

**MIDLAND CITY COUNCIL
MINUTES
October 24, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on October 24, 2017.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Interim Fire Chief Chip Balzer, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, 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 Sara Bustilloz.

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., October 24, 2017.

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

Love president Elect TML president in 2019

1. Invocation - Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

A. Love presented Rotary
B Lacy presented Muni Court

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation to Rotary Club for Polio Day
 - b. Presentation of a Proclamation to Municipal Court for Municipal Court Week

CONSENT AGENDA

Council Member Hotchkiss moved to approve Consent Agenda items 4 - 27 excluding 19; 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.

4. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of October 10, 2017
 - b. Special City Council meeting of October 12, 2017
 - c. Special City Council meeting of October 17, 2017
5. Approved a resolution rejecting all proposals received for the Agenda and Document Management System and authorizing re-issuance of the request for proposals for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 302

RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR AN AGENDA AND DOCUMENT MANAGEMENT SYSTEM; AND AUTHORIZING THE CITY MANAGER TO REISSUE A REQUEST FOR PROPOSALS FOR AN AGENDA AND DOCUMENT MANAGEMENT SYSTEM

6. Approved a resolution approving the purchase of fifty-five (55) National Electrical Manufacturing Association (NEMA) TS2 Type 2 Controllers with Maxtime from Texas Highway Products, LTD through TxSmartBuy contract 550-A2 for a total cost of \$120,285.00 for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 303

RESOLUTION APPROVING THE PURCHASE OF FIFTY-FIVE (55) NATIONAL ELECTRIC MANUFACTURING ASSOCIATION TS2 TYPE 2 CONTROLLERS WITH MAXTIME FROM TEXAS HIGHWAY PRODUCTS, LTD, FOR THE ENGINEERING SERVICES DEPARTMENT, THROUGH TXSMARTBUY AT A TOTAL COST OF \$120,285.00

7. Approved a resolution awarding a contract for the renovation of two (2) elevators at City Hall to the sole bidder Thyssenkrupp Elevator Corporation for a total cost of \$413,026.00 plus \$41,302.60 in contingencies for a total project allowance of \$454,328.60 for the General Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2017 - 304

RESOLUTION AWARDING A CONTRACT FOR THE RENOVATION OF TWO (2) ELEVATORS AT CITY HALL TO THE SOLE BIDDER, THYSSENKRUPP ELEVATOR CORPORATION, AT A TOTAL COST OF \$413,026.00; APPROVING \$41,302.60 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

8. Approved a resolution approving the renewal of the Incode Court Case Management annual software maintenance in the amount of \$52,487.86 from Tyler Technologies, Inc. for the Municipal Court. (PURCHASING)

RESOLUTION NO. 2017 - 305

RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$52,487.86 FOR THE ANNUAL MAINTENANCE COST OF THE MUNICIPAL COURT'S CASE MANAGEMENT SOFTWARE TO TYLER TECHNOLOGIES, INC.

9. Approved a resolution approving the purchase of three hundred fifty (350) tons of gypsum for the Spraberry and Plant Farms for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 306

RESOLUTION APPROVING THE PURCHASE OF THREE HUNDRED FIFTY (350) TONS OF GYPSUM FROM BWI COMPANIES, INC., FOR THE SPRABERRY FARM AND PLANT FARM AT A TOTAL COST OF \$56,700.00

10. Approved a resolution approving specifications and authorizing advertisement for bids for Plant Farm Labor Contracting Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 307

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR PLANT FARM LABOR CONTRACTING SERVICES FOR THE UTILITIES DEPARTMENT

11. Approved a resolution amending the budget for the Midland Development Corporation's 2016-2017 Fiscal year. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 308

RESOLUTION APPROVING THE AMENDED FISCAL YEAR 2016-2017 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

12. Approved a resolution approving a Donation Agreement with the Texas Department of Transportation for a Highway Safety Improvement Project to provide for the construction of main lanes and interchanges on system at the intersection Interstate Highway 20 and South Midkiff Road in Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 309

RESOLUTION APPROVING A DONATION AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HIGHWAY SAFETY IMPROVEMENT PROJECT TO PROVIDE FOR THE CONSTRUCTION OF MAIN LANES AND INTERCHANGES ON SYSTEM AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND SOUTH MIDKIFF ROAD IN MIDLAND COUNTY, TEXAS

13. Approved a resolution approving a Donation Agreement with the Texas Department of Transportation for a Highway Safety Improvement Project to provide for the construction of main lanes and interchanges on system at the intersection of Loop 250 and State Highway 191 in Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 310

RESOLUTION APPROVING A DONATION AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HIGHWAY SAFETY IMPROVEMENT PROJECT TO PROVIDE FOR THE CONSTRUCTION OF MAIN LANES AND INTERCHANGES ON SYSTEM AT THE INTERSECTION OF LOOP 250 AND STATE HIGHWAY 191 IN MIDLAND COUNTY, TEXAS

14. Approved a resolution approving a Donation Agreement with the Texas Department of Transportation for a Highway Safety Improvement Project to provide for the construction of main lanes and interchanges on system at the intersection of Loop 250 and County Road 1140 in Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 311

RESOLUTION APPROVING A DONATION AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A HIGHWAY SAFETY IMPROVEMENT PROJECT TO PROVIDE FOR THE CONSTRUCTION OF MAIN LANES AND INTERCHANGES ON SYSTEM AT THE INTERSECTION OF LOOP 250 AND COUNTY ROAD 1140 IN MIDLAND COUNTY, TEXAS

15. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 805WB) located 306 feet from the south line and 2,528 feet from the west line located in

Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405 feet north of Green Tree Boulevard extension and 2,528 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 312

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,528 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,528 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 815MS) located 306 feet from the south line and 2,498 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405 feet north of Green Tree Boulevard extension and 2,498 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 313

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,498 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,498 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MISSOULA UNIT 805WA) located 306 feet from the south line and 2,558 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405 feet north of Green Tree Blvd. extension and 2,558 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 314

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,558 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,558 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MISSOULA UNIT 806WB) located 306 feet from the south line and 2,588 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 405 feet north of Green Tree Blvd. extension and 2,588 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 315

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,588 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,588 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

20. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Elkins Atrelle 31-42 #242) located 1,655 feet from the north line and 2,266 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 340 feet south of East Cynthia Drive extension and 2,266 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 317

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,655 FEET FROM THE NORTH LINE AND 2,266 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 340 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,266 FEET WEST OF TODD DRIVE)

21. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Harvard McClintic 31-30 #151) located 2,398 feet from the north line and 2,284 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 1,082 feet south of East Cynthia Drive extension and 2,284 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 318

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,398 FEET FROM THE NORTH LINE AND 2,284 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,082 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,284 FEET WEST OF TODD DRIVE)

22. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Harvard McClintic 31-30 #252) located 2,398 feet from the north line and 2,309 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 1,082 feet south of East Cynthia Drive extension and 2,309 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 319

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,398 FEET FROM THE NORTH LINE AND 2,309 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,082 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,309 FEET WEST OF TODD DRIVE)

23. Approved a resolution authorizing the execution of a road repair agreement with to Endeavor Resources, L.P. (Operator), regarding its application to drill oil and gas wells (Harvard McClintic 31-30 #151, Harvard McClintic 31-30 #252, Elkins Atrelle 31-42 #141, Elkins Atrelle 31-42 #242) located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. The Road Repair Agreement will cover Todd Drive in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 320

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, L.P. REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

24. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit No. 1114H) located 285 feet from the north line and 2,588 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 2,588 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 321

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 2,588 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,588 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE)

25. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit No. 1115H) located 285 feet from the north line and 2,628 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 2,628 feet west of North State Highway 349 and 5,030 feet

north of Mockingbird Lane.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 322

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 2,628 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,628 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE)

26. Approved a resolution authorizing the execution of an agreement between the Midland Country Club and the City of Midland accepting funds for the public improvements to construct additional medians along North Highway 349 from Cerrillos Avenue to Pueblo and authorizing the City Manager to amend the Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) in the amount of \$200,000 for the additional construction work along North Big Spring Street (BS 349-C) between LP 250 and Martin County Line. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 323

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE REHABILITATION AND WIDENING OF BUSINESS STATE HIGHWAY 349-C (COMMONLY KNOWN AS NORTH STATE HIGHWAY 349) AND THE CONSTRUCTION OF RELATED IMPROVEMENTS; SAID AMENDMENT TO PROVIDE FOR THE CONSTRUCTION OF ADDITIONAL MEDIANS ALONG BUSINESS STATE HIGHWAY 349-C, FROM CERRILLOS AVENUE TO PUEBLO; AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$200,000.00; AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND COUNTRY CLUB FOR ROADWAY FACILITIES IMPROVEMENTS ADJACENT TO LOT 2, BLOCK 1, MIDLAND COUNTRY CLUB ESTATES, SECTION 2, CITY AND COUNTY OF MIDLAND COUNTY, TEXAS; AND APPROPRIATING FUNDS THEREFOR; SAID PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

19. Approved a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Elkins Atrelle 31-42 #141) located 1,656 feet from the north line and 2,291 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 339 feet south of East Cynthia Drive extension and 2,291 feet west of Todd Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 316

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,656 FEET FROM THE NORTH LINE AND 2,291 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 339 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION

AND APPROXIMATELY 2,291 FEET WEST OF TODD DRIVE)

Dufford pulled to ask questions. Neighborhood, think have in applicaiton they plan to drill through if dont have good santa rosa use olava. Ron econom to use ? 10:11 same aquifer of neighbors to north. Dufford only concern is hoping they do get nnew water out of santa rosa because economical and could potentially hurt neighborhood. Ron rep is here. Laccy operator own ssurface, ron yes.

Josh Harrison 4789? Rustic trail, dufford attempt to sue santa rose first. josh yes that is goal. there are existing wells out there. Do think using Saanta Rosa exclusively was not attractice need ot use combo of both. can look in and have discussionw itht hem. Dufford have they tested santa rosa? Josh no one has santa rosa nearest on ss of tank faarm has not been teste. Dufford do youu know if endeavor intends to test know its in application that might. josh will look at geology and other studies very expensive wells to drill. don't know qquaality and if it varies from palce to place. Sparks its not very expensive to drill for santa rosa out there. don;t know if santa rosa will ahve neoough water or not not hard to get to rpetty shallow. Josh want to be good steward of water. cocern of everyones and will manage. Dufford jsut wat to get onr ecord and hopefully it works if it doesn't. josh don't know if can get from overla alone otherwise have to look at trucking. Dufford hope try to be as neighborholy as possible.

Council Member Robnett moved to adopt Resolution No. 2017 - 316; seconded by Council Member Lacy.

Karl Reiter 3200 Todd Rd live within 1/2 mile of well beent alking to ppeople getting info. prepared to do petition if necessary think can hear what he has to say. did internet ressearch on water code has a couple of questions they don't know if overla has neough water. if don't have enough will take water from every possible palce. it is within city limits but no city services think important consider putting mandates on ability to use all water in that area. understand rule of capture and water code, there aare couple nuances and one happens to be if subterranean flow becomes different. their neighborhood involved inw ater issue north of where live say water sources is a plume that takes away from water code and rule of capture ask to have endeavor do hydrology study and fight for rights of those citizens. we all know take a lot of water aand don't know that doing best is in best interest of citizens that live out there.

Jossh Harrison, when say they referring to endeavor just generalization of industry using alot of water. when comapre to pvt irrigaiton alone and what sucks out of ovalalaa he is not hydrologist and has not done studies on drilling inside city limits. do beest to abide by tceq and all rules and regulations. Sparks jsut ask to keep council informed of drilling of santa rosa and what you find. he confirmed he would.

Love all subject to tceq and state law and right to capture fresh water.

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

27. Approved a resolution approving the MOA between the Border RAC and the Midland Fire Department. (FIRE)

RESOLUTION NO. 2017 - 324

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF STATE HEALTH SERVICES DESIGNATED LEAD REGIONAL ADVISORY COUNCIL FAR WEST TEXAS & SOUTHERN NEW MEXICO TRAUMA REGIONAL ADVISORY COUNCIL DBA BOARDER RAC REGARDING THE MIDLAND FIRE DEPARTMENT'S PARTICIPATION AS A MEMBER OF THE EMERGENCY MEDICAL TASK FORCE PROGRAM

Council Member Hotchkiss moved to approve Consent Agenda items 4 - 27 excluding 19; 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.

SECOND READINGS

28. Consider an ordinance on second reading on a request by Natural Gas Services Group, Inc. for a Zone Change from LR-2, Local Retail District, to O-2, Office District on Lot 3, Block 14, Claydesta Plaza, Section 13, City and County of Midland, Texas. (Generally located north of Veterans Airpark Lane, approximately 575-feet west of North Big Spring Street.) (DEVELOPMENT SERVICES) (First reading held October 10, 2017.)

ORDINANCE NO. 9695

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 14, CLAYDESTA PLAZA, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN O-2, OFFICE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF VETERANS AIRPARK LANE, APPROXIMATELY 575 FEET WEST OF NORTH BIG SPRING STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Mayor MOrales read the caption of Ordinance N. 9695.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9695 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

29. Consider an ordinance on second reading on a request by Jim Powell / RARE Hospitality International Inc. for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 8, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 720-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES) (First reading held October 10, 2017.)

ORDINANCE NO. 9705

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 8, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 720 FEET WEST OF NORTH MIDKIFF 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

Mayor Pro Tem Hotchkiss read the caption of Ordinance No. 9705.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9705 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. Consider an ordinance on second reading on a request by Kurt Vanderwalle on behalf of H-E-B Grocery Store for a Zone Change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center for an addition of a Curbside Pickup Station on Lots 3A and 4, Block 15, Hyde Park Addition, Section 6, City and County of Midland, Texas. Generally located southwest of the intersection of West Wadley and North Midkiff Road. (DEVELOPMENT SERVICES) (First reading held October 10, 2017.)

ORDINANCE NO. 9706

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 3A AND 4, BLOCK 15, HYDE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH MIDKIFF 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 SueAnn Lopez read the caption of Ordinance No. 9706.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9706 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

31. Consider an ordinance on second reading by Devin Benson for a Special Exception for approval of a Special Exception to the City of Midland Zoning Ordinance Section 11-1-

7.-Area, yard, structure, parking, and miscellaneous lot and use regulations concerning front yard setbacks, for the proposed Vineyard Addition, Section 7, being a 84.743-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of Sandstone Drive, approximately 930-feet north of Sherwood Drive and southwest of the intersection of Sherwood Drive and Val Verde Drive). (DEVELOPMENT SERVICES) (First reading held on October 10, 2017.)

ORDINANCE NO. 9707

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR 84.743 ACRES OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SANDSTONE DRIVE, APPROXIMATELY 930 FEET NORTH OF SHERWOOD DRIVE, AND SOUTHWEST OF THE INTERSECTION OF SHERWOOD DRIVE AND VAL VERDE DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK; 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 Lopez read the caption of Ordinance No. 9707.

Council Member Love moved to approve the second and final reading of Ordinance No. 9707 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. Consider an ordinance on second reading on a request by Cary Love for approval of a site plan on Lot 1A, Block 21, Greenwood Addition, Section 13, City and County of Midland, Texas. (Generally located southwest of the intersection of East Washington Avenue and South Calhoun Street. Council District 2) (DEVELOPMENT SERVICES) (First reading held October 10, 2017.)

ORDINANCE NO. 9708

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1A, BLOCK 21, GREENWOOD ADDITION, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST WASHINGTON AVENUE AND SOUTH CALHOUN STREET); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9708.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9708 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

33. Consider an ordinance on second reading prohibiting parking on the north side of Conroe Court from the west curb line of Conroe Street continuing west to the east curb line of Holiday Hill Road except to residents whose property abuts said portion of Conroe Court and who have obtained valid parking permits. (ENGINEERING SERVICES) (First reading held October 10, 2017.)

ORDINANCE NO. 9709

AN ORDINANCE PROHIBITING PARKING ON THE NORTH SIDE OF CONROE COURT FROM THE WEST CURB LINE OF CONROE STREET CONTINUING WEST TO THE EAST CURB LINE OF HOLIDAY HILL ROAD EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SAID PORTION OF CONROE COURT AND WHO HAVE OBTAINED VALID PARKING PERMITS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9709.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9709 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

34. Consider an ordinance on second reading amending Title IX, "Public Ways and Property", by establishing Chapter 7, "Small Wireless Facility Siting", so as to establish standards for network nodes and node support poles in the public right-of-way in the City of Midland (DEVELOPMENT SERVICES) (First reading held October 10, 2017.)

ORDINANCE NO. 9710

AN ORDINANCE AMENDING TITLE IX, "PUBLIC WAYS AND PROPERTY", BY ESTABLISHING CHAPTER 7, "SMALL WIRELESS FACILITY SITING", SO AS TO ESTABLISH STANDARDS FOR NETWORK NODES AND NODE SUPPORT POLES IN THE PUBLIC RIGHT-OF-WAY IN THE CITY OF MIDLAND; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9710.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9710 in accordance with the Charter of the City of Midland; seconded by Council

Member Hotchkiss.

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

PUBLIC HEARINGS

35. Hold a public hearing and consider an ordinance on a request by Jason Horowitz, for a vacation of the 0.092 acre portion of the alley right-of-way, located adjacent to Lots 1-4 and 9-12, Block 8, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Madison Street, approximately 140-feet south of Houston Avenue. Council District 2). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9711

AN ORDINANCE VACATING AND ABANDONING A 0.092-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1-4 AND 9-12, BLOCK 8, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MADISON STREET, APPROXIMATELY 140 FEET SOUTH OF HOUSTON AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,015.40; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9711.

Development Services Director Chuck Harrington gave a brief overview of the item noting dollar general requires vacation of alley. .092 acre portion of row. as stated have mcad values \$2/sq ft total 8,015.40. Remianing portion of alley to west will remain unvacated. circualted all deepts approved. one loj. subsequet to reception hadd visit from individual shoed what involved since withdraw opposition to request. staf rec approval. once receive sum of \$8015.40.

Love technical question why llabeled industrial and now front or highway 80. Love industrial sits on south side of railroad and wondered why. chuck does not know can't answer question. Love on plat labeled industrial street sparks not labeled up here love don't want to hold up.

Mayor Morales opened the public hearing at 10:30 a.m.

Linda Munoz, 407 N Tyler, on behalf of neighbors at 4j09 and 411. have few concerns about dollar store. will icnrease traffic in neighborhood. dirt road on houston that flows like river. with alot of traffic will be problems. dodont' ahve curb and gutter wondered in planning to fix roads. in relation to stoore will ahve a lot of delivery trucks, nosie, wear and tear will there be a fence and concern about trash. other concern is where will trash copntainers go? They ask to beautify area we know all neighbors look out for eachother will bring increased traffic, people pedestrians, cars ask to consider that.

Chuck representative present.

Bob Gage gbt realy developer on project another dollar general in ttown. yes putting fence up on north side of property required bycode. looking ot pu up 6 foot wood fence. enclsoure aorund dumpster typical front load dumpster. deliveries do have one major

delivery monday morning every week before store opening. don't see issues with adjacent property owners coming off east front not in neighborhood. dirt road on Houston require to pave curb and gutter at Tyler all improved. Lots of improvements all round piece of property. extensive investment for them adhering to all requirements hope to turn out good quality project as in past. Hotchkiss landscaping and beautification? Bob meeting local requirement putting in street trees two bushes, sod and irrigation asked for no variance to landscape ordinance. Hotchkiss because of concern would consider making 7 foot. Bob yes, certainly.

Love will pave portion of Houston and asked that rest of that is added to Compass program to make sure its on there to be put in line for future improvements.

Julius Brook 3718 ?? have concern paving out to Houston. own 1301 and lot beside that. speaking of drainage on Tyler it stand hope considered. running pavement to Houston water line runs right down Houston wondering if considerations for rerouting water line so if do have major problem won't have to dig up concrete to move line. Love defer to city engineer to answer question. Jose Ortiz, will look at during review process making sure any utility in place will have to be moved. Sparks a lot of liens are under streets. Julius other than that chance to get his property improved very heavy traffic area. think going to improve neighborhood there can see concerns but think it will be better.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9711 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

36. Hold a public hearing and consider an ordinance upon request by Abilene Goodwill Industries of West Texas for a Zone Change from a PD, Planned District for a Shopping Center to an Amended PD, Planned District for a Shopping Center, for approval of a site plan, on Lot 1-A, Block 6, Crestgate Addition, Section 28, City and County of Midland, Texas. (Generally located northwest of the intersection of West Loop 250 North and Crestfield Street..) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9712

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1-A, BLOCK 6, CRESTGATE ADDITION, SECTION 28, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND CRESTFIELD STREET); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9712.

Chuck there was one item arisen they have neighbors in touch with haverties and so has good will looking at entire piece to close up and good will happy to address they

ahve done everything Council asked for and recommend approval. Lacy why was site plan not aattached to original approval. IN particular this one had to be revised and it is cleaner.

Mayor Morales opened the public hearing at 10:40 a.m.

Justin Nolen 4103 Crestview was at P7Z approval for Havertiess to rright to extend fence to current haverty fence want ot make sure done he has copy. wnat ot make sure included and avail to answer questions.

There being no one else wishing to speak, the public hearing was closed at 10:41 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9712 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.

37. Hold a public hearing and consider a resolution on a request by Monica Ramirez for approval of a Temporary Land Use Permit for Pop-Up Markets on Lot 12, Block 26, Original Town Addition, and a previously vacated 0.032-acre portion of West Ohio Avenue right-of-way, located adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 325

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR POP-UP MARKETS ON LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, AND A PREVIOUSLY-VACATED 0.032-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY ADJACENT TO LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO 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 tlu for pop up market. new term not sseen before. definition is temporary retail vending. common in other larger cities acrosss texas. applicaant prroposing for midland. prop to op next year s-th 8-10 f-s 8a.m. tto 12 a.m. sounds a lot actual when move to stand since only conducted twice a week one weekend daay. Lacy convey issues about alcohol before 110 a.m. chuk yes prop market of various local vendors artisans farmers, crat and food trucks. different tthan operating hoours. prop mon-thur 6-9 p.m. fri 7-12 p.m. sat 11-2 p..m. sun 12-? sunday what have also stated is alcohol for brunchw ill not sell alcohola t night limited to one time or another have to lay time ot specific no alcohol served between 2 and 5. representative here. Lacy rso need to be aamended

Saprks does it make difference if do 3 days a week because a lot of peoplle . Love for him it doesn't matter when jsut by saying going to do one day on weekend and one day on weekday would like to have more definitive. be general or be specific. request ot

talk to applicant.

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

Monica Ramirez 1602 McClintic, what is set up when sell alcohol what kind of permit did you get and TABC every day. Monica in regard to times and dates don't want to conflict with other markets with its schedule such as farmers market on sat. when run on sat cannot compete nor do we want to. want to attract traffic downtown and support other businesses. 1/3 owner of so fly. premise is drawing traffic sleepy downtown and shop suffering. attempt in drawing crowds is to provide pop up market. schedule rotate during summer different than winter. hard to be specific in regard to times and daylight don't want to open at 7 in winter will be dark. Love why not just open up whenever you want? Monica also want to have special events with alcohol sales. based on caterer license it will be a vendor that holds specific license from tabc or another small business. will put in temporary fence. goes back to parking lot or sidewalk. only there for those hours nothing permanent including lights. As far as schedule plan to have schedule but can't really get a lot of vendors committed until have council approval. Lacy one year lets let them go at it and see how works. Love what to make it less restrictive.

Sparks will have alcohol times in there of limit. robbett approved alcohol in same lot do they overlap. John resolution requires one certified peace officer.

Danny McNerline, 360 Crestmont Drive, acting as market director, encourage the use of these facilities for use of pop up market provide valuable service to local farmers. veggies produced year round with greenhouses and need venue to sell product. would love to have off time visitors downtown to this venue strongly encourage manager of farmers market.

DeAnn Yates coowner /mg of flymore?? farms. Family produce organic vegetables fruits and nuts. in listening to proposal term pop up new term and hangup because know quality of vendors and markets considered street vendors might be concern. until 45 days ago never heard term pop up. having been involved in Midland market for 10 years, 4th generation farmer world revolved around seasonal structure and weather. technology and use of social media changed of how marketing cotton cattle vegetables herbs nuts drastically therefore term pop up. last 45 days involved in two pop ups. hosted a brunch on her farm. both markets supplied veg and product in Midland successful. pop up brunch sold in two weeks it was oversold. need and term hear more frequently. appreciate council is mindful but people involved have been instrumental in mgmt of what going on here.

Gloria Slazar 2504 Cambell tree cove, here to show favoritism for this type of market. midland unlike many of small cities of country. downtown has this type of market. they are fun, habit forming, if agenda alike every saturday people will put on schedule. something downtown midland does not have since cannot host annual event like 4th of July on yearly basis this is something that can regenerate that traffic downtown on a weekly basis. this give people reason to come downtown and as owners of so fly everytime downtown has event see increased traffic in store. for few months sales dwindling because need traffic. urge to vote for this good thing for midland.

Love those events no longer in downtown once convention center will more than likely

come back downtown.

Barbara Cox 41102 WCR 114, own small farm and farming new to her, vendors at farmers market and look forward to be vendors at pop up market. next year expanding to gardening, eat whole food plant based diet important to have fresh products can obtain locally and supporting local vendors and farmers. business has grown last couple of years and look forward to continuing to grow. think important to support local markets and supply people of community with good quality products.

There being no one else wishing to speak, the public hearing was closed at 10:58 a.m.

Council Member Lacy moved to adopt Resolution No. 2017 - 325 with amend that alcoholic beverage sales and consumption shall be limited to Mon-Thur 6 p.m. to 9 p.m.; Friday 7 p.m. to 12 a.m., Saturday from 11 a.m. to 2 p.m. and 7 p.m. to 12 a.m.; Sunday from 11 a.m. to 2 p.m. and 7 p.m. to 10 p.m.; 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.

38. Hold a public hearing and consider a resolution on a request by Sonny Aguilar for approval of a Temporary Land Use Permit for a Mobile Food Vendor with Seating on Lot 12, Block 26, Original Town Addition, and a previously vacated 0.032-acre portion of W. Ohio Avenue right-of-way, located adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas. (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 326

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MOBILE FOOD VENDOR WITH SEATING ON LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, AND A PREVIOUSLY-VACATED 0.032-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY ADJACENT TO LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO 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 asking for tlp for mobile food bus buss 22 to provide seating for mobile food vending operates. food vendor does not allow to provide seating. he is asking for opportunity to take double decker bus and provide seating on second deck. additionally to have seating outside on site. sale of cons of alco not included. no music two restrooms for public during all operating hours. circc and rev staff no obj to req and rec approval. Love go back to map that shows potential placement dont have problem but concern if parks on corner of big spring and ohio is there obstruction. nvm colorado and ohio. Lacy same as last year, yes. restrooms in building yes.

Mayor Morales opened the public hearing at 11:01 a.m.

Sony Aguilar 4120 Springfield here for questions. same thing nothing changed want to get open again. to answer question about restrooms when pop up will have portapotties but restrooms within 300 ft which is city code in building. Love premise of question is

want to make sure not blocking view site of line view. Sony rreason through all overlot is zonign asked for that dont' know what going to do if have food truck battle two facing wnat option to move it. Love make sure odn't block line of site.

There being no one else wishing to speak, the public hearing was closed at 11:03 a.m.

Council Member Lacy moved to adopt Resolution No. 2017 - 326; seconded by Council Member Hotchkiss.

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

MISCELLANEOUS

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

Council Member Sparks moved to appoint Joseph Payne to Oil & Gas to serve rremainder of term; 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.

Council Member Lacyappoint Council Robnett as laiason to Animal SErVICES Advisory; seconded by Council Member Love.

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

40. The City Council will recess and at approximately 1:00 p.m. will reconvene at Basin PBS, located at 203 N. Main Street, to tour the facilities. (DEVELOPMENT SERVICES)

PUBLIC COMMENT

Robert Cobb 2504 SCR 1110 , current tenant of north side sprayberry farm. have things say andd ask to clarify told by ddifferent official that in best interrest of com that need to bid the north side out. the bid process gone on met had numerous meetins in 2017 and now bid process started and is sitll going on. hwo can it be in best interest of com when go from situation where city received hundred sof thousand of dollars over 3 year contract now city paying out millions of dollars. Morales clarify can listen to issues or comments but cannot respond legally. can speak after meeting. robert as business owner we are in to make money aand the city cant understand why the change. understand contract goes out dec 31 not coocern but concern no it works where go from wher ecity receive money to go to paying out. ahvent' receive explanation.

41. 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.)

EXECUTIVE SESSION

recess to executive session 11:09 a.m. noting would reconvene in open session at 1 p.m. at Basin pbs.

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

a. Section 551.087 Deliberate Economic Development Negotiations

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

b. Section 551.072 Deliberation Regarding Real Property.

- b.1. Discuss the sale, exchange, lease, or value of real property described as a 4.142 acre tract out of Section 14, Block 49, T-1-S T&P R.R. Co. Survey, City of Midland, Midland County, Texas (Generally located on the west side of Big Spring Street, approximately 800 feet north of Veterans Airpark).

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

PASSED AND APPROVED the __ day of ____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary