

**MIDLAND CITY COUNCIL
MINUTES
October 09, 2018**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 09, 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 Sharla Hotchkiss (District 3), and Council Member J.Ross Lacy (District 4).

Council Members absent: Council Member John B. Love III (District 2).

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.

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

OPENING ITEMS

1. Invocation - Pastor Allman, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Council Member Robnett presented a proclamation recognizing National Cyber Security Awareness Month.
 - b. Mayor Morales presented a proclamation recognizing National Business Women's Week with special recognition to Cathy Eastham.

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 4 - 47; 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.

4. Approved a motion approving the following minutes:
 - a. Regular City Council Meeting of September 25, 2018
 - b. Special City Council Meeting of October 1, 2018

5. Approved a resolution awarding an agreement for Agenda Management Software services for the City Secretary's Office for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 392

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PRIME GOVERNMENT SOLUTIONS, LLC, FOR AGENDA MANAGEMENT SERVICES AND CORRESPONDING HARDWARE AND SOFTWARE AT A TOTAL COST OF \$42,405.00; PROVIDING FOR \$8,500.00 IN CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

6. Approved a resolution awarding an agreement for Document Management Software services to MCCi through Buyboard contract 544-17 for a cost of \$143,899.50 plus \$70,405.00 for data conversion and \$42,860.00 for contingencies for a total project cost of \$257,164.50 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2018 - 393

RESOLUTION AWARDED A CONTRACT FOR DOCUMENT MANAGEMENT SOFTWARE AND DATA CONVERSION SERVICES TO MCCI, THROUGH BUYBOARD AT A TOTAL COST OF \$214,304.50; PROVIDING FOR \$42,860.00 IN CONTINGENCIES; AND APPROPRIATING FUNDS THEREFOR

7. Approved a resolution rejecting all proposals received for the purchase, installation and maintenance of Ambulance Stretchers for the General Services Department. (PURCHASING)

RESOLUTION NO. 2018 - 394

RESOLUTION REJECTING ALL PROPOSALS FOR AMBULANCE STRETCHERS FOR THE GARAGE DIVISION

8. Approved a resolution approving the purchase of Ammunition for the Police Department. (PURCHASING)

RESOLUTION NO. 2018 - 395

RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, GOLD COAST ARMORY LLC, BLACKHILLS AMMUNITION, KIESLER POLICE SUPPLY, AND PRECISION DELTA CORPORATION, AT A TOTAL COST OF \$121,610.20

9. Approved a resolution awarding a contract for the purchase and installation of a Self-Contained Breathing Apparatus (SCBA) air compressor for the Midland Fire Department Training Field from August Industries, Inc. through Buyboard contract 524-17 for a total cost of \$61,815.60 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2018 - 396

RESOLUTION AWARDED A CONTRACT FOR THE PURCHASE OF A SELF-CONTAINED BREATHING APPARATUS AIR COMPRESSOR FOR THE FIRE DEPARTMENT FROM AUGUST INDUSTRIES INC., THROUGH BUYBOARD AT A TOTAL COST OF \$61,815.60

10. Approved a resolution approving the purchase of a pothole patcher from Southwest International Trucks, Inc. through Buyboard Contract 521-16 for a total cost of \$160,111.93 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 397

RESOLUTION APPROVING THE PURCHASE OF A POTHOLE PATCHER FOR THE GARAGE DIVISION FROM SOUTHWEST INTERNATIONAL TRUCKS, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$160,111.93

11. Approved a resolution approving the purchase of a Toro Groundsmaster mower from Professional Turf Products, L.P. through Buyboard Contract 529-17 for a total cost of \$66,551.24 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2018 - 398

RESOLUTION APPROVING THE PURCHASE OF A TORO GROUNDSMASTER MOWER FOR THE GARAGE DIVISION FROM PROFESSIONAL TURF PRODUCTS, L.P., THROUGH BUYBOARD AT A TOTAL COST OF \$66,551.24

12. Approved a resolution authorizing the execution of Amendment #10 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriating necessary funds. (AIRPORTS)

RESOLUTION NO. 2018 - 399

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER TEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT SO AS TO INCLUDE THE NEW TERMINAL VEHICLE PARKING LOTS AT MAF PROJECT; AND APPROPRIATING FUNDS THEREFOR

13. Approved a resolution authorizing the appropriation of additional funds to the project known as Airpark New Hangar Development Planning. (AIRPORTS)

RESOLUTION NO. 2018 - 400

RESOLUTION AUTHORIZING THE APPROPRIATION OF \$50,000.00 FROM THE AIRPORT OPERATING FUND TO THE NEW HANGAR DEVELOPMENT AT AIRPARK PROJECT

14. Approved a motion approving a contract with Cody Ohl Jr Calf Roping Championships in the amount of \$12,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

15. Approved a motion approving a contract with University of Texas Permian Basin Small Business Development Center (UTPB SBDC) in the amount of \$27,500.00 to promote growth and development in the City of Midland from funds available and as approved in the Fiscal Year 2018-2019 budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

16. Approved a resolution ratifying and approving the consolidation of the Citizens Advisory Committee and the Hotel/Motel Tax Advisory Board. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2018 - 401

A RESOLUTION RATIFYING AND APPROVING THE CONSOLIDATION OF THE CITIZENS ADVISORY COMMITTEE AND THE HOTEL/MOTEL TAX ADVISORY BOARD INTO THE CITIZEN DEVELOPMENT AND HOTEL/MOTEL ADVISORY BOARD FOR THE PURPOSE OF ADVISING THE CITY COUNCIL ON THE MATTERS OF ADVERTISING THE CITY OF MIDLAND AND PROMOTING ITS GROWTH AND DEVELOPMENT PURSUANT TO CHAPTER 371 OF THE TEXAS LOCAL GOVERNMENT CODE, AND USE OF FUNDS COLLECTED PURSUANT TO CHAPTER 351 OF THE TEXAS TAX CODE; AND RATIFYING AND APPROVING INITIAL APPOINTMENTS

17. Approved a resolution approving the transfer of the Oil and Gas Well Permit and Road Repair Agreement issued to Lario Oil & Gas Company, Willow Lakes 191H. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 402

RESOLUTION APPROVING THE TRANSFER OF A CERTAIN OIL AND GAS WELL PERMIT FROM LARIO OIL & GAS COMPANY ("OPERATOR") TO ENDEAVOR ENERGY RESOURCES, L.P. ("TRANSFeree"); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMIT FROM OPERATOR TO TRANSFeree; THE OIL AND GAS WELL BEING WILLOW LAKES 191H; SAID OIL AND GAS WELL BEING LOCATED IN SECTION 19, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE NORTH FAIRGROUNDS ROAD EXTENSION, SOUTH OF THE MOCKINGBIRD LANE EXTENSION)

18. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil and gas well, Bozeman Unit 803LS. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 403

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,085 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,028 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

19. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil and gas well, Bozeman Unit. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 404

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,145 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,088 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES

NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

20. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil and gas well, Bozeman Unit 814MS. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 405

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,115 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,058 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

21. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil and gas well, Butte Unit 804WB. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 406

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,175 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,118 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

22. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC, for the drilling of oil and gas wells, Whitefish Unit 813MS. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 407

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,055 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 1,998 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

23. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Ranchland C Unit 2805H. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 408

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 841 FEET FROM THE NORTH LINE AND 2,229 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,229 FEET WEST OF FAIRGROUNDS ROAD AND APPROXIMATELY 626 FEET SOUTH OF FRONT STREET)

24. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Ranchland C Unit 4205H. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 409

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 851 FEET FROM THE NORTH LINE AND 2,257 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,257 FEET WEST OF FAIRGROUNDS ROAD AND APPROXIMATELY 636 FEET SOUTH OF FRONT STREET)

25. Approved a resolution approving the issuance of a permit to Parsley Energy Operations, LLC, for the drilling of an oil and gas well, being Ranchland C Unit 4305H. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 410

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 860 FEET FROM THE NORTH LINE AND 2,286 FEET FROM THE EAST LINE, SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,286 FEET WEST OF FAIRGROUNDS ROAD AND APPROXIMATELY 645 FEET SOUTH OF FRONT STREET)

26. Approved a resolution authorizing the execution of a Road Repair Agreement with Parsley Energy Operations, LLC. (Operator), regarding its application to drill oil and gas wells, Ranchland C Unit 2805H, Ranchland C Unit 4205H, Ranchland C Unit 4305H. The Road Repair Agreement will cover Fairgrounds Road in the amount of \$75,000.00. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 411

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PARSLEY ENERGY OPERATIONS, LLC REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

27. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Rebel A #H150WB. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 412

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 1,732 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,732 FEET WEST OF SOUTH LAMESA ROAD AND APPROXIMATELY 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

28. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Rebel A #H155WA. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 413

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 2,062 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,062 FEET WEST OF SOUTH LAMESA ROAD AND APPROXIMATELY 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

29. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Rebel A #H160WB. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 414

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 2,392 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,392 FEET WEST OF SOUTH LAMESA ROAD AND APPROXIMATELY 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

30. Approved a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang #H110WB. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 415

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 2,366 FEET FROM THE WEST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,366 FEET EAST OF RANKIN HIGHWAY AND APPROXIMATELY 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

31. Approved a resolution approving a contract between the MOUTD Board and RATP Dev USA for the management and operation of the EZ Rider Transit System (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 416

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE MIDLAND-ODESSA URBAN TRANSIT DISTRICT AND RATP DEV USA, INC., FOR THE MANAGEMENT AND OPERATION OF THE EZ RIDER TRANSIT SYSTEM

32. Approved a resolution authorizing the execution of a Community Development Block Grant for the Minor Repair Program in the amount of \$50,000.00; for the express purpose of home repairs (A/C, Heating, plumbing etc.) for low income families. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 417

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$50,000.00 FROM THE UNAPPROPRIATED FUND BALANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE MINOR REPAIR PROJECT

33. Approved a resolution authorizing the execution of a Community Development Block Grant for Administration in the amount of \$30,000.00; for the express purpose of contracting for 2020-2025 Housing Impediment Study. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 418

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$30,000.00 FROM THE UNAPPROPRIATED FUND BALANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE CDBG ADMINISTRATION PROJECT

34. Approved a resolution authorizing the execution of a Community Development Block Grant for the Home Buyers Assistance Program in the amount of \$250,000.00; for the express purpose of assisting first time home buyers with down payment and closing cost. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 419

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$250,000.00 FROM THE UNAPPROPRIATED FUND BALANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE HOMEBUYER ASSISTANCE PROJECT

35. Approved a resolution authorizing the execution of a Community Development Block Grant for the Greenwood Infrastructure Improvements Project in the amount of \$403,102.00; for the express purpose of sidewalk construction in the Greenwood subdivision. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 420

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$403,102.00 FROM THE UNAPPROPRIATED FUND BALANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE GREENWOOD INFRASTRUCTURE PROJECT

36. Approved a resolution authorizing the execution of a Community Development Block Grant with the City of Midland Park Project for the express purpose of the replacement of exercise equipment and audio system for participants. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 421

RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$66,000.00 FROM THE UNAPPROPRIATED FUND BALANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE CITY OF MIDLAND PARK PROJECT

37. Approved a motion on request by Maverick Engineering, to defer paving and sidewalk improvements for Original Town, Section 16, and to waive the corresponding financial security guarantee valued at \$42,753.00, an amount equal to the estimated cost of construction. The subject property is generally located on the southeast corner of South Street and Mineola Street, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES)
38. Approved a motion on request by West Company, to defer water, wastewater, paving and sidewalk improvements for Cedar Elm Mobile Home Park and to waive the corresponding financial security guarantee valued at \$557,680.00, an amount equal to the estimated cost of construction. The subject property is generally located on the southeast corner of West County Road 116 and South County Road 1255, approximately 1,450 linear feet outside the corporate limits of the City of Midland, in Midland County, Texas - Extraterritorial Jurisdiction. (ENGINEERING SERVICES)
39. Approved a resolution authorizing the City Manager to negotiate and execute an agreement with Mall at Midland Park, LLC. (ENGINEERING SERVICES)

RESOLUTION NO. 2018 - 422

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MALL AT MIDLAND PARK, LLC FOR DEVELOPMENT OF SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF LOOP 250 AND NORTH MIDKIFF ROAD); SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

40. Approved a resolution appointing two members to the Midland Emergency Communication District Board of Managers. (FIRE)

RESOLUTION NO. 2018 - 423

RESOLUTION APPOINTING CHARLES BLUMENAUER AND SETH HERMAN TO THE MIDLAND EMERGENCY COMMUNICATION DISTRICT BOARD OF MANAGERS

41. Approved a resolution authorizing the City Manager to negotiate an Interlocal Agreement between Midland, Abilene and San Angelo to continue to work together to address Water Management Strategies to meet future water needs for each city. (UTILITIES)

RESOLUTION NO. 2018 - 424

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND, THE CITY OF

ABILENE, AND THE CITY OF SAN ANGELO TO PROVIDE FOR THE EVALUATION, SELECTION AND DEVELOPMENT OF WATER MANAGEMENT STRATEGIES FOR REGIONAL WATER SUPPLIES

42. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Salt Creek Midstream LLC. (UTILITIES)

RESOLUTION NO. 2018 - 425

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 17, 18 AND 19, BLOCK C23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

43. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Salt Creek Midstream LLC. (UTILITIES)

RESOLUTION NO. 2018 - 426

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 17, 22, 23, 24 AND 25, BLOCK C-23 AND SECTIONS 1 AND 2, BLOCK C-24, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

44. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Salt Creek Midstream LLC, (UTILITIES)

RESOLUTION NO. 2018 - 427

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SALT CREEK MIDSTREAM, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13, 18, 21 AND 22, BLOCK C-23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY, TEXAS

45. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P. (UTILITIES)

RESOLUTION NO. 2018 - 428

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, TO CONSTRUCT A DIRT ACCESS ROAD APPROXIMATELY 741.45 FEET IN LENGTH

46. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P. (UTILITIES)

RESOLUTION NO. 2018 - 429

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, TO CONSTRUCT A DIRT ACCESS ROAD APPROXIMATELY 1,307.96 FEET IN LENGTH

47. Approved a resolution authorizing the transfer of Right-of-Way License 2016-101 between the City of Midland and Lario Oil & Gas Company to Endeavor Energy Resources. (UTILITIES)

RESOLUTION NO. 2018-430

RESOLUTION APPROVING THE TRANSFER OF A RIGHT-OF-WAY LICENSE FROM LARIO OIL AND GAS COMPANY ("OPERATOR") TO ENDEAVOR ENERGY RESOURCES, L.P. ("TRANSFEREE"); SAID RIGHT-OF-WAY LICENSE BEING LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

SECOND READINGS

48. Consider an ordinance on second reading on a request by Maverick Engineering, for a zone change from O-1, Office District, in part, and PD, Planned District for a Housing Development, in part, to PD, Planned District for a Housing Development. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9827

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 8, BLOCK 3, GATEWAY PLAZA, SECTION 2, AND LOT 7B, BLOCK 3, GATEWAY PLAZA, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND STARBOARD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9827.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9827 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

49. Consider an ordinance on second reading on a request by Serenity Hotels, LLC for a Special Exception. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9828

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 13, BLOCK 8, CORRECTION PLAT OF WESTRIDGE PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WINDHAVEN DRIVE AND TRADEWINDS BOULEVARD), BY PERMITTING AN INCREASED BUILDING HEIGHT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9828.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9828 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.

50. Consider an ordinance on second reading on a request by Skyline Civil Group, for a zone change from PD, Planned District for Office Center, to IP-3, Industrial Park. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9829

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 2, INDUSTRIAL PARK REGIONAL AIR TERMINAL ADDITION, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR AN OFFICE CENTER, TO BE USED AS AN IP-3, INDUSTRIAL PARK DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF EARHART DRIVE, APPROXIMATELY 634 FEET SOUTH OF BANKS DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9829.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9829 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

51. Consider an ordinance on second reading on a request by Family Promise of Midland, Texas Inc., for a site plan approval. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9830

AN ORDINANCE ADOPTING A SITE PLAN FOR THE SOUTH HALF OF BLOCK 23, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WARD STREET AND WEST OHIO AVENUE); 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 SueAnn Reyes read the caption of Ordinance No. 9830.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9830 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

52. Consider an ordinance on second reading on a request by Furniture Row USA for a vacation of a 0.17-acre portion of Faulkner. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9831

AN ORDINANCE VACATING AND ABANDONING A 0.17-ACRE PORTION OF FAULKNER DRIVE RIGHT-OF-WAY LOCATED IN SECTION 4, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WHITMAN DRIVE, APPROXIMATELY 356 FEET NORTH OF WEST LOOP 250 NORTH); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,067.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9831.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9831 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

53. Consider an ordinance on second reading on a request by Maverick Engineering for approval of a site plan. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9826

AN ORDINANCE ADOPTING A SITE PLAN FOR A 10.18-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 930 FEET WEST OF NORTH MIDLAND DRIVE); 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 SueAnn Reyes read the caption of Ordinance No. 9826.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9826 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

PUBLIC HEARINGS

54. Hold a public hearing and consider an ordinance on a request by Kimley-Horn and Associates, Inc., for a Zone Change from a PD, Planned District for a Housing Development to an Amended PD, Planned District for a Housing Development. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9832

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 6, PAVILION PARK, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT

FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MOCKINGBIRD LANE AND STONEBRIDGE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9832.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for an amendment to the current PD for a 362-unit apartment complex to add an additional monument sign. No letters of objection have been received and staff recommends approval. It meets the current existing sign ordinance.

Mayor Morales opened the public hearing at 10:17 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. 9832 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

55. Hold a public hearing and consider an ordinance on a request by Maverick Engineering, for a Zone Change from a O-2, Office District, to an LR-2, Local Retail District. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9833

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 4, CORPORATE PLAZA, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED O-2, OFFICE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 889 FEET NORTH OF CORPORATE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9833.

Development Services Director Chuck Harrington gave a brief overview of the item noting staff recommended approval and no letters of objection have been received.

Mayor Morales asked about the ingress and egress. Staff noted it would be part of the building permit process.

Mayor Morales opened the public hearing at 10:21 a.m.

Andrew Mellen, Maverick Engineering, reported they already spoke with the Traffic Engineer and there will be a deceleration lane added much like Pioneer's, so it will not hold up traffic.

There being no one else wishing to speak, the public hearing was closed at 10:21 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9833 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

56. Hold a public hearing and consider an annexation of a 9.75-acre tract located in the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, generally located on the northwest intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction. This is a public hearing only (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a proposed multi-family development and this is the next step in the process for annexation to allow City services to the property. It is a voluntary annexation and is in compliance with the comprehensive plan.

Mayor Morales opened the public hearing at 10:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

57. Hold a public hearing and consider an annexation of a 16.386-acre tract of land out of 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 and a 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, generally located south of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction. This is a public hearing only. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the annexation of Tradewinds right-of-way. This has been in the process for a while and there is a developer's agreement. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:24 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

58. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Charger A #H125WA located 108 feet from the south line and 2,370 feet from the west line, Charger A #H125SS located 108 feet from the south line and 2,400 feet from the west line, Charger A #H130WB located 108 feet from the south line and 2,280 feet from the west line, Charger A #H130MS located 108 feet from the south line and 2,340 feet from the west line, Charger A #H130LS located 108 feet from the south line and 2,310 feet from the west line, Charger A #H135WA located 108 feet from the south line and 1,980 feet from the west line, Charger A #H135SS located 108 feet from the south line and 2,010 feet from the west line, Charger A #H140LS located 109 feet from the south line and 1,920 feet from the west line, Charger A #H140MS located 109 feet from the south line and 1,950 feet from the west line, and Charger A #H140WB (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is for a group of ten wells south of the Petroleum Museum in a similar area as their previously permitted wells. They are requesting the same five variances as before. They are within a 500-foot radius of the museum and they have a letter of support from the Museum. They will have a 16-foot sound wall on the north side and commercial property is located to the south.

Mayor Morales opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

59. Hold a public hearing regarding the proposed granting of oil and gas well permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Manor Park No. 1H located 1,865 feet from the south line and 1,487 feet from the west line, Manor Park No. 2H located 1,850 feet from the south line and 1,486 feet from the west line, Manor Park No. 3H located 1,835 feet from the south line and 1,486 feet from the west line, Manor Park No. 4H located 1,820 feet from the south line and 1,486 feet from the west line, Manor Park No. 5H located 1,805 feet from the south line and 1,485 feet from the west line and Manor Park No. 6H located 1,790 feet from the south line and 1,485 feet from the west line, Section 30, Block 39, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells are generally located between 1,487 and 1,485 feet west of North Loop 250 West and between 230 and 155 feet north of Network Drive extension.) This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkin gave a brief overview of the item noting there will be six wells on this location that are similar to their previously permitted wells in a similar location. They will have 32-foot sound walls on all sides and will not use local streets to access the side as they will come in directly off the Loop 250 access road. They will be upgrading the alley with cement. The fresh water pit has been moved out to the County. After drilling is complete they will put in fencing with brick columns. They will be on a closed loop system with no reserve pits. The representatives are available for questions. They received 33 notices of objections. Their only variance is for 24-hour fracing which the City is required to allow.

Mayor Morales opened the public hearing at 10:31 a.m.

Shawn Cooley, 409 Sweetbriar Drive, is a resident in the general vicinity and expressed concern for environmental impact reasons and safety reasons citing he was concerned if something should go wrong in that area it could endanger the lives of nearby residents.

Tommy Taylor, Director of Oil and Gas for Fasken, reported they were approached by Manor Park about 5 years ago to develop their minerals. It is a challenging project and after much consideration they are moving forward. This project will give a significant source of income to Manor Park to take them well into the future. Fasken has shown how a site can be developed and residences, offices and oil and gas can all co-exist. There will be no tank battery facility on site as it has been moved four miles to the west. They will not access any City streets as they will be coming off the east service road of Loop 250 directly to the property. They will be rebuilding the alley with concrete and rebar and will have 32-foot sound walls. They completed a noise study and found that the average noise level is 50 decibels. The highest level at that sound wall will be just below that mark. That does not mean residents won't hear sounds, but the noise will be

greatly reduced. When asked about the flow line, he reported they contracted with a company to put in a 48" bore that is 68 feet deep and have pulled through a 30" steel conduit that will house the flow lines noting it is similar to what they use off shore.

Mark Nicholas, 8100 Edinburgh, is the Vice Chair of the Manor Park Board. He asked Council to support the project. He lives in northwest Midland and said they have been drilling wells all around his residence for the last several. He also shared that after the wells are drilled, it is very quiet.

Don Sparks, 2701 Hummingbird Court, complimented the City on their Oil & Gas Ordinance that is currently in place which allows for the proper drilling of minerals that lie under the City. He is also a member of the Manor Park Board. The minerals were donated to them in 1973 and this is their first opportunity with the new technology to develop the minerals. This will be very important for this non-profit that helps seniors in this community. Fasken is also a great corporate citizen of Midland. They have done a tremendous job of developing property. He asked Council to support the project.

Sharon Humphreys, 4504 Princeton, lives less than one mile from this location. She thought the description was in error noting it should say east not west. She asked what direction they would be drilling and how loud it would be. Council Member Lacy responded they are drilling north to south and the noise wouldn't be any louder than Loop 250.

There being no one else wishing to speak, the public hearing was closed at 10:42 a.m.

60. Hold a public hearing and consider a resolution on a request by Sonny Aguilar, for a Temporary Land Use Permit for a mobile food vendor with seating. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 431

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MOBILE FOOD VENDOR WITH SEATING ON LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, AND A PREVIOUSLY-VACATED 0.032-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a one-year renewal of a temporary land use permit for Bus 22 located at 312 N. Colorado. Their permitted hours are Monday through Saturday from 7:00 a.m. to 12:00 a.m. Bus 22 is a double-decker bus that was converted to a kitchen with seating on the second floor. They also provide seating at ground level when the bus is in operation. No complaints have been received and staff recommends approval subject to conditions A-J. One letter of objection was turned in this morning.

Mayor Morales opened the public hearing at 10:44 a.m.

Sonny Aguilar, 4120 Springfield Court, thanked Council for having faith in his business. He has been well received by the neighborhood and Midland in general. When asked if he was selling alcohol he said not yet. When asked about restroom facilities and trash

receptacles he noted he has trash cans on site and a restroom in the building. When asked if there was a sign for restrooms he said there was not, but he could post one.

Monica Ramirez, 1602 McClintic Avenue, spoke in support of this item noting that Bus 22 is the centerpiece of the Urban Market which is a huge draw to downtown.

There being no one else wishing to speak, the public hearing was closed at 10:48 a.m.

Council Member Robnett asked if one year is the longest it could be renewed. Staff reported that one year is the longest as that is stated in the Code. Assistant City Manager Frank Salvato reported they could modify the ordinance to allow staff approval in situations such as this.

Council Member Robnett moved to adopt Resolution No. 2018 - 431; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

61. Hold a public hearing and consider a resolution on a request by Monica Ramirez for approval of a Temporary Land Use Permit for Pop-Up Markets. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 432

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR POP-UP MARKETS ON LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, AND A PREVIOUSLY-VACATED 0.032-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 12, BLOCK 26, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington reported this is the follow-up to Bus 22 for a pop-up market that was approved last year noting the trial has been successful. They have received no complaints and the activity has brought significant success to downtown. This is a renewal of their permit. They do allow for the sale and on-premise consumption of alcohol at some of the markets. They also have a live D.J. and/or music at some events. They bring in two extra restrooms and security is on duty when alcohol is served. It complies with the comprehensive plan and staff recommends approval subject to conditions A-M. No letters of objection have been received.

Mayor Morales opened the public hearing at 10:52 a.m.

Gloria Salazar, 2504 Candle Tree Cove, spoke in support of the Urban Market noting their mission is to support other small entrepreneurs that do not have a store front to sell their goods and services. The event brings people downtown and is having an economic impact on the community. She asked Council to approve the temporary land use permit.

Barbara Guzman, 1900 E. Golf Course #303, reported she is a small vendor speaking in support of the market noting it draws people downtown. She asked Council to ensure that it continues.

Monica Ramirez 1602 McClintic, reported her only goal was to bring people downtown. What started as an idea has turned into a community of vendors. They have had over 75 different vendors participate and they continue to have wait lists because of their limited size. Their estimated economic impact has been half a million dollars. When asked how many trash containers they have she reported they have six containers and they pay for a shared trash compactor.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m.

Council Member Robnett moved to adopt Resolution No. 2018 - 432; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

MISCELLANEOUS

62. Consider a resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Penta Addition, (McClurg #1). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2018 - 433

RESOLUTION GRANTING A VARIANCE FOR LOT 1, BLOCK 1, PENTA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FAIRGROUNDS ROAD (FM 715) AND THE INTERSTATE 20 SERVICE ROAD), BY PERMITTING CONSTRUCTION OF COMMERCIAL BUILDINGS WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 135 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Building Official Steve Thorpe introduced Assistant Building Official Jeff Pinkstaff who gave a brief overview of the item noting the land owner is requesting a variance to allow a structure within 500 feet of an oil and gas well owned by Pioneer. There is no agreement with the operator and Pioneer objects to the variance.

Mr. Thorpe noted there are no structures within 135 feet of the well and the structure will be 404 feet away. The canopy for diesel fueling is 200 feet away. Council Member Dufford asked how far away the well was from the BMW dealership. Oil & Gas Compliance Office Ron Jenkins reported it is no longer there, but it was 135 feet and there were no problems or issues.

Brent Robertson, Senior Land Manager with Pioneer reported he filed the letter of protest noting they have no desire to interfere with the establishment of a convenience store but since it is within 500 feet it requires a variance, a rule that was established by the City. They object because it is within the ignition zone and could compromise the safety of their employees and would be a danger to the general public. Council Member Sparks asked how they calculated the ignition zone. Mr. Robertson stated he did not know. Mr. Sparks noted he was bothered by a statement like that when the calculations are not backed up noting it could be used against the entire industry when the shoe is on the other foot. He clarified that the parking lot is 135 feet away and does expect the operator to need 135 feet to maintain their well and did not see an issue with a structure just inside of the 500-foot radius.

Council Member Robnett moved to adopt Resolution No. 2018 - 433; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

63. Consider an ordinance on second reading on a request by Maverick Engineering, for a zone change from PD, Planned District for a Shopping Center. (DEVELOPMENT SERVICES) (First reading held September 11, 2018)

ORDINANCE NO. 9820

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING AN 8.03-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, AND 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, TO BE USED AS AN MF-1, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 9820.

Development Services Director Chuck Harrington gave a brief overview of the item noting item 63 and 64 are related. This item is a second reading. Council asked to have the Site Plan with the second reading. The Site Plan is the next item on the agenda.

(Agenda Item 64 was opened, and the public hearing was held prior to voting on this item.)

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9820 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

64. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for approval of a site plan on an 8.03-acre tract of land. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9834

AN ORDINANCE ADOPTING A SITE PLAN FOR AN 8.03-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 670 FEET WEST OF NORTH MIDLAND DRIVE); 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 SueAnn Reyes read the caption of Ordinance No. 9834.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a site plan for an apartment building with an overall density of 14.77 units per acre. All of the setbacks are 50 feet and the item is in the process of rezoning. The applicant met with the complainants. As of October 3, there are two letters of objection and staff recommends approval subject to conditions A and B.

Glenn Lynch, representing Bobby Cox Company, Ft. Worth, reported they are putting a fence around the neighborhood and a 16-foot sliding gate on each of four lots. When staff asked if that would be added to the site they indicated it would be added before the second reading. They are also working to build a fence for another property that is not related to this item. When asked if the house on Princeton where the road was going through would be removed, Mr. Lynch reported that it would eventually be removed but not at this time.

Sharon Humphreys, 4504 Princeton, reported she came to an agreement with Mr. Lynch but she is still opposed to the apartments noting it was unlike the rest of the neighborhood. She said they agreed to put in Chinese Pistache trees but after talking with an arborist she now wants at least two different kinds of trees. She also expressed concern about having enough soil to plant the trees. She would rather see single-family homes in that area and does not want people to be able to see into her property.

Andrew Mellen, Maverick Engineering, reported there are apartments that face her property, but the building is set back 50 feet and with the wall and trees there should not be a line of site.

Sharon Humphreys, 4504 Princeton, asked what the number on the bottom of the map meant. She was told it said 47 feet 7 inches which is the distance to the property line. Mr. Lynch clarified that the line had been moved back three feet and the building is 50 feet from the property line. Ms. Humphreys clarified that even at 50 feet away you could still see into her property.

Development Services Director Chuck Harrington reported they can only govern to a 50-foot setback noting at some point it is too far to see.

Council Member Lacy asked how tall the trees were. Mr. Lynch reported they suggested Chinese Pistache because they are fast growing trees. They have no problem planting oak trees, but they grow at a much slower rate and will not reach their desired height as quickly. He measured off of Google and found the nearest house that was second story to her back yard is 220 feet which is a considerable distance. Once the trees grow you should not be able to see into the yard at all. They agreed to place the trees 30 feet apart because the Chinese Pistache grows 30 feet tall and 30 feet wide.

There being no one else wishing to speak, the public hearing was closed at 11:27 a.m.

(Agenda Item 63 was voted on.)

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9834 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

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

Council Member Lacy moved to reappoint Wesley Bownds to the **Midland Development Corporation** and appoint E.J. Baldrige to replace Greg Maes on the **Midland-Odessa Urban Transit District Board**; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Love.

PUBLIC COMMENT

66. 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.)

Jeffery Burch, 1700 Harvard, is with M&M Disposal in Stanton. They are a solid waste company similar to City of Midland. They have issues with bottlenecks at the landfill. He suggested having two offloading areas, one for oil field and one for other trucks like his.

Sharon Humphreys, 4504 Princeton, expressed concern for traffic issues and suggested painting a dot or stripe in the intersection so people know whether or not they can make it through before the light turns red.

All the business at hand having been completed, the meeting adjourned at 11:35 a.m.

PASSED AND APPROVED the 23rd day of October 2018.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary