

**MIDLAND CITY COUNCIL
MINUTES
December 12, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on December 12, 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., December 12, 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 10:05

1. Invocation - Music Minister Aaron Hodges, First Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

m yor - pres to f mily of john kerwin recently p ssed

Dufford & D vid Hunt presented mgmt w rds

Joe Garccia/morriswilliams/ jamies jewer gps for pilot project. with new devices installed monitor engine trouble ccodes and marked decrease in downtown 34% decrease to utilize effectively exxpect further cost saving and also moniator driving behavior.

Lt grimaldo, cliff sykes, ryan farmer community camera program for residential surveillance cameras to help solve crimes. innovatioon \$300.

alma gamboa/omar rosas \$300 mobile tablet solution for city code inspectors.

\$500 monetary savings willie resto/hugo rodriguez cisd - voip \$300,000 monthly savings.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of the 2017 Management Awards

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 42 excluding 4, a, b, 6, 11; 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.

5. Approved a resolution allocating the City of Midland's authorized votes for MCAD Board of Directors. (FINANCE)

RESOLUTION NO. 2017 - 359

RESOLUTION CASTING THE CITY OF MIDLAND'S VOTES FOR DIRECTORS OF THE MIDLAND CENTRAL APPRAISAL DISTRICT FOR ROBERT MCNAUGHTON; AND DIRECTING THE CITY MANAGER TO FILE THE APPROPRIATE DOCUMENTS

7. Approved a resolution authorizing the City Manager to execute an amendment to the Economic Development Agreement between the Midland Development Corporation and the City of Midland for improvements to the intersection of Carver Street and Scharbauer Drive. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 361

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR IMPROVEMENTS TO THE INTERSECTION OF CARVER STREET AND SCHARBAUER DRIVE

8. Approved a resolution awarding a contract for the Carver Street Roadway & Culvert Crossing Improvement Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 362

RESOLUTION AWARDING A CONTRACT FOR THE CARVER STREET CROSSING PROJECT TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF \$2,279,872.95; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution awarding a contract for the Woodcrest Water & Sewer Lines Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 363

RESOLUTION AWARDING A CONTRACT FOR THE WOODCREST WATER AND SEWER LINES PROJECT TO MICAM DEVELOPMENT, LLC OF WEATHERFORD, TEXAS, AT A TOTAL COST OF \$286,124.60; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

10. Approved a resolution awarding a contract for the Petroleum Club Wastewater Rehabilitation Project for Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 364

RESOLUTION AWARDING A CONTRACT FOR THE PETROLEUM CLUB WASTEWATER REHABILITATION PROJECT TO THE SOLE BIDDER, LEETECH ENERGY SERVICES, LLC OF ALEDO, TEXAS, AT A TOTAL COST OF \$199,890.00; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution approving the purchase of forty-five (45) bunker coats and forty-five (45) bunker pants from Dooley Tackaberry, Inc. through Buyboard contract 524-17 for a total cost of \$98,653.50 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2017 - 366

RESOLUTION APPROVING THE PURCHASE OF FORTY-FIVE (45) BUNKER COATS AND FORTY-FIVE (45) BUNKER PANTS FOR THE FIRE DEPARTMENT FROM DOOLEY TACKABERRY, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$98,653.50

13. Approved a resolution approving specifications and authorizing advertisement for bids for abatement of the Building of the Southwest for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 367

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE ASBESTOS ABATEMENT OF THE BUILDING OF THE SOUTHWEST

14. Approved a resolution approving the issuance of a request for proposals for Real Estate Broker Services for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 368

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR REAL ESTATE BROKER SERVICES FOR THE GENERAL SERVICES DEPARTMENT

15. Approved a resolution awarding a contract for Plant Farm Labor Contracting Services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 369

RESOLUTION AWARDING A CONTRACT FOR PLANT FARM LABOR CONTRACTING SERVICES TO KEVIN COOK DBA KEVIN COOK FARMS, OF STANTON, TEXAS, AT A TOTAL COST OF \$469,681.00

16. Approved a resolution ratifying the emergency repair of the Veterans Airpark Lane Sewer Lines and Manholes for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 370

RESOLUTION RATIFYING THE EMERGENCY REPAIR OF THE VETERANS AIRPARK LANE SEWER LINE AND ASSOCIATED MANHOLES BY TEC EXCAVATION, INC., FOR THE UTILITIES DEPARTMENT AT A TOTAL COST OF \$221,570.00; AND AUTHORIZING PAYMENT THEREFOR

17. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Primary Rehabilitation Project at the Water Pollution Control Plant for the Utilities Department (PURCHASING)

RESOLUTION NO. 2017 - 371

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE PRIMARY REHABILITATION PROJECT AT THE WATER POLLUTION CONTROL PLANT FOR THE UTILITIES DEPARTMENT

18. Approved a resolution awarding a contract to the sole bidder, Willis Electric Company, LP for the Traffic Signal Upgrade and Reconstruction Project for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2017 - 372

RESOLUTION AWARDING A CONTRACT FOR THE TRAFFIC SIGNAL UPGRADE

AND RECONSTRUCTION PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC COMPANY, LP OF ABILENE, TEXAS, AT A COST NOT TO EXCEED \$250,000.00; AND AUTHORIZING PAYMENT THEREFOR

19. Approved a resolution awarding an agreement for Software and Implementation Services for Computer-Aided Dispatch (CAD) and Records Management System (RMS) Software for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 373

RESOLUTION AWARDING A CONTRACT FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR COMPUTER-AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM SOFTWARE FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT; AND APPROPRIATING FUNDS THEREFOR

20. Approved a resolution authorizing the execution of an agreement with Arbor Benefit Group for the purchase of stop loss insurance for the City of Midland's Group Health Plan. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2017 - 374

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RENEWAL OF THE AGREEMENT WITH ARBOR BENEFIT GROUP, L.P. FOR THE PURCHASE OF STOP LOSS INSURANCE FOR THE CITY OF MIDLAND'S GROUP HEALTH PLAN, EFFECTIVE FOR THE PLAN YEAR COMMENCING ON JANUARY 1, 2018

21. Approved a resolution approving the appointment of Steve Henry as Police Chief for the City of Midland and authorizing the execution of an employment agreement with an effective date of 1/1/18. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2017 - 375

RESOLUTION AUTHORIZING THE APPOINTMENT OF STEVEN HENRY TO THE POSITION OF CHIEF OF POLICE OF THE CITY OF MIDLAND, EFFECTIVE JANUARY 1, 2018; AND AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH STEVEN HENRY

22. Approved a motion for approval of a Preliminary Plat for Clariant Addition, being a 28.15 acre tract of land out of Section 15, Block 38, T-2-S, T&P R.R. Co. Survey, County of Midland, Texas. (Generally located on the south side of East State Highway 158, approximately 2,000 feet east of East Interstate 20. ETJ, Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES)
23. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2414H located 2,281 feet from the south line and 683 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 380 feet south of Solomon Lane extension and 645 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 376

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,281 FEET FROM THE SOUTH LINE AND 683 FEET FROM

THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 645 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

24. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2714H located 2,311 feet from the south line and 683 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 350 feet south of Solomon Lane extension and 645 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 377

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,311 FEET FROM THE SOUTH LINE AND 683 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 350 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 645 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

25. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2809H located 2,281 feet from the south line and 1,540 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 380 feet south of Solomon Lane extension and 1,502 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 378

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,281 FEET FROM THE SOUTH LINE AND 1,540 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,502 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

26. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2811H located 2,281 feet from the south line and 1,221 from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 380 feet south of Solomon Lane extension and 1,183 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 379

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY

OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,281 FEET FROM THE SOUTH LINE AND 1,221 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,183 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

27. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2813H located 2,281 feet from the south line and 901 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 380 feet south of Solomon Lane extension and 863 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 380

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,281 FEET FROM THE SOUTH LINE AND 901 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 863 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

28. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2815H located 2,281 feet from the south line and 209 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 380 feet south of Solomon Lane extension and 171 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 381

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,281 FEET FROM THE SOUTH LINE AND 209 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 171 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

29. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4209H located 2,311 feet from the south line and 1,540 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 350 feet south of Solomon Lane extension and 1,502 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 382

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY

OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,311 FEET FROM THE SOUTH LINE AND 1,540 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 350 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,502 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

30. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4211H located 2,311 feet from the south line and 1,221 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 350 feet south of Solomon Lane extension and 1,183 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 383

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,311 FEET FROM THE SOUTH LINE AND 1,221 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 350 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,183 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

31. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4213H located 2,311 feet from the south line and 901 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 350 feet south of Solomon Lane extension and 863 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 384

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,311 FEET FROM THE SOUTH LINE AND 901 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 350 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 863 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

32. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4215H located 2,311 feet from the south line and 209 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 350 feet south of Solomon Lane extension and 171 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 385

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,311 FEET FROM THE SOUTH LINE AND 209 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 350 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 171 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

33. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4309H located 2,341 feet from the south line and 1,540 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 320 feet south of Solomon Lane extension and 1,502 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 386

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,341 FEET FROM THE SOUTH LINE AND 1,540 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 320 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,502 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

34. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4311H located 2,341 feet from the south line and 1,221 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 320 feet south of Solomon Lane extension and 1,183 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 387

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,341 FEET FROM THE SOUTH LINE AND 1,221 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 320 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 1,183 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

35. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4313H located 2,341 feet from the south line and 901 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 320 feet south of Solomon Lane extension and 863 feet west of Fairgrounds Road extension -District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 388

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,341 FEET FROM THE SOUTH LINE AND 901 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 320 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 863 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

36. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4315H located 2,341 feet from the south line 209 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 320 feet south of Solomon Lane extension and 171 feet west of Fairgrounds Road extension –District 1) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 389

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,341 FEET FROM THE SOUTH LINE AND 209 FEET FROM THE EAST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 320 FEET SOUTH OF THE EXTENSION OF SOLOMON LANE AND 171 FEET WEST OF THE EXTENSION OF FAIRGROUNDS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

37. Receive and file the Consolidated Annual Performance and Evaluation Report for 2016/2017. (DEVELOPMENT SERVICES)
38. Approved a motion on request by West Company to defer water, wastewater, paving and sidewalk improvements for Timberwolf Estates, Section 2 and to waive the corresponding financial security guarantee valued at \$3,531,849.00, an amount equal to the estimated cost of construction. The subject property is generally located 0.69 miles north of Arapahoe on the west side of North Elkins, between Timber Wolf and Crownridge, inside the corporate limits of the City of Midland, Martin County, Texas. (ENGINEERING SERVICES)
39. Consider a motion on request by Maverick Engineering to defer water, wastewater, paving and sidewalk improvements for Apex Addition, and to waive the corresponding financial security guarantee valued at \$378,987.00 an amount equal to the estimated cost of construction. The subject property is generally located approximately 1,000 feet west of the intersection of FM 307 and Interstate 20 on the north side of the interstate, approximately one mile outside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
40. Approved a resolution amending a Right-of-Way Agreement between the City of Midland and CrownQuest Operating, LLC, said Amendment is a facilities change for the Agreement to enter the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing multiple oil and gas

pipelines, and other necessary related facilities; to have the right to ingress and egress at convenient points for such purpose; all facilities are located on City of Midland property, Section 04, Block 37, T-3-S, T&P R.R. Co., Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 390

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC

41. Approved a resolution authorizing the execution of a six-month Right-of-Way License with Dawson Geophysical Company, for seismic testing on City of Midland Airport property, Sections 33 & 34, Block 38, T-1-N, and Section 36, Block 39, T-1-N, Martin County, Texas; Sections 5 & 8, Block 38, T-1-S Martin County, Texas, and Section 8, Block 38, T-1-S, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 391

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY DESCRIBED AS SECTIONS THIRTY-THREE (33) AND THIRTY-FOUR (34), BLOCK THIRTY-EIGHT (38), TOWNSHIP 1 NORTH, AND SECTION THIRTY-SIX (36), BLOCK THIRTY-NINE (39), TOWNSHIP 1 NORTH, MARTIN COUNTY, TEXAS; SECTIONS FIVE (5) AND EIGHT (8), BLOCK THIRTY-EIGHT (38), TOWNSHIP 1 SOUTH, MARTIN COUNTY, TEXAS; AND SECTION EIGHT (8), BLOCK THIRTY-EIGHT (38), TOWNSHIP 1 SOUTH, MIDLAND COUNTY, TEXAS

42. Approved a resolution authorizing the execution of a six-month Right-of-Way License with Dawson Geophysical Company, for seismic testing on City right-of-way, and City-owned parcels, spanning east from approximately Lamesa Road to South County Road 1050, and then going to the northeast into Martin County, but excluding the Midland Airpark property. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 392

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY FOR SEISMIC TESTING ACROSS 189.53 ACRES OF CITY RIGHT-OF-WAY AND CITY-OWNED PROPERTY (GENERALLY LOCATED EAST OF LAMESA ROAD AND WEST OF SOUTH COUNTY ROAD 1050) IN MIDLAND COUNTY AND MARTIN COUNTY, TEXAS

4. Approved a motion approving the following minutes:

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Sparks.

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

Special City Council meeting of November 16, 2017

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Sparks.

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

Regular City Council meeting of November 21, 2017

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Sparks.

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

6. Approved a resolution ratifying the emergency contract award for labor, material, equipment and supervision necessary to re-tube, overhaul and upgrade panels on chillers at the Midland International Air & Space Port. (PURCHASING)

RESOLUTION NO. 2017 - 360

RESOLUTION RATIFYING AND APPROVING AN EMERGENCY CONTRACT WITH WEST TECHS CHILL WATER SPECIALIST, LLC, FOR THE REPAIR AND MAINTENANCE OF THE CHILLERS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT AT A TOTAL COST OF \$321,795.00

Love emergency repair recognized in September bill on 10/31 and 4 month process going to be finisshed in spring. to top off went out for bid. howis it an emergency repair? Justine had company there and knew another company could do work wanted best price it still takes 6 weeks to order parts and start worrk. Love it couldn't come before Council? Lacy airport cost this is part of faa inspection. wet forward with process may have taken city council approval. Justine their hope to get done as soon as possssible. Saprks due to be done spring 2018. Justine they have ordered but not started. Love same question if emergency how did it go out to bid? Justine tried to find the best and quickest way to get it done. Felt more prudent to ask how much would charge. Sparks Mr. Lacy said FAA inspection. Justine chiller inspection. Frank did not go out for bid went out for quotes. One company recommended by person doing inspeitiion concerned by price and asked to go out for quotes quicckly. Didn't eralize would take this long to go through everything in hind sight could of gone through process.

Council Member Love moved to adopt Resolution No. 2017 - 360; 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.

11. Approved a resolution awarding a contract for the Fiscal Year 2018 Midland Citywide Concrete Program for a not to exceed amount of \$1,000,000.00 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 365

RESOLUTION AWARDDING A CONTRACT FOR THE FISCAL YEAR 2018 MIDLAND CITYWIDE CONCRETE PROGRAM TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,000,000.00; AND AUTHORIZING PAYMENT THEREFOR

Lacy short staffed and normally do in house for savings. Gabe very similar to concrete last year. \$7.4 M of street maint.

Council Member Lacy moved to adopt Resolution No. 2017 - 365; seconded by Council Member Sparks.

Mayor in ramps on corners resp of dev gabe yes.

Love asked to track what would cost if went out to bid to identify savings to cost payers.

Lacy short 42 budgeted short 20 equip operators.

Morales will there be a wait for material and will pricing go up? Gabe anticipate will go up do wait for material especially concrete.

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

SECOND READINGS

43. Consider an ordinance on second reading on a request by Bob and Lisa Lange for a Special Exception to the City of Midland Zoning Code, Section 11-1-7 Area, yard structure, parking and miscellaneous lot use regulations, concerning an increased height of a fence within the front yard setback and a detached accessory structure in front of the portion of the principal structure that is closest to the front yard setback line on Lot 10A, Block 1, Mira Vista, Section 2, City and County of Midland, Texas. (Generally located southwest of the intersection of Mira Vista Circle and North Big Spring Street. Council District 1) (DEVELOPMENT SERVICES) (First reading held November 21, 2017)

ORDINANCE NO. 9718

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 10A, BLOCK 1, MIRA VISTA, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE SOUTHERN INTERSECTION OF MIRA VISTA CIRCLE AND NORTH BIG SPRING STREET), BY PERMITTING AN INCREASED HEIGHT OF A FENCE WITHIN THE FRONT YARD SETBACK AND BY PERMITTING A DETACHED ACCESSORY STRUCTURE IN FRONT OF THE PORTION OF THE PRINCIPAL STRUCTURE THAT IS CLOSEST TO THE FRONT YARD SETBACK LINE; 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

read caption darlene

Council Member Love moved to approve the second and final reading of Ordinance No. 9718 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.

44. Consider an ordinance on second reading on a request by Kent Distributors for a Zone Change from MH, Mobile Home Dwelling District, to LR-2, Local Retail District, on Lots 1-6, Block 21, Belmont Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of West Francis Avenue and Belmont Street . Council District 2) (DEVELOPMENT SERVICES) (First reading held November 21, 2017)

ORDINANCE NO. 9719

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-6, BLOCK 21, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED MH, MOBILE HOME DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST FRANCIS AVENUE AND BELMONT 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

Council Member Love moved to approve the second and final reading of Ordinance No. 9719 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9719.

Love all mobile home districts in his district in effort to clean up mh area thank king companies.

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

45. Consider an ordinance on second reading amending Fiscal Year 2016-2017 budgets for certain funds. (FINANCE) (First reading held November 21, 2017)

ORDINANCE NO. 9720

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2016-2017 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9720.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9720 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

46. Hold a public hearing regarding the proposed granting of oil and gas permit to CrownQuest Operating, LLC, for the drilling of oil gas well, being City Nail #1 located 1,950 feet from the south line and 800 feet from the east line, Section 36, Block 39, T-1-N, T&P RR. CO. Survey, City of Midland and County of Martin, Texas. (Said well is generally located 4,540 feet east of North State Highway 349 and 9,750 north of Occidental Parkway –District 1) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting on airport property north of Midland this well will use existing tank battery. I var for fencing no tan slats which is consistent with what did. landscape and var and road repair no city streets use, and 24 fracing and use of light. no loj.

Mayor Morales opened the public hearing at 10:37 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

47. Hold a public hearing regarding the proposed granting of oil and gas permit to Diamondback E&P LLC, for the drilling of oil gas well, being D EVANS G 2 located 1,649 feet from the north line and 2,274 feet from the east line, Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said well is generally located 1,553 feet south of Green Tree Blvd. and 2,306 feet west of North Midkiff Rd. –District 1) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting located with existing Dimaondback property drilled eyars ago. will have sound walls and west and south side. putting ine xtra but no complaints in area. requesting variance to landscapigngn in lieu of surface use and var for 24 hour fracing including use of rights. no notice of objections received.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

48. Hold a public hearing regarding the proposed granting of oil and gas permits to Diamondback E&P LLC, for the drilling of oil gas wells, being GRIDIRON N007LS located 1,345 feet from the south line and 595 feet from the west line, GRIDIRON N007WA located 1,345 feet from the south line and 535 feet from the west line, GRIDIRON N008LS located 1,345 feet from the south line and 565 feet from the west line, and GRIDIRON N008WB located 1,345 feet from the south line and 505 feet from the west line, Section 24, Block 40, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells sharing a pad site area that is generally located 1,328 feet north of Briarwood Avenue and between 520 feet and 610 east of Avalon Drive –District 4) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting near

Avalon four well pad site all four wells together. req var of 2-3 inch diameter instead of 4 requirement for better survival rate require fence around all 4 wells and one large pit site for all four wells, 224 hour fracing and use of light no notice of objection received 116 foot sound walls on west and south sides.

Mayor Morales opened the public hearing at 10:41 a.m.

Mark Dingler 4505 Bent Tree Trail, filed applications before finished with other wells continue to use 16 foot walls with application, since not use 16 always use at least 24. currently drilling wells outside city limits had using 224 foot wall and gather data if 24 is right number. obviously didn't want to change application will use at least 24 if data says need higher will go higher.

MISTY Crane 6400 Evergreen concern is 24 hour fracing it is very loud. second concern is flood zone and how it will affect. what will they do with dirt. Lacy prohibit muni from stop 224 hour fracing unfort. on flood will have to get with staff. her house talked to engineer here can't do anything with land to bring in dirt because somebody eyeballed and accepted if can bring in and take out dirt. Lacy will bring in caliche base will get with her. She can't sell her house because of this. lacy gave card.

There being no one else wishing to speak, the public hearing was closed at 10:44 a.m.

Ron as flood permits all reviewed by eng if in flood area they issue flood permit.

49. 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 of and County of Midland, Texas, being: (1) Hogan 1-24-2801H located 755 feet from the south line and 240 feet from the west line, (2) Hogan 1-24-2803H located 755 feet from the south line and 564 feet from the west line, (3) Hogan 1-24-4201H located 805 feet from the south line and 240 feet from the west line, (4) Hogan 1-24-4203H located 805 feet from the south line and 564 feet from the west line, (5) Hogan 1-24-4301H located 835 feet from the south line and 240 feet from the west line, and (6) Hogan 1-24-4303H located 835 feet from the south line and 564 feet from the west line. Said wells sharing pad sites in an area that is generally located between 215 feet and 539 feet east of Lamesa Road and between 705 feet and 835 feet North of Loop 250. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting well locations north of loop 250 using sound walls 24 foot on north and west sides. currently received 14 objections comments from 5 residents in area some homes received multiple notices because multiple wells water already bad why make worse, too noisy, drilling location too close to housing disrupt value, has gas. var request 24 hour frac and landscaping since property no existing structure within 500 feet. Lacy current spacing from north to residential. ron 860. lacy completely in compliance with ord.

Mayor Morales opened the public hearing at 10:47 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Justin Johns 500 W Texas Parsley Energy, using 24 foot sound walls everywhere has notification in area. fully protect water zones. Dufford would consider going higher if get complaints about noise. Justin yes if necessary and will potentially reducing fracing.

Lacy agreement with land owner for landscaping, Justin working through final process.

Robert Rendall 6 Desta Dr Suite 200, at last meet present we are paragraph away from having agreement. thanked Council Member Sparks for spending time facilitating meeting. Very close and should have it done. Sparks we appreciate both parties working hard at coming up with agreement makes council job easier.

cph 10:49 a.m.

50. Hold a public hearing and consider an ordinance request by Original Site Ltd, dba Cotton Patch Café for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant on Lot 4A, Block 28, Plantation Hills Section 21, City and County of Midland, Texas. (Generally located on the north side of West Loop 250 North, approximately 505- feet west of North Garfield Street. Council District 1). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9721

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 4A, BLOCK 28, PLANTATION HILLS, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 505 FEET WEST OF NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9721.

Development Services Director Chuck Harrington gave a brief overview of the item noting Cotton Patch Cafe, proposing to increase size of alcohol sales area and add a drive thru facility. orig sup jan 2002 amended 2008 to increase max floor seating and had service hours 11:30 a.m. sun thru 11 - 10 fri -sat. this increase prev sq foot to little over 4800 to over 5000. serviceable area of 2500 sq ft floor area. max seating from 160 to 190. existing patio will be to go. reviewed by all approp dept no obj. staff rec approval subject to condition. no loj. lacy want to start sunday 10 a.m. . staff resolved to 11 a.m. love pd for sc. getting ready to add drive thru right there is largest pot hole in world do we have any mechanism for encouraging them to maintain that in light of fact of having drive thru. chuck resolve at staff level.

Mayor Morales opened the public hearing at 10:53 a.m.

James Kerr not adding drive thru just adding to ggo area. redoing whole parking surface no more pot holes.

There being no one else wishing to speak, the public hearing was closed at 10:54 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9721 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Robnett how did conversation come about form 10:30 to 11 want to be careful of forccing. chuck not demanding encouraging.

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

51. Hold a public hearing and consider an ordinance on a request by Bill Musar for a Zone Change from PD, Planned District for a Housing Development to PD, Planned District for a Shopping Center on Lot 1 and the south 154.35-feet of Lot 2, Block 162, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located northwest of the intersection of Beal Parkway and Leisure Drive. Council District 4). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9722

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.943-ACRE TRACT OF LAND OUT OF LOTS 1 AND 2, BLOCK 162, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF BEAL PARKWAY AND LEISURE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9722.

Development Services Director Chuck Harrington gave a brief overview of the item noting requesting zone change from pd for housing to pd for sc. The current plan approved june 2016 for housing now requesting to change mixed use, warehouse office and residential. each unit platted into own lot and parking lot ommon area. site plan 91 parking meeets minimu. coming up in following case in prop zone change to north keep consistent oning acrossing both propertyies. review by all dept no obj staff rec approval sub to cond a-d no lojj received. Love unlying ocndition of lr2 and proposed warehousing is allowed theree. warehousing is not allowed in lr2. chuck in this case can expand in this particular case via council approval. Lacy noo curb cuts on loop 250. chuck on warehousing more like art studio that is where fits in code.

Mayor Morales opened the public hearing at 10:58 a.m.

Carla Manning 309 Rocky Lane what do we plan to do with traaffic in whole area. do have 4 way stop that alleviated traffic problems can onlys ee multiplying again. Lacy created more public safety for area. actually helped with high traffic corrdior out of jurisdiction. Carla had issues with peak times beginning to back up like 191. Lacy will look at it and fighting relief opportunities. working on it no short term solution. Love briefing this morning about traffic and TxDot mpo and com is aware of traffic pproblems

we have especially along loop 250 city engineers are looking at. comments 51 and 52.

Bill Musar 6501 Sequoid. this is office warehouse project unique in residential, think done good job at trying to put mixx don't know what. commercial piece of property to north that is zoned c3 and everything else is commercial. think unique not like anything else. will include office with apts upstairs on some units. to south is more office warehouse safety places. lacy no direct south is apts. Love use of warehouse. 25 foot wide retail copy machines council understands when they hear warehousing might not understand his concept. Bill trying to create marriage not prime retail, Lacy last high retail in city. Parking in front of elevation. Lacy recommend reaching out to Lacy will have to be circulated to get feel new type of concept no problem with zone change has to come back to Council for second reading. Hotchkiss prefer it is deferred? Lacy can move forward will come back highly recommend he reach out to Lacy. It's first HUD funding project in Midland in a while. She is zoning next time which is neighboring property he purchased property and required she zoned her 6 acres.

There being no one else wishing to speak, the public hearing was closed at 11:08 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9722 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

52. Hold a public hearing and consider an ordinance on a request by Bill Musar for a Zone Change from PD, Planned District for a Housing Development to PD, Planned District for a Shopping Center, on the south 3.137-acre portion of Lot 1, Block 163; a 0.508-acre vacated portion of Executive Drive Right-of-Way, and the north 2.516-acre portion of Lot 2, Block 162, Wilshire Park Addition, Section 9, City and County of Midland, Texas. (Generally located on the west side of Beal Parkway, approximately 400-feet south of Thomason Drive. Council District 4). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9723

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.161-ACRE TRACT OF LAND OUT OF BLOCKS 162 AND 163, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE WEST SIDE OF BEAL PARKWAY, APPROXIMATELY 395 FEET SOUTH OF THOMASON DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9723.

Development Services Director Chuck Harrington gave a brief overview of the item noting similar to continue of prev property immediate north of Mr. Musar making change for the applicant. one thing staff looked at had pdsc to north and high density to south

so trying to make it consistent and encouraged to make application. No plan but still have to come back for site plan and development activity. This just cleared area up. Lacy couple years ago of Merritt Group funding came through and under construction.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9723 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

53. Approved a motion appealing the Building Official's denial of a sign permit application by Steve Findley on Lot 2B, Block 1, Mustang Industrial Park, Section 3, City and County of Midland, Texas. (Generally located at the northwest intersection of W I-20 and Market Street. Council District 2) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington originally came before Council in August. It was deferred asking for 602 sq ft for sign and over time revised drawing submitted. Height restriction 570 in excess of what is allowed. No overriding hardship staff has to recommend disapproval of request. Hotchkiss didn't reach out with a suggestion for them. Chuck talked about 400 sq ft and in compromise position. In favor of electronic message up to 400. Lacy original square footage 602. Love 3rd time here. Hotchkiss also reached out and offered 40 feet and said could compromise by letting all be electronic and that would afford them same number of sq ft for advertising and they still come back with amount over what is allowable. Robnett and electronic on both sides. Love can be two faced. Hotchkiss called spoke with applicant offered compromise and never heard back no contact back. Didn't show up for 2 meetings of council. Robnett applicant in middle of hurricane Harvey. Brought back once by Chuck without request of applicant. Morales size of traditional billboard is 672 sq ft.

Justin Finley 1816 Caroline Alice Tex apologize for new shop had no idea of miscommunication. In talking with council indicated on agenda had no idea don't mean to waste anybody time. Update on 26.3 acres. Ground breaking in September. On fence understand and appreciate compromise have looked at different sq ft looked at 400 saw 602 looking at 520. Not here to initiate hard feeling need to do what is best for company and personnel. Mainly from recruiting standpoint when employees very hard to find is main reason pushing. Can go much smaller than 500 sq ft and accomplish goals. Final compromise is 12.5 ft 491 sq ft of viewing area max height of 40 ft from ground. Message center allows to contact tactfully advertise service and positions hiring for. At least 6 services out of Midland offices. Moving everyone from Odessa over largest office in pb. with acreage and speed on I-20 400 sq foot not viable. 491.4 is what presenting today. Know it's bigger than code requesting variance variances are in every industry. For example could not have joined us Navy because older. Built on waivers. Vote against is directly impacting two companies. Texas unemployment around 3% which indicates full employment. Difficult to find quality help. Electronic message center no reason more important than recruiting. Employees have been and continue to be key. No

layoffs during downturn like others did. as rep from community should want to work for them not flipping during next boom. Robnett would like to see heads up vote today. red dot indicates closest billboard. side facing east elec west is standard. .95 acres between that billboard and their property. Love hypothetically reach full employment what would put on board, Justin just services. Love understand need for recruitment but don't think valid justification. Justin need something that people can read. Hotchkiss 40 foot that offered as compromise would of allowed you whole sign instead of 20% would have have netted same thing.

Council Member Robnett moved to approve appealing the Building Official's denial of a sign permit application by Steve Findley on Lot 2B, Block 1, Mustang Industrial Park, Section 3, City and County of Midland, Texas. (Generally located at the northwest intersection of W I-20 and Market Street. Council District 2) not to exceed 492 sq ft and 40 feet in height.; seconded by Council Member Lacy.

Mayor will address signage issues in 2018.

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

PUBLIC COMMENT

54. 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.)

none.

EXECUTIVE SESSION

recess to executive session 11:26 a.m.

55. 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.

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