approval subject to conditions. Love where these two potential billboards lie with respect to NewCom growth coming through. Lacy Yukon

by airport. Yukon at 40? Has the route been chosen? Mike with intersection of 1788 when txdot built intersection intended for eastern have to be west liek wher eyukon come in. Once get past that not sure at that signla.

Htochkiss what is a billboard used for advertising who is it directed to, drivers, iintentionally asking driver to look at billboard instead of at at road. concern about distracted driving and number of wrecks billboards lead to distracted drivving.

Mayor Morales opened the public hearing at 10:28 a.m.

Wendy Ocosta, 525 Park Grove Katy Tx, talk about billboards sensitive topic in most ciites. took into accoutn midlands cont effort to beautify and attract new area. both signss a mile north of airport and 2 miels south of 191 an area very concerned about. Airport seemed liek alogical choice most everything out here will be commecial industrial. provides maximum exp for adv to reach wide range of audiences such as weekly commuteers and decision makers coming into town from airportt some only change to grab eye. the more eyes you can in an effort to limit the number of billboards, felt like electronic sign on roadway would minimize number of poles. 8 on each side equivalent ot 8 poles in ground for regular billboards. it is the airport but want to consolidate wwill be on rock the desertchurch property and allow them to give back to them wwith new sign to reach wide range of services available. Not in airport zone.

There being no one else wishing to speak, the public hearing was closed at 10:31 a.m.

Love if approved any more room for other billboards? Crristina would have to look at distance can't anser off top of head can research. John it also related to ord noot just distance but adjacent tracks zoned from billboard. Love share with all and look above 191 and 1788 iinto 349 image start coming in that area aas wwell.

31. Hold a public hearing and consider a request by John Gannon, Inc., for a Specific Use Permit with Term for an Electronic Billboard on the north portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas, (generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market Road 1788). This is a public hearing only. (DEVELOPMENT SERVICES)

Cristina second requiest forr elec billboard prop dobule sided 300 sq feet billboard that meets requirement no in special control area, prop meets seperate distance required. Application has provided letter from FAA not hazard to air navigation. r ec for den applicant apepaled request. no loj. rec approval subject to cond a -d.

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

32. Hold a public hearing and consider a resolution on a request by Doug Van Zandt for approval of a Temporary Land Use Permit for a 9/11 Memorial Event on a 15,570 square foot portion of Block 64 and a 0.56-acre portion of W. Wall Street right-of-way, located adjacent to Block 56 and Block 64; all out of Original Town Addition; City and County of Midland, Texas, (generally located southeast of the intersection of N. Big Spring Street and W. Wall Street). (Planning Admin)

RESOLUTION NO. 2018 - 275

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MEMORIAL EVENT ON A 15,570-SQUARE FOOT PORTION OF BLOCK 64 AND A 0.56-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 56 AND 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Planning Division Manager Cristina Odenborg gave a brief overview noting applicant requesting temporary city memorial stair climb. Saturday 9/8 7-11 applicant closure portion wall and reopen by Monday at 5 a.m. Saturday after noon and event street closure. Sale of alcohol two peace office no liquor license approval subject to condition a-k.

Mayor Morales opened the public hearing at 10:36 a.m.

Eric Stewart President of ProLife last year generated turnout 300 people started with concert night before and did climb next year. Honor 411 first responders from 911. Everyone's remembrance of one of the fallen after that have concert open to public. Already sold all VIP tables almost all sponsors need. Hope approve come out and enjoy. Hotchkiss how many steps? Eric 110 floors go up and take elevator down 5 times. Everybody completed last year.

There being no one else wishing to speak, the public hearing was closed at 10:38 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 275; seconded by Council Member Robnett.

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

33. Hold a public hearing and consider a ordinance on a request by Joval LLC for a Zone Change from a LR-2, Local Retail District, to an LI, Light Industrial District on Lot 2, Block 1, West 191 Industrial Park, City and County of Midland, Texas. (Generally located on the north side of State Highway 191, approximately 2,400-feet west of North County Road 1275). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9792

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 1, WEST 191 INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 2,400 FEET WEST OF NORTH COUNTY ROAD 1275); 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

Mayor Morales read the caption of Ordinance No. 9792.

Crista Odenbord warehouse to store material currently stored outside. new parking constructed. use of warehouse not allowed but in LI thus request for zone change no lot rec approval.

Love how is this not spot zoning. Cristina in support of request because was originally LI prior to rezoning to LR2. Love used to be Light Industrial. Hotchkiss what is requirement of landscaping? normal requirements. Love not opposed but concern but based on litigious society if we approve and someone says this is spot zoning. John legal standard spot zoning smaller tract that doesn't fit within comp plan within that area. nerd area of city wehr comp plan provides for dev in one or more class and smaller tract that doesn't fit. second question and legal test is council decision to change zoning on particular zoning arbitrary and capricious. were there reason council changed to particular zoning classification for that tract. burden is pretty high but court will look to basis for reasons why zoned. Lacy all oil service and applicant wants to....

Mayor Morales opened the public hearing at 10:43 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9792 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

34. Hold a public hearing and consider a resolution on a request by St. Ann's Catholic Church for a Temporary Land Use Permit for a Church Fair and Carnival on Lot 13, Block 71, West End Addition, Section 15, and Lots 1 through 3, Block 77, and Lots 2 through 6, Block 78, West End Addition; and a 0.65-acre portion of W. Texas Avenue right-of-way between N. "N" Street and N. "M" Street, City and County of Midland, Texas. (Generally located southeast of the intersection of W. Illinois Avenue and O Street. Council District 3) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 276

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FAIR AND CARNIVAL ON LOT 13, BLOCK 71, WEST END ADDITION, SECTION 15, LOTS 1 THROUGH 3, BLOCK 77, LOTS 2 THROUGH 6, BLOCK 78, WEST END ADDITION, AND A 0.65-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED BETWEEN NORTH N STREET AND NORTH M STREET, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND NORTH O STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Cristina Odenborg gave a brief overview of the item noting tluip for annual church family fair on property. close portion of Tx between m and n for safe ped crossing. prop days thur 9/27 6-1030 fr 9/28 6-12:30 a.m. sat 9/29 10-12:30 a.m. and sun 1-6. the fair only operate on sat. live music thurs and carnival music all 4 days volumes reduced 10 p.m. also only on sat adequate peace officers and restrooms no lot staff rec approval subj

cond a-m

Mayor Morales opened the public hearing at 10:45 a.m.

Maye DeAnda 70 years, 4509 Gleeneagles dr thaks for support of 70 years hope more growth of school. with expp will be moving carnival across street with stair maintain palce behind school. Morales where carnival used to be will be across school. Maye no longer fits. Any fair activity. an friday night concert celebrate 70th year. Dufford how much odes it raise for school. Maye varies every year rained out 150-1190 dpending on year.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 276; seconded by Council Member Dufford.

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

35. Hold a public hearing and consider a resolution on a request by Lamesa Road Church of Christ for a Temporary Land Use Permit for a Church Tent Meeting on Lot 4, Block 4, Tanglewood Addition, Section 3, City and County of Midland, Texas, (generally located on the west side of N. Lamesa Road, approximately 600 feet north of E.Wadley Avenue). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 277

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH TENT MEETING ON LOT 4, BLOCK 4, TANGLEWOOD ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LAMESA ROAD, APPROXIMATELY 600 FEET NORTH OF EAST WADLEY AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Cristina Odenborg gave a brief overview of the item noting tlup for church tent meet 10/25-27 from 6:30 to 9 p.m. sale and on prem not prop 8 restroom spublic use. no loj rec approval subj to cond a-h. Lacy issue sparking been addressed? Cristina defer to applicant.

Mayor Morales opened the public hearing at 10:49 a.m.

Daryl Loudd, 1200 E Pecan, grateful to be her eexciting. born raised in Midland never been in room. Prviledged and hpapy. tent meeting for all cchurches of christ in Midland to ehlp people help all churches to stay focused and not give up and to help our City the best that we can. Few nights plan to use locla preachers of all races bi lingual service try to iclude everybody. He geets change to get in front of micropened the public hearing at ___ a.m. oen police might set down. grateful for opportunity and grateful for service sproovide to City. Love adequate parking. permisssion to use gymnasium facility next ddoor and weecare daycare cetner and parking acorss street.

There being no one else wishing to speak, the public hearing was closed at 10:52 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 277; seconded by Council Member Robnett.

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

36. Hold a public hearing and consider an ordinance on a request by Velma Jackson for the vacation of the 0.13-acre portion of alley right-of-way, located in Block 48, Original Town Addition, City and County of Midland, Texas. (Generally located approximately 180-feet west of Mineola Street, between E. Industrial avenue and E. Wall Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9793

AN ORDINANCE VACATING AND ABANDONING A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 48, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 180 FEET WEST OF MINEOLA STREET, BETWEEN EAST INDUSTRIAL AVENUE AND EAST WALL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$11,030.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9793.

Cristina Odenborg gave a brief overview of the item noting applicant asked to pull not proceed.

37. Hold a public hearing and consider a resolution on a request by Jesus Name Holiness Church for a Temporary Land Use Permit for a Church Tent Meeting on Lots 1-4, Block 125, Southern Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of East Washington Avenue and South Lamesa Road. Council District 2) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 278

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH TENT MEETING ON LOTS 1 THROUGH 4, BLOCK 125, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH LAMESA ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Cristina Odenburg tlu for church tent meeting 7/30-8/3 from 6-9 plm each day live music and two restroom savailble . no alcoh prop. one loj rec approval subject to condition a-g.

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

Council Member Love moved to adopt Resolution No. 2018 - 278; seconded by Council Member Hotchkiss.

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

38. Hold a public hearing and consider a resolution on a request for a Temporary Land Use Permit for a Barbecue Competition on Lot 1, Block 10, Lynside Neighborhood, Section 2, and Lots 3 through 7, Block 2, Lynside Neighborhood, Section 2, City and County of Midland, Texas. (Generally located southwest of the intersection of E. Scharbauer Drive and N. Tyler Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 279

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BARBECUE COMPETITION ON LOTS 3 THROUGH 7, BLOCK 2, LYNside NEIGHBORHOOD, AND LOT 1, BLOCK 10, LYNside NEIGHBORHOOD, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST SCHARBAUER DRIVE AND NORTH TYLER STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Cristina Odenborg gave a brief overview of the item noting tlup for knights o f columbus bbq 8/25 8 a.m. to mid. set up 8/24 6 p.m. to allow comp to remain on site overnight. bbq comp, light ent, car show, light music, sale of alco bev not proposed. no loj rec approval cond a-i.

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

Council Member Love moved to adopt Resolution No. 2018 - 279; seconded by Council Member Robnett.

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

Hotchksis anybody says nothign to do inmidland needs ot watch meeting.

39. Hold a public hearing and consider an ordinance on a request by Furniture Row USA LLC for a Zone Change from a PD, Planned District for a Shopping Center, to LR-2, Local Retail District, on a 2.60 Acre Tract of Land in Section 4, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located on the northwest corner of Whitman Drive and Loop 250 North). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9794

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.60-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WHITMAN DRIVE AND LOOP 250 NORTH); 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 Misty Cryer read the caption of Ordinance No. 9794.

Cristina Odenborg gave a brief overview of the item noting zone change Ir2 for dev on retail. in process of platting, no loj, rec approval. Love if already in process of being platted why not making req from platted restaurant suggests going to modify furniture row. Cristina proposed site plan showing part retail and part restarant develop multiple buildings.

Mayor Morales opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

request zone change on property going to make change instad of whole property.

Love planned district and moving away from that is council intentions already in stone if get rid of aplnned district can whatever they want to on that property in spite of where it sits and other items int hat area.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9794 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Love rec defer and ask applicnat to come. Robnett and consensus make sure hrer for second reading.

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

Mayor asked ot ensure applicant here next meeting.

40. Hold a public hearing and consider an ordinance on a request on by Bush Tennis Center/Opportunity Park, for the initial zoning of a 3.31- acre tract of land located in Section 24, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas.,(generally located on the north side of Briarwood Avenue, approximately 2,460-feet west of Holiday Hill Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9795

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 3.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS A PD, PLANNED DISTRICT FOR A RECREATION CENTER; SAID TRACT BEING GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 2,460 FEET WEST OF HOLIDAY HILL ROAD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Misty Cryer read the caption of Ordinance No. 9795.

Cristina Odenborg gave a brief overview of the item noting initial zoning for chris davidson opportunity park. provided site plan no loj and rec approval subj to conditions.

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

Steve Davidson 4215 St. Andrews, Irving? Midland TX home for 44 years. dont hae anything to add other then to express appreciate to counindivdually collectively to community of Midland for gennerous outpouring of financial support little over 3M fro construction ready to move forward. worth it, want to say on behalf of wife grateful for opportunity given to give something back to Midland while honor legacy of Chris./

There being no one else wishing to speak, the public hearing was closed R 11:05 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9795 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Sparks.

41. Hold a public hearing and consider an annexation of a 15.83-acre tract located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the northeast corner of the intersection of North County Road 1247 and West State Highway 158). This is a public hearing only. (DEVELOPMENT SERVICES)

Cristina Odenborg gave a brief overview of the item noting annex for multi family dev second ph required by process.

Mayor Morales opened the public hearing at 11:06 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

MISCELLANEOUS

42. Approved a motion making appointments to various boards and commissions.

Romona thomas, with Permian Care previous known as blame for chanign name served over 9000 persons last year COPM appoints 2 of 9 board members recruited mark Dettman to apply for vacancy on board, practicing attorney, vol as chaplain as fire dept and sheriff office. Markman 1902 dangerous to give platform to someone who is preaccher.

Council Member Hotchkiss moved to appoint Mark Dettman to Permian Basin Community Centers; seconded by Council Member Love.

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

PUBLIC COMMENT

43. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.(Please limit comments to three minutes or less.)

Randall Henson, 4500 Mockingbird having problem at landfill from his understand republic own dump overthere they either are not doing pulloffs or went so high monahans not accepting any seem like landfill for west tx and se nm and put big line out there put strains on landfill and lost bunch of equipment operators to oil field. They back it up and do darn good job but also had now shut dump down to haulers 1 1/2 early. Yesterday affect his production 50% revenue cut 50% by this. He has a permit to haul in midland getting hard on a lot of them. thing that bothers more is now they make sit in line and let competition who they let go around in line. Called RFD when in class if you brought enough bubble gum to everybody offering it to big companies that have a lot more money than local guys. Morales buy a special tag to get by faster they say it won't work on their vehicles but it seems gave example com trucks. Mayor let us investigate. Randall fixed from com trucks. Love cut is because of waiting in line. Other thing is 3 scales one is for city and rfd tags and if everybody in that line. Mayor also tech requirements that has to meet. Mayor handed down from tech. Mayor follow up.

Greg Wells 1409 WCR 150 provide roll offs from local contractors new construction demo clean up. used at landfill up until 2-3 months ago smooth sailing recent raise in economy picking up. there is solution to problem. His revenue cut 45% normally could run 8-10 loads now mih get 3-4 because of long line 1/43 yesterday before got on scale 2 4 m used to be 10-20 busy 30. 3 scales and he said with rfd tag com coming through, m and m disposal dn republic requested to give rfd tag to slide in give ticket gone go back to landfill drive off done trash trailers have to find don't have account waiting for loader or push stuff off of way affecting guys go in all day local guys. trying to keep our community clean and it is affecting little guys. please look into willing to pay for permit rfd tag to go through line faster. hard to make living when stuck in line all day long. Lacy lets look into this to see if we can do. Helping out people who aren't property tax need to do something to help them seem no brainer decision. Dufford do we want to fill out our landfill with people trash from enw mexico.

Dufford why is it that getting trash from nm and. epcos doesn't accept pull offs. they don't allow pull off all that comes to Midland. used to get o Midland and Odessa but couple of trash coming o Midland republic which is odessa tripled prices and yesterday counted all the way to garden city 33 trash trailers and no where else to dump besides midland. Love something happens with food prices time and money directly affect produce prices in heb. His income is depleted will have to start builders more.

Doug Gresset, 3407 Northfield, also trash hauler basically echos same thing saying affect from 40-60 % rfd tags oen solutions changing hours another solution. Tehre has to be solution spent 2 1/2 hours yesterday only made 2 runs 60% in one day. yesterday new hours. mayor sked to email numbers.

Steve Sao 316 El Paso, student university of el Paso internship with transportation with no emergency medicaid been trying to help out city emeting as much as food drive for September and trying to do another program where can transport lower income people one issue is ordinance of how much miles able to charge per mile since gas coming up inflation cost difficult to grow company. 2.60 and with gas max they can charge per mile is 2.60 have to change city ordinance on that. Robnett fares negotiable meters. Love have to look at that. Made a lot of different programs to help homeless transport workign with them as well.

Colvin Domingo, solution how to solve water problem, lets take for example drinking water several sources for water. among them one best for drinking water. We should have beautification solely for this source including distribution system. one gallon a day or 30 gallons a month that is going to be 30 gallons times 100,000 going to be 3 million gallons a month for everybody. that will solve drinking water problem. for many years maybe for centuries do it that way. If you don't mix with other sources. Mayor asked to submit email.

EXECUTIVE SESSION

recessed meeting to Executive Session at 11:26 a.m.

44. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.072 Deliberation Regarding Real Property.
 - a.1. Discuss the purchase, exchange lease or value of real property described as Lot 1, Block A1, Johnson and Moran Addition, and Lots 5 and 6, Block 2, University Park Addition, City and County of Midland, Texas.

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

PASSED AND APPROVED the __ day of ____, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary