MIDLAND CITY COUNCIL
MINUTES
August 26, 2014

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on August 26, 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 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 Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Interim 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., August 26, 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 B. Love, III (District 2), Council Member Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

OPENING ITEMS

1. Invocation - Reverend Pat Bryant, Travis Baptist Church

2. Pledge of Allegiance

PRESENTATIONS

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

   a. Presentation honoring the Midland Police Explorers.

PUBLIC COMMENT

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 5 - 24 excluding 11, 18, 21; seconded by Council Member Robnett.

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

5. Approved a motion approving the following minutes:

   a. Regular meeting of August 5, 2014.

   b. Regular meeting of August 12, 2014.

   c. Special meeting of August 15, 2014.

6. Approved a resolution appropriating $12,209,712.00 from the General Fund (001) unappropriated fund balance (5650); and appropriating $150,000 from the Municipal Court Technology Fund (092) unappropriated fund balance (5650); and appropriating $250,000 from the Municipal Court Security Fund (093) unappropriated fund balance (5660); to the Municipal Court Building Project (8919) for a total appropriation of $12,609,712.00 for the construction of the new Municipal Court building for the General Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 275

RESOLUTION AUTHORIZING THE APPROPRIATION OF $12,209,712.00 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE; AND APPROPRIATING $150,000.00 FROM THE MUNICIPAL COURT TECHNOLOGY FUND UNAPPROPRIATED FUND BALANCE; AND APPROPRIATING $250,000.00 FROM THE MUNICIPAL COURT SECURITY FUND UNAPPROPRIATED FUND BALANCE; TO THE MUNICIPAL COURT BUILDING PROJECT FOR A TOTAL APPROPRIATION OF $12,609,712.00 IN ORDER TO CONSTRUCT THE NEW MUNICIPAL COURT

BUILDING; THE ESTIMATED TOTAL BUDGET FOR THIS PROJECT IS $14,951,000.00, WHICH INCLUDES THE COMBINATION OF THIS APPROPRIATION ALONG WITH FUNDS ALREADY AVAILABLE IN THIS PROJECT

7. Approved a resolution approving plans and specifications authorizing advertisement for bids for Tradewinds Boulevard Utility Improvements project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 276

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE TRADEWINDS BOULEVARD UTILITY IMPROVEMENTS PROJECT; SAID PROJECT WILL PROVIDE FOR THE INSTALLATION OF VARIOUS WATER AND WASTEWATER UTILITIES SERVICING A LARGE AREA WEST OF LOOP 250 AND SOUTH OF THOMASON DRIVE, AND WILL ENABLE FUTURE EXTENSIONS OF UTILITY SERVICE TO LOCATIONS EAST AND WEST OF THIS AREA

8. Approved a resolution approving a contract with the sole source provider, Control Technologies, Inc., for Midland International Airport Heating Ventilation and Air Conditioning (HVAC) controls network upgrade for a cost of $95,139.00 for the Airports Department. (PURCHASING)

RESOLUTION NO. 2014 - 277

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR HEATING, VENTILATION AND AIR CONDITIONING CONTROLS NETWORK UPGRADES AT THE MIDLAND INTERNATIONAL AIRPORT WITH CONTROL TECHNOLOGIES, INCORPORATED, OF LUBBOCK, TEXAS, AT A TOTAL COST OF $95,139.00; AND THIS ITEM WAS NOT BID BUT PURCHASED AS A SOLE SOURCE

9. Approved a resolution approving the purchase of ten (10) Wavetronix Smartsensor Matrix systems for traffic signal maintenance from Twincrest Technologies through Houston-Galveston Area Council (H-GAC) contract PE05-13 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2014 - 278

RESOLUTION APPROVING THE PURCHASE OF TEN (10) WAVETRONIX SMARTSENSOR MATRIX SYSTEMS FOR RADAR DETECTION PACKAGES FOR USE AT TRAFFIC SIGNALS AND TRAFFIC SIGNAL MAINTENANCE FROM TWINCREST TECHNOLOGIES, INCORPORATED, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF $184,380.00; THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS; THE WAVETRONIX SMARTSENSOR MATRIX SYSTEMS WILL HELP IMPROVE THE FLOW OF TRAFFIC CITYWIDE; AND ALLOCATING FUNDS

10. Approved a resolution approving the execution of a professional services agreement with Transmap Corporation for Phase II of the Pavement Condition Index Survey project for a cost of $156,290.20 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2014 - 279

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES

AGREEMENT WITH TRANSMAP CORPORATION FOR PROFESSIONAL SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT WITH THE COLLECTION OF INFORMATION PERTAINING TO TRAFFIC ASSETS, UTILITY ASSETS, AND LINEAR ASSETS WITHIN THE CITY OF MIDLAND, TEXAS (PHASE II OF THE PAVEMENT CONDITION INDEXING SURVEY); AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED $156,290.20

12. Approved a resolution authorizing the appropriation of $150,000.00 from the Airport Operating Fund (500) Unappropriated Fund Balance (5650) to the project described as Commercial Space Launch Site Application. (AIRPORTS)

RESOLUTION NO. 2014 - 281

RESOLUTION AUTHORIZING THE APPROPRIATION OF AN ADDITIONAL $150,000.00 FROM THE AIRPORT OPERATING FUND TO THE PROJECT DESCRIBED AS COMMERCIAL SPACE LAUNCH SITE APPLICATION AT THE MIDLAND INTERNATIONAL AIRPORT; AND THESE FUNDS ARE IN ADDITION TO THE $628,502.00 APPROPRIATED IN AUGUST OF 2012

13. Approved a resolution authorizing the execution of a contract with the Midland Tennis Center, Incorporated, a Texas Nonprofit Corporation, to promote tourism and the convention and hotel industry in the City of Midland; and appropriating funds from the Hotel/Motel Fund; and The Midland Tennis Center, Incorporated, will also promote tennis activities and tennis tournaments at The Bush Tennis Center in Midland. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2014 - 282

a resolution authorizing the execution of a contract with the Midland Tennis Center, Incorporated, a Texas Nonprofit Corporation, to promote tourism and the convention and hotel industry in the City of Midland; and appropriating funds from the Hotel/Motel Fund; and the Midland Tennis Center, Incorporated, will also promote tennis activities and tennis tournaments an the Bush Tennis Center in Midland.

14. Approved a resolution approving the Chevron Enterprise Zone. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 283

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, NOMINATING CHEVRON U.S.A. INC. TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING AN EFFECTIVE DATE; AND DESIGNATING A LIAISON FOR THE COMMUNICATION WITH INTERESTED PARTIES

15. Approved a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and Orbital Outfitters, Ltd., as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 284

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND ORBITAL OUTFITTERS, LTD., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

16. Approved a resolution approving an Affiliate Partnership Intermediary Memorandum of Understanding between the Midland Development Corporation and the Center for Innovation at Arlington, LLC., to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises; said Memorandum of Understanding being authorized by Chapter 504 of the Texas Local Government Code. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2014 - 285
RESOLUTION APPROVING AN AFFILIATE PARTNERSHIP INTERMEDIARY MEMORANDUM OF UNDERSTANDING BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CENTER FOR INNOVATION AT ARLINGTON, LLC TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES; SAID MEMORANDUM OF UNDERSTANDING BEING AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

17. Approved a resolution authorizing the execution of a Professional Services Agreement between the City of Midland, Texas, and Parkhill, Smith and Cooper, in the amount of $47,121.00, to prepare the schematic and construction plans, specifications, and estimates, oversee the bidding process, and provide construction oversight for the development of Greathouse Park; and appropriating said funds to project number 9108. (COMMUNITY SERVICES)

RESOLUTION NO. 2014 - 286
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH AND COOPER, INCORPORATED, OF MIDLAND, TEXAS IN THE AMOUNT OF $47,121.00 IN ORDER TO PREPARE THE SCHEMATIC AND CONSTRUCTION PLANS, SPECIFICATIONS, ESTIMATES, OVERSEE THE BIDDING PROCESS, AND PROVIDE CONSTRUCTION OVERSIGHT FOR THE DEVELOPMENT OF GREATHOUSE PARK; AND APPROPRIATING FUNDS

19. Approved a resolution to amend Street Paving & Ancillary Uses (8912) by authorizing the additional allocation of funds in the amount of $150,000 for the purpose of aggregating miscellaneous scopes of work. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 288
RESOLUTION APPROPRIATING ADDITIONAL FUNDS FROM THE STREET / SIDEWALK IMPROVEMENT FUND (095) UNAPPROPRIATED FUND BALANCE (5650) TO THE STREET PAVING AND ANCILLARY USES PROJECT (8912) IN THE AMOUNT OF $150,000.00

20. Approved a motion on a request by Schumann Engineering Co. Inc. for the Crownridge Addition to approve items requested for deferral in the amount of $394,247.00, 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 northeast corner of North

County Road 1150 (a.k.a., Elkins Road) and East County Road 2300 in the City of Midland, Martin County, Texas. (ENGINEERING SERVICES)

22. Approved a resolution to appropriate donated funds resulting from the proceeds of the 2014 Bustin' For Badges to the Midland Police Department. (POLICE)

RESOLUTION NO. 2014 - 290

RESOLUTION ACCEPTING A CASH DONATION OF $32,000.00 FROM THE "BUSTIN' FOR BADGES" FUND-RAISING PROJECT SPONSORED BY PIONEER NATURAL RESOURCES; THE DONATED FUNDS WILL BE USED TO PURCHASE EQUIPMENT, TECHNOLOGY, AND TRAINING ESSENTIAL TO THE DELIVERY OF LAW ENFORCEMENT SERVICES; AND APPROPRIATING SAID FUNDS

23. Consider a Resolution to Accept and Appropriate Grant Funding Awarded Through the 2014 Justice Assistance Grant Program. (POLICE)

RESOLUTION NO. 2014 - 291

RESOLUTION AUTHORIZING THE CITY OF MIDLAND IN CONJUNCTION WITH MIDLAND COUNTY TO ACCEPT THE FISCAL YEAR 2014 JUSTICE ASSISTANCE GRANT FUNDS TOTALING $31,422.00; THE CITY OF MIDLAND WILL RECEIVE $18,853.00 (60%) AND MIDLAND COUNTY WILL RECEIVE $12,569.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS

24. Consider a Resolution to Accept Grant Funding Awarded by TXDOT to the Midland Police Department to Conduct a FY2015 Comprehensive STEP Enforcement Project. (POLICE)

RESOLUTION NO. 2014 - 292

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $21,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2014-2015 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM FOR INTERSECTION TRAFFIC CONTROL ENFORCEMENT, SPEED ENFORCEMENT, AND DRIVING WHILE INTOXICATED ENFORCEMENT; SAID GRANT AWARD REQUIRES A CITY CASH MATCH IN THE AMOUNT OF $4,200.00; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENT

11. Approved a resolution authorizing the City Manager to negotiate a professional services agreement with HDR, Inc. for oversight of the wastewater plant upgrades for secondary treatment for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2014 - 280

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HDR, INC. FOR OVERSIGHT OF THE WASTEWATER CONTROL PLANT UPGRADES FOR SECONDARY TREATMENT; HDR, INCORPORATED, WILL BE THE OWNER'S REPRESENTATIVE IN OVERSEEING THE UPGRADES TO THE PLANT AND HELPING TO NEGOTIATE THE CONTRACT FOR THE SALE OF RECLAIMED WASTEWATER FROM THE PLANT; THE CONTRACT WITH HDR, INCORPORATED, WILL NOT COME BACK TO

THE COUNCIL FOR FINAL APPROVAL; AND THE SOURCE OF PAYMENT IS TO BE DETERMINED

Council Member Dufford moved to adopt Resolution No. 2014 - 280; seconded by Council Member Hotchkiss.

Sparks pulled primarily at this point without negotiating of contract don't know scope or cost. think that in project of this nature that ought to see that prior to execution. Dufford think it's a good idea to look over contract prior to execution. Hate to slow process down to come back to Council. Like to move and maend to have CM neg contract and have Sparks on neg team with CM.

with amendment that Sparks and Robnett be on negotaiting tema with CM

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

18. Approved a resolution approving the transfer of the Oil and Gas Well Permits and Road Repair Agreement issued under City Ordinance 8769 to Bluestem Energy Holdings, LLC (Current Operator). The following permits Evans B 2, Evans C 1, Evans D 1, Evans E 1, Evans F 1, Evans G 1, Evans H 1, Evans I 1, Evans J 1, Evans N 1, Evans P 1, Evans K 1, Evans L 1 and applicant well D Evans A 2 and applicant well D Evans O 2 will be transferred to the Diamondback E&P, LLC. Evans permitted wells are located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, east of Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 287

RESOLUTION APPROVING BLUESTEM ENERGY HOLDINGS, LLC'S ("OPERATOR") TRANSFER OF CERTAIN OIL AND GAS WELL PERMITS TO DIAMONDBACK E&P LLC ("TRANSFEREE"); AND APPROVING OPERATOR'S TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS TO TRANSFEREE; THE OIL AND GAS WELLS ARE EVANS B #2, EVANS C #1, EVANS D #1, EVANS E #1, EVANS F #1, EVANS G #1, EVANS H #1, EVANS I #1, EVANS J #1, EVANS K #1, EVANS L #1, EVANS N #1, EVANS P #1, D EVANS A #2 (APPLICATION PENDING), AND D EVANS O #2 (APPLICATION PENDING); SAID OIL AND GAS WELLS ARE LOCATED IN SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, EAST OF MIDLAND DRIVE)

Council Member Dufford moved to adopt Resolution No. 2014 - 287 with amendment that all transfers shall occur prior to September 30 2014 and proof of said tansfer shall be provided to Oil & Gas Coordinator, Ron Jenkins.; seconded by Council Member Sparks.

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

21. Approved a resolution accepting a donation of $10,000 from the Westwood Trust - Yarborough Foundation. (POLICE)

RESOLUTION NO. 2014 - 289

RESOLUTION ACCEPTING A DONATION OF $10,000.00 FROM THE WESTWOOD TRUST - YARBOROUGH FOUNDATION; THE DONATED FUNDS WILL BE DEPOSITED IN THE INVEST-IN-A-VEST PROJECT TO PURCHASE BULLET PROOF VESTS FOR POLICE OFFICERS; AND APPROPRIATING SAID FUNDS

Council Member Hotchkiss moved to adopt Resolution No. 2014 - 289; seconded by Council Member Robnett.

Htochkiss one of 4 different donations presented to PD acknowledge Westood trust; pioneer natural resources $32,000; JAG grnats; TxDOT $21,000. Hotchkiss bneefitsing $81,000 of donated funds expressed appreciation. Price try to seek out grants that are beneficial to City. Just notified that this grant given third year. its important because got let know bullet proof grant vest that only allowing agenciy with 100,000 to put in except this year. bever bydgeted for vest because received grants from community. sparks life of vest chief 5 years as set by mfg. each vest $700. through vest grant get 2 for 1.

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

SECOND READINGS

25. Consider an ordinance on second reading on a request by AJ Construction / Glenda Kelly for a zone change from PD, Planned District for Shopping Center to an Amended Planned District on Lot 33B, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas. (Generally located 250 feet west of N. Midland Drive and 300 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9305

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 33B, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED 250 FEET WEST OF NORTH MIDLAND DRIVE AND 300 FEET NORTH OF BRIARWOOD AVENUE); 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 caption of Ordinance No. 9305.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9305 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

26. Consider and ordinance on second reading on a City-Initiated request to amend Title XI, Section 2, Subsection 5, Paragraph C of the City Code as to not require the paving of alleys for access to vehicle garages, carports or parking areas or business loading areas, for lots final platted before July 1, 1994. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9307

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 2, "PLATS AND SUBDIVISIONS", SECTION 5, "REQUIREMENTS FOR PUBLIC IMPROVEMENTS, RESERVATION AND DESIGN", SUBSECTION (C), "STREETS AND ALLEYS", PARAGRAPH 3, "DESIGN AND IMPROVEMENT STANDARDS", SUBPARAGRAPH (S), "ALLEYS", SUBPART 6, OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO PROHIBIT ANY RESIDENTIAL LOT FINAL PLATTED AFTER JUNE 30, 1994 OR ANY COMMERCIAL LOT TO HAVE ACCESS FROM AN UNPAVED ALLEY THAT DOES NOT CONFORM TO CITY OF MIDLAND STANDARD SPECIFICATIONS TO A VEHICLE GARAGE, CARPORT, OR PARKING AREA OR BUSINESS LOADING AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2000.00); AND ORDERING PUBLICATION.

Deputy City Secretary SueAnn Reyes read caption of Ordinance No. 9307.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9307 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

27. Consider an ordinance on second reading on a request by Stephen Cole for a Special Exception to the Zoning Code concerning the side yard setback requirements for an access structure on Lots 6 and 7, Block 7, University Park, City and County of Midland, Texas. (Generally located northeast of the intersection of "N" Street and Harvard Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9308

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 6 AND 7, BLOCK 7, UNIVERSITY PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF "N" STREET AND HARVARD AVENUE), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK FOR CONSTRUCTION OF ACCESSORY STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read caption of Ordinance No. 9308.

Council Member Dufford moved to approve the second and final reading of Ordinance

No. 9308 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

28. Consider an ordinance on second reading amending the current ordinance updating the City of Midland's Drought Contingency Plan. (UTILITIES)

ORDINANCE NO. 9310

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, ESTABLISHING AND ADOPTING A DROUGHT CONTINGENCY PLAN FOR THE CITY OF MIDLAND, TEXAS, IN ORDER TO CONSERVE THE AVAILABLE WATER SUPPLY AND PROTECT THE INTEGRITY OF WATER SUPPLY FACILITIES; AND TO PROTECT AND PRESERVE PUBLIC HEALTH, WELFARE, AND SAFETY AND MINIMIZE THE ADVERSE IMPACT OF WATER SUPPLY SHORTAGES OR OTHER WATER SUPPLY EMERGENCY CONDITIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS ($500.00); AND NEGATING A MENTAL STATE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read caption of Ordinance No. 9310.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9310 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

PUBLIC HEARINGS

29. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Debbie's, Inc. for a zone change from PD, Planned District for a Shopping Center to LR-2, Local Retail District, on Lot 2A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located southeast of the intersection of Belmont Street and Longview Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9313

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2A, BLOCK 52, BELMONT ADDITION, SECTION 12, 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 SOUTHEAST OF THE INTERSECTION OF BELMONT STREET AND SUMMIT AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview noting previously did vacation of some 0of ?? to north. this will allow to develop as shopping center just nroth of walmart. meets comprehsnsive plan no loj by p7z or staff therefore rec approval.

Love area developed nicely two hotels up looks good.

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

Deputy City Secretary SueAnn Reyes read caption of Ordinance No. 9313.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9313 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

30. At approximately 10:33 A.M. hold a public hearing and consider an ordinance on appeal on a request by JEJZ, LLC for a zone change from 2F, Two-Family Dwelling District and C3, Commercial District to PD, Planned District for a Housing Development, on a 49.85-acre tract of the south portion of Block 83, the west portion of Block 84, the north half of Block 85 and 86, plus a previously vacated 5.192-acre of Benton Avenue and Poplar Lane right-of-way, east Midland Addition, City and County of Midland, Texas. (Generally located on the west side of North Fairgrounds Road, approximately 650 feet north of East Cuthbert Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9314

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 49.85-ACRE TRACT OF LAND OUT OF THE SOUTH PORTION OF BLOCK 83, THE WEST PORTION OF BLOCK 84, THE NORTH HALF OF BLOCKS 85 AND 86, AND INCLUDING A VACATED 5.192-ACRE PORTION OF BENTON AVENUE RIGHT-OF-WAY AND POPLAR LANE RIGHT-OF-WAY, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, IN PART, AND C-3, COMMERCIAL DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 650 FEET NORTH OF EAST CUTHBERT AVENUE); 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 request on appeal from p7z orig heard by p7z recently. staff looked at request over period of time significant changes. a pp propo put in mixed use development starting with multi family and single family (duplex). prop24 units per acre. duplexes were 58 duplex total 116 units and proposed 87 single family houses. staff after reviewing felt like we needed to make work. rec approval to p7z/. it was a 3-3 vote on p7z. come forward as appeal.

Love like to commend deveoper much better than what saw previously. think dev took in cons of community and transition going to sf homes. obvious this needs to be residential. Hotchkiss served on p7z last time when denied. what come up with much better use than previously brought several years ago. sparks any obj from ommunity. chuck two objectors at hearing that own property below the pipeyard concern about impact of theri operations. applicant offered alternatives to buffer. Sparks only object was from owner of pipe yeard to south. Lacy what type of fencing? harrington would like app to address proposed changes to what brought forward.

Mayor Pro Tem Love opened the public hearing at 10:40 a.m.

andrew mellon 1909 W Wall maverick no objection from residences worked with city to make sure traffic would go through didn't like as dev was being close to pipeyard offered buffer as roadway and 8 foot tall wooden fence. Talked to pipeyard guys because worked out. Only concern is nervous about them being vacated. Mike with transportation dept he liked idea of having street come through because offers people to west access to park. Dufford only concern is folks calling police dept is don't like noise or dust . Mellon asked if had calls from anywhere else and they haven't. Stretcher has poplar lane been vacated? Mellon its been vacated everything on property been vacated only thing is easement for sewer that keeping.

There being no one else wishing to speak, the public hearing was closed at 10:43 a.m.

Deputy City Secretary SueAnn Reyes read caption of Ordinance No. 9314.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9314 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

31. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by State Street Housing for a zone change from AE, Agriculture Estate District to MF-1, Multiple-Family Dwelling District, on an 18.584-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas. (Generally located on the west side of Lamesa Drive, approximately 1,000 feet north of Wadley Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9315

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 18.584-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF LAMESA DRIVE, APPROXIMATELY 1,000 FEET NORTH OF

WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Development Services Director Chuck Harrington gave a brief overview of the item noting request to rezone prop from AE to multi family. Fairly unique piece of property with Midland Draw and transmission easement. app prop to dev as multifamily. Going to save a portion that will eventually be th. Done great job of accomodating utility ilnes. one loj came in yesterday could be from homes to north which will receive buffering. Asking for 10 bldgs 248 units maintain 16/acre/. staff rev and rec approval. p7z rec unan approval on aug 4. across draw is another multi family dev. sparks seems like reasonable use. lacy what is setback to residential to north? chuck 200 feet at least. Love assuming by potential th culdesac to allow for it will have own access.

Mayor Pro Tem Love opened the public hearing at 10:48 a.m.

Mayor Morales arrived at 10:49 a.m.

andrew mellon maverick engineering 1909 w wall. there is second phase single family one story townhomes not going 2. It is 200 feet from fence line to building. donating land back to city for widening of channels. They are maintaining 16/.acre. The pieplines going through abiding by their regulations . centurion owns pipeline.

There being no one else wishing to speak, the public hearing was closed at 10:50 a.m.

Deputy City Secretary SueAnn Reyes read caption of Ordinance No. 9315.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9315 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.

32. At approximately 10:39 A.M. hold a public hearing and consider an ordinance on a City-initiated request for a street name change of Liberty Court to Freedom Court adjacent to Lots 1 through 16, Block 1, Floyd Acres, City and County of Midland, Texas. (Generally located on the west side of Beal Parkway, approximately 240 feet south of Logan Court.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9316

AN ORDINANCE CHANGING THE NAME OF LIBERTY COURT TO “FREEDOM COURT” ADJACENT TO LOTS 1-16, BLOCK 1, FLOYD ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 240 FEET SOUTH OF LOGAN COURT); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Development Services Director Chuck Harrington gave a brief overview of the item noting this is flaw identified. two ?? courts. one proposing to change is off of Beal it is raw land change name to freedom court.

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

Deputy City Secretary SueAnn Reyes read caption of Ordinance No. 9316.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9316 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.

Mayor govenor in town break ground on occidental. midland blessed with major oil company making midland home.

33. At approximately 10:42 A.M. hold a public hearing and consider a resolution on a request by Juan C. Mendoza for a Temporary Land Use Permit for a Festival on Lots 7 through 9, Block 191, Southern Addition, City and County of Midland, Texas. (Generally located northeast of the intersection of South Terrell Street and East Dakota Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2014 - 293

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON LOTS 7-9, BLOCK 191, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH TERRELL STREET AND EAST DAKOTA AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting request is for tlup for festival addressed issues regarding music and volumes agreed to standards terms. will be provided security and ample restrooms. staff rec approval.

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

Council Member Dufford moved to adopt Resolution No. 2014 - 293; 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.

MISCELLANEOUS

34. Approved a resolution authorizing the acceptance of a 16.386-acre Public Water & Sewer LIne Easement from Cumberland & Western Resources LLC along the Tradewinds Blvd corridor south of Thomason Dr, for the purpose of constructing public

water and wastewater utility improvements to serve the region west of Loop 250 West; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 294

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 16.386-ACRE WATER AND SEWER LINE EASEMENT, BEING 10.406 ACRES LOCATED IN SECTION 48, BLOCK 40, T-1-S, T & P RR COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND 5.980 ACRES LOCATED IN SECTION 1, BLOCK 40, T-2-S, T & P RR COMPANY SURVEY, MIDLAND COUNTY, TEXAS, GRANTED BY CUMBERLAND & WESTERN RESOURCES, LLC; SAID EASEMENT CONTAINING A REVERSIONARY CLAUSE REQUIRING THE CITY TO (A) ADVERTISE FOR COMPETITIVE BIDS TO CONSTRUCT A WATER LINE AND SEWER LINE PRIOR TO OCTOBER 31, 2014, (B) AWARD A CONTRACT TO CONSTRUCT SAID WATER LINE AND SEWER LINE PRIOR TO FEBRUARY 28, 2015, AND (C) PROVIDE WRITTEN NOTICE TO THE SUCCESSFUL BIDDER TO PROCEED WITH CONSTRUCTION PRIOR TO MARCH 31, 2015; SAID EASEMENT CONTAINING A REVERSIONARY CLAUSE REQUIRING THE CITY TO REPLACE A REMOVED WATER LINE AND SEWER LINE WITHIN 366 DAYS OF REMOVAL; AND ORDERING RECORDATION BY THE CITY SECRETARY

Engineering Services Director Jose Ortiz gave a brief overview of the item noting existing easement for waterline. its narrow only 20 foot easement so negotiated with landowners instead of having two overlapping easements set up new easements so establish new easement to come back with boundary of new easement in future. so want to accept new easement from landowners. Morales concern if vote on independently does it hurt process. Nice thing is did go ahead and accept and go out to advertise bids as soon as tomorrow. language in here this is just dealing with utility ext so if not able to get utilities in then these dates will be part of ext roadway not in jeopardy. still need to go back to landowners to secure row easement. Mayor keep to be on safe site. lacy excited finally happening. Jose a lot of effort on engineering services commend their efforts and keith and his staff.

Council Member Dufford moved to adopt Resolution No. 2014 - 294; 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.

a. Approved a resolution authorizing City staff to accept a release of an existing waterline utility easement from Cumberland & Western Resources LLC along the Tradewinds Blvd corridor south of Thomason Dr for the purpose of accepting a new public water and wastewater easement to construct public utility improvements to serve the region west of South Loop 250 West.

RESOLUTION NO. 2014 - 295

RESOLUTION RELEASING A WATER PIPELINE EASEMENT AND RIGHT-OF-WAY GRANTED BY CUMBERLAND & WESTERN RESOURCES, LLC; AUTHORIZING THE EXECUTION OF SAID RELEASE OF WATER PIPELINE EASEMENT AND RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Dufford moved to adopt Resolution No. 2014 - 295; 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.

35. Approved a resolution authorizing the acceptance of a 4.487-acre Public Water & Sewer Line Easement from SBC LP along the Tradewinds Blvd corridor south of Thomason Dr, for the purpose of constructing public water and wastewater utility improvements to serve the region west of Loop 250 West; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2014 - 296

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 4.487-ACRE WATER AND SEWER LINE EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T & P RR COMPANY SURVEY, MIDLAND COUNTY, TEXAS, GRANTED BY SBC, LP; SAID EASEMENT CONTAINING A REVERSIONARY CLAUSE REQUIRING THE CITY TO (A) ADVERTISE FOR COMPETITIVE BIDS TO CONSTRUCT A WATER LINE AND SEWER LINE PRIOR TO OCTOBER 31, 2014, (B) AWARD A CONTRACT TO CONSTRUCT SAID WATER LINE AND SEWER LINE PRIOR TO FEBRUARY 28, 2015, AND (C) PROVIDE WRITTEN NOTICE TO THE SUCCESSFUL BIDDER TO PROCEED WITH CONSTRUCTION PRIOR TO MARCH 31, 2015; SAID EASEMENT CONTAINING A REVERSIONARY CLAUSE REQUIRING THE CITY TO REPLACE A REMOVED WATER LINE AND SEWER LINE WITHIN 366 DAYS OF REMOVAL; AND ORDERING RECORDATION BY THE CITY SECRETARY

same matter different landowner.

Council Member Lacy moved to adopt Resolution No. 2014 - 296; 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.

a. Approved a resolution authorizing City staff to accept a release of an existing waterline utility easement from SBC LP along the Tradewinds Blvd corridor south of Thomason Dr for the purpose of accepting a new public water and wastewater easement to construct public utility improvements to serve the region west of Loop 250 West.

RESOLUTION NO. 2014 - 297

RESOLUTION RELEASING A WATER PIPELINE EASEMENT AND RIGHT-OF-WAY GRANTED BY SBC, LP; AUTHORIZING THE EXECUTION OF SAID RELEASE OF WATER PIPELINE EASEMENT AND RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Council Member Love moved to adopt Resolution No. 2014 - 297; 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.

36. Discuss a Purchase and Sale Agreement between the City of Midland and Energy

Related Properties, LLC, which was executed by the City Manager on March 18, 2013, regarding the possible purchase and sale of Block 55, Original Town Addition, City and County of Midland, Texas (the "Property"). Discuss the First Amendment to the Purchase and Sale Agreement between the City of Midland and Energy Tower, LLC, which was executed by the City Manager on November 6, 2013, regarding the potential purchase and sale of real property described as Block 55, Original Town Addition, City and County of Midland, Texas and a portion of Loraine Street between Block 55 and 54, Original Town Addition, City and County of Midland, Texas. Discuss a potential Development Agreement as outlined in the Purchase and Sale Agreement. An approved Development Agreement is required before the sale of the property may occur. The Council will hear a presentation from the developer and their representatives. (CITY ATTORNEY'S OFFICE)

Mayor Marales noted letter received from Scooter Brown and want to be heard at a future meeting

Council Member Robnett moved to defer discussion of 36 with inclusion of letter from Energy Related Properties in the minutes; 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.

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

Council Member Lacy moved to appoitn John Ory to replace Carla Repman on zoning board of adjustments and airport zoning board of adj ; seconded by Council Member Love.

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

EXECUTIVE SESSION

Mayor recessed meeting to executive session at 11:08 a.m.

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

a. Section 551.087 Deliberate Economic Development Negotiations.

a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives. Among the matters to be discussed will be a potential economic development agreement with Energy Related Properties, LLC and/or Energy Tower, LLC.

b. Section 551.072 Deliberation Regarding Real Property.

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

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

PASSED AND APPROVED the __ day of ____, ___.

____
Jerry F. Morales, Mayor

ATTEST:

____
Amy M. Turner, City Secretary