

**MIDLAND CITY COUNCIL
MINUTES
January 23, 2018**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 23, 2018.

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

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: 1-8, 10-34, 9, 35-45.

Mayor Morales called the meeting to order at 10:02 a.m.

OPENING ITEMS

1. Invocation - Pastor Brad Smith, Calvary Assembly of God Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 - 34 excluding 9; 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.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of January 9, 2017.
5. Approved a resolution approving the purchase of a Microsoft Office 365 subscription for seven (7) months from SHI-Government Solutions, Inc. through Department of Information Resources (DIR) contract DIR-SDD-2503 for a total cost of \$53,081.21 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 014

RESOLUTION AUTHORIZING THE PURCHASE OF A SEVEN-MONTH MICROSOFT OFFICE 365 SUBSCRIPTION FROM SHI GOVERNMENT SOLUTIONS, INC. OF AUSTIN, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION

RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST NOT TO EXCEED \$53,081.21; AND AUTHORIZING PAYMENT THEREFOR

6. Approved a resolution awarding a contract to Berry Dunn McNeil & Parker, LLC dba Berry Dunn through Department of Information Resources (DIR) contract DIR-TSO-3956 for oversight and project management services for the CAD/RMS Project for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 015

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BERRY DUNN MCNEIL & PARKER, LLC, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE OVERSIGHT AND PROJECT MANAGEMENT SERVICES FOR THE CAD/RMS PROJECT FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST NOT TO EXCEED \$359,616.00; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution approving the issuance of a request for qualifications for On-Call Engineering Services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 016

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR UP TO THREE FIRMS TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ENGINEERING SERVICES, ARCHITECTURE SERVICES, LANDSCAPE ARCHITECTURE SERVICES, LAND SURVEYING SERVICES, REAL ESTATE APPRAISING SERVICES, AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

8. Approved a resolution approving the purchase of one hundred thirty (130) golf carts from Yamaha Golf-Car Company through Buyboard contract 529-17 for a total cost of \$331,500.00 for the Hogan Park Golf Course for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 017

RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED THIRTY (130) 2018 YAMAHA DRIVE 2 GOLF CARTS FOR THE GARAGE DIVISION FROM YAMAHA GOLF-CART COMPANY, THROUGH BUYBOARD AT A TOTAL COST OF \$331,500.00; AND AUTHORIZING THE TRADE-IN OF ONE HUNDRED THIRTY (130) CITY-OWNED E-Z-GO GOLF CARTS

10. Approved a resolution approving an amendment to HDR's WPCP Final Design Review Contract (Resolution 2016-311) for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 019

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR FINAL DESIGN REVIEW SERVICES REGARDING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SECONDARY IMPROVEMENTS

AT THE WATER POLLUTION CONTROL PLANT; SAID SECOND AMENDMENT WILL AUTHORIZE A FEE INCREASE OF \$110,000.00 AND AN EXTENSION OF THE AGREEMENT TERM UNTIL JUNE 30, 2018; AND APPROPRIATING FUNDS THEREFOR

11. Approved a resolution approving the issuance of a request for proposals for the development of a City-owned downtown property described as 310 W. Texas Avenue, for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 020

RESOLUTION AUTHORIZING ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR DEVELOPMENT OF CITY-OWNED PROPERTY LOCATED AT 310 WEST TEXAS AVENUE, DESCRIBED AS LOTS SEVEN (7) AND EIGHT (8), BLOCK THIRTY-FIVE (35), ORIGINAL TOWN OF MIDLAND, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

12. Approved a resolution appropriating funds from the Midland Development Corporation's 2016-2017 Fiscal Year budget to be used for promotional purposes, as authorized by Chapter 504 of the Texas Local Government Code. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 021

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF \$987,543.00 FROM THE FISCAL YEAR 2016-2017 BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

13. Approved a resolution authorizing the execution of an Economic Development Agreement between the Midland Development Corporation and Susie's South Forty Confections, Inc.; and authorizing payment therefor. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 022

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SUSIE'S SOUTH FORTY CONFECTIONS, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

14. Approved a resolution approving the issuance of a permit to CrownQuest Operating, LLC, for the drilling of oil gas well, being City Nail #1 generally located 4,540 feet east of North State Highway 349 and 9,750 north of Occidental Parkway. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 023

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CROWNQUEST OPERATING, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 800 FEET FROM THE EAST LINE AND 1,950 FEET FROM THE SOUTH LINE, SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, CITY OF MIDLAND, MARTIN COUNTY, TEXAS (GENERALLY LOCATED 4,540 FEET EAST OF NORTH STATE HIGHWAY 349 AND 9,750 FEET NORTH OF OCCIDENTAL PARKWAY); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

15. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and CrownQuest Operating, LLC, all facilities are located on City of Midland property, Section 36 Block 39, T1N, T&P R.R. Co. Survey, Martin County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 024

RESOLUTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, TOWNSHIP 1 NORTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS

16. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil gas well, being D EVANS G 2 generally located 1,553 feet south of Green Tree Blvd. and 2,306 feet west of North Midkiff Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 025

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,274 FEET FROM THE EAST LINE AND 1,649 FEET FROM THE NORTH LINE, SECTION 8, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,553 FEET SOUTH OF GREEN TREE BOULEVARD AND 2,306 FEET WEST OF NORTH MIDKIFF ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil gas wells, being GRIDIRON N007LS generally located 1,328 feet north of Briarwood Avenue and 610 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 026

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,345 FEET FROM THE SOUTH LINE AND 595 FEET FROM THE WEST LINE, SECTION 24, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,328 FEET NORTH OF BRIARWOOD AVENUE AND 610 FEET EAST OF AVALON DRIVE)

18. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil gas wells, being, GRIDIRON N007WA generally located 1,328 feet north of Briarwood Avenue and 550 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 027

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,345 FEET FROM THE SOUTH LINE AND 535 FEET FROM THE WEST LINE, SECTION 24, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,328 FEET NORTH OF BRIARWOOD AVENUE AND 550 FEET EAST OF AVALON DRIVE)

19. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil gas wells, being, GRIDIRON N008LS, generally located 1,328 feet north of Briarwood Avenue and 580 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 028

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,345 FEET FROM THE SOUTH LINE AND 565 FEET FROM THE WEST LINE, SECTION 24, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,328 FEET NORTH OF BRIARWOOD AVENUE AND 580 FEET EAST OF AVALON DRIVE)

20. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil gas wells, being, GRIDIRON N008WB generally located 1,328 feet north of Briarwood Avenue and 520 feet east of Avalon Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 029

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 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 (GENERALLY LOCATED 1,328 FEET NORTH OF BRIARWOOD AVENUE AND 520 FEET EAST OF AVALON DRIVE)

21. Approved a resolution authorizing the execution of a road repair agreement with Diamondback E&P LLC (Operator), regarding its application to drill oil and gas wells (GRIDIRON N007LS, GRIDIRON N007WA, GRIDIRON N008LS, GRIDIRON N008WB). The Road Repair Agreement will cover Briarwood Avenue in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 030

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH DIAMONDBACK E&P LLC REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 24, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

22. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2801H generally located 215 feet east of Lamesa Road and 755 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 031

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 755 FEET FROM THE SOUTH LINE AND 240 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 215 FEET EAST OF LAMESA ROAD AND 755 FEET NORTH OF LOOP 250)

23. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-2803H generally located 539 feet east of Lamesa Road and 775 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 032

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 775 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 775 FEET NORTH OF LOOP 250)

24. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4201H generally located 215 feet east of Lamesa Road and 805 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 033

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 805 FEET FROM THE SOUTH LINE AND 240 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 215 FEET EAST OF LAMESA ROAD AND 805 FEET NORTH OF LOOP 250)

25. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4203H generally located 539 feet east of Lamesa Road and 805 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 034

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 805 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 805 FEET NORTH OF LOOP 250)

26. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4301H generally located 215 feet east of Lamesa Road and 835 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 035

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 835 FEET FROM THE SOUTH LINE AND 240 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 215 FEET EAST OF LAMESA ROAD AND 835 FEET NORTH OF LOOP 250)

27. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of oil gas well, being Hogan 1-24-4303H generally located 539 feet east of Lamesa Road and 835 feet north of Loop 250. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 036

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 835 FEET FROM THE SOUTH LINE AND 564 FEET FROM THE WEST LINE, SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 539 FEET EAST OF LAMESA ROAD AND 835 FEET NORTH OF LOOP 250)

28. Approved a resolution authorizing the execution of a Road Repair Agreement with Parsley Energy Operations, LLC (Operator), regarding its application to drill oil and gas wells (Hogan 1-24-2801H, Hogan 1-24-2803H, Hogan 1-24-4201H, Hogan 1-24-4203H, Hogan 1-24-4301H, Hogan 1-24-4303H) located in Section 1, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas. The Road Repair Agreement will cover Lamesa Road in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 037

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PARSLEY ENERGY OPERATIONS, LLC REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 1, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

29. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for residences, to be issued in the future, where the proposed residence, either in whole or part is no closer than 135 feet of an existing oil and gas well (Nickel 101D, Nickel 102D, Nickel 103D, Ramcon 1207D, Ramcon 1208 D, Synatschk #1, Synatschk #2). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 038

RESOLUTION GRANTING A VARIANCE FOR TWO TRACTS OF LAND TOTALING APPROXIMATELY 50.131 ACRES OUT OF SECTION 29, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 370 FEET EAST OF STONEBRIDGE DRIVE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

30. Approved a motion approving a proposed Preliminary Plat for Longview Subdivision, Section 3, being a replat of Lot 1, Block 30, Longview Subdivision, Section 2, Midland County, Texas generally located southwest of the intersection of West County Road 50 and North County Road 1270, Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)
31. Approved a motion authorizing the submission of the schedule for CDBG Application Cycle, 2018-2019 Action Plans. (DEVELOPMENT SERVICES)
32. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and NuStar Permian Transportation and Storage, LLC; the pipeline is located within City of Midland property, Sections 2, 3, 4, and 9 Block 37, T-3-S, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 039

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NUSTAR PERMIAN TRANSPORTATION AND STORAGE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS

SECTIONS 2, 3, 4, AND 9, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

33. Approved a resolution authorizing the City Manager to negotiate and accept a 0.219-acre Sewer Line easement and a 0.065-acre Access Easement, and authorizing the Mayor to negotiate and execute an instrument amending an Agreement in Lieu of Annexation between the City, GGB leasing, LP, STG Development, LLC, and STG Development II, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 040

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACCEPT, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT FROM STG DEVELOPMENT II, LLC GRANTING TO THE CITY OF MIDLAND AN APPROXIMATE 0.219-ACRE SEWER LINE EASEMENT LOCATED IN SECTION 11, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; ORDERING RECORDATION OF SAID SEWER LINE EASEMENT BY THE CITY SECRETARY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING TO STG DEVELOPMENT II, LLC AN APPROXIMATE 2,821-SQUARE FOOT ACCESS EASEMENT LOCATED IN SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTION NECESSARY OR APPROPRIATE TO EFFECT THE ACCEPTANCE OF SAID SEWER LINE EASEMENT AND THE GRANT OF SAID ACCESS EASEMENT; AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT AMENDING THE AGREEMENT IN LIEU OF ANNEXATION BETWEEN THE CITY OF MIDLAND, GGB LEASING, L.P., STG DEVELOPMENT, LLC, AND STG DEVELOPMENT II, LLC

34. Approved a motion on request by West Company to defer water, wastewater, paving and sidewalk improvements for Phoenix Park 2, and to waive the corresponding financial security guarantee valued at \$462,820.00 an amount equal to the estimated cost of construction. The subject property is generally located at the southeast corner of the intersection of Interstate 20 & South County Road 1270, approximately 1.6 miles west of the western corporate limits of the City of Midland along Interstate 20, Midland County, Texas. (ENGINEERING SERVICES)

The following item was pulled from Consent Agenda and considered individually.

9. Consider a resolution approving the purchase of two (2) ambulances from Knapp Chevrolet, Inc. through the Houston-Galveston Area Council (H-GAC) for a total cost of \$466,974.68 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 018

RESOLUTION APPROVING THE PURCHASE OF TWO (2) TYPE I AMBULANCES FROM KNAPP CHEVROLET, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$466,974.68

Council Member Love noted that one ambulance was budgeted and that the second ambulance was in an accident. He wanted to know from where the money would be drawn. Purchasing Manager Regina Stephenson reported money should be coming in from insurance.

Council Member Dufford moved to adopt Resolution No. 2018 - 018; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

35. Consider an ordinance on a request by Clay Bingham for a special exception from Ordinance No. 8288, concerning the rear yard setback, generally located northwest of the intersection of Almont Place and Gunnison Drive. (DEVELOPMENT SERVICES) (First reading held January 09, 2018.)

ORDINANCE NO. 9724

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 21, BLOCK 4, WOODLAND PARK ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF ALMONT PLACE AND GUNNISON DRIVE), BY PERMITTING A REDUCED REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9724.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9724 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

36. Consider an ordinance on a request by Texas Roadhouse for a Zone Change from PD, Planned District for a Shopping Center, to an Amended Planned District, generally located on the north side of West Loop 250 North, approximately 695 feet west of North Midland Drive. (DEVELOPMENT SERVICES) (First reading held January 09, 2018.)

ORDINANCE NO. 9725

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2E, BLOCK 33, CORRECTION PLAT NORTHGATE ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 695 FEET WEST OF NORTH MIDLAND 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. 9725.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9725 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.

37. Consider an ordinance on a request by Texas Roadhouse for a Specific Use Permit with Term, for the sale of all alcoholic beverages, for on-premise consumption, in a restaurant, generally located on the north side of West Loop 250 North, approximately 695 feet west of North Midland Drive. (DEVELOPMENT SERVICES) (First reading held January 09, 2018.)

ORDINANCE NO. 9726

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2E, BLOCK 33, CORRECTION PLAT NORTHGATE ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 695 FEET WEST OF NORTH MIDLAND DRIVE), 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. 9726.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9726 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.

38. Consider an ordinance on second reading on a request by Zac Garth for a Zone Change from PD, Planned District for a Transition District, to O-1, Office District, generally located at the southeast intersection of North Midkiff Road and Bluebird Lane. (DEVELOPMENT SERVICES) (First reading held January 09, 2018.)

ORDINANCE NO. 9727

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, BENT TREE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND BLUEBIRD LANE); 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. 9727.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9727 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.

39. Consider an ordinance on second reading amending Fiscal Year 2017-2018 Operating Budget. (FINANCE) (First reading held January 09, 2018.)

ORDINANCE NO. 9728

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2017-2018 FISCAL YEAR BUDGET FOR MUNICIPAL PURPOSES SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9728.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9728 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.

PUBLIC HEARINGS

40. Hold a public hearing and consider an ordinance on a request by Jose Mateus for a Zone Change from PD, Planned District for a Transition District, and 1F-2, One-Family Dwelling District, to PD, Planned District for a Transition District, generally located on the south side of East Wadley Avenue, approximately 365 feet east of Ranchland Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9731

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACTS 1 AND 2, PATTERSON ACRES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, AND 1F-2, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST WADLEY AVENUE, APPROXIMATELY 365 FEET EAST OF RANCLAND 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. 9731.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is wishing to construct a maintenance shop for his business on the adjacent property. The item was approved by Planning and Zoning. No letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 10:11 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9731 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.

41. Hold a public hearing and consider an ordinance on second reading upon request by Troy Hunt Homes, Ltd. for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District for a Housing Development generally located on the north side of E. Business I-20, approximately 300 feet west of Chukar Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9732

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 10-13, BLOCK 3, COMMON AREA A, BLOCK 4, LOTS 16 AND 17, BLOCK 5, AND COMMON AREA B, BLOCK 6, QUAIL RIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST BUSINESS INTERSTATE 20, APPROXIMATELY 300 FEET WEST OF CHUKAR LANE); 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. 9732.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to amend their planned district to reconfigure lots and adjust common areas. The overall change is a reduction from 1.22 acres of common area to .9 acres. The item has been reviewed by staff, approved by Planning and Zoning and no letters of objection have been received. Staff recommends approval.

Mayor Morales opened the public hearing at 10:14 a.m.

Council Member Love thanked Troy Hunt Homes for this project.

There being no one else wishing to speak, the public hearing was closed at 10:15 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9732 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

42. Consider a first reading of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Midland, Texas, for the transportation, delivery, sale and distribution of gas in, out of, and through said City for all purposes. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9733

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF MIDLAND, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAY; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; PROVIDING FOR A TERM AND EFFECTIVE DATE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; PROVIDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9733.

Assistant City Manager Frank Salvato gave a brief overview of the item noting Brandi Price from Atmos is available for questions.

Council Member Dufford moved approval of the first of three readings of Ordinance No. 9733 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.

43. Consider a resolution authorizing the City Council to support the adoption of a letter of support and revitalization to The Michaels organization for TDHCA 9% Tax Credit application. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, SUPPORTING THE PROPOSED CHAPARRAL APARTMENTS AND CONFIRMING THAT THE CITY SHALL PROVIDE A LOAN, GRANT, REDUCED FEE OR CONTRIBUTION OR OTHER VALUE OF BENEFIT IN THE NOMINAL AMOUNT OF \$500.00 FOR SUCH DEVELOPMENT; THE APPLICANT IS MJL ACQUISITIONS IX, LLC, AN AFFILIATE OF THE MICHAELS ORGANIZATION; THE PROPOSED DEVELOPMENT IS LOCATED AT 4201 NORTH GARFIELD STREET; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

This item was pulled and not considered.

PUBLIC COMMENT

44. 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.)

There were no citizens present wishing to speak.

EXECUTIVE SESSION

- 45. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.087 Deliberate Economic Development Negotiations
 - a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
 - b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease, or value of real property described as Lot 6, Block 2, University Park Addition, City of Midland, Midland County, Texas.

Mayor Morales recessed the meeting to Executive Session at 10:18 a.m.

All of the business at hand having been completed, the meeting adjourned at 11:00 a.m.

PASSED AND APPROVED the 13th day of February, 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary