

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

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 27, 2018.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order: 1-11, 13-27, 29-37, 39-42, 12, 28, 38, 43-70.

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

**OPENING ITEMS**

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

**PRESENTATIONS**

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

Mayor Morales presented a proclamation to Senior Link in recognition of April 3rd as National Service Recognition Day.

**CONSENT AGENDA**

Council Member Robnett moved to approve Consent Agenda items 4 - 42 excluding 12, 28, 38; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
  - a. Regular meeting of February 27, 2018

5. Approved a resolution approving the purchase of spring and fall seed for the Plant Farm and Spraberry Farm. (PURCHASING)

RESOLUTION NO. 2018 - 087

RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS AMOUNTS OF SPRING AND FALL SEED FOR THE PLANT FARM AND THE SPRABERRY FARM FROM HELENA CHEMICAL COMPANY, OF STANTON, TEXAS, AND WEST GAINES SEED, INC., OF SEMINOLE, TEXAS, AT A TOTAL COST OF \$198,231.80

6. Approved a resolution awarding a contract for the West Cuthbert Avenue Mill and Inlay Project - 2017 Bond Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 088

RESOLUTION AWARDING A CONTRACT FOR THE WEST CUTHBERT AVENUE MILL & INLAY PAVING PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$836,752.00; SAID PROJECT BEING A YEAR ONE BOND PROJECT; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR

7. Approved a resolution authorizing the negotiation and execution of a Master Real Estate Broker Services Agreement for the sale of various city-owned properties to Real Estate One - Bill Scott, of Midland, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 089

RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A MASTER REAL ESTATE BROKER SERVICES AGREEMENT FOR THE SALE OF VARIOUS CITY-OWNED PROPERTIES TO REAL ESTATE ONE - BILL SCOTT, OF MIDLAND, TEXAS

8. Approved a resolution awarding a contract for Yard Waste Mulching Services for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2018 - 090

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH S&M BUSINESSES, INC., OF CEDAR PARK, TEXAS, FOR YARD WASTE MULCHING AT A TOTAL COST OF \$405,000.00

9. Approved a resolution approving the purchase of two thousand four hundred and thirty (2,430) ninety-six (96) gallon roll out carts for the Solid Waste Department. (PURCHASING)

RESOLUTION NO. 2018 - 091

RESOLUTION APPROVING THE PURCHASE OF TWO THOUSAND FOUR HUNDRED AND THIRTY (2,430) NINETY-SIX (96) GALLON ROLL-OUT CARTS FROM REHRIG PACIFIC COMPANY, OF DALLAS, TEXAS, AT A TOTAL COST OF \$118,754.10

10. Approved a resolution approving an amendment to the professional services agreement between Enprotect/Hibbs & Todd, Inc. and the City of Midland for Water Distribution System Hydraulic Modeling for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2018 - 092

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., PROVIDING FOR HYDRAULIC MODELING SERVICES FOR THE CITY OF MIDLAND'S WATER DISTRIBUTION SYSTEM; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$105,000.00 OVER AND ABOVE THE ORIGINAL NOT-TO-EXCEED AMOUNT OF \$240,000.00 FOR THE PERFORMANCE OF ADDITIONAL PROFESSIONAL SERVICES

11. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Cuthbert Avenue East Storm Drain Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 093

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CUTHBERT AVENUE EAST STORM DRAIN PROJECT; SAID PROJECT WILL PROVIDE FOR DRAINAGE IMPROVEMENTS IN THE AREA GENERALLY LOCATED ALONG CUTHBERT AVENUE, FROM G STREET TO D STREET

13. Approved a resolution authorizing the City Manager to approve the plans and specifications and advertise for bids for the Tradewinds Boulevard Project being a cooperative project between the City and Midland and Midland Development Corporation. (PURCHASING)

RESOLUTION NO. 2018 - 095

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE THE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE TRADEWINDS BOULEVARD PROJECT; SAID PROJECT TO PROVIDE ROAD, SIDEWALK, PEDESTRIAN RAMP, AND DRAINAGE IMPROVEMENTS ALONG TRADEWINDS BOULEVARD, FROM THOMASON DRIVE TO A POINT APPROXIMATELY 1,200 FEET NORTH OF STARBOARD DRIVE

14. Approved a resolution authorizing the advertisement for bids for the project described as Lavatory Disposal Station and Concrete Pavement at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 096

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LAVATORY DISPOSAL STATION AND CONCRETE PAVEMENT PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

15. Approved a resolution authorizing the execution of a lease agreement between the American National Red Cross and the City of Midland, Texas, to lease city-owned office space in the Wright Office Complex located at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 097

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE AMERICAN NATIONAL RED CROSS AND THE CITY OF MIDLAND, TEXAS, TO LEASE CITY-OWNED OFFICE SPACE IN THE WRIGHT OFFICE COMPLEX LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT

16. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Airport Security Access Control and CCTV upgrade project at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2018 - 098

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE AIRPORT SECURITY ACCESS CONTROL AND CCTV UPGRADE PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT

17. Approved a resolution authorizing the execution of an amendment to the Economic Development Agreement between the Midland Development Corporation and New Teraco, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 099

RESOLUTION APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND NEW TERACO, INC.

18. Approved a resolution approving and adopting amended bylaws of the Midland Development Corporation. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 100

RESOLUTION APPROVING THE AMENDED BYLAWS OF THE MIDLAND DEVELOPMENT CORPORATION

19. Consider a Resolution authorizing the execution of an Interlocal agreement with the University of Texas of the Permian Basin to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 101

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE, TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

20. Approved a resolution approving a mutual termination agreement between the Midland Development Corporation and Orbital Outfitters, Ltd., regarding a certain economic development agreement and a sublease agreement. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2018 - 102

RESOLUTION APPROVING A MUTUAL TERMINATION AND RELEASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND ORBITAL OUTFITTERS, LTD., REGARDING A CERTAIN ECONOMIC DEVELOPMENT AGREEMENT AND SUBLEASE AGREEMENT

21. Approved a motion to approve a proposed Preliminary Plat of Reese Acres Industrial Park, being a 65.972 acres of land out of Section 12, Block 39, T-2-S, T&P, RR Co.

Survey, Midland County, Texas generally located on East County Road 117 approximately 290 feet east of South County Road 1180, Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

22. Approved a resolution granting a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for commercial buildings, to be issued in the future, where the proposed buildings, either in whole or part is no closer than 175 feet of an existing oil and gas well (Annie #3 and Annie #8). The property is located on south side of Onyx Drive, approximately 1000 feet west of Farm-to-Market Road 1788. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 103

RESOLUTION GRANTING A VARIANCE FOR LOT 2, BLOCK 1, WEST 1788 INDUSTRIAL PARK, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ONYX DRIVE, APPROXIMATELY 1,000 FEET WEST OF FARM-TO-MARKET ROAD 1788), BY PERMITTING CONSTRUCTION OF COMMERCIAL BUILDINGS WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 175 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

23. 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 #H150WB. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 104

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 110 FEET FROM THE SOUTH LINE AND 990 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 1,052 FEET EAST OF SOUTH GARFIELD STREET AND 325 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

24. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1106H. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 105

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,728 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,728 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

25. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1105H. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 106

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,688 FEET FROM THE EAST

LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,688 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

26. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C., for the drilling of oil gas well, being MCC HZ Unit 1107H. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 107

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,768 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,768 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

27. Approved a resolution authorizing the transfer of Lot 9, Block 9, Greenwood Addition Midland County, Midland Texas to Midland Community Development Corporation in accordance with Section 253.011 and Section 272.001 of the Texas Local Government Code. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 108

RESOLUTION AUTHORIZING THE TRANSFER OF LOT 9, BLOCK 9, GREENWOOD ADDITION, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, TO MIDLAND COMMUNITY DEVELOPMENT CORPORATION IN ACCORDANCE WITH SECTION 253.011 AND SECTION 272.001 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF MIDLAND WITH MIDLAND COMMUNITY DEVELOPMENT CORPORATION REGARDING THE TRANSFER OF SAID PROPERTY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY TO EFFECT THE TRANSFER OF SAID PROPERTY; THE TRANSFER OF SAID PROPERTY NOT BEING SUBJECT TO THE NOTICE, BIDDING, AND FAIR MARKET VALUE REQUIREMENTS OF STATE LAW

29. Approved a resolution authorizing the City Manager to acquire, on behalf of the City of Midland a 4.29-acre tract generally located 1282 feet west-southwest of the southern intersection of IH 20 and Fairgrounds Road. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 110

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, REAL PROPERTY INTERESTS IN A 4.29-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,282 FEET WEST-SOUTHWEST OF THE SOUTHERN INTERSECTION OF INTERSTATE 20 AND FAIRGROUNDS ROAD); AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING FOR SAID ACQUISITION; AUTHORIZING PAYMENT FOR SAID TITLE INSURANCE POLICY AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE

30. Approved a motion on request by Dunaway Associates, to defer wastewater, paving and sidewalk improvements for Polo Club Addition, Section 7, and to waive the corresponding financial security guarantee valued at \$215,786.54, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of Mockingbird Lane, approximately 1,294 feet east of North Garfield Street, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
31. Approved a resolution authorizing the City Manager to allocate funds to the East Hicks Avenue and East Taylor Avenue Paving Project and the Green Tree Paving Project at a total cost not to exceed \$50,000.00 per project for project related costs incurred during construction to support the construction project. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 111

RESOLUTION ALLOCATING \$50,000.00 FROM THE ROAD BOND (2018 BOND) PROCEEDS TO EACH OF THE FOLLOWING PROJECTS: EAST HICKS AVE. & EAST TAYLOR AVE. PROJECT (900258) AND GREENTREE BLVD. MILL & INLAY PROJECT (900259)

32. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Lucid Energy Delaware, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 112

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND LUCID ENERGY DELAWARE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 22 AND 23, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

33. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Anadarko Gathering Company, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 113

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ANADARKO GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 6, 12, AND 17, BLOCK C24, PUBLIC SCHOOL LAND SURVEY, LOVING COUNTY, TEXAS

34. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Parsley Energy, L.P. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 114

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PARSLEY ENERGY, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

35. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Oryx Delaware Oil Transport, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 115

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ORYX DELAWARE OIL TRANSPORT, LLC,

REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 8 AND 9, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

36. Approved a resolution authorizing and executing a second amendment to the Right-of-Way License between the City of Midland and Oryx Southern Delaware Oil Gathering and Transport, LLC., executed on March 23, 2016. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 116

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ORYX SOUTHERN DELAWARE OIL GATHERING AND TRANSPORT, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, 5, AND 8, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

37. Approved a resolution granting a station easement, two (2) power line easements, and one (1) access road easement, totaling 1.35 acres in all for the purpose of allowing Navitas Midstream to have electric lines and related necessary facilities. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 117

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING AN APPROXIMATE 1.35-ACRE ELECTRIC LINE, STATION SITE AND ROAD EASEMENT AND RIGHT-OF-WAY LOCATED IN SECTION 30, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED NORTH OF EAST COUNTY ROAD 230, APPROXIMATELY 3.5 MILES SOUTHWEST OF EAST HIGHWAY 158), TO NAVITAS MIDSTREAM MIDLAND BASIN, LLC

39. Approved a resolution accepting a FY2018 grant award in the amount of \$54,180 from the Southwest Border High Intensity Drug Trafficking Area (HITDA) Program and appropriating funds. (POLICE)

RESOLUTION NO. 2018 - 119

RESOLUTION ACCEPTING A FISCAL YEAR 2018 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$54,180.00; SAID GRANT WILL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING FUNDS

40. Approved a resolution approving a Lease Agreement with New Cingular Wireless PCS, LLC. (UTILITIES)

RESOLUTION NO. 2018 - 120

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, FOR SPACE AT THE WESTWOOD SHELL AVENUE WATER TOWER SITE

41. Approved a resolution approving the 2018 MDA "Fill the Boot". (FIRE)



RESOLUTION NO. 2018 - 121

RESOLUTION APPROVING THE MUSCULAR DYSTROPHY ASSOCIATION'S APPLICATION TO SOLICIT CHARITABLE CONTRIBUTIONS IN ROADWAYS ON BEHALF OF THE MUSCULAR DYSTROPHY ASSOCIATION BY PARTICIPATING IN THE "FILL-THE-BOOT" FUNDRAISER; THIS IS AUTHORIZED BY SECTION 552.0071 OF THE TEXAS TRANSPORTATION CODE; THE DATES AND TIMES OF THE SOLICITATION ARE APRIL 2, 4, AND 6, 2018, FROM 8:00 A.M. TO 6:00 P.M.; THE INTERSECTION LOCATIONS AT WHICH THE SOLICITATIONS SHALL OCCUR ARE MIDKIFF ROAD AND WADLEY AVENUE, MIDLAND DRIVE AND LOOP 250, MIDLAND DRIVE AND ANDREWS HIGHWAY, AND GARFIELD STREET AND GOLF COURSE ROAD; THERE WILL BE FIFTEEN (15) SOLICITORS INVOLVED IN SOLICITATIONS AT EACH LOCATION; AND THE MUSCULAR DYSTROPHY ASSOCIATION IS REQUIRED TO PROVIDE GENERAL LIABILITY INSURANCE PRIOR TO THE EVENT AND THE FIRE CHIEF SHALL ENSURE THAT THE INSURANCE IS RECEIVED AND APPROVED PRIOR TO THE "FILL-THE-BOOT" FUNDRAISER; MEMBERS OF THE MIDLAND FIRE DEPARTMENT ARE AUTHORIZED TO SOLICIT CHARITABLE CONTRIBUTIONS IN ROADWAYS; AND ALL OTHER INDIVIDUALS ARE AUTHORIZED TO PARTICIPATE IN SOLICITATIONS IF AUTHORIZED BY SECTION 552.0071 OF THE TEXAS TRANSPORTATION CODE

42. Approved a resolution authorizing the execution of a contract with I3 Technologies, Inc., for the purchase and installation of a driving simulator for the Police Department, at a total cost of \$123,000.00. (PURCHASING)

RESOLUTION NO. 2018 - 122

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH L3 TECHNOLOGIES, INC., FOR THE PURCHASE AND INSTALLATION OF A DRIVING SIMULATOR FOR THE POLICE DEPARTMENT, AT A TOTAL COST OF \$123,000.00

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

12. Consider a resolution awarding a professional services agreement for an Impact Fee Study for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 094

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF THE CITY'S LAND USE ASSUMPTIONS AND WATER, WASTEWATER, AND ROADWAY IMPACT FEES IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$210,000.00

Council Member Sparks asked about the impact fees. Engineering Services Director Jose Ortiz reported that staff had a follow-up committee meeting with community stakeholders and their consultant. All parties agreed that we want to move forward. Some concerns were expressed by developers and other stakeholders but staff feels that they can work through those concerns. The consultant will look at other communities and the team will come up with suggested impact fees. The process is expected to take 9-12 months. Staff will brief Council as necessary.

When asked from where the funding will be drawn, Assistant City Manager Frank Salvato reported it is coming from General Fund Non Departmental.

Council Member Sparks moved to adopt Resolution No. 2018 - 094; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland a 1.211-acre tract generally located between Norden Dr. and F.M. 1788, and being an extension Pilot Ave. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 109

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, REAL PROPERTY INTERESTS IN A 1.211-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF PILOT AVENUE AND NORDEN DRIVE); AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING FOR SAID ACQUISITION; AUTHORIZING PAYMENT FOR SAID TITLE INSURANCE POLICY AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE

The City Council thanked Dr. Younger for his generous contribution to the community.

Council Member Lacy moved to adopt Resolution No. 2018 - 109; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

38. Consider a resolution authorizing the City of Midland to submit a grant application for the FY2019 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2018 - 118

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE AN ACCIDENT RECONSTRUCTION SYSTEM AND AN ELECTRONIC TICKET-WRITING SYSTEM FOR THE POLICE DEPARTMENT

Council Member Sparks inquired as to the use of an accident reconstruction system. Interim Police Chief Seth Herman responded that it is a laser guided system that effectively and schematically identifies major accident scenes. It is similar to surveying equipment and uses computer software to map locations of vehicles or other items involved in an accident. The purpose is to identify the cause of an accident and specifics relating to it. It is used when there is serious bodily injury or death as a result of a vehicular accident.

Council Member Sparks moved to adopt Resolution No. 2018 - 118; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

## SECOND READINGS

43. Consider an ordinance on second reading on a 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) (First reading held February 27, 2018)

### 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.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9739 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

44. Consider an ordinance on second reading on a request by Betenbough Homes, LLC. for approval of a Special Exception from the City of Midland Zoning Ordinance, Section 11-1-7. - Area, yard, structure, parking, and miscellaneous lot and use regulations, concerning front yard setbacks on a 306.65-acre tract of land generally located at the northeast intersection of Arapahoe Road and Fairgrounds Road. (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

### 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.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9740 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

45. Consider an ordinance on second reading 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) (First reading held February 27, 2018)

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.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9741 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

46. Consider an ordinance on second reading 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, generally located west of north Garfield Street, approximately 617-feet north of Mockingbird Lane. (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

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. HILLIARD 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.

Council Member Love moved to approve the second and final reading of Ordinance No. 9742 in accordance with the Charter of the City of Midland; seconded by Council

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

47. Consider an ordinance on second reading request by Benton Duke for approval of a Special Exception to the Zoning Code, for approval to allow the use of a manufactured home in an AE, Agriculture Estate District on a 15.18-acre tract of land generally located approximately 640-feet north of Mockingbird lane, approximately 1,308-feet east of North Garfield Street. (DEVELOPMENT SERVICES) (First reading held February 27, 2018)

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.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9743 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

48. Consider an ordinance on second reading 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) (First reading held February 27, 2018)

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

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9744.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9744 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, Morales, Lacy, Robnett. NAY: None. ABSTAIN: Sparks, Dufford. ABSENT: None.

49. Consider an ordinance on second reading 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) (First reading held February 27, 2018)

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 Love moved to approve the second and final reading of Ordinance No. 9745 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

50. Consider an ordinance on second reading 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) (First reading held February 27, 2018)

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 Hotchkiss moved to approve the second and final reading of Ordinance No. 9746 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

## **PUBLIC HEARINGS**

51. Hold a public hearing and consider an ordinance on a request by Tiffany Marie Castillo for a Specific Use Permit with Term for a Day Care generally located South of Castleford Road, approximately 190-feet east of Heather Road. (DEVELOPMENT SERVICES)

### **ORDINANCE NO. 9747**

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 9, BLOCK 6, SADDLE CLUB SOUTH, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CASTLEFORD ROAD, APPROXIMATELY 190 FEET EAST OF HEATHER ROAD), WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A DAY CARE CENTER; 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. 9747.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant desires to start an in-home childcare. The current zoning allows for this use through a special use permit approved by the City Council. Planning & Zoning heard the item and had a list of five items that were concerns. Subsequently, the applicant submitted a revised floor plan that meets the conditions. They have also provided a letter of support from the Saddle Club HOA. As of March 20 they had received 2 letters of objection but since that time have received an additional 12 letters which will require super majority approval.

Mayor Morales opened the public hearing at 10:30 a.m.

Arthur Rybicki, 5001 Heather Rd, reported he was opposed to changing the zoning expressing concern that approval of this item could open them up for other commercial uses. He thought this business would have a negative impact on his neighborhood, would increase traffic, and increase liability risk to the homeowners association. He did not want anything in his neighborhood that would diminish the quite peaceful life and charm of his community. Council Member Love clarified that this is not a request to change the zoning but was for a zoning use only.

Brett Muenlbrea, 5011 Castleford Road, expressed concern for his children's safety noting they play in the front yard. The applicant moved in eight months ago and wants to change the neighborhood. This item would affect many people on their block. He recognized the shortage of daycares but felt it would be better situation in a commercial property where it would not affect his property values.

Bill Webb, 5104 Castleford Road, reported he lives 500 feet from property that wishes to have a childcare. He has lived in his house for over 30 years and was opposed to the daycare center because of increased traffic and congestion, devalued properties.

Anne Evans, 4908 Lancashire Rd, has lived in her home for 20 years. She wished her HOA had asked the residents how they felt about a daycare before providing a letter of support. She shared information about Midland zoning noting she thought by what she read it should not be allowed. She encouraged Mrs. Castillo to seek a commercial property for her daycare. Council Member Sparks clarified that a day care is allowed in this zoning with a permit and that other commercial businesses would not be allowed in residential zoning.

Eugene Hodge, 4908 Heather, reported he lives on the street behind the applicant and has been there for 25 years. He is opposed to a childcare facility in the area due to added traffic and congestion.

Jo Sneed, 5012 Castleford, lives across the street from the applicant and has lived there for 25 years. She reported there are many children who live in the area and play in their front yards and the street. She had concern about increased traffic with so many neighborhood children. She noted there are also special needs children in the area. She lives next to a pass through for a pipeline easement and felt it would be used as a shortcut. She felt the daycare may increase trash, traffic and noise and asked Council to vote in opposition.

Tiffany Castillo, 5009 Castleford, reported she plans to open a childcare facility not a center noting a center is outside of a residence. She will be licensed for up to 12 children but plans to have 9 or 10. She has met all of the requirements brought up by the fire marshal and the City Code. She understands and respects her neighbor's opinions and has done her best to ease their fears. Her daughter who is 16 has severe depression and is at home. Ms. Castillo taught children with special needs for 12 years and this is a business she could run at home to be with her daughter. She has put a lot of work into this and asked Council to approve her request. A picture was shown of her driveway and she shared that drop off and pick up would be in the driveway.

Council Member Hotchkiss reported she first heard this item at Planning & Zoning noting the neighbors asked that she have fewer children but heard that Ms. Castillo can only make this work with 9 or 10 children. She emphasized that she thought the neighborhood would support this if it were less children.

Council Member Sparks noted that it would be around 14 trips a days for drop off and pick up and that a teenager would bring in more traffic than that. He asked those opposed if they had changed their mind after hearing information from staff. The opposition expressed their minds had not been changed.

There being no one else present wishing to speak, the public hearing closed at 10:56 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9747 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion failed by the following vote: AYE: None. NAY: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. ABSTAIN: None. ABSENT: None.



52. Hold a public hearing and consider an ordinance on a request by James Wilson/Basin Roofing for a Zone Change from LR-2, Local Retail District, to LI, Light Industry District, on a 2.43-acre portion generally located on the north side of State Highway 191, approximately 1,110 feet east of North County Road 1271. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9748

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.43-ACRE TRACT OF LAND OUT OF SECTION 33, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRY DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,110 FEET EAST OF NORTH COUNTY ROAD 1271); 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. 9748.

Development Services Director Chuck Harrington gave a brief overview of the item noting Basin Roofing was seeking a zone change to LI to locate their roofing company to this location noting the proposed use would be less intensive than the use of the former business at the location. There are a couple of issues that need to be addressed including changing the access to the frontage road and bringing in a vehicle barrier to keep cars from driving off the curb. No letters of objection have been received and staff recommends approval. He clarified that a permit for a new driveway was submitted.

Mayor Morales opened the public hearing at 11:03 a.m.

James Wilson, Odessa, reported he is the President of Basin Roofing. He applied for a permit from TxDot for the driveway and shared a copy. He is trying to relocate his roofing business down the road from its current location because they have outgrown their current location. They will be upgrading the perimeter fence and doing other improvements as well including having an onsite showroom.

There being no one else wishing to speak, the public hearing was closed at 11:04 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9748 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

53. Hold a public hearing and consider an ordinance on a request by Vineyard Reserve, LLC, for a Zone Change from FD, Future Development District to LR-2, Local Retail District, on a 36.18-acre tract of land generally located southwest of the intersection of Becker Drive and Holiday Hill Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9749

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY

PERMITTING A 36.18-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BECKER DRIVE AND HOLIDAY HILL 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. 9749.

Development Services Chuck Harrington gave a brief overview of the item noting it is for a zone change to allow for the construction of a retail center as part of an overall master development at the site. The proposed retail and service uses in the development are consistent with the master plan and in compliance with the comprehensive plan. Staff recommends approval of the zone change. No letters of objection have been received as of Friday.

Mayor Morales opened the public hearing at 11:07 a.m.

Buck Benson, 6101 Holiday Hill Road, asked Council to approve their request.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9749 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

54. Hold a public hearing and consider a resolution on a request by Westlake ACE Hardware for a Temporary Land Use Permit for Outdoor Retail Sales generally located on the north side of Andrews Highway, approximately 390 feet east of Whitney Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 123

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR RETAIL SALES ON LOT 1, BLOCK 5, PARK PLACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 390 FEET EAST OF WHITNEY DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington reported this is for a temporary land use permit for an outdoor retail sale of plant materials. This same event was held previously and will occupy 24 parking spaces, will be fenced in, and there is adequate parking for the site. Staff recommends approval subject to the hours. No letters of objection have been received and staff recommends approval.

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

Council Member Lacy moved to adopt Resolution No. 2018 - 123; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

55. Hold a public hearing and consider an ordinance on a request by El Jimador Bar & Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, generally located northeast of the intersection of West Dakota Avenue and South Big Spring Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9750

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7-9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND SOUTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, 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 RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9750.

Development Services Director Chuck Harrington gave a brief overview of the item noting this location was where Steak 42 was previously located before moving downtown. Their application proposes to have alcohol service hours from 8:00 a.m. to 11:00 p.m. Monday through Saturday and 10:00 a.m. to 11:00 p.m. on Sunday. They have subsequently changed their hours to 10:00 a.m. every day. There is no church or school within 300 feet and no letters of objection have been received. Staff recommends approval.

Council Member Sparks expressed surprise that applicants continue to try to serve before 11:00 a.m. on Sundays. Mr. Harrington clarified that staff informs applicants that Council's policy has been to have Sunday hours no earlier than 11:00 a.m.

Mayor Morales opened the public hearing at 11:15 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. 9750 in accordance with the Charter of the City of Midland with the amendment of their alcohol service hours to Monday-Saturday from 10:00 a.m. to 11:00 p.m. and Sunday from 11:00 a.m. to 11:00 p.m.; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

56. Hold a public hearing and consider an ordinance on a request by Stonehawk Capital Partners, LLC for approval of a Site Plan generally located on the north side of

Briarwood Avenue, approximately 305 feet west of Holiday Hill Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9751

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 3, BLOCK 1, CROSS POINTE ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 305 FEET WEST HOLIDAY HILL ROAD); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9751.

Development Services Director Chuck Harrington gave a brief overview of the item noting the site was annexed and the initial zoning was approved in 2012. The new applicant would like to amend the site plan for a multi-family development and will dedicate land to the Bush Tennis Center. There will be 21 buildings with 360 apartments and some of the amenities include a pool, spa, outdoor seating, dog park, barbeque and picnic area and an outdoor gaming area. The item was reviewed by all departments, no letters of objection have been received and staff recommends approval.

Mayor Morales opened the public hearing at 11:18 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. 9751 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

57. 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 and gas well, being Mustang #H120UH located 100 feet from the north line and 1,675 feet from the west line, Section 11, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located 1,675 feet east of Rankin Highway and 380 feet south of I-20.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting that Permian Deep Rock will be drilling just down the road from their previous location. The item has been reviewed by the Oil & Gas Advisory Committee. The applicant made corrections per the recommendations of the committee. The Committee asked for sound barriers during drilling and fracing. Permian Deep Rock is only putting in sound barriers during fracing. Two letters of objection were received. They are requesting the same variances as previously granted for landscape and irrigation as well as a fence around the entire perimeter and tank battery, for the Road Repair Agreement and for 24-hour fracing. He confirmed there are no structures within 500 feet of the well site.

Mayor Morales opened the public hearing at 11:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

58. Hold a public hearing to amend the 2017 Community Development Annual Action Plan and consider a resolution authorizing a reallocation of certain Community Development Block Grant funds from previous program years to the Community Development Block Grant Fund Program Year 2017-2018 in the amount of \$335,884.20. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 124

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2017/2018 ACTION PLAN TO THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS PER AMENDMENT DOCUMENTS ON FILE WITH THE CITY SECRETARY; SAID AMENDMENT TO INCLUDE THE REALLOCATION OF \$335,884.20 AND RELATED BUDGET TRANSFERS; AND A COPY OF SAID AMENDMENT DOCUMENTS SHALL BE ON FILE IN THE CITY SECRETARY'S OFFICE

Community Development Administrator Isaac Garnett gave a brief overview of the item noting this item is to reallocate funds to the Greenwood Infrastructure Improvement Project for sidewalks in the Greenwood area.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 124; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

59. Hold a public hearing to consider an ordinance on request by Engineering Services to amend Title XI "Planning and Development" of the City Code of Midland, Texas, by establishing Chapter 13 "Municipal Drainage Utility", Article I "Creation of Utility", so as to declare the drainage of the City of Midland to be a public utility and dedicating City assets to said public utility. (ENGINEERING SERVICES)

ORDINANCE NO. 9752

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 13, "MUNICIPAL DRAINAGE UTILITY", ARTICLE I, "CREATION OF UTILITY", SO AS TO DECLARE THE DRAINAGE OF THE CITY OF MIDLAND TO BE A PUBLIC UTILITY; ESTABLISHING THE SERVICE AREA FOR SAID PUBLIC UTILITY; DEDICATING CITY ASSETS TO SAID PUBLIC UTILITY; PROVIDING FOR EXEMPTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9752.

Engineering Services Director Jose Ortiz gave a brief overview of the item noting the next two items are related. The first is to establish a storm water utility. This item was first discussed about ten years ago and there was not a lot of data at that time. Since then Amarillo, San Angelo, Odessa and Abilene have all established a public utility. The second item is to establish fees. He reported there is tens of millions of dollars of infrastructure needed and shared a map of projects that could be completed in the next

ten years with the use of the fees. He answered questions about retaining and detaining water and how the fees would work. Assistant City Engineer Jeff Cohen explained how the tiered fees were established for residential and commercial properties. Mr. Ortiz explained how the appeal process would work. He reported that if approved, they could begin designing the project next year.

Mayor Morales opened the public hearing at 11:42 a.m.

Andrae Smith, 4509 Woodhollow, asked what has been done since the design manual was revised in 1992. Council responded that new development has been required to detain water on their site and work has been done on Jal Draw and some studies have been completed. Mr. Smith asked about passing on impact fees to developers. Council responded that earlier in the meeting the process was started to look into impact fees for water, sewer and roadway.

Pastor Barak Stanford, 1108 Chestnut, didn't understand the difference between infrastructure improvements being discussed and the bonds for \$100 million that were recently passed. It was explained that the bonds were for roads and utility improvements but drainage was not included. Mr. Stanford asked if the money recently obtained for bike lanes could be used since drainage was more important. It was explained that the bike lane money was a grant that can only be used for that purpose and that staff looks at every opportunity to receive grant money.

There being no one else wishing to speak, the public hearing was closed at 11:56 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9752 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

60. Hold a public hearing to consider an ordinance on request by Engineering Services to amend Title XI "Planning and Development", Chapter 13 "Municipal Drainage Utility" of the City Code of Midland, Texas, by adding Article II "Administration of Drainage Utility", so as to establish rules for the City of Midland Drainage Utility. (ENGINEERING SERVICES)

ORDINANCE NO. 9753

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 13, "MUNICIPAL DRAINAGE UTILITY" OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING ARTICLE II, "ADMINISTRATION OF DRAINAGE UTILITY", SO AS TO ESTABLISH RULES FOR THE CITY OF MIDLAND DRAINAGE UTILITY; ESTABLISHING A DRAINAGE UTILITY FUND; LEVYING A SCHEDULE OF DRAINAGE CHARGES THAT SHALL BE BILLED AFTER OCTOBER 1, 2018; PROVIDING AN APPEAL PROCEDURE; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR CRIMINAL ENFORCEMENT AND A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Darlene Eastin read the caption of Ordinance No. 9753.

Engineering Services Jose Ortiz gave a brief overview of the item noting he could address comments made on the previous item.

Council Member Sparks asked how churches and other non-profits were being handled. First Assistant City Attorney Steve Gates reported that properties owned by religious organizations that are exempt under the tax code would be exempt from this code. He read the list of other entities that would also be exempted including property owned by a state, county, municipality or institutions of higher learning.

Mayor Morales opened the public hearing at 12:01 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love reported standing water has been a severe problem in District 2 for years and on behalf of the citizens he thanked Council for bringing this forward and making it a priority. This is an investment that will reduce the flood plain and will allow for more development.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9753 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

61. Hold a public hearing and consider a resolution to petition the City Council of the City of Midland, Texas, providing for the annexation of certain sparsely populated property at the request of the owner, said property is adjacent to and contiguous to the present boundary limits of the City of Midland and generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road. ETJ, Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 125

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, PROVIDING FOR THE ANNEXATION OF AN APPROXIMATE 3.31-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE "AREA"); THE OWNER OF THE AREA HAVING SUBMITTED A PETITION FOR ANNEXATION OF THE PROPERTY; SAID AREA BEING SPARSELY POPULATED AND BEING ADJACENT TO AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF MIDLAND; GRANTING SAID PETITION FOR ANNEXATION AS AUTHORIZED BY SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request to annex a 3.31-acre tract of land adjacent to the west side of Bush Tennis Center. Chapter 43 requires that a small tract of land that doesn't meet the distance requirements of less than one mile in width and unoccupied to require a petition which is included with the packet. With this section of the law being satisfied, staff recommends moving forward with the annexation.

Mayor Pro Tem Robnett opened the public hearing at 12:05 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 125; 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.

62. Hold a public hearing for and consider a resolution authorizing the execution of a Public Improvement Development Agreement with Cumberland and Western Resources, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 126

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH CUMBERLAND & WESTERN RESOURCES, LLC IN ACCORDANCE WITH SECTIONS 43.016 AND 212.172 OF THE TEXAS LOCAL GOVERNMENT CODE CONCERNING TRACTS OF LAND LOCATED IN SECTION 48, BLOCK 40, T-1-S, T & P RR CO. SURVEY, AND SECTION 1, BLOCK 40, T-2-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM CUMBERLAND & WESTERN RESOURCES, LLC CONVEYING TO THE CITY AN APPROXIMATE 16.386-ACRE TRACT OF LAND LOCATED IN SECTION 48, BLOCK 40, T-1-S, T & P RR CO. SURVEY, AND SECTION 1, BLOCK 40, T-2-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND A SPECIAL WARRANTY DEED FROM SBC, LP CONVEYING TO THE CITY AN APPROXIMATE 4.487-ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T & P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO HOLD CLOSINGS FOR SAID CONVEYANCES; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, SAID SPECIAL WARRANTY DEEDS; SAID AGREEMENT AND SPECIAL WARRANTY DEEDS CONSTITUTING A WRITTEN PETITION TO ANNEX THE TRACTS DESCRIBED IN THE SPECIAL WARRANTY DEEDS (COLLECTIVELY, THE "AREA"); SAID AREA BEING SPARSELY POPULATED AND BEING ADJACENT TO AND CONTIGUOUS TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF MIDLAND; GRANTING SAID PETITION FOR ANNEXATION AS AUTHORIZED BY SECTION 43.028 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO RECORD A COPY OR DUPLICATE OF THE PETITION WITH A CERTIFIED COPY OF THE ORDINANCE ANNEXING THE AREA UPON THE APPROVAL OF SUCH ORDINANCE BY THE CITY COUNCIL

Mayor Pro Tem Robnett opened the public hearing at 12:08 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2018 - 126; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

**MISCELLANEOUS**

63. Consider a resolution amending Resolution No. 2017-316 on a request from Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Elkins Atrelle 31-42 #141) generally located 339 feet south of East Cynthia Drive extension and 2,291 feet west of Todd Drive. (DEVELOPMENT SERVICES)



RESOLUTION NO. 2018 - 127

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,656 FEET FROM THE NORTH LINE AND 2,291 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 339 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,291 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the applicant previously had four wells permitted and they now wish to amend their permit to be allowed to use a gas compressor. The current ordinance states that no onsite gas compressors can be used. He clarified that a gas compressor is louder than a pumping unit. When asked if he thought other operators would file for amendments if this was approved, Mr. Jenkins reported he would expect to see heavy activity with requests.

Council Member Hotchkiss moved to adopt Resolution No. 2018 - 127; seconded by Council Member Love. The motion carried by the following vote: AYE: None. NAY: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. ABSTAIN: None. ABSENT: None.

64. Consider a resolution amending Resolution No. 2017-317 on a request from Endeavor Energy Resources, L.P., for a Permit to Drill an Oil & Gas Well within the City Limits, (Elkins Atrelle 31-42 #242) generally located 340 feet south of East Cynthia Drive extension and 2,266 feet west of Todd Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 128

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 1,655 FEET FROM THE NORTH LINE AND 2,266 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 340 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,266 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

The item was opened for a motion and no motions were received.

65. Consider a resolution amending Resolution No. 2017-318 on a request from Endeavor Energy Resources, L.P. for a Permit to Drill an Oil & Gas Well within the City Limits, (Harvard McClintic 31-30 #151), generally located 1,082 feet south of East Cynthia Drive extension and 2,284 feet west of Todd Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 129

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,398 FEET FROM THE NORTH LINE AND 2,284 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,082 FEET SOUTH OF THE EAST CYNTHIA DRIVE

EXTENSION AND APPROXIMATELY 2,284 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

The item was opened for a motion and no motions were received.

66. Consider a resolution amending Resolution No. 2017-319 on a request from Endeavor Energy Resources, L.P. for a Permit to Drill an Oil & Gas Well within the City Limits, (Harvard McClintic 31-30 #252), generally located 1,082 feet south of East Cynthia Drive extension and 2,309 feet west of Todd Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 130

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,398 FEET FROM THE NORTH LINE AND 2,309 FEET FROM THE EAST LINE, SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,082 FEET SOUTH OF THE EAST CYNTHIA DRIVE EXTENSION AND APPROXIMATELY 2,309 FEET WEST OF TODD DRIVE); SAID AMENDMENT AUTHORIZES THE USE OF AN ONSITE COMPRESSOR

The item was opened for a motion and no motions were received.

67. Consider a motion directing staff to begin the annexation of a 70.04-acre tract of land generally located on the north side of East Loop 250 North, approximately 1,872 feet east of North County Road 1162. (DEVELOPMENT SERVICES)

Development Services Chuck Harrington gave a brief overview of the item noting the motion is to direct staff to proceed with the annexation of 70 acres that will be developed as a housing and commercial development.

Council Member Love moved to direct staff to begin the annexation of a 70.04-acre tract of land located in Section 20, Block 38, T-1-S, T & P RR. Co. Survey, Midland County, Texas, generally located on the north side of East Loop 250 North, approximately 1,872 feet east of North County Road 1162; seconded by Council Member Lacy.

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

68. Consider a motion directing staff to begin the annexation of a 43.97-acre tract of land generally located on the east side of South FM 1788, approximately 187 feet north of West County Road 127. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the motion is to direct staff to begin annexation of a 43.97-acre land for Warren Cat who desires to redevelop the site. Staff recommends approval.

Council Member Robnett moved to direct staff to begin the annexation of a 43.97-acre tract of land out of the east 1/2 of Section 18, Block 40, T-1-S, T & P RR. Co. Survey, Midland County, Texas, generally located on the east side of South FM 1788, approximately 187 feet north of West County Road 127; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

69. Consider a motion making appointments to various Boards & Commissions. (CITY SECRETARY'S OFFICE)

Council Member Hotchkiss moved to appoint Carolyn Jackson to the Housing Authority Board; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Robnett moved to remove Clifford Sanden and appoint Sara Harris to Animal Services Advisory Board; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

### **PUBLIC COMMENT**

70. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

There were no citizens present wishing to speak.

All of the business at hand having been completed, the meeting adjourned at 12:19 p.m.

PASSED AND APPROVED the 10<sup>th</sup> day of April, 2018.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary