

**MIDLAND CITY COUNCIL
MINUTES
April 11, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on April 11, 2017.

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

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Building Official Steve Thorpe, and Oil & Gas Coordinator Ron Jenkins.

Mayor Morales called the Briefing Session to order at 9:31 a.m.

1. Receive a presentation from the Development Services Department regarding commissioning requirements contained in the adopted 2015 International Energy Conservation Code.

General Services Director Fred Reyes reported that commissioning is a requirement under the Energy Code. His department is currently reviewing RFQs received from people who do commissioning.

Building Official Steve Thorpe explained the process of commissioning noting it begins at planning, goes through documentation of what's proposed, a schedule is created, the system is verified and tested to ensure that systems operates per design and manufacturer requirements for optimal system performance. The building operators are also trained on how to run the systems. This process is believed to enhance the quality of the project. He explained that buildings are commissioned because there can be 20% cost savings annually and it should pay itself off in less than five years. Commissioning can be performed by design professionals, contractors or third-party independent agencies. A third party is preferred to ensure there is no conflict of interest.

Commissioning is required per the 2015 Energy Code when a cooling system exceeds 40 tons of cooling or 600,000 BTU of heating. The Midland Center far exceeds those capacities.

Staff reported that commissioning will cost around \$100,000 and was not included in the initial budget but can be taken from contingencies. Staff will bring an item to Council at some point in the future for approval.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:53 a.m.

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 11, 2017.

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

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, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 11, 14, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 42.

Mayor Morales called the meeting to order at 10:01 a.m.

OPENING ITEMS

1. Invocation - Rev. Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Mayor Morales presented a proclamation for Fair Housing Month.
 - b. Council Member Sparks presented a proclamation honoring Public Safety Dispatchers.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 28 excluding 11, 14; 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.

4. Approved a motion approving the following minutes:
 - a. Special meeting of March 21, 2017
 - b. Regular meeting of March 28, 2017
5. Approved a resolution approving the issuance of a request for proposals for Software

and Implementation Services for a Computer-Aided Dispatch (CAD) and Records Management System (RMS) for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 081

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR A COMPUTER-AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT

6. Approved a resolution approving the purchase of Cellular Services for City of Midland personnel for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 082

RESOLUTION APPROVING THE PURCHASE OF CELLULAR DATA SERVICES, MOBILE WIRELESS DEVICES, AIRCARDS, WIFI/HOTSPOT DEVICES, CELLULAR PHONES, I-PHONES, AND I-PADS FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT FROM VERIZON WIRELESS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$416,543.28

7. Approved a resolution approving a contract for cabling at City Hall and the Police & Communications Building for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 083

RESOLUTION AWARDDING A CONTRACT FOR THE REPLACEMENT OF CABLE AT CITY HALL AND THE POLICE AND COMMUNICATIONS BUILDING TO THE SOLE BIDDER, FREEDOMS COMPUTER CABLING AND ELECTRICAL CONTRACTOR, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$319,020.00; AND APPROPRIATING FUNDS THEREFOR

8. Approved a resolution awarding a contract for the FY2017 Mill/Inlay Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 084

RESOLUTION AWARDDING A CONTRACT FOR THE FY 2017 MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$2,591,806.95; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution awarding a contract for the Frictional Asphaltic Surface Preservation Treatment Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 085

RESOLUTION AWARDDING A CONTRACT FOR THE FRICTIONAL ASPHALTIC SURFACE PRESERVATION TREATMENT PROJECT TO CROSSROADS ASPHALT PRESERVATION, INC. OF WINNIE, TEXAS, AT A TOTAL COST OF \$1,900,173.33; AND AUTHORIZING PAYMENT THEREFOR

10. Approved a resolution awarding a contract for the Hot in Place Asphalt Recycling Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 086

RESOLUTION AWARDING A CONTRACT FOR THE HOT IN PLACE ASPHALT RECYCLING PROJECT TO THE SOLE BIDDER, CUTLER REPAVING, INC. OF LAWRENCE, KANSAS, AT A TOTAL COST NOT TO EXCEED \$1,231,419.00; AND AUTHORIZING PAYMENT THEREFOR

12. Approved a resolution authorizing the City Manager to negotiate and execute an agreement for the expansion of the ShoreTel Connect Voice Over Internet Protocol (VOIP) Phone System and associated Session Initiation Protocol (SIP) Trunks Citywide for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 088

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR THE EXPANSION OF THE SHORTEL VOIP TELEPHONE SYSTEM AND ASSOCIATED SESSION INITIATED PROTOCOL TRUNKS TO CENTURYLINK, OF STEPHENVILLE, TEXAS, AT A TOTAL COST OF \$645,331.71; AND APPROPRIATING FUNDS THEREFOR

13. Approved a resolution of the City of Midland suspending the April 21, 2107, effective date of Oncor Electric delivery company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 089

RESOLUTION OF THE CITY OF MIDLAND SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF THE REQUESTED RATE CHANGE OF ONCOR ELECTRIC DELIVERY COMPANY, LLC ("ONCOR") TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH ONCOR AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

15. Approved a resolution approving the issuance of a permit to Fasken Oil and Ranch, Ltd, for a Permit to Drill an Oil & Gas Well within the City limits, (Fee "CK" No. 1H) generally located 453 feet south of Andrews Highway and 248 feet east of North Loop 250 West. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 091

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 463 FEET FROM THE NORTH LINE AND 285 FEET FROM THE WEST LINE, SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 453 FEET SOUTH OF ANDREWS HIGHWAY AND 248 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 315 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE; AND APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS

WELL WITHIN THE CITY LIMITS

16. Approved a resolution approving the issuance of a permit to Fasken Oil and Ranch, Ltd for a Permit to Drill an Oil & Gas Well within the City limits, (Fee "CK" No. 2H) generally located 403 feet south of Andrews Highway and 823 feet east of North Loop 250 West. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 092

RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED 556 FEET FROM THE NORTH LINE AND 734 FEET FROM THE WEST LINE, SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 403 FEET SOUTH OF ANDREWS HIGHWAY AND 823 FEET EAST OF NORTH LOOP 250 WEST) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 436 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE; AND APPROVING THE ISSUANCE OF A PERMIT TO FASKEN OIL AND RANCH, LTD. ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS

17. Approved a resolution authorizing the execution of a road repair agreement with Fasken Oil and Ranch, Ltd regarding its application to drill oil and gas wells (Fee "CK" No. 1H and Fee "CK No. 2H). The Road Repair Agreement will cover Princeton Avenue in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 093

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH FASKEN OIL AND RANCH, LTD. REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS (FEE "CK" WELLS) WITHIN THE CITY LIMITS IN SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

18. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (MCC HZ Unit No 1108H) generally located 1,978 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 094

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 1,978 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,978 FEET WEST OF BUSINESS STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE)

19. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. for a Permit to Drill an Oil & Gas Well within the City limits, (MCC HZ Unit No 1109H) generally located 2,018 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 095

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 2,018 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,018 FEET WEST OF BUSINESS

- STATE HIGHWAY 349-C AND 5,030 FEET NORTH OF MOCKINGBIRD LANE)
20. Approved a resolution approving the issuance of a permit to RSP Permian, L.L.C. for a Permit to Drill an Oil & Gas Well within the City limits, (Mask HZ Unit No 1009H) generally located 1,664 feet east of North Garfield Street Extension and 1,095 feet north of Passage Way Extension. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 096

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 230 FEET FROM THE NORTH LINE AND 1,730 FEET FROM THE WEST LINE, SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,664 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 1,095 FEET NORTH OF PASSAGE WAY EXTENSION)

21. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, LP. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 097

RESOLUTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

22. Approved a resolution authorizing the City Manager to execute a purchase and sale agreement for the acquisition of the property currently owned by Richard K. Fesmire, Richard L. Fesmire, and Jeff McFarlin. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 098

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, A 3.209-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO ACQUIRE SAID TRACT OF LAND, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING FOR SAID ACQUISITION; AUTHORIZING PAYMENT FOR SAID TRACT OF LAND, TITLE INSURANCE POLICY AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

23. Approved a resolution authorizing the City Manager to allocate funds to Midland County for paving of Antelope Trail from the terminus of Antelope Trail located 600 feet south of Cholla Road to County Road 120. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 099

RESOLUTION AUTHORIZING MIDLAND COUNTY, TEXAS TO PERFORM PAVING SERVICES ON ANTELOPE TRAIL, FROM COUNTY ROAD 120 TO THE EXISTING TERMINUS OF ANTELOPE TRAIL LOCATED APPROXIMATELY 600 FEET SOUTH OF CHOLLA ROAD, IN ACCORDANCE WITH THE CITY - COUNTY INTERLOCAL COOPERATION CONTRACT AUTHORIZED BY RESOLUTION NO. 2013-401; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN AN

AMOUNT NOT TO EXCEED \$270,000.00

24. Approved a resolution authorizing execution of a Public Improvement Development Agreement with Graham Oil and Gas LP in the amount of \$173,078.00 for future design and construction of public paving improvements on Bluebird Lane to serve Blackbird Estates. The subject property is located at 4000 & 4002 Bluebird Lane in the City of Midland. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 100

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH GRAHAM OIL AND GAS LP FOR PAVING IMPROVEMENTS TO BLUEBIRD LANE ADJACENT TO BLACKBIRD ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BLUEBIRD LANE, APPROXIMATELY 520 FEET EAST OF NORTH MIDLAND DRIVE); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

25. Approved a resolution accepting a Utility Easement from Chick-Fil-A Inc. for the purpose of constructing and maintaining a water line and any associated facilities. (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 101

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.098-ACRE UTILITY EASEMENT LOCATED IN SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

26. Approved a resolution accepting a Utility Easement from Chick-Fil-A Inc. and Manor Park Inc., located in Section 19, Block 39, T-1-S, T&P RR. Co. Survey, for the purpose of constructing and maintaining a water line and any associated facilities; authorizing the execution of said Utility Easement; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 102

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 0.360-ACRE UTILITY EASEMENT LOCATED IN SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

27. Approved a resolution authorizing the City Manager to provide notice of termination to the Waste Water Operations Agreement at Spraberry Farms. (UTILITIES)

RESOLUTION NO. 2017 - 103

RESOLUTION AUTHORIZING THE CITY MANAGER TO PROVIDE A NOTICE OF CANCELLATION TO SPRABERRY CGC, LTD. AND SPRABERRY CGC, INCORPORATED REGARDING THAT CERTAIN WASTE WATER OPERATIONS AGREEMENT CONCERNING CERTAIN PROPERTY DESCRIBED AS SECTIONS 13, 14 (SAVE AND EXCEPT AN 80-ACRE TRACT DESCRIBED AS THE E/2 OF THE NE/4) AND 15, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

28. Approved a resolution authorizing the execution of a Chapter 380 Economic Development Agreement between the City of Midland and Midland Owner LLC, as authorized by Chapter 380 of the Texas Local Government Code. (CITY MANAGER'S

OFFICE)

RESOLUTION NO. 2017 - 104
RESOLUTION AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND OWNER LLC, AS AUTHORIZED BY CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

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

11. Consider a resolution approving the purchase of Trash Compactor Wheels for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 087
RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) TRASH COMPACTOR WHEELS FOR THE GARAGE DIVISION FROM TERRA COMPACTOR WHEEL CORPORATION, OF SHEBOYGAN, WISCONSIN, AT A TOTAL COST OF \$82,760.00

Staff asked that the item be pulled so it could be rebid.

Council Member Sparks moved to defer this item; 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.

14. Approved a resolution authorizing the execution of a Term Sheet between the Midland Development Corporation ("MDC") and the University of Texas of the Permian Basin ("UTPB") for the purpose of facilitating certain agreements relating to the construction of a new Engineering Building to be located within the corporate limits of the City of Midland, Texas, and the establishment and management of an incubator and makerspace to be located in UTPB's Center for Energy & Economic Development Building. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 090
RESOLUTION APPROVING A TERM SHEET BETWEEN THE MIDLAND DEVELOPMENT CORPORATION ("MDC") AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN ("UTPB") FOR THE PURPOSE OF FACILITATING CERTAIN AGREEMENTS RELATING TO THE CONSTRUCTION OF A NEW ENGINEERING BUILDING TO BE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND, TEXAS, AND THE ESTABLISHMENT AND MANAGEMENT OF AN INCUBATOR AND MAKERSPACE TO BE LOCATED IN UTPB'S CENTER FOR ENERGY & ECONOMIC DEVELOPMENT BUILDING

UTPB President David Watts reported they broke ground on the new building about 10 days ago. This will be a 3-story building. This agreement will allow for the development of the third floor that will house chemical and electrical engineering which are both important jobs for this region

Council Member Lacy moved to adopt Resolution No. 2017 - 090; 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

29. Consider an ordinance on second reading on a request by Memorial Christian Church for a zone change from 1F-1, One-Family Dwelling District, to LR-2, Local Retail District on tract of land generally located west of the intersection of Andrews Highway and West Cuthbert Avenue. (DEVELOPMENT SERVICES) (First reading held March 28, 2017)

ORDINANCE NO. 9647

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.59-ACRE TRACT OF LAND OUT OF BLOCK 6, JOHN AND MORAN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED WEST OF THE INTERSECTION OF ANDREWS HIGHWAY AND WEST CUTHBERT 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 Karla Mata read the caption of Ordinance No. 9647.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9647 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.

30. Consider an ordinance on second reading on a request by Davis Laabs for a Specific Use Permit, without term, for an accessory building used for living or sleeping quarters, generally located northeast of the intersection of Lincoln Street and Magnolia Avenue. (DEVELOPMENT SERVICES) (First reading held March 28, 2017)

ORDINANCE NO. 9648

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 25, BLOCK 5, RANCLAND HILLS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF LINCOLN STREET AND MAGNOLIA AVENUE), WHICH IS PRESENTLY ZONED 2F, TWO-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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 Karla Mata read the caption of Ordinance No. 9648.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9648 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks,

Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider an ordinance on second reading on a request by Café Nitro LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, generally located southwest of the intersection of Starboard Drive and Liberty Drive. (DEVELOPMENT SERVICES) (First reading held March 28, 2017)

ORDINANCE NO. 9649

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,241-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 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 Karla Mata read the caption of Ordinance No. 9649.

Council Member Love moved to approve the second and final reading of Ordinance No. 9649 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Council Member Sparks moved to amend the motion by changing the start time on Sundays to 11:00 a.m.; seconded by Council Member Lacy. The motion to amend carried by the following vote. AYE: Hotchkiss, Sparks, Morales, Lacy. NAY: Love, Dufford, Robnett. ABSTAIN: None. ABSENT: None.

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

32. Consider an ordinance on second reading approving a negotiated resolution between the Atmos West Texas Cities Steering Committee and Atmos Energy Corp., West Texas Division regarding the Company's 2016 rate review mechanism ("RRM") filing. (CITY MANAGER'S OFFICE) (First reading held March 28, 2017)

ORDINANCE NO. 9650

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS WEST TEXAS CITIES STEERING COMMITTEE ("WTX CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION (THE "COMPANY") REGARDING THE COMPANY'S 2016 RATE REVIEW MECHANISM ("RRM") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; ESTABLISHING A PROCESS FOR RENEGOTIATING THE RRM TARIFF IN 2017; REQUIRING THE COMPANY TO REIMBURSE WTX CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE

WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE WTX CITIES' LEGAL COUNSEL

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9650.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9650 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.

PUBLIC HEARINGS

33. Hold a public hearing and consider an ordinance on a request by Aces Grill, LLC for Specific Use Permit with Term, for the sale of beer and wine, for on-premises consumption, in a restaurant generally located southwest of the intersection of Starboard Drive and Liberty Drive. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9651

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,152-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 BEER AND WINE 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 Karla Mata read the caption of Ordinance No. 9651.

Development Services Director Chuck Harrington gave a brief overview of the item noting there is no church or school within 300 feet. The applicant is requesting the hours of 11:00 a.m. to 10:00 p.m. Sunday through Saturday. The item has been reviewed by staff and everyone recommended approval. No letters of objection have been received. Mayor Morales opened the public hearing at 10:22 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. 9651 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.

34. Hold a public hearing and consider an ordinance on a request by John George dba The Turn for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, generally located on the south side of West Wadley Avenue, approximately 670 feet east of North Garfield Street. (DEVELOPMENT

SERVICES)

ORDINANCE NO. 9652

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1-F, BLOCK 5, CORRECTION PLAT OF COLONY PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 670 FEET EAST OF NORTH GARFIELD 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 Karla Mata read the caption of Ordinance No. 9652.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the site of the former Sedona Grill that has been sold to John George. There are no churches or schools within 300 feet and the nearest residence is 160 feet to the north. Mr. George has made improvements to the facility, there have been very limited issues, and the police calls received have been considerably reduced with none for loud music, narcotic or alcohol issues. They are proposing to have acoustic guitars on the patio with no more than two players every night until 10:00 p.m. It was noted that their alcohol service hours are being decreased overall.

Mayor Morales opened the public hearing at 10:27 a.m.

Ed Rivas, operator, reported the music is amplified at 1 or 2 with small speakers directed into the garage doors. Previously the speakers were turned out toward the street. They will play on the patio from 6:30 p.m. to 9:30 p.m.

There being no one else wishing to speak, the public hearing was closed at 10:28 a.m.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9652 in accordance with the Charter of the City of Midland with amendment to review in one year; 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.

35. Hold a public hearing and consider an ordinance on a request by Laurence Oeth for a Specific Use Permit, without term, for an accessory building used for living or sleeping quarters, generally located on the north side of Cimmaron Avenue, approximately 165 feet east of Mark Lane. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9653

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS THE WEST 12.15 FEET OF LOT 3, AND LOT 4, LESS THE WEST 3 FEET, BLOCK 3, SCOTSDALE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF

CIMMARON AVENUE, APPROXIMATELY 165 FEET EAST OF MARK LANE), WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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 Karla Mata read the caption of Ordinance No. 9653.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for a Specific Use Permit to construct an accessory building that will contain a garage on the bottom and living/sleeping facilities on the second floor for extended family members. There will be no kitchen in the unit. It does not exceed the height requirement. This was approved by Planning & Zoning with the change from a three-yard setback to a five-yard setback. One letter of objection was received. This property does not line up with lot lines and the owner will replat to clean up his lot. A note will be placed on the plat that the structure cannot be used for rental purposes but only for family occupancy.

Mayor Morales opened the public hearing at 10:34 a.m.

Larry Oeth, applicant, asked for a three-foot setback. They are in the process of remodeling their house. They have a new son and possibly another on the way and the room will be used for their au pair. If they move the structure over it would crowd his red oak tree. He shared a presentation showing that his neighbor's fence is on his property by three feet. He plans to build his structure even with the neighbor's fence with no windows on the second floor on the east side. He shared pictures of other structures in the area that are on or very near the lot lines and of several buildings that are two stories.

Madeline Manning, 4504 Cimmaron, is the homeowner to the east. She opposes the addition since it is a two-story structure. She is worried about cohesiveness in the area and has concern about how a 20-foot wall will look that close to her house. She will be leaving in July and she wants to leave the property in better shape than when she bought it.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9653 in accordance with the Charter of the City of Midland with the amendment to change the setback to three feet from the east property line; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

36. Hold a public hearing and consider a resolution on a request by St. Stephen's Catholic Church for approval of a Temporary Land Use Permit for a Family Fair and Carnival generally located north of West Front Street between South Big Spring Street and South Loraine Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 105

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FAMILY FAIR AND CARNIVAL ON BLOCKS 86, 94, AND 95, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST FRONT STREET, BETWEEN SOUTH BIG SPRING STREET AND SOUTH LORAIN STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for temporary land use permit for a church family fair and carnival that will be held in the parking lot directly across from the County Library. Their proposed hours are on Saturday, May 13 from 12:00 p.m. to 10:00 p.m. and Sunday, May 14 from 2:00 p.m. to 8:00 p.m. This family event will have the sale of alcoholic beverages, 12 restrooms and 2 security guards on duty at all hours. No letters of objection have been received. Staff recommends approval.

Mayor Morales opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2017 - 105; 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.

37. Hold a public hearing and consider a resolution on a request by Bourbon St., D.C., LLC for approval of a Temporary Land Use Permit for a Street Party generally located southeast of the intersection of North Main Street and East Texas Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 106

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A STREET PARTY ON LOT 24 AND A 0.17-ACRE PORTION OF EAST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 24, BLOCK 53, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH MAIN STREET AND EAST TEXAS 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 Bourbon Street is celebrating their 5th anniversary. They are requesting a Temporary Land Use Permit for their celebration to be held on Saturday, May 6 from 12:00 p.m. to 12:00 a.m. and will have live music and the sale of alcoholic beverages. They will have a minimum of three restrooms and two security guards on duty. Staff recommends approval. When asked if this will impact the construction in the area, Mr. Harrington reported it will have no impact noting the plan was reviewed by the Traffic Division.

Mayor Morales opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 106; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

38. Hold a public hearing and consider a resolution on a request by Arts Council of Midland for approval of a Temporary Land Use Permit for an Arts Festival generally located northeast of North Main Street and East Wall Street. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 107

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN ARTS FESTIVAL ON LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, THE NORTH 7 FEET OF LOT 9 AND THE EAST 65 FEET OF LOTS 9, 10, 11, AND 12, BLOCK 53, ORIGINAL TOWN ADDITION, A 0.05-ACRE PORTION OF NORTH MAIN STREET RIGHT-OF-WAY AND A 0.12-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, AND A 0.64-ACRE PORTION OF EAST WALL STREET RIGHT-OF-WAY AND A 0.56-ACRE PORTION OF NORTH BAIRD STREET RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO BLOCK 53, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH MAIN STREET AND EAST WALL STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting this item is for the Arts Council of Midland for their annual art festival. Last year this event was at Horseshoe and previously it was held at the Midland Center. They will operate on Friday from 8:00 a.m. to 10:00 p.m., Saturday from 10:00 a.m. to 5:00 p.m. and Sunday from 10:00 a.m. to 7:00 p.m. They will have live music and tents with children's activities. There will be a minimum of 10 restrooms and one security guard. Staff is requesting that two additional security guards be required to be placed at the unfinished portion of the lofts to ensure the occupancy limit is maintained.

Mayor Morales opened the public hearing at 10:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 107; 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.

Council Member Love moved to reconsider the item; 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.

Council Member Love moved to increase the security by two additional officers; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

- 39. Consider a resolution providing for the redemption of the outstanding City of Midland General Obligation Refunding Bonds Series 2006B. (FINANCE)

RESOLUTION NO. 2017 - 108

A RESOLUTION PROVIDING FOR THE REDEMPTION OF THE OUTSTANDING CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2006B; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE REDEMPTION OF SUCH BONDS.

Finance Director Pam Simecka reported this item is at the request of the sports complex board and is a resolution authorizing the redemption of the 2006 D refunding bonds used to refinance the sports complex. If approved it will result in a \$17.9 million savings.

Council Member Love moved to adopt Resolution No. 2017 - 108; 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.

- 40. Consider an ordinance on a request by DR Horton - Texas, Ltd for an annexation of a 120.625-acre tract of land generally located on the west side of Arlington Road, approximately 1800 feet south of State Highway 191. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9654

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY LIMITS, BEING A 120.625-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ARLINGTON ROAD, APPROXIMATELY 1,800 FEET SOUTH OF STATE HIGHWAY 191); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9654.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the final step to annex 120 acres for DR Horton to extend Legacy Addition.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9654 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.

- 41. Consider an ordinance on a request by Robert Graham Construction for an annexation of a 35.77-acre tract of land generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9655

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO CERTAIN AREAS ADJOINING THE PRESENT CITY

LIMITS, BEING A 35.77-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRANDY HILL ROAD, APPROXIMATELY 330 FEET EAST OF STATE HIGHWAY 158); AND APPROVING A PUBLIC SERVICE PLAN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9655.

Development Services Director Chuck Harrington gave a brief overview of the item noting it was for annexation to allow Grasslands to expand to the west.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9655 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 COMMENT

43. 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.)

Marci Corry and Kitty Brandon, of Safe2Save requested sponsorship from the City for their app which rewards people for not texting and driving. She briefly explained how their app works noting users who sign up are tracked and can earn points for not texting while driving. Points can be redeemed for discount coupons at local restaurants and businesses.

Council Member Robnett moved to place Safe2Save on a future agenda; 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.

EXECUTIVE SESSION

44. 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 §551.072 Deliberation Regarding Real Property.
 - a.1. Discuss the sale, exchange, lease, or value of certain City-owned real property located in Winkler County and Loving County, Texas.

Mayor Morales recessed the meeting to Executive Session at 11:13 a.m.

The meeting was reconvened 11:21 a.m. with all Council Members present.

MISCELLANEOUS (Continued)

42. Consider a motion authorizing the City Manager to negotiate and execute a license agreement with Dawson Geophysical Company. (DEVELOPMENT SERVICES)

Council Member Lacy moved to authorize the City Manager to negotiate and execute a license agreement with Dawson Geophysical Company; 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.

All of the business at hand having been completed, the meeting adjourned at 11:22 a.m.

PASSED AND APPROVED the 25th day of April, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary