

**MIDLAND CITY COUNCIL  
MINUTES  
February 13, 2018**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on February 13, 2018.

Council Members present: Mayor Jerry F. Morales, 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).

Council Members absent: Mayor Pro Tem Spencer Robnett (At-Large) and Council Member Scott Dufford (At-Large).

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Utilities Director Laura Wilson, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Customer Service Manager Tony Goyang, City Engineer Matt Carr, Assistant City Engineer Jeff Cohen, Transportation Manager Gabe McClelland, Real Estate Specialist Ryan Farmer, Assistant Utilities Director Carl Craigo, Budget Manager Jamie Minor, and Public Information Officer Elana Ladd.

Mayor Morales called the meeting to order at 9:30 a.m.

1. Receive a presentation from Engineering Services regarding the proposed Storm Water Fees Ordinance.

Engineering Services Director Jose Ortiz introduced the item noting staff needs direction from Council. They will have two ordinances in the future. The first will be to establish a municipal drainage utility system and the second will be to set fees.

Assistant City Engineer Jeff Cohen addressed the mandated exemptions that include properties with self-sufficient privately owned drainage, underdeveloped properties, platted but vacant lots up until the time that a certificate of occupancy is issued, state agencies, and public and private institutions of higher learning. The Local Government Code also allows for other properties to be excluded including properties owned by the county, municipalities, school districts and tax-exempt religious institutions. Currently, all of the option properties were included in the new ordinance but staff is seeking Council feedback.

The fee structure was reviewed noting that for residential properties it is based on the footprint of the building and does not include driveways or walkways and is split into three tiers. For commercial properties the fee is based on all impervious structures and has six tiers. The total estimate based on an ERU of \$2 is expected to bring in \$2.5 million dollars on an annual basis.

Mr. Ortiz briefly reviewed a list of potential projects that could be addressed with the money. He also explained the appeal process. Staff plans to publish the ordinances on February 25, have the first readings on March 27 and second readings on April 10 with an effective date of October 2018.

Council Member Love expressed concern that some of the biggest offenders would be exempt and wanted enforcement if those exemptions were included. Mr. Ortiz reported that a Storm Water Administrator would need to be put in place for enforcement.

Mayor Morales asked staff to visit individually with Council Members not present and to address concerns.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:58 a.m.

### **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 13, 2018.

Council Members present: Mayor Jerry F. Morales, 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).

Council Members absent: Mayor Pro Tem Spencer Robnett (At-Large) and Council Member Scott Dufford (At-Large).

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: 1-7, 9, 11-16, 18-40, 8, 10, 17, 41-58.

Mayor Morales called the meeting to order at 10:05 a.m.

### **OPENING ITEMS**

1. Invocation - Pastor Robert Pase, Grace Lutheran 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**

Interim Administrative Services Director David Hunter introduced the new Administrative Services Director Mark Widmann who comes to Midland with over 25 years of personnel

management experience. Mr. Widmann reported he is looking forward to this opportunity and has thus far received a very warm welcome.

Council Member Love moved to approve Consent Agenda items 4 - 40 excluding 8, 10, 17; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

4. Approved a motion approving the following minutes:
  - a. Regular meeting of January 23, 2018
5. Approved a resolution authorizing the execution of a three (3) year agreement for the use and maintenance of Geographic Information System (GIS) software for the GIS Division with Environmental Systems Research Institute, Incorporated (Esri) of Redlands, California for a total cost of \$225,000.00 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 042

RESOLUTION AUTHORIZING THE EXECUTION OF A THREE (3) YEAR SOLE-SOURCE CONTRACT FOR THE USE OF GEOGRAPHIC INFORMATION SYSTEM SOFTWARE, MAINTENANCE SUPPORT, AND ASSOCIATED UPGRADES WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INCORPORATED AT A COST OF \$75,000.00 PER YEAR FOR A TOTAL OF \$225,000.00

6. Approved a resolution awarding a contract for the Dennis the Menace Park Project - Phase I for the Community Services Department; and appropriating funds for Phase I and Phase II. (PURCHASING)

RESOLUTION NO. 2018 - 043

RESOLUTION AWARDING A CONTRACT TO MID-TEX OF MIDLAND, INC., FOR PHASE 1 OF THE DENNIS THE MENACE PARK RENOVATION PROJECT, AT A TOTAL COST OF \$964,000.00; APPROVING \$100,000.00 FOR CONTINGENCIES; AND ALLOCATING AND APPROPRIATING FUNDS THEREFOR

7. Approved a resolution approving the purchase of three (3) full size ½ ton regular cab pickups, two (2) full size ½ ton extended cab pickups, one (1) full size ½ ton extended cab 4X4 pickup, one (1) full size ½ ton crew cab pickup, one (1) full size ¾ ton regular cab, one (1) full size ¾ ton regular cab 4X4, one (1) full size ¾ ton crew cab 4X4, one (1) full size ¾ ton cab and chassis 4X4 and three (3) full size 1 ton cab & chassis' for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 044

RESOLUTION APPROVING THE PURCHASE OF THREE (3) FULL-SIZE ONE-HALF (½) TON REGULAR CAB PICKUP TRUCKS FROM GRAPEVINE DCJ, LLC, OF GRAPEVINE, TEXAS; THE PURCHASE OF TWO (2) FULL-SIZE ONE-HALF (½) TON EXTENDED CAB PICKUP TRUCKS AND ONE (1) FULL-SIZE ONE-HALF (½) TON CREW CAB PICKUP TRUCK FROM CALDWELL COUNTY CHEVROLET, OF CALDWELL, TEXAS; THE PURCHASE OF ONE (1) FULL-SIZE ONE-HALF (½) TON EXTENDED CAB FOUR-WHEEL DRIVE PICKUP TRUCK FROM RANDALL REED'S PRESTIGE FORD, OF GARLAND, TEXAS; THE PURCHASE OF ONE (1) FULL-SIZE THREE-QUARTER (¾) TON REGULAR CAB PICKUP TRUCK, ONE (1) FULL-SIZE

THREE-QUARTER (3/4) TON REGULAR CAB FOUR-WHEEL DRIVE PICKUP TRUCK, ONE (1) FULL-SIZE THREE-QUARTER (3/4) TON CREW CAB FOUR-WHEEL DRIVE PICKUP TRUCK, ONE (1) FULL-SIZE THREE-QUARTER (3/4) TON FOUR-WHEEL DRIVE CAB AND CHASSIS, AND THREE (3) FULL-SIZE ONE (1) TON CAB AND CHASSIS FROM ROGERS FORD, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$358,356.00; AND ALL OTHER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 371.9051

9. Approved a resolution approving the sale of former Fire Station 6 located at 4315 Thomason Drive and legally described as Lot 1 and Lot 2, Block 64 Permian Estates Addition, City of Midland, Midland County, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 046

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH 811 WEST MISSOURI L.L.C. REGARDING THE CONVEYANCE OF CITY-OWNED REAL PROPERTY DESCRIBED AS LOTS ONE (1) AND TWO (2), BLOCK SIXTY-FOUR (64), PERMIAN ESTATES, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

11. Approved a resolution approving the sale of the Building of the Southwest located at 310 West Texas Avenue for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 048

RESOLUTION ACCEPTING THE BID AND PROPOSAL SUBMITTED BY THE MIDLAND DEVELOPMENT CORPORATION FOR THE PURCHASE OF CITY OWNED REAL 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 approving a proposed New Air Service Incentive Program to assist in local marketing for new air service at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 049

RESOLUTION APPROVING A NEW AIR SERVICE INCENTIVE PROGRAM TO ASSIST IN LOCAL MARKETING FOR NEW AIR SERVICE AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT

13. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Propel Financial Services, LLC, as agent and attorney in fact for Propel Property Tax Funding, LLC v. Ernest Whittington, et al., in the 441st Judicial District Court, Midland County, Texas, Cause No. CV53994. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2018 - 050

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED PROPEL FINANCIAL SERVICES, LLC, AS AGENT AND ATTORNEY IN FACT FOR PROPEL PROPERTY TAX FUNDING, LLC V. ERNEST WHITTINGTON, ET AL., IN THE 441ST JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. CV53994

14. Approved a motion authorizing the execution of a Sports Agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES)
15. Approved a motion authorizing the execution of a Sports Agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)
16. Approved a motion authorizing the execution of a Sports Agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket. (COMMUNITY SERVICES)
18. Approved a motion authorizing the execution of a Sports Agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger. (COMMUNITY SERVICES)
19. Approved a motion authorizing the execution of a Sports Agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES)
20. Approved a motion authorizing the execution of a Sports Agreement with Midland Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older. (COMMUNITY SERVICES)
21. Approved a motion authorizing the execution of a Sports Agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES)
22. Approved a motion authorizing the execution of a Sports Agreement with Stonegate Fellowship to administer services related to flag football for youth and adults. (COMMUNITY SERVICES)
23. Approved a motion authorizing the execution of a Sports Agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES)
24. Approved a motion authorizing the execution of a Sports Agreement with the YMCA of Midland, to administer programs, special events, and services related to various sports activities for youth and adults at Hogan South (across from Sibley Nature Center). (COMMUNITY SERVICES)
25. Approved a motion approving a proposed Preliminary plat of Daybreak Estates, Section 5, being a 41.061-acre tract of land out of south 1/2 of Section 12, Block X, H.P. Hilliard Survey, City and County of Midland, Texas generally located east of Harvest Rain Street, approximately 1,438-feet north of East Mockingbird Lane. (DEVELOPMENT SERVICES)
26. Approved a motion approving a proposed Preliminary Plat of Midkiff Industrial Center Section 25 being a 31.339-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR. Co. Survey, City and County of Midland, Texas generally located on the northwest intersection of South Midkiff Road and West Interstate 20. (DEVELOPMENT SERVICES)

27. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H145SS. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 051

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,350 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,412 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

28. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H145WA. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 052

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,320 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,382 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

29. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H150LS. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 053

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,020 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,082 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

30. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of oil gas well, being Charger #H150MS. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 054

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 109 FEET FROM THE SOUTH LINE AND 1,050 FEET FROM THE WEST LINE, SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,112 FEET EAST OF SOUTH GARFIELD STREET AND 326 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

31. Approved a resolution accepting a Fire and Safety Access Easement on Campbell Construction Company property for the access of emergency vehicles and personnel across private property. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 055

RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN APPROXIMATE 0.10-ACRE FIRE AND SAFETY ACCESS EASEMENT LOCATED IN LOT 1C, BLOCK 2, CORPORATE PLAZA ADDITION, SECTION 18, MIDLAND, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

32. Approved a resolution amending a Surface Use Agreement between the City of Midland and CrownQuest Operating, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 056

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC

33. Approved a resolution authorizing the execution of a six-month Right-of-Way License with Geokinetics, Inc., for seismic testing on City-owned parcels located at Spraberry Farms. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 057

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH GEOKINETICS, INC., FOR SEISMIC TESTING ACROSS FOURTEEN (14) SQUARE MILES OF CITY-OWNED PROPERTY (GENERALLY LOCATED ON AND AROUND THE SPRABERRY FARM) IN MIDLAND COUNTY AND GLASSCOCK COUNTY, TEXAS

34. 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 property. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 058

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 NINE (9), SIXTEEN (16), TWENTY (20), AND TWENTY-ONE (21), BLOCK THIRTY-SEVEN (37), TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

35. Approved a motion on request by Landgraf Crutcher and Associates to defer wastewater, paving and sidewalk improvements for Longview Subdivision, Section 3, and to waive the corresponding financial security guarantee valued at \$2,550,208.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 6,000 feet west of the intersection of West State Highway 158 & West County Road 60/Briarwood Avenue, on the north side of West County Road 60; approximately 1.1 miles west of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
36. Approved a motion on request by Schumann Engineering Co., Inc. to defer water, wastewater, paving and sidewalk improvements for Lozano Place, and to waive the corresponding financial security guarantee valued at \$208,539.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southwest corner of the FM 1788 and West County Road 54 intersection, approximately 14,000 feet north of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

37. Approved a motion on request by SW Howell, Inc. to defer wastewater, paving and sidewalk improvements for Northwestern Addition 16th Filing, and to waive the corresponding financial security guarantee valued at \$88,456.50, an amount equal to the estimated cost of construction. The subject property is generally located 1,600 feet east of the intersection of North Midland Drive and Cardinal Lane, within the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
38. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Pro Terminal Operators, Inc. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 059

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PRO TERMINAL OPERATORS, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS EIGHT (8), NINE (9), AND SIXTEEN (16), BLOCK FORTY (40), TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

39. Approved a motion on request by SW Howell, Inc. to defer water, wastewater, paving and sidewalk improvements for West Terminal Addition, Section 6, and to waive the corresponding financial security guarantee valued at \$232,331.50, an amount equal to the estimated cost of construction. The subject property is generally located approximately 3,500 feet west of the intersection of West County Road 100 and FM 1788, on the north side of West County Road 100, approximately 3,000 feet west of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
40. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Midland Heritage Oaks, Inc. for future design and construction of public paving and drainage improvements within the Heritage Oaks. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 060

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND HERITAGE OAKS, INC. FOR DEVELOPMENT OF HERITAGE OAKS, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED IN THE REGION BOUND BY BRIARWOOD AVENUE, NAVASOTA DRIVE, FRIO DRIVE AND ROADRUNNER TRAIL); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$389,057.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

The following items were pulled from Consent Agenda and considered individually.

8. Consider a resolution approving the issuance of a Request for Proposals for a driving simulator for the Police Department. (PURCHASING)

RESOLUTION NO. 2018 - 045

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A DRIVING SIMULATOR FOR THE POLICE DEPARTMENT

Council Member Sparks appreciates staff taking this on and asked if simulators had the ability to add computer screens. Police Chief Steve Henry reported he could check into



that possibility and noted that this is just one part of a holistic approach he is taking regarding issues.

Council Member Lacy asked about disciplinary actions. Police Chief Henry reported that there is a wide range of discipline for policy violations ranging from suspension to termination. He also noted that not all accidents are the result of policy violations.

Council Member Sparks moved to adopt Resolution No. 2018 - 045; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

10. Consider a resolution awarding a contract for the abatement of the Building of the Southwest for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 047

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RON OSBORN, INC., DBA ADVANCED ENVIRONMENTAL SERVICES, FOR ASBESTOS ABATEMENT AT THE BUILDING OF THE SOUTHWEST, AT A TOTAL COST OF \$657,649.00; APPROVING \$65,765.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

Council Member Lacy inquired about the timeline. General Services Director Fred Reyes reported once the contract is signed they have 90 days. He expects the Notice to Proceed to be issued within 30 days.

Staff answered questions about the need to complete the asbestos work whether or not the building is demolished. Staff will bring back this item again before any additional work is completed.

When asked if there was an estimate for demolition it was reported there is not one at this time but their rough estimate is about \$750,000 for demo and \$750,000 to \$1 million for the roof.

Council Member Lacy moved to adopt Resolution No. 2018 - 047; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

17. Consider a motion authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES)

Mayor Morales asked if the four fields used by GMFL are available to rent when GMFL is not using them. Parks & Recreation Manager Laurie Williams reported they could be rented through the Parks Division.

Council Member Lacy moved to approve authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

**SECOND READINGS**

- 41. Consider an ordinance on second reading 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) (First reading held January 23, 2018.)

**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 SueAnn Lopez read the caption of Ordinance No. 9731.

Council Member Love moved to approve the second and final reading of Ordinance No. 9731 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

- 42. 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 East Business I-20, approximately 300 feet west of Chukar Lane. (DEVELOPMENT SERVICES) (First reading held January 23, 2018.)

**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 SueAnn Lopez read the caption of Ordinance No. 9732.

Council Member Lacy moved to approve the second and final reading 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

43. Consider an ordinance on second reading granting to Atmos Energy 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) (First reading held January 23, 2018.)

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 SueAnn Lopez read the caption of Ordinance No. 9733.

Council Member Lacy moved to approve the second of three readings of Ordinance No. 9733 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

**PUBLIC HEARINGS**

44. Hold a public hearing regarding the proposed granting of oil and gas permits to RSP Permian, L.L.C., for the drilling of oil gas wells, being MCC HZ Unit 1105H. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is for traditional wells in the same area north of Midland Country Club. No letters of objection have been received. They have requested variances for 24-hour fracing and no Road Repair Agreement as they will not be using City streets. They will be using an existing tank battery that is located to the north.

Mayor Morales opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

45. Hold a public hearing regarding the proposed granting of an oil and gas permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil gas well, being Charger #H150WB. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the wells are located south of the Petroleum Museum and are asking for the same variances as they did in the past. All wells will have one large perimeter fence for the whole area. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

46. Hold a public hearing and consider a resolution on a request by Mac's BBQ & Catering for approval of a Temporary Land Use Permit for a Music Festival generally located northwest of the intersection of South Loraine Street and West Wall Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 061

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MUSIC FESTIVAL ON BLOCK 55, A 0.56-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 55 AND 56, A 0.7-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 36 AND 55, AND A 1.28-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 55, 56, 64, AND 65, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH LORAIN STREET AND WEST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting this item came before council several months ago so the applicant could book his act. Today's item contains the final information. He explained the changes that were made to the site plan that included moving the stage and parking. The event will include the sale of alcoholic beverages, will have 10 certified peace officers and adequate restrooms will be provided. Staff has reviewed the item and recommends approval subject to conditions A through K including the revised site plan provided.

Mayor Morales opened the public hearing at 10:37 a.m.

Wesley Webb, 2400 W. Indiana, reported they are working on parking with the owners of the lot. He explained how the perimeter fencing would work noting the businesses on Wall Street would be outside of the fence and could remain open to the public. When asked if he shared this information with surrounding property owners, Mr. Webb reported that DMMD is helping to reach out to all neighboring businesses. The event will be held on Saturday March 17, 2018.

There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

Council Member Lacy moved to adopt Resolution No. 2018 - 061 with an amendment to include the updated site plan; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

47. Hold a public hearing and consider an ordinance on a request by David Martin for a zone change from AE, Agriculture Estates District to a PD, Planned District for a Housing Development on a 41.061-acre tract of land generally located east of Harvest Rain Street, approximately 1,438 feet north of East Mockingbird Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9734

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 41.061-ACRE TRACT OF LAND OUT OF THE SOUTH HALF OF SECTION 12, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED EAST OF HARVEST RAIN STREET, APPROXIMATELY 1,438 FEET NORTH OF EAST MOCKINGBIRD 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 SueAnn Lopez read the caption of Ordinance No. 9734.

Development Services Director Chuck Harrington gave a brief overview of the item noting Daybreak Estates is requesting to expand their existing subdivision. This area will include 119 lots. The final plat is in the platting process. They will adhere to all permitted uses in 1F-3 zoning. The item was circulated to all departments subject to minor comments. Staff recommends approval noting it is compliance with the comprehensive plan. One letter of objection has been received.

Mayor Morales opened the public hearing at 10:44 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. 9734 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

48. Hold a public hearing and consider an ordinance on a request by Kristen Hollimon for a zone change from PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center generally located east of Sunmore Circle, approximately 509 feet south of West Wadley Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9735

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 9, BLOCK 28, WYDEWOOD ESTATES, 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 EAST OF SUNMORE CIRCLE, APPROXIMATELY 509 FEET SOUTH OF WEST WADLEY AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9735.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is wanting to add additional square footage to an existing studio. The modification will require an additional 37 parking spaces. They meet all other requirements and are in compliance with the comprehensive plan. Staff recommends approval. No letters of objection were received.

Mayor Morales opened the public hearing at 10:46 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. 9735 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

49. Hold a public hearing and consider an ordinance on a request by Chris Martinez for approval of a Special Exception to the City of Midland Zoning Ordinance concerning the front yard setback. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9736

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 22, BLOCK 5, CORRECTION PLAT OF WESTERN HILLS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH BENTWOOD DRIVE AND ANETTA DRIVE), BY PERMITTING A REDUCED FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9736.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a special exception to the front yard setback reducing it to 8.5 feet. He noted the requirement is 20 feet but all homes along that street currently are set back 13 feet. The property owner owns two lots and a significant portion is covered by structures but they do meet the open space requirements. Staff feels this is an over use of the front yard and cannot find hardship and recommends denial. He did not have any design drawing of the proposed change.

Mayor Morales opened the public hearing at 10:50 a.m.

Jeremey Templeton, 4908 Anetta Drive, reported he has the oldest house on the block and is trying to improve his curb appeal by matching the porch to the other porches in on the street by adding an arch. He has no plans to sell his property. When asked if his neighbors have issues with this change he reported that most of them are his friends and they are in support of his changes.

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

Council Member Lacy moved to defer the item to a date uncertain; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Sparks, Morales, Lacy. NAY: Hotchkiss, Love. ABSTAIN: None. ABSENT: Dufford, Robnett.

Council Member Lacy informed the applicant that he should reach out to all members of the Council with a conceptual drawing before this is heard again.

50. Hold a public hearing and consider an ordinance on a request by Woody's Hideaway for a Specific Use Permit with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a bar generally located southwest of the intersection of Starboard Drive and Liberty Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9737

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,237-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, GATEWAY PLAZA, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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 SueAnn Lopez read the caption of Ordinance No. 9737.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the same group that did Little Woodrow's. They are proposing this second location near Cinergy. He reported there is an issue with parking that they are working to resolve. Staff recommends approval subject to meeting parking requirements.

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

Robert Rendall, 6 Desta Drive, Suite 100, reported he was speaking on behalf of the applicant. In reference to the parking the new owner of the complex has filed a permit to expand the parking lot which will satisfy parking requirements for the entire center. This location is similar to their existing facility but instead of concentrating on sports, the new location will have a pool table, foosball, and darts.

There being no one else wishing to speak, the public hearing was closed at 11:02 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9737 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

51. Hold a public hearing and consider a resolution on a request by Our Lady of Guadalupe Parish and Shrine for a Temporary Land Use Permit for a Church Family Fair and Carnival generally located northeast of the intersection of North Tyler Street and Garden Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 062

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR AND A CARNIVAL ON LOT 8, BLOCK 7, GLENDALE ADDITION, AND LOT 13A, BLOCK 7, GLENDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH TYLER STREET AND GARDEN LANE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the church's annual fair and carnival. They will have proper security and restrooms and are proposing the sale of alcoholic beverages.

Mayor Morales opened the public hearing at 11:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2018 - 062; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

**MISCELLANEOUS**

52. Consider an ordinance canceling the Sharyland Franchise Agreement. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9738

AN ORDINANCE REPEALING ORDINANCE NO. 9547 WHICH GRANTED TO SHARYLAND UTILITIES, L.P., ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, AND PUBLIC WAYS OF THE CITY OF MIDLAND, TEXAS

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9738.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9738 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

53. Consider a resolution approving a Chapter 380 Economic Development agreement between Mall at Midland Park, LLC and the City of Midland. (CITY MANAGER'S OFFICE)

RESOLUTION NUMBER 2018 - 063

RESOLUTION AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND MALL AT MIDLAND PARK, LLC, AS AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

Assistant City Manager Frank Salvato gave a brief overview of the item and explained how the tax rebate agreement would work noting it would be for a maximum of 12 years or \$7.5 million whichever comes first.



Council Member Love moved to adopt Resolution No. 2018 - 063; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

54. Consider a motion on request by Schumann Engineering Co., Inc. to defer water, and reconfirm deferral of wastewater, paving and sidewalk improvements for Hannah Addition, and to waive the corresponding financial security guarantee valued at \$610,393.00, an amount equal to the estimated cost of construction. The subject property is generally located near the southwest corner of South County Road 1230 and West County Road 120 intersection. The subject property is approximately 150 feet south of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

Assistant City Engineer Jeff Cohen gave a brief overview of the item noting this project has diverged over the course of time and staff is seeking Council direction. In 2015 the developers requested deferral of water improvement and were asked to guarantee those improvements. They deposited half of the fund with the City but never platted. It has now been developed as a high density mobile home park and staff does not think it will be annexed. In order to finish platting the property they are seeking deferral of the water and staff agrees.

Engineering Services Director Jose Ortiz clarified that they do not believe annexation will occur in the next eight years and suggested that the money they had on deposit be reimbursed.

Council Member Love moved to approve a motion on request by Schumann Engineering Co., Inc. to defer water, and reconfirm deferral of wastewater, paving and sidewalk improvements for Hannah Addition, and to waive the corresponding financial security guarantee valued at \$610,393.00, an amount equal to the estimated cost of construction; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

55. Consider a resolution on request by Rosalva Martinez and Bertalina Martinez to terminate a Public Improvements Development Agreement with the City of Midland that provides for funds to be escrowed to construct future public water improvements to serve Hannah Addition, dated March 25, 2015, and authorized by City Council Resolution No. 2015-092. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 064

RESOLUTION AUTHORIZING THE EXECUTION OF AN INSTRUMENT TERMINATING THE PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH ROSALVA MARTINEZ AND BERTINA MARTINEZ FOR WATER DISTRIBUTION IMPROVEMENTS TO HANNAH ADDITION, SECTION 1, MIDLAND COUNTY, TEXAS

Council Member Lacy moved to adopt Resolution No. 2018 - 064; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

56. Consider a motion making appointments to various boards and commissions.

Council Member Lacy moved to appoint E.J. Baldrige to replace Scott Young on the Zoning Board of Adjustments; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

#### **PUBLIC COMMENT**

57. 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.)

No citizens were present wishing to speak.

#### **EXECUTIVE SESSION**

58. 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.

Mayor Morales recessed the meeting to Executive Session at 11:21 a.m.

All of the business at hand having been completed, the meeting adjourned at 11:21 a.m.

PASSED AND APPROVED the 27th day of February, 2018.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary