

**MIDLAND CITY COUNCIL
MINUTES
February 27, 2018**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:15 a.m. on February 27, 2018.

Council Members present: 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).

Council Members absent: Mayor Jerry F. Morales.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Administrative Services Director Mark Widmann, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Real Estate Specialist Ryan Farmer, and Assistant Transportation Manager Gabe McClelland.

Mayor Pro Tem Robnett called the meeting to order at 9:15 a.m.

2. Receive an update from the Midland Behavioral Health Team regarding behavioral health issues impacting our community, and current collaborations for solutions.

Elaine Bedell, Executive Director of Midland Behavioral Health Team reported their mission is to improve the behavioral health of Midland County residents noting that national statistics show that one in five people have a mental health issue including substance abuse. She shared the members and founders of their group noting they are collaborating with the local behavioral health community to elevate their collective impact for the community including public awareness and education, provider education, training and workshops. She reviewed their 2018 goals noting the first step is establishing relations and making evaluations. Step two will be to provide care in the future. She reviewed their current workgroups and highlighted upcoming educational events. Ms. Bedell will provide more updates soon.

1. Discuss the potential sale of City-owned real property and vacation of rights-of-ways.

Assistant Transportation Manager Gabe McClelland reported the City has a number of undeveloped properties that are of no benefit to the City. Locations can be eyesores, are often undeveloped, can become overgrown with mesquite and are sometimes the site of illegal dumping. Currently, if the City is approached by a person wishing to acquire the property and if it has no discernible benefit, they pay an application fee of \$300. Most of the time the right-of-way is split down the middle and sold to the adjoining owners. He shared examples of undeveloped properties on Adams and Louisiana.

Staff has identified approximately 20 parcels of undeveloped land and would like to approach the adjacent property owners to see if the land would be of benefit to them. Staff is asking Council to consider reducing the amount of the property to be sold since the land has no benefit for the City.

General Services Director Fred Reyes reported he has a list of properties that have been vacant for over a year. He shared examples of some of the properties noting that staff will bring an item for Council consideration in March with a request to hire a realtor and to authorize sale of the properties. Suggestions were made that preference should be given to non-profits or land could be donated for community gardens.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 10:02 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 27, 2018.

Council Members present: 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).

Council Members absent: Mayor Jerry F. Morales.

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order: 1-9, 11-18, 21-29, 10, 19, 20, 30-38, 19 (2nd time), 39-46.

Mayor Pro Tem Robnett called the meeting to order at 10:10 a.m.

OPENING ITEMS

1. Invocation - Pastor Phillip Allman, Associate Pastor 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

Council Member Love moved to approve Consent Agenda items 4 - 29 excluding 10, 19, and 20; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

4. Approved a motion approving the following minutes:
 - a. Regular meeting of February 13, 2018
5. Approved a resolution approving the issuance of a request for qualifications for architectural services for the construction of a new Animal Shelter for the Animal Services Division. (PURCHASING)

RESOLUTION NO. 2018 - 065

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CONSTRUCTION OF A NEW ANIMAL SHELTER FOR THE COMMUNITY SERVICES DEPARTMENT

6. Approved a resolution authorizing the issuance of a request for proposals for an oil and gas lease generally located south of East Loop 250 North and east of North Garfield Street and north of Illinois Avenue and west of North Lamesa Road for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 066

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN APPROXIMATELY 114.37 ACRES OUT OF SECTION 14, APPROXIMATELY 337.08 ACRES OUT OF SECTION 15, APPROXIMATELY 68.61 ACRES OUT OF SECTION 22, APPROXIMATELY 9.11 ACRES OUT OF SECTION 23, AND APPROXIMATELY 6.74 ACRES OUT OF SECTION 26, ALL OUT OF BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (SAID ACREAGE BEING GENERALLY LOCATED SOUTH OF EAST LOOP 250 NORTH, EAST OF NORTH GARFIELD STREET, NORTH OF ILLINOIS AVENUE, AND WEST OF NORTH LAMESA ROAD); SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

7. Approved a resolution awarding a contract for the East Hicks Avenue & East Taylor Avenue Paving Project - 2017 Bond Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 067

RESOLUTION AWARDING A CONTRACT FOR THE EAST HICKS AVENUE AND EAST TAYLOR AVENUE PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,300,167.81; SAID PROJECT BEING A YEAR ONE BOND PROJECT; AND AUTHORIZING PAYMENT THEREFOR

8. Approved a resolution awarding a contract for the Greentree Boulevard Mill & Inlay Project - 2017 Bond Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 068

RESOLUTION AWARDING A CONTRACT FOR THE GREEN TREE BOULEVARD MILL AND INLAY PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,179,449.91; SAID PROJECT BEING A YEAR ONE BOND PROJECT; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution approving the purchase of a generator for City Hall from Warren Power & Machinery, Inc. dba Warren Cat through Buyboard contract 515-16 for a total cost of \$59,142.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 069

RESOLUTION APPROVING THE PURCHASE OF A GENERATOR FOR CITY HALL FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT THROUGH BUYBOARD AT A TOTAL COST OF \$59,142.00

11. Approved a resolution approving the purchase of an airless truck mounted striping machine for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 071

RESOLUTION AUTHORIZING THE PURCHASE OF AN AIRLESS TRUCK-MOUNTED STRIPING MACHINE FOR THE GARAGE DIVISION FROM VOGEL TRAFFIC SERVICES, INC., DBA EZ-LINER INC, OF ORANGE CITY, IOWA, AT A TOTAL COST OF \$133,500.00

12. Approved a resolution approving the purchase of a utility tractor for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 072

RESOLUTION APPROVING THE PURCHASE OF A UTILITY TRACTOR FOR THE GARAGE DIVISION FROM THE SOLE BIDDER, DEERE & COMPANY, OF CARY, NORTH CAROLINA, AT A TOTAL COST OF \$79,747.61

13. Approved a resolution awarding a professional services agreement to Enprotec/Hibbs & Todd, Inc. for an amount not to exceed \$610,000.00 for the Wastewater Collection System Modeling and Master Plan Update Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 073

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE WASTEWATER COLLECTION SYSTEM MODELING SERVICES AND TO PREPARE A WASTEWATER COLLECTION SYSTEM MASTER PLAN FOR THE CITY OF MIDLAND, FOR AN AMOUNT NOT TO EXCEED \$610,000.00

14. Approved a resolution authorizing the issuance of a request for qualifications to provide professional services for engineering, planning and design services to develop two projects in the 2017 Road Bond, namely, Garfield Street and A Street for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 074

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE PLANNING AND DESIGN OF IMPROVEMENTS TO GARFIELD STREET AND A STREET; SAID SERVICES BEING RELATED TO YEAR THREE BOND PROJECTS; 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

15. Approved a resolution approving a contract between The City of Midland, Texas and SilverWing Enterprises, and appropriating necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 075

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SILVERWING ENTERPRISES, LLC, TO PROVIDE PROFESSIONAL SERVICES IN SUPPORT OF THE OPERATION OF THE SPACEPORT LOCATED AT MIDLAND INTERNATIONAL AIR AND SPACE PORT; AND APPROPRIATING FUNDS THEREFOR

16. Approved a resolution authorizing the execution of Amendment #7 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriating necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 076

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER SEVEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: AIRCRAFT RESCUE FIRE FIGHTING VEHICLE REPLACEMENT PROJECT, TERMINAL VEHICLE PARKING LOT PAVEMENT AND EQUIPMENT PROJECT, AND SPACEPORT BUSINESS PARK ENVIRONMENTAL PROJECT; AND APPROPRIATING FUNDS THEREFOR

17. Approved a resolution approving an Economic Development Agreement between the City of Midland and the Midland Development Corporation to provide matching incentive funds for various infrastructure improvements to state and local roadways and related facilities in and around the corporate limits of the City of Midland. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 2018 - 077

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR THE PURPOSE OF COMBINING FUNDS TO PROVIDE FOR THE EXPANSION OF VARIOUS INFRASTRUCTURE IMPROVEMENTS TO STATE AND LOCAL HIGHWAYS AND RELATED FACILITIES IN AND AROUND THE CORPORATE LIMITS OF THE CITY OF MIDLAND, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

18. Approved a motion approving a proposed Final Plat of Timberwolf Estates North, being a 130.0-acre tract of land out of Sections 5 and 8, Block 38, T-1-S, T&P RR. Co. Survey, City of Midland, Martin County, Texas generally located on the west side of North Elkins Road, approximately 695 feet north of Timber Wolf Trail. (DEVELOPMENT SERVICES)

21. Approved a resolution authorizing the execution of a Right-of-Way License between the City of Midland and NuStar Permian Transportation and Storage, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 079

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 SECTION 16, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

22. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Grand Prix Pipeline, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 080

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND GRAND PRIX PIPELINE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY AND GLASSCOCK COUNTY, TEXAS

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

RESOLUTION NO. 2018 - 081

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

24. Approved a motion on request by SW Howell, Inc. to defer water, wastewater, paving and sidewalk improvements for Cotton Addition, and to waive the corresponding financial security guarantee valued at \$115,636.50, an amount equal to the estimated cost of construction generally located on the north side of West County Road 150, approximately 820 feet east of South County Road 1285, approximately 2.6 miles outside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

25. Approved a motion on request by Parkhill Smith & Cooper, Inc., to defer wastewater and sidewalk improvements for Spanish Trails Station, Section 3, and to waive the corresponding financial security guarantee valued at \$132,814.00, an amount equal to the estimated cost of construction generally located on the west side of South County Road 1250, approximately 500 feet north of Interstate 20, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

26. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Desert Thunder Raceway, LLC in the amount of \$145,500.00 for future design and construction of public paving on South County Road 1250 generally located on the west side of South County Road 1250 approximately 500 feet north of Interstate 20, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 082

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH DESERT THUNDER RACEWAY, LLC FOR PAVING IMPROVEMENTS TO SOUTH COUNTY ROAD 1250 TO SERVE SPANISH TRAILS STATION, SECTION 3 (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH COUNTY ROAD 1250, APPROXIMATELY 500 FEET NORTH OF INTERSTATE 20); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

27. Approved a resolution authorizing the execution of a Public Improvement Development Agreement with Mockingbird Oaks Development, LLC in the amount of \$356,500.00 for

future design and construction of public water and drainage improvements generally located southwest of the intersection of Briarwood Avenue and Holiday Hill Road, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 083

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MOCKINGBIRD OAKS DEVELOPMENT, LLC FOR DEVELOPMENT OF LOS PATIOS ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BRIARWOOD AVENUE AND HOLIDAY HILL ROAD); AND ALLOCATING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$356,500.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

28. Approved a resolution approving the MOA between Midland County Hospital District dba Midland Memorial Hospital and the Midland Fire Department. (FIRE)

RESOLUTION NO. 2018 - 084

RESOLUTION AUTHORIZING THE EXECUTION OF A BUSINESS ASSOCIATE AGREEMENT WITH THE MIDLAND COUNTY HOSPITAL DISTRICT REGARDING THE MIDLAND FIRE DEPARTMENT COMMUNITY HEALTH PARAMEDIC PROGRAM OBTAINING ACCESS TO PATIENT DATA BY AND THROUGH MIDLAND MEMORIAL HOSPITAL COMPUTER SYSTEMS

29. Approved a resolution approving the MOA between the US Marshals Service and Midland Fire Department. (FIRE)

RESOLUTION NO. 2018 - 085

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES MARSHALS SERVICE REGARDING THE MIDLAND FIRE DEPARTMENT'S TACTICAL MEDIC TEAM'S SUPPORT OF THE UNITED STATES MARSHALS SERVICE'S VIOLENT OFFENDER TASK FORCE

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

10. Consider a resolution rejecting all bids received for the fifteen (15) white police package vehicles and two (2) red police package vehicles and authorizing re-advertisement for bids for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 070

RESOLUTION REJECTING ALL BIDS RECEIVED FOR FIFTEEN (15) WHITE POLICE PACKAGE VEHICLES AND TWO (2) RED POLICE PACKAGE VEHICLES; AND AUTHORIZING THE CITY MANAGER TO ISSUE AN ADVERTISEMENT FOR COMPETITIVE BIDS FOR TWENTY (20) WHITE POLICE PACKAGE VEHICLES AND TWO (2) RED POLICE PACKAGE VEHICLES

Council Member Lacy inquired about the cost of damaged squad vehicles. General Services Director Fred Reyes reported each unit is about \$60,000, \$30,000 for the vehicle and another \$30,000 to outfit the vehicle. Some of the gear can be recovered and placed on the new vehicles. Council Member Lacy hoped the simulator would help alleviate some of the vehicle issues.

Council Member Lacy moved to adopt Resolution No. 2018 - 070; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

19. Consider a motion approving a proposed Preliminary Plat of Tuscan Villas, being a 34.74-acre tract of land generally located on the west side of North Garfield Street, approximately 590 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

Council Member Lacy moved to defer this item until after the related zone change (Agenda Item 38); seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

20. Consider a resolution adopting Guidelines and Criteria for Tax Abatement Agreements. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 078

RESOLUTION ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

Council Member Love wanted citizens to know that Chapter 312 of the Texas Tax Code is set to expire September 2019 and asked all citizens to reach out to their legislators asking them to reapprove Chapter 312 because it is an important tool for cities.

Council Member Love moved to adopt Resolution No. 2018 - 078; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

SECOND & THIRD READINGS

30. Consider an ordinance on third reading 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 of 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. (CITY MANAGER'S OFFICE) (First reading held January 23, 2018. Second reading held February 13, 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 Darlene Eastin read the caption of Ordinance No. 9733

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

31. Consider an ordinance on second reading 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) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9734.

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

32. Consider an ordinance on second reading 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) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9735.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9735 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

33. Consider an ordinance on second reading 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) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9737.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9737 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

34. Consider an ordinance on second reading to cancel the Sharyland Franchise Agreement. (CITY MANAGER'S OFFICE) (First reading held February 13, 2018.)

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 Darlene Eastin read the caption of Ordinance No. 9738.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9738 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

PUBLIC HEARINGS

35. Hold a public hearing and consider an ordinance on request by Betenbough Homes, LLC for a Zone Change from AE, Agriculture Estate District, to 1F-3, One-Family Dwelling District on a 306.65-acre tract of land generally located northeast intersection of Arapahoe Road and Fairgrounds Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9739

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 306.65-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ARAPAHOE ROAD AND FAIRGROUNDS ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9739.

Development Services Director Chuck Harrington gave a brief overview of the item.

Mayor Pro Tem Robnett opened the public hearing at 10:23 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. 9739 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

36. Hold a public hearing and consider an ordinance on a request by Betenbough Homes, LLC for approval of a Special Exception from the City of Midland Zoning Ordinance, concerning front yard setbacks on a 306.65-acre tract of land generally located northeast of the intersection of Arapahoe Road and Fairgrounds Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9740

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 306.65-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ARAPAHOE ROAD AND FAIRGROUNDS ROAD), 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 Darlene Eastin read the caption of Ordinance No. 9740.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting a special exception to reduce the front yard setback to 15 feet for all lots. This is similar to their previous location.

Mayor Pro Tem Robnett opened the public hearing at 10:28 a.m.

Kelly Oaks, 6718 N. Highway 349, representing Betenbough Homes reported there are about 15 cul-de-sacs and there are typically four homes on a cul-de-sac and that these cul-de-sacs in Midland are larger than in most other communities.

There being no one else wishing to speak, the public hearing was closed at 10:30 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9740 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

37. Hold a public hearing and consider an ordinance on a request by George Lara to vacate a 0.257-acre portion of the right-of-way of Adams Street generally located north of the intersection of Adams Street and Garden Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9741

AN ORDINANCE VACATING AND ABANDONING A 0.257-ACRE PORTION OF ADAMS STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 55 AND 56, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF ADAMS STREET AND GARDEN LANE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$22,390.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9741.

Development Services Director Chuck Harrington gave a brief overview of the item noting the request is a joint situation. The City asked Mr. Lara to consider taking the right-of-way on Adams Street because it has never been used and is a significant amount of drain on the City to keep up. The price of the property is \$22,390.00. He asked Council to consider the benefit the City will receive in not having to keep the property up and of adding this property to the tax rolls. Council Member Sparks inquired as to the cost involved in zoning. Mr. Harrington reported there is a \$300 fee that mainly covers the publication notice.

Mayor Pro Tem Robnett opened the public hearing at 10:34 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. 9741 in accordance with the Charter of the City of Midland with amendment to cut the fee in half; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

38. Hold a public hearing and consider an ordinance on a request by True Star Capital LLC, for a zone change from 1F-1, One-Family Dwelling District, to 1F-2, One-Family Dwelling on a 11.32-acre tract of land, and 19.42-acre tract of land generally located west of North Garfield Street, approximately 617 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9742

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 11.32-ACRE TRACT OF LAND AND A 19.42-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK X, H. P. HILLARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED WEST OF NORTH GARFIELD STREET, APPROXIMATELY 617 FEET NORTH OF 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 Darlene Eastin read the caption of Ordinance No. 9742.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for a single-family subdivision on undeveloped property with a zoning of 1F-2. The lot sizes are similar to those to the east and are all required to have a minimum of 7,000 square feet, but most are closer to 8,000. This request was reviewed and approved by Planning & Zoning. The item has been circulated to all departments for review. There was some concern about the number of letters of objection but it was determined that most are outside of the 200 foot circle.

Mayor Pro Tem Robnett opened the public hearing at 10:39 a.m.

Jarred Squyres reported this is not a manufactured mobile home site. It states on their website that they specialize in affordable housing but these are not affordable housing homes. When asked about what was to be done at the pipeline area he reported it will likely be a grass area with xeriscaping or trees, or whatever is allowed by the pipeline owner. The valuation of the homes will be \$380,000 and up. He answered questions about extending Garfield to the north, right-of-way dedication and drainage.

Dave Walker, 5704 Dunbar Oaks, reported his property backs up to this land and handed in 11 more objection letters. He noted there was some confusion about the wrong legal description and thought that may have spilled over to the second notice that was sent out. He objected to denser housing in the area and affordable housing. Council Member Lacy clarified that this is not affordable housing; the homes will be a minimum of 2,800 square feet and the sites are a minimum of 7,000 square feet. Mr. Walker also expressed concern about increased traffic in the area.

Helen Sledge, 2513 Legacy Oaks Ct, reported she was glad the question about affordable housing was cleared up. She can't wait to have more neighbors but expressed concern about the number of lots and feared this development may lower property values.

Michael McKeller, 2510 Legacy Oaks, acknowledged the need for more homes but expressed concern with how the pipeline area would be impacted by roadways. He clarified that as long as the area has alleys and is of similar square footage, he does not have a concern other than for infrastructure and how it will be presented. He asked if the development would happen all at once. Council Member Sparks reported the streets would be put in first and then the houses would be built.

Mark Payne, reported he was the developer of Woodland Park and supported the use of the land.

John Newsom, 5914 Dunbarton Oak, reported he likes looking at the pump jacks and drilling rigs and expressed concern about cutting through the alley next to his house and about traffic congestion. He spends a lot of time maintaining his yard and asked what would be done to keep trash out of his yard. Council noted that they will have certain requirements such as fences and trash control and asked him to give the City a call if he had concerns during construction.

There being no one else wishing to speak, the public hearing was closed at 11:05 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9742 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

City Attorney John Ohnemiller asked if the objection letters reached 20%. Mr. Harrington reported they already had copies of the letters that were turned in and there was not 20% objection.

Council Member Robnett asked if there were issues with an incorrect property description. Staff reported that a corrected public notice was sent out.

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

(Agenda Item No. 19 which had been deferred from Consent Agenda was considered next.)

19. Consider a motion approving a proposed Preliminary Plat of Tuscan Villas, being a 34.74-acre tract of land generally located on the west side of North Garfield Street, approximately 590 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

Council Member Lacy moved to approve a motion approving a proposed Preliminary Plat of Tuscan Villas, being a 34.74-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas generally located on the west side of North Garfield Street, approximately 590 feet north of Mockingbird Lane; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

39. Hold a public hearing and consider an ordinance on a request by Benton Duke for approval of a Special Exception to the Zoning Code, regarding use and development regulations for approval to allow the use of a manufactured home in a AE, Agriculture Estate generally located approximately 640 feet north of Mockingbird Lane, approximately 1,308 feet east of North Garfield Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9743

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 15.18-ACRE TRACT OF LAND OUT OF SECTION 10, BLOCK X, H. P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 640 FEET NORTH OF MOCKINGBIRD LANE AND APPROXIMATELY 1,308 FEET EAST OF NORTH GARFIELD STREET), BY PERMITTING THE USE OF A MANUFACTURED HOME AS A FIXED DWELLING; GRANTING A VARIANCE FOR SAID PROPERTY PERMITTING THE CONSTRUCTION OF A RESIDENCE WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 200 FEET OF AN OIL AND GAS WELL; AUTHORIZING ISSUANCE OF A BUILDING PERMIT; SAID SPECIAL EXCEPTION AND VARIANCE BEING EFFECTIVE FOR A TERM OF TWO YEARS; 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. 9743.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a special exception approval for a manufactured home located on property that is zoned AE. Manufactured homes are prohibited in this zoning. There is no road to access the unit, they are using oil field roads. Staff recommends disapproval. If Council should recommend approval, staff asks for the adoption of the conditions listed a time limit be included.

Council Member Sparks reported he understands this property is for the caretaker of the polo grounds. They have had some vandalism of equipment. He asked to speak to the applicant.

Mayor Pro Tem Robnett opened the public hearing at 11:10 a.m.

Brian Carney, 1202 West Texas, reported he was representing Mr. Duke who is at jury duty. This is a 15-acre property just north of the polo grounds. The trailer was previously located on the south side. They were asked to move the trailer, so they moved it to the other side of the polo grounds not knowing he shouldn't do that. There has been vandalism in the area and having someone on site is a deterrent. There is a septic tank and the trailer has water and electricity. They agree to tie down the trailer and will raise it up to move it out of the flood plain, if needed. RSP Permian is not objecting to the trailer in that location and neither is anyone from the polo fields.

There being no one else wishing to speak, the public hearing was closed at 11:21 a.m.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9743 in accordance with the Charter of the City of Midland with a two year time limit; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

40. Hold a public hearing regarding the proposed granting of oil and gas permits to RSP Permian, L.L.C., for the drilling of oil and gas wells, being MCC HZ Unit 1110H located 285 feet from the north line and 2,258 feet from the east line, MCC HZ Unit 1111H located 285 feet from the north line and 2,288 feet from the east line, MCC HZ Unit 1112H located 285 feet from the north line and 2,318 feet from the east line, and MCC HZ Unit 1113H located 285 feet from the north line and 2,348 feet from the east line Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas, said wells sharing a pad site area that is generally located between 2,258 and 2,348 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane. This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting these wells are for RSP Permian and are located in the same area north of Midland Country Club with the same variances as the past. They will not be using any City roads and the tank battery is in the county to the north.

Mayor Pro Tem Robnett opened the public hearing at 11:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

41. Hold a public hearing and consider an ordinance on a request by Erich Schmidt for a Zone Change from PD, Planned District for an Office Center to PD, Planned District for a Shopping Center, on a 1.68-Acre tract of land generally located on the south side of West Golf Course Road, approximately 270 feet west of North Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9744

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.68-ACRE TRACT OF LAND OUT OF SECTION 29, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST GOLF COURSE ROAD, APPROXIMATELY 270 FEET WEST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Mayor Pro Tem Robnett read the caption of Ordinance No. 9744.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a microbrewery. They are proposing to have a tap room and outdoor patio area for visitors. There will be no kitchen and no food but their customers will be served by food trucks on site. Staff reviewed the application and has no opposition. This is in compliance with the comprehensive plan and staff recommends approval subject to the conditions shown. No letters of objection have been received and food trucks will operate in accordance with the Food Truck Ordinance.

Mayor Pro Tem Robnett opened the public hearing at 11:27 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. 9744 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, Lacy, Robnett. NAY: None. ABSTAIN: Sparks, Dufford. ABSENT: Morales.

42. Hold a public hearing and consider a resolution on a request by Rubicon Oilfield International for approval of a Temporary Land Use Permit for a private event generally located northeast of the intersection of North Big Spring Street and W. Illinois Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 086

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PRIVATE TECHNOLOGY SYMPOSIUM AND CUSTOMER APPRECIATION EVENT ON LOTS 7A AND 13A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST ILLINOIS AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a private event March 26-28. They are proposing to set up on March 25. They will offer food and refreshments. There will be no sale of alcohol, but there will be consumption of alcohol. They will have adequate certified peace officers and restrooms.

Mayor Pro Tem Robnett opened the public hearing at 11:30 a.m.

John James, 100 N. Main, represent Rubicon Oil Field International, reported he is available to answer any questions.

There being no one else wishing to speak, the public hearing was closed at 11:31 a.m.

Council Member Love moved to adopt Resolution No. 2018 - 086; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

MISCELLANEOUS

43. Consider an ordinance of the City Council of the City of Midland, Texas, approving a tariff authorizing an annual rate review mechanism as a substitution for the annual interim rate adjustment process defined by section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., West Texas Division and the Steering Committee of cities served by Atmos West Texas. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 9745

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., WEST TEXAS DIVISION ("ATMOS WEST TEXAS" OR THE "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("WTX CITIES"); REQUIRING THE COMPANY TO REIMBURSE WTX CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS

PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR WTX CITIES

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9745.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9745 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

44. Consider an ordinance amending ordinance number 8400, 9275, 9422, and 9472, which established fees and charges for Parks & Recreation, the Midland Health Department and Hogan Park Golf Course. (COMMUNITY SERVICES)

ORDINANCE NO. 9746

AN ORDINANCE ADOPTING A HEALTH & SENIOR SERVICES FEE SCHEDULE, A HOGAN PARK GOLF COURSE FEE SCHEDULE, AND A RECREATION FEE SCHEDULE; AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION", CHAPTER 2, "FOOD SERVICE", SECTION 2, "PERMIT FEES; PERMITS", CHAPTER 3, "RETAIL FOOD STORES", SECTION 2, "PERMIT FEES", CHAPTER 4, "MOBILE FOOD VENDORS", SECTION 2, "PERMIT FEES", AND CHAPTER 5, "FOOD PRODUCTS ESTABLISHMENTS", SECTION 3, "PERMIT FEES" OF THE CITY CODE OF MIDLAND, TEXAS; REPEALING ORDINANCES SPECIFICALLY IN CONFLICT WITH SUCH FEE SCHEDULES ESTABLISHED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9746.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9746 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Community Services Director Tina Jauz gave a brief overview of the item noting it is time for Community Services to adjust some of their fees noting their new fleet of golf carts will be in soon and they would also like to begin booking the pools.

Council Member Lacy asked how our fees compare to the competitors' fees. Head Golf Pro Greg Sikes reported we are competitive and still the lowest anywhere.

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

PUBLIC COMMENT

45. 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.)

Douglass Sauls, 3102 W. Michigan Avenue, reported he recently had an increase on his water bill and is concerned that the taxes for the streets is going to property owners instead of sales tax that is paid by all visitors. He asked the Council to use a sales tax fee for drainage instead.

Colvin Domingo, 3407 Princeton, reported he has a solution for clearing up traffic going to Odessa near Grasslands on State Highway 158. Council Member Love reported that MPO already has a solution and is working to implement it. Council Member Love asked to speak with Mr. Domingo immediately following the meeting to give him an update.

EXECUTIVE SESSION

46. 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 Pro Tem Robnett recessed the meeting to Executive Session at 11:43 a.m.

All of the business at hand having been completed, the meeting adjourned at 12:45 p.m.

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

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary