

**MIDLAND CITY COUNCIL
MINUTES
November 07, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on November 07, 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., November 07, 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

10:02

1. Invocation - Pastor Dr. Darin Wood, First Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

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

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 16 excluding 13; 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.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of October 24, 2017
 - b. Special meeting of October 25, 2017
5. Approved a resolution Nominating Bob McNaughton for the Midland Central Appraisal District Board of Directors. (FINANCE)

RESOLUTION NO. 2017 - 327

RESOLUTION NOMINATING ROBERT MCNAUGHTON FOR THE MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND CENTRAL APPRAISAL DISTRICT

6. Approved a resolution awarding a contract for the Water Purification Plant conversion to Liquid Ammonium Sulfate (LAS) Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 328

RESOLUTION AWARDING A CONTRACT FOR THE CONVERSION LIQUID AMMONIUM SULFATE PROJECT AT THE WATER PURIFICATION PLANT FOR THE UTILITIES DEPARTMENT TO STRATEGIC CONSTRUCTION SOLUTIONS IN THE AMOUNT OF \$1,387,500.00; AND APPROPRIATING FUNDS THEREFOR

7. Approved a resolution awarding a contract for the Manhole Adjustment between the

Westridge and Gateway Subdivisions Project for the Utilities Department.
(PURCHASING)

RESOLUTION NO. 2017 - 329

RESOLUTION AWARDING A CONTRACT FOR THE WESTRIDGE AND GATEWAY SUBDIVISION MANHOLE ADJUSTMENT PROJECT FOR THE UTILITIES DEPARTMENT TO THE SOLE RESPONSIVE BIDDER, TEC EXCAVATION, INC., OF MIDLAND, TEXAS, AT A TOTAL COST OF \$137,932.00

8. Approved a resolution awarding a contract for Spraberry Farm Labor Contracting Services for five (5) sections of irrigated pasture land for the Utilities Department.
(PURCHASING)

RESOLUTION NO. 2017 - 330

RESOLUTION AWARDING A CONTRACT FOR SPRABERRY FARM LABOR CONTRACTING SERVICES TO KEVIN COOK FARMS, OF STANTON, TEXAS, AT A TOTAL COST OF \$1,100,041.00; AND PROVIDING FOR AN AMOUNT OF \$275,010.25 IN CONTINGENCIES THEREFOR

9. Approved a resolution approving a professional services agreement with Entprotec/Hibbs & Todd, Inc. for the design of the Louisiana Avenue Water Line Replacement Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 331

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE DESIGN SERVICES FOR THE LOUISIANA AVENUE WATER LINE REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$87,000.00

10. Approved a resolution approving the 2018 City Council Meeting Dates. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 332

RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2018

11. Approved a motion authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the following amounts for the following purposes: \$59,840.00 to assist the City of Midland Health and Senior Services Division (City) with delivery of Refugee Immunization Services; \$150,358.00 to assist the City with delivery of Immunizations Services; \$102,190.00 to assist the City with delivery of Public Health Emergency Preparedness Services; \$111,630.00 to assist the City with the delivery of local Public Health Services; authorizing the City Manager or his designee to execute all necessary acceptance documents; and authorizing and directing the City Treasurer to deposit the funds into the General Fund. (COMMUNITY SERVICES)
12. Approved a resolution approving an Interlocal Cooperation Agreement between the Downtown Midland Management District and the City of Midland, Texas for Downtown Landscaping Services. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 333

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT (THE "DMMD") TO PROVIDE FOR LANDSCAPING SERVICES FOR THE CITY INCLUDING, BUT NOT LIMITED TO, CARE AND MAINTENANCE OF CITY-OWNED PLANTERS, TREE GRATES, PLANTS, TREES, SHRUBS, AND OTHER GREENERY LOCATED WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN THE BOUNDARIES OF THE DMMD

14. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Enterprise Crude Pipeline LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing an oil transportation pipeline, not to exceed twenty (20) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 36, Block 39, Township-1-North, Sections 33 and 34, Block 38, Township-1-North, and Sections 5 and 8, Block 38, T1S T&P R.R. Co. Survey, Midland and Martin Counties, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 335

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENTERPRISE CRUDE PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 33 AND 34, BLOCK 38, TOWNSHIP 1 NORTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS, SECTION 36, BLOCK 39, TOWNSHIP 1 NORTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS, SECTION 5, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS, AND SECTION 8, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

15. Approved a resolution inviting the United States Army Special Operations Command (USASOC) to conduct the Unconventional Warfare Exercise 18 (UWEX 18), in Midland, Texas from March 10, 2018 through May 10, 2018. (POLICE)

RESOLUTION NO. 2017 - 336

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, INVITING THE UNITED STATES ARMY SPECIAL OPERATIONS COMMAND TO CONDUCT THE UNCONVENTIONAL WARFARE EXERCISE 18 IN MIDLAND, TEXAS, FROM MARCH 10, 2018, THROUGH MAY 10, 2018

16. Approved a resolution to approve and appoint volunteer candidates from the Citizens Police Academy Alumni as Volunteers Enforcing Parking Restrictions. (POLICE)

RESOLUTION NO. 2017 - 337

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS TO ENFORCE PARKING RESTRICTIONS AS AUTHORIZED BY CHAPTER 681 OF THE TEXAS TRANSPORTATION CODE

13. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Plains Pipeline, L.P., said Right-of-Way License is for entering the

City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing an oil pipeline, not to exceed six (6) inches in diameter, and related surface appurtenances, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 10, Block 37, T-3-S, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 334

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PLAINS PIPELINE, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

Council Member Sparks moved to adopt Resolution No. 2017 - 334; 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.

SECOND READINGS

17. Consider an ordinance on second reading 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). (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 Darlene Eastin read the caption of Ordinance No. 9711.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9711 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

18. Consider an ordinance on second reading 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 Darlene Eastin read the caption of Ordinance No. 9712.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9712 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.

PUBLIC HEARINGS

19. Hold a public hearing and consider a resolution by Engesser's Exotics dba The Zoo/Jungle Safari for a Temporary Land Use Permit for an educational petting zoo and exotic animal display on Lot 4A, Block 1, North Park, Section 5, City and County of Midland, Texas (Generally located northeast of the intersection of West Loop 250 North and North Midkiff Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 338

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN EDUCATIONAL PETTING ZOO AND EXOTIC ANIMAL DISPLAY ON LOT 4A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); 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 for exotic petting zoo. photo opportunities with animals, feed some animals, ride some naimals. proposing ot set up today and take down Sunday. going into zoo free cost is for food or riding animals. staaff reviewed and recommend approval of tlup.

Robnett private temp zoo. chuck yes worked out with owners to bring in used to do in Odessa.

Robnett cats chuck one large cat but not for petting there will be security to protect overnight to protect animals.

Mayor Morales opened the public hearing at 10:09 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 338; seconded by Council Member Dufford.

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

20. Hold a public hearing and consider an ordinance on a request by Cody James Cooper for a Specific Use Permit, without term, for an accessory building used for living or sleeping quarters, on Lot 12B, Block 2, Country Sky Addition, Section 19, City and County Midland, Texas (Generally located east of Roadrunner Trails, approximately 1,931 feet south of Briarwood Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9713

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 12B, BLOCK 2, COUNTRY SKY ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED EAST OF ROADRUNNER TRAIL, APPROXIMATELY 1,931 FEET SOUTH OF BRIARWOOD AVENUE), WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9713.

Development Services Director Chuck Harrington gave a brief overview of the item noting accessory building for living sleeping for grandmother with medical disability need spec care. located in CE district under spec use permits living sleep allowed. provided proposed floor plan, stick built ada accessible. reviewed by all depts one stipulation is authorizing city secretary to file certified copy so can never be used for rental purp. rec on loj included in packet . staff rec approval.

Mayor Morales opened the public hearing at 10:12 a.m.

Cody Cooper 4117 Road Runner Trail, it will be directly behind main home and out of sight and purposefully used for grandmother this is private matter hope goes through without issues.

There being no one else wishing to speak, the public hearing was closed at 10:13 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9713 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.

21. Hold a public hearing and consider a resolution on a request by Westlake ACE

Hardware for a Temporary Land Use Permit for a Grand Re-opening on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas (Generally located on the north side of Andrews Highway, approximately 390 feet east of Whitney Drive). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 339

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A GRAND RE-OPENING EVENT ON LOT 1, BLOCK 5, PARK PLACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 390 FEET EAST OF WHITNEY DRIVE); 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 ACE Hardware West lake ace for remodeling inside. propose to have grand reopening event include part of parking lot. ladies night on friday free wine samples and grand reoping on Saturday include stell brand vendor trailer and cookout. outdoor signage callouts and balloons across parking lot. staff reviewed no comments it is compliance with comp plan to do these kinds of events. staff rec approval.

Mayor Morales opened the public hearing at 10:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2017 - 339; 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.

22. Hold a public hearing and consider a resolution upon a request by Monty Hennessey for a Temporary Land Use Permit to temporarily have storage containers on Lots 1-4, Block 4, Parklea Addition, City and County of Midland, Texas (Generally located at the northeast intersection of West Wall Street and Key Street). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 340

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR THE PLACEMENT AND USE OF STORAGE CONTAINERS ON LOTS 1-4, BLOCK 4, PARKLEA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST WALL STREET AND KEY STREET); 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 requesting tlup for 4 10-40 storage units 2706 west weall for duration of 6 months. overall plan is to have addition built last year but unable to follow through. if look at information provided building will not meet minimum for even one storage unit. staff reviewed and finds no overall overriding need for this particular storage. Staff looks for what hardships are tehre and don't find any. If you also notice provided with objection letter received this morning. Staff not recommend approval of request. if Copuncil desires to approve ask to have conditions a and b. no application or building permit 6

months not enough. lacy storage containers on ppoerty. chuck yes at least one year. hotchkiss have they been notified. chuck thats why going thorough process. sparks didnt' know violating its been a eyar before anyone noticed. love what is their story. chuck business provide corporate rentals presume store furnishings but unsure. love comment on similarities between this and what did on I-20 with applicant who had stuff that shouldnt' be there and gave period of tiem to get rid of. Chuck different circumstance different zoning. tried to work with them to resolve. Dufford asking for 6 months. Ohnemiller prop reso has 6 month time frame. Love did you say 6 months not enough time. chuck no. right now subdivision plat is 10-12 weeks and then building permit, construction. love 9 mo year? Chuck think looking at 10-12 months. sparks what looking at is giving them time to find a palce to put four containers violation over when containers is gone. this gives them time to remedy situation and not be fined. Robnett did we notice, did they bring forward or neighbor. Chuck believe code enforcement officer.

Mayor Morales opened the public hearing at 10:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Sparks moved to adopt Resolution No. 2017 - 340; seconded by Council Member Lacy.

Love not in favor of voting down would like to give some time even though in violation just not sure wha tis appropriate time. Dufford give them 120 days. Sparks 6 months if get gone in 67 months everyone happy.

ohnemiller reso as written 6 monhths

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

23. Hold a public hearing regarding the proposed granting of oil and gas permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, being: (1) Hogan 1-24-2414H located 2,281 feet from the south line and 683 feet from the east line, (2) Hogan 1-24-2714H located 2,311 feet from the south line and 683 feet from the east line, (3) Hogan 1-24-2809H located 2,281 feet from the south line and 1,540 feet from the east line, (4) Hogan 1-24-2811H located 2,281 feet from the south line and 1,221 from the east line, (5) Hogan 1-24-2813H located 2,281 feet from the south line and 901 feet from the east line, (6) Hogan 1-24-2815H located 2,281 feet from the south line and 209 feet from the east line, (7) Hogan 1-24-4209H located 2,311 feet from the south line and 1,540 feet from the east line, (8) Hogan 1-24-4211H located 2,311 feet from the south line and 1,221 feet from the east line (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting wells been to o7g advisory met recommendations of updating insurance, these are on surface owner not in agreement, o7g requested parsley energy work out palatable agreement. as of last week no agreement reached. Robnett want to ensure that not inserting where dont' belong handle what we can handle and not be a part of that. Sparks ordinance encourages use of sua. Dufford odnt' want to be final arbitor. Ron wells tank battery on site. sound walls 24 foot on north and west side parsley using closed loop mud circulating system variance 24 hour landscaping and structure in 500 feet and road

repair no city streets use. Dufford has city acquired row on fairgrounds - Jose in negotiations made offer. two key holders negotiating with verbal offer between fairgrounds to mockingbird. no acquisitions completed. Sparks is this on Wimberly place, ron yes.

Mayor Morales opened the public hearing at 10:31 a.m.

Justin Johns, 500 W Texas Parsley Energy, wells are position 1/2 north of Loop 250, in regard to frac pits we have looked to purchase additional property to accommodate surface owner to have off site but nothing firm yet. part of issuing where is based on all development and subdivision plans tried to place wells in place least amount of impact from what knew about plans.

Robert Rendall 6 Desta Drive, on behalf of Mark Payne Homes which owns tract as well as property to west. Mr. Payne has been working with applicant since June 6th on trying to get worked out on this property. he is aware that minerals need to be/should be developed to benefit city in future. some frustration trying to get something worked out for reasonable accommodation to develop minerals and be able to sue surface properly. this is growth corridor for city to east. Mr. sparks asked about how everything relates. that shows current proposal today and what pending before committee on Thursday for next set of rounds. Believe better way to develop that also allows for mineral development as well. Concerns about it not really cities fight but think city ought to have concerns because of location and future dev of housing and retail. Dufford better plan asked to see it. Proposed (Robert) all well sites and tank batteries in area where have today think can kick up and come back down from that area of location right now. indicating on possibly moving frac pits but no commitment to do that at this point. Mayor based on this plan. Lacy 14 wells on ne corner. residential roads finished right before end of year, graded utilities in drainage coming down from northern subdivision. Dufford platted and on record. Robert pre plat and infrastructure work underway as soon as finished will final plat. Sparks if understand correctly the pad in the far ne is on the opposite side of pipeline easement, is the main concern the frac ponds. Robert frac ponds but two pieces trying to move as much as can their facilities and locations to the east so can have as much of development at intersection. Dufford what want them to do is move so can go up and down. Lacy what is timeline for retail? Rendall on hold until he knows what he can do. Here today not to say in total objection what saying is concerns and asked city to have concerns.

Mark Payne 1603 Iddylwild, what proposed initially had residential platting a strip along north of half section. even though indicated trying to accommodate development stakes 6 days after initial meeting. Not trying to stand in the way of developing the minerals. just ask to minimize the impact of the development of the surface. Woodland park worked out deal with High Sky where could develop minerals and stay out of their way. That is their goal here as well. There has been some conversation, this plan everything you see what drawn up and staked on 14th of June met on June 6th. though they were going to get back them and since only talked about what they have staked what to minimize impact on development of land. He has made commitments to homeowners he is trying to hold the value of area. He wants to find way to develop putting unfair burden on his area.. Sparks what is it you would change. Mark don't have problem with what's shown tank battery further down then what would like to see but can work with it. His proposal is within are he offered tank battery out of area, residential part in construction intend by June of next year would have retail ready, been waiting on stone

bridge. Submitted final construction plans currently being reviewed. Basin at stonebridge and loop, cost is going up. they will meet this afternoon. Sparks sticking with 7g wells, you don't have problem with where wells are, would it be better if tank battery were north of wells. Mark it would be his preference. Sparks tank battery is on south side of wells but tank battery on north side of wells would be better. Mark yes would impact development less. Sparks problem with tank battery on north is supposed to be a road extension of Solomon. Ron 135 feet from road for tank battery right now 309 feet from top well and Solomon lane. Sparks what if tank battery pushed east. Mark asked to keep them close together.

Justin John can't push to west have to have 150% of total capacity berm built out to contain this is footprint to do so. anything to north is different land owner. sua in mineral lease existing on property there are surface terms prenegotiated prior to purchase of property. Double edge attempting to purchase same tract of land hoping to trade with Mr. Payne to accommodate his needs. Lacy want landscape variance but it will be built. Justin brick and stone fence similar to area. Sparks is there a house to north. Justin a house where anybody lives Ron yes occupied house outside of the perimeter. Lacy be recommendation to negotiate in good faith with Mr. Payne getting outside of legal jurisdiction. Met with Mr. Payne June 6th made offer, he sent drawing responded with a counter drawing decided to stake the wells. Working on acquisition for 4 months aware of work Mr. Payne was doing made sure to make sure put work outside of any potential well 500 feet. over 1500 feet from nearest roadcut drilling. Mayor see how next meeting goes and comments from that. Dufford engineer? Justin no Dufford if move things around. from this site attempting to drill out entire east half of this intersection and that is as far as can go.

Dufford thinking about future development. Mark Garza 501 Midland Tx, stretching wells to a limit already. Go through different scenarios on how we can develop.

Sparks would attend meeting if invited. Robnett being both parties to get worked out before comes back to not have decision made by Council. Justin thanked for time appreciate continue to make attempts to do that need to ensure can move forward if not work out need to drill before leases start expiring.

There being no one else wishing to speak, the public hearing was closed at 10:55 a.m.

24. Hold a public hearing and consider an ordinance on a request by Rev. Steve Brooks for a Specific Use Permit without Term for an accessory building for living or sleeping quarters, on Lot 1 and the east 37.25 feet of Lot 2, Block 13, North Park Hill Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of Country Club Drive and North G Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9714

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1 AND THE EAST 37.25 FEET OF LOT 2, BLOCK 13, NORTH PARK HILL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF COUNTRY CLUB DRIVE AND NORTH G STREET), WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; MAKING SAID

PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Chuck Harrington asked applicant to withdraw.

25. Hold a public hearing and consider an ordinance of the City Council of the City of Midland, Texas, ordaining the city's participation in the Texas Enterprise Zone program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"); providing tax incentives; designating a liaison for the communication with interested parties; nominating Apache Corporation to the office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (the "Bank") as an Enterprise Project; and providing an effective date. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9716

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (THE "ACT"); PROVIDING TAX INCENTIVES; DESIGNATING A LIAISON FOR THE COMMUNICATION WITH INTERESTED PARTIES; NOMINATING APACHE CORPORATION TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (THE "BANK") AS AN ENTERPRISE PROJECT; AND PROVIDING AN EFFECTIVE DATE

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9716.

Courtney second request enterprise zone eligible for rebates on construcion items if meet certain items staff recommends approval. Did we do for another, courtney yes.

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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9716 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.

MISCELLANEOUS

26. Consider an ordinance on first reading for an annexation of a 0.82-acre tract of land and a 0.83-acre tract of land, located in Section 38, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas (Generally located on the west side of Arlington Road, approximately 1,900 feet south of State Highway 191). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9715

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 0.82-ACRE TRACT OF LAND AND A 0.83-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ARLINGTON ROAD, APPROXIMATELY 1,900 FEET SOUTH OF STATE HIGHWAY 191); APPROVING A PUBLIC SERVICE PLAN; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9716.

Development Service Director Chuck Harrington gave a brief overview of the item noting annexation of two pieces of land of Arlington road to west of Legacy. beent hrough eahring proces sno obj received staff rec approval.

Council Member Love moved approval of the first of two readings of Ordinance No. 9715 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

27. Consider an ordinance authorizing the adoption of the Texas Administrative Code Title 25 Chapter 228, ordinance regarding the regulation of food establishments, including foods service establishments, retail food stores, temporary food establishments, mobile food units and roadside food vendors. (COMMUNITY SERVICES)

ORDINANCE NO. 9717

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION", CHAPTER 1, "IN GENERAL", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 20, "ADOPTION OF THE TEXAS FOOD ESTABLISHMENT RULES", SO AS TO ADOPT BY REFERENCE TITLE 25, PART 1, CHAPTER 228 OF THE TEXAS ADMINISTRATIVE CODE, AS AMENDED, WHICH SETS FORTH RULES REGARDING THE REGULATION OF FOOD ESTABLISHMENTS INCLUDING FOOD SERVICE ESTABLISHMENTS, RETAIL FOOD STORES, TEMPORARY FOOD ESTABLISHMENTS, MOBILE FOOD UNITS, AND ROADSIDE FOOD VENDORS; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2018

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9717.

Sal Garcia excited about new rules. aat ehalth dept beent aking time teaching staff new rules and itnroducing to pb rest assoc. had seminar 9months ago. reason excited when new restaurants come in dont' know that rules nad regs same in dallas ft worth every city has own tweaks but mainly uniform thoroughout whole state. Sparks two biggest changes in this and prvious. Sall focusing on educating food handlers mgr been food certified and at all times must have mgr there that is certified and food handlers have some type of education. Sparks dont' ahve that now. Sal had in past taught food safety

at request. Love looked at code last night and added definition for mobile food units. int here is provision that food truck has to resupply clean from a seperate location that is not their house. have to have certification of location to prepare or letter form someone auth to prepare. what challenges going to be enforcing this with food trucks? Not sure weather all food trucks in city know this is happening and coming. Sal really ntonign new ther emost mobile units that are large and restaunts do catering do it form own ktichen or have seperate commisary seperate form home but still need to have same regs and rules proper hot water, water, sewer, rented hoods, insepcted by fire marshll and county. Its just qusiton of of tx dept of health define better so no gray area. Love what is city going to do to ensure that it occurs? Sal applicaito rpcoess review application, preinspection to finnd out miantennace hwo do and where do. Love applicaiton come in and renew every year go through rpocess.sal yes. Sal new deal that will be asking manager or establishing owner who is certified. Love Code Enforcement how do you plan on dealing on his district everybody oeprating food truck imagine not everyone is licensed. Steve itt is up to police dept to enforce hoping that everybody does have health license and members that do show up aregenerally alreadylicened elsewhere. Mayor why don't we do a sting once every quarter fund and bring everybody out steve happy to discuss. provisions in ordinance when worked with restaurant assoc to make fair for both sides. one concern is some of operators do operate form home with enw requirements of cleanouts they will ahve to install grease interceptor going to have to push people that operate form hoem into a commercial setting. Steve concern with fallouts. Love if could do quartelry sting but also like to r pio to put somethign together to reach out to food trucks and explain. Mayor Sal and Mayor put letter out and can do another one. if engageing new social media need ot let new food trucks no. Sal do form time to time go out on Saturdays try to monitor best they can. Mayor food handlers permit is on line by third party on web site. can contract health services.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9717 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.

28. Approved a motion to approve Preliminary Plat of Entrada Estates, Section 6, being a plat of a 54.79 acre tract of land located in Section 32, Block 40, T-1-S, T&P RR CO, Survey, Midland County, Texas (Generally located at the northwest intersection of West County Road 78 and West County Road 1271. ETJ, Extraterritorial Jurisdiction (DEVELOPMENT SERVICES)

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

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

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

PUBLIC COMMENT

30. 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.)

Code Cooper 4117 Road Runner Trail, question regarding o7g has ever been request or regualtions have made on what oeprators can do in city limits maximums asked if considered or will cosnider.

EXECUTIVE SESSION

recess to executive session 11:13 a.m.

31. 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 551.074, Personnel Matters

- b.1. Deliberate the employment, evaluation, or duties of the City Manager, City Attorney, City Secretary, Municipal Court Presiding Judge, and Municipal Court Associate Judge.

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