

**MIDLAND CITY COUNCIL
MINUTES
January 12, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on January 12, 2016.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Interim Director of Airports Justine Ruff, Planning Division Manager Bob Baronti, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., January 12, 2016.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

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

PRESENTATIONS

Mayor to crime stoppers

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Crime Stoppers Month.

PUBLIC COMMENT

Willie Barber 1305 Chestnut

taxi and drive for bond skeptic I until he did talk for good job on bond and in support next generation. how well state doing, Mike Conroy Europe. Niles get

oil from us people not leaving middle and, in support of bond. includes quality of life issues.

James Ford I, 4700 Boulder,

swimming in morning in public park for sunset hotel will it be more or less. Mayor don't know specific waiting for review of plan. if confirmed based on money. Dufford adding 225 spots next to Hilton

Demo is on schedule. Contact the group &

Robnett Chief & Lonzo he did bow & arrow stolen commend recovered

4. Receive public comments where individuals may address the City Council on City related issues and projects. 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.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 5 - 20 excluding 6, 14, 15; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of December 15, 2015.
7. Approved a resolution approving the purchase of forty (40) Bunker Coats and forty (40)

Bunker Pants from Dooley Tackaberry, Inc. through Buyboard contract 432-13 for a total cost of \$80,880.00 for the Fire Department. (PURCHASING)

RESOLUTION NO. 2016 - 002

RESOLUTION APPROVING THE PURCHASE OF FORTY (40) BUNKER COATS AND FORTY (40) BUNKER PANTS FOR THE FIRE DEPARTMENT FROM DOOLEY TACKABERRY, INCORPORATED, THROUGH BUYBOARD AT A TOTAL COST OF \$80,880.00

8. Approved a resolution approving the purchase of one (1) RA-400 Spray Patcher from Bee Equipment Sales, Ltd through Buyboard contract 424-13 for a total cost of \$195,018.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 003

RESOLUTION APPROVING THE PURCHASE OF ONE (1) ROSCO RA-400 SPRAY PATCHER FOR THE GARAGE DIVISION FROM BEE EQUIPMENT SALES, LIMITED, THROUGH BUYBOARD AT A TOTAL COST OF \$195,018.00

9. Approved a resolution approving the purchase of one (1) Bomag BW-27RH Pneumatic Roller from Anderson Machinery through Buyboard contract 424-13 for a total cost of \$131,839.50 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 004

RESOLUTION APPROVING THE PURCHASE OF ONE (1) BOMAG BW-27RH PNEUMATIC ROLLER FOR THE GARAGE DIVISION FROM ANDERSON MACHINERY COMPANY THROUGH BUYBOARD AT A TOTAL COST OF \$131,839.50

10. Approved a resolution authorizing a contract for the Edgewood Booster Station Rehabilitation East and West Ground Storage Tanks project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 005

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DN TANKS, INCORPORATED, AT A TOTAL COST OF \$1,368,625.00, FOR THE EDGEWOOD BOOSTER STATION REHABILITATION EAST AND WEST GROUND STORAGE TANKS PROJECT FOR THE UTILITIES DEPARTMENT

11. Approved a resolution for on-call engineering services for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 006

RESOLUTION APPROVING THE SELECTION OF PARKHILL, SMITH & COOPER, INCORPORATED, CDM SMITH, INCORPORATED, HDR ENGINEERING, INCORPORATED, ENPROTEC/HIBBS & TODD, INCORPORATED, AND BURGESS & NIPLE, INCORPORATED, AS RESPECTIVE FIRST CHOICES FOR PERFORMANCE OF ON-CALL ENGINEERING SUPPORT SERVICES FOR THE UTILITIES DEPARTMENT OVER THE NEXT FIVE (5) YEARS; AND PROVIDING THAT ANY

AGREEMENT EXCEEDING \$50,000 SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

12. Approved a resolution authorizing a contract for the purchase and installation of playground equipment and artificial turf surfacing for the Midland United Girls Softball Association (MUGS) with Playgrounds, Etc. through Buyboard contract 423-13 for \$56,849.00 for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 007

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AND ARTIFICIAL TURF SURFACING FOR THE MIDLAND UNITED GIRLS SOFTBALL ASSOCIATION (MUGS) WITH PLAYGROUNDS ETC, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$56,849.00

13. Approved a resolution authorizing the advertisement for Request for Qualifications for Professional Engineering and Architectural Services regarding future Capital Improvement Plan (CIP) projects that may be constructed at Midland International Air & Space Port or Midland Airpark Airport. (AIRPORTS)

RESOLUTION NO. 2016 - 008

RESOLUTION APPROVING A REQUEST FOR QUALIFICATIONS AND AUTHORIZING THE CITY MANAGER TO ACCEPT STATEMENTS OF QUALIFICATIONS FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES REGARDING FUTURE CAPITAL IMPROVEMENT PLAN PROJECTS THAT MAY BE CONSTRUCTED AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT AND/OR MIDLAND AIRPARK

16. Approved a resolution approving amendments to the agreements (ED, Sublease, and Standard Form of Agreement) between the Midland Development Corporation and XCOR Aerospace, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 011

RESOLUTION APPROVING A SECOND AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND XCOR AEROSPACE, INC.; APPROVING AN AMENDMENT TO THE SUBLEASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND XCOR AEROSPACE, INC.; AND APPROVING AN AMENDMENT TO THE STANDARD FORM OF AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION, XCOR AEROSPACE, INC., AND N.C. STURGEON, LP

17. Approved a resolution authorizing the City Manager to negotiate and execute a Public Improvement Development Agreement with DDC Merritt Leisure, Ltd., under which the City will contribute one half and developer will contribute one half of the costs of Streets, curb and gutter, sidewalks, and traffic control improvements located in and along Beal Parkway and Leisure Drive; and providing that this resolution supersedes Resolution Numbers 2014-072 and 2015-034. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE CITY OF MIDLAND (THE "CITY"), A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH DDC MERRITT LEISURE, LTD. ("DEVELOPER") UNDER WHICH THE CITY WILL CONTRIBUTE ONE HALF AND DEVELOPER WILL CONTRIBUTE ONE HALF OF THE COSTS OF STREETS, CURBS, GUTTERS, SIDEWALKS, AND TRAFFIC CONTROLS LOCATED IN AND ADJACENT TO THOSE PORTIONS OF BEAL PARKWAY AND LEISURE DRIVE THAT ARE ADJACENT TO LOTS 1 AND 2, BLOCK 162, AND THE SOUTH 378 FEET OF LOT 1R, BLOCK 163, WILSHIRE PARK ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS; PROVIDING THAT THIS RESOLUTION SUPERSEDES AND RESCINDS RESOLUTION NOS. 2014-072 AND 2015-034; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE

18. Approved a resolution approving a Right-of-Way License Agreement with Sprint Communications Company L.P., for the purpose of maintaining and operating a fiber optic cable system to provide long distance service within the City of Midland located in Block 38, Section 42, T-1-S and Block 39, Section 25, T-1-S. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 013

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SPRINT COMMUNICATIONS COMPANY, LIMITED PARTNERSHIP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 42, BLOCK 38, TOWNSHIP 1 SOUTH, AND SECTION 25, BLOCK 39, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF MAINTAINING AND OPERATING A FIBER OPTIC CABLE SYSTEM

19. Approved a motion on request by Newton Engineering, PC to defer public improvements for Desert Winds, and to waive the corresponding financial security guarantee valued at \$638,134, an amount equal to the estimated cost of construction. The subject property is generally located approximately 14,780 feet south of the City of Midland corporate limits, on the south side of West County Road 140 approximately 2,200 feet west of the intersection with South County Road 1210, in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
20. Approved a motion on request by Engineering Services to renew for one year the existing blanket deferral for wastewater collection and paving improvements to serve Country Sky Addition, and to waive the corresponding financial security guarantee. The subject property is generally located on the south side of Briarwood Avenue, between Roadrunner Trail and Tumbleweed Trail, in the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
6. Approved a resolution awarding a contract for the Scharbauer Sports Complex Improvements Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 001

RESOLUTION AWARDING A CONTRACT FOR THE SCHARBAUER SPORTS

COMPLEX IMPROVEMENTS PROJECT TO MID-TEX OF MIDLAND, INCORPORATED, IN THE AMOUNT OF \$2,100,000.00; AND APPROVING \$260,056.00 FOR CONTINGENCIES

Council Member Dufford moved to adopt Resolution No. 2016 - 001 with amendment of installing turf on all four fields and reducing contingency to \$50,000; seconded by Council Member Lacy.

Dufford pulled, staff recommended to keep under budget and two sports fields that wanted to put turf on rec to put sod on because guessed wrong on number. Guessed that do it right out there. After pay off sports complex will have 12M that will go to unappropriated fund balance. At end of day at looking at having to put water on a couple of fields and extra maintenance cost, if talk to his football coach think sports complex deserves something nice and since have 12M left in 4B that go to unappropriated fund balance rec that turf fields and spent extra 725,000 to do that. Lacy agree.

Morales 4b cannot be used outside of sports complex. Lacy reduce contingency. Dufford overage \$725,000. Plan to come back next meeting need less if going with for turf need more money next meeting. Lacy shouldn't be too many unknowns approving today construction amount to start work. Do it right do all four fields. Mayor how many players in GMFL? Sparks think will be requesting the turf more often because it is needed will be used more than that have inside stadium. Dufford right don't have enough football fields now turning down 150 kids a year. requesting more football, soccer and baseball fields infrastructure. Tina right now practice is going on when talk replacement if have facilities outside complex.

Kyle Huckabee 2510 Regency Oaks, pt gmfl, involved in league 19 pt for 17, appreciate comments very true. involved 275 kids moved through gracious work of city to behind lowes at russel park and 325 kids, this year 830 kids that's 105 over last year and primarily younger kids. Still had to turn kids away. Reason for four fields is numerous to allow kids to play and allow them to participate on teams that don't have 38 kids. part of reason would like to go with 4 turf fields is safety. Out of 830 kids had 3 reportable insurance claims, two broken wrist and bent elbow. Last year in drought had 22 reportable accidents several concussion. Difference last year a lot of rain well saturated fields. Current field saw used all but 90 days of the year and you can't grow grass that way. If get two sod fields would immediately begin to try to get them turf.

This will also be used for soccer, lacrosse and other sports 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 extension and amendment of a Professional Services Agreement with Luck Design Team, LLC, to perform engineering and architectural design services in accordance with the City of Midland Parks, Recreation, and Open Space Master Plan. (COMMUNITY SERVICES)

RESOLUTION NO. 2016 - 009

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH LUCK DESIGN TEAM, LLC, TO PERFORM ENGINEERING AND ARCHITECTURAL DESIGN SERVICES IN

ACCORDANCE WITH THE CITY OF MIDLAND PARKS, RECREATION, AND OPEN SPACE MASTER PLAN AT A TOTAL COST OF \$39,500.00; AND APPROPRIATING FUNDS

Council Member Dufford moved to adopt Resolution No. 2016 - 009; seconded by Council Member Lacy.

Love pulled for historical not attending resolution to provide design services scheduled to be completed 12/31 due to higher priority to Scarbauer sports field complex heard reason why need to have more football fields but when was Hogan Park shelves and when was set of higher priority of what Council voted on previous. Laurie Luck provided both but sports complex higher priority and conceptual design so urgency not there to get built it was just possibility. sports complex actual project. Hogan was a conceptual plan. Love staff or previous board? Laurie 4b and previous. Lacy reason football fields priority was time limit for football fields to be played on in September. This plan on Luck design was getting conceptual design of adding to parks master plan. Airpark no longer in place but moved to Hogan Park. Once conceptual done and decision have to pay for design and move in that direction. Love were they mutually exclusive couldn't do both at same time. Laurie his firm very small and sports complex took more time. Laurie ready to go on Hogan Park and this is to look at additional plans and look at Reyes Mashburn in addition to Hogan.

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

15. Approved a resolution for an Agreement with UTPB for Aerospace Engineering Program. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 010

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN ("UTPB"), AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Lacy moved to adopt Resolution No. 2016 - 010; seconded by Council Member Love.

Lacy pulled to recognize UTPB yet another great example of UTPB working with community will be working with spaceport in new industry. great partnership. proud alumni and Love too!

David Watts PT utpb, appreciate former comments looking for additional field and will be playing one of games next fall in Midland go falcons. Greatful to Council for support of university and quick report on Engineering. without com support engineering probably would not exist at utpb. today over 6100 students and 1 in 10 engineering students. Proposing to add aerospace engineering to existing mech eng program and confident will be able to bring high quality faculty to program and with city's support will be able to bring exceptional high quality program. Acknowledged other faculty from utpb.

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

SECOND READINGS

21. Consider an ordinance on second reading on a request by Hilton Garden Inn for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on Lot 8, Block 2, Westridge Park Addition, Section 20, City and County of Midland, Texas. (Generally located northwest of the intersection of Deauville Boulevard and N. Loop 250 West.) (DEVELOPMENT SERVICES) (First reading held December 15, 2015.)

ORDINANCE NO. 9515

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND NORTH LOOP 250 WEST), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9515.

Council Member Love moved to approve the second and final reading of Ordinance No. 9515 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

22. Hold a public hearing and consider an ordinance on a request by Manohar L. Gurru for the vacation of the 0.12-acre portion of the alley right-of-way located in Block 5, Gardens Addition, City and County of Midland, Texas (Generally located on the east side of Andrews Highway, approximately 330-feet north of Louisiana Avenue.) (DEVELOPMENT SERVICES) (First reading held December 15, 2015.)

ORDINANCE NO. 9516

AN ORDINANCE VACATING AND ABANDONING A 0.12-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 5, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 330 FEET NORTH OF WEST LOUISIANA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$20,720.00; RETAINING A GENERAL UTILITY AND ACCESS EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9516.

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

9516 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

23. Consider an ordinance on second reading on a request by Michael Harris for a Special Exception to the zoning code, permitting, in a AE, Agriculture-Estate District, a fence up to eight feet in height above natural grade within the front yard setback providing for the fence material above three feet to be designed with a minimum of zero (0) percent openness, as measured from a point perpendicular to the fence from the adjacent street, on Lot 6, Block 2, northwestern Addition, Section 15, City and County of Midland, Texas (Generally located on the south side of Mockingbird Lane, approximately 230-feet east of North Midland Drive.) (DEVELOPMENT SERVICES) (First reading held December 15, 2015.)

ORDINANCE NO. 9517

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 6, BLOCK 2, NORTHWESTERN ADDITION, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 230 FEET EAST OF NORTH MIDLAND DRIVE), BY PERMITTING A REDUCED OPENNESS OF A FENCE WITHIN THE FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9517.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9517 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

Love comment didn't think was needed change vote in support.

24. Consider an ordinance on second reading on a request by Haskell Restaurant Group, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,583-square foot portion of Lot 15F, Block 40, Fairmont Park Addition, Section 40, City and County of Midland, Texas. (Generally located on the north side of West Wadley Avenue, approximately 250-feet west of Sagemont Drive.) (DEVELOPMENT SERVICES) (First reading held December 15, 2015.)

ORDINANCE NO. 9518

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,583-SQUARE FOOT PORTION OF LOT 15F, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 40, CITY AND COUNTY OF

MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 250 FEET WEST OF SAGEMONT DRIVE), 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 SueAnn Lopez read the caption of Ordinance No. 9518.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9518 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

25. Consider an ordinance on second reading amending the budget for Fiscal Year 2015 Yearend Budget Amendment. (FINANCE) (First reading held December 15, 2015.)

ORDINANCE NO. 9519

AN ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2014-2015 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9519.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9519 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, Robnett. NAY: None. ABSTAIN: None. ABSENT: Lacy.

PUBLIC HEARINGS

26. Hold a public hearing and consider an ordinance on a request by HEB for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas. (Generally located southwest of the intersection of Andrews Highway and North Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9520

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ANDREWS HIGHWAY AND NORTH LOOP 250 WEST), 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 SueAnn Lopez read the caption of Ordinance No. 9520.

Development Services Director Chuck Harrington gave a brief overview of the item noting request by HEB at Loop 250 and Andrews. rest located within HEB and ability to serve alcoholic beverage no outside access to site. requesting max seating 140 people and hours sun-sat 11 to 11. p7z rec approval and staff supports that action.

Mayor how keep alco from flowing into actual store. Chuck let them explain.

Mayor Morales opened the public hearing at 10:43 a.m.

Garret Stutter 5610 Dunbarton Blvd, store director? answer question do not allow alco purch inside store in restaurant, and no alcohol can be taken out of restrant much be consumed in dining room. per tabc law. There will be a rail outside building fenced off on patio area. all partners trained aware of tabc reg and laws. if customer bring in shopping basket they would not be allowed with shopping basket. Garrett two points off entry can enter and exist area with pillars used as barrier. Dufford like any restaunt would Robnett mgmt partners will stop from going into store with alcohol.

Feb 26 open date.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9520 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.

27. Hold a public hearing and consider a request by Midland DTP, LLC for a zone change from PD, Planned District for a Shopping Center, in part, and LR-2, Local Retail District, in part, to LR-1, Local Retail District, on Lot 18B, Block 109, Wilshire Park Addition, Section 17, City and County of Midland, Texas. (Generally located north of the intersection of Thomason Drive and West Illinois Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9521

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 18B, BLOCK 109, WILSHIRE PARK ADDITION, SECTION 17, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, IN PART, AND LR-2, LOCAL RETAIL

DISTRICT, IN PART, TO BE USED AS AN LR-1, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTH OF THE INTERSECTION OF THOMASON DRIVE AND WEST ILLINOIS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9521.

Development Services Director Chuck Harrington gave a brief overview of the item noting new storepd est 1999 and current applicant cannot work within that and wish to go to lr1. this use is consistent with lr1 and is comp plan calls for retail uses along arterial roads. staff rec approval and p7z rec approval. no objections.

Lacy question about curb cuts reviewed and and good. Mike Pacelli cub cut clear of int.

Mayor MOrales opened the public hearing at 10:50 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9521 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

28. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A3 #5H) located 280 feet from the north line and 335 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately 1 mile north of Briarwood Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Lacy abstain 28 through 31

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting last month had wells near Callong. reviewed by o87g corrections made. req 3 var for landscape, 12 month, irrigation and 24 hour frac. Does go to new proposed tank battery met with fire marshall good to go there too.

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.

29. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A4 #6H) located 250 feet from the north line and 335 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of

Briarwood Avenue.) This is a public hearing only. No further action will be taken.
(DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same story sharing same pad, 1st time closest house in vicinity 782 feet in county over 200p to city.

Mayor Morales opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

30. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #9SH) located 577 feet from the north line and 2,560 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,224 feet west of Golden Gate Drive. -District 4) This is a public hearing only. No further action will be taken.
(DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting another two wells on east side of property west of golden gate been to o7g took care of correction. no objections closest house is to 782 feet away same new tank battery, 3 variances landscape and irrigation, 24 hour frac

Mayor Morales opened the public hearing at 10:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

31. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #16AH) located 577 feet from the north line and 2,520 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,184 feet west of Golden Gate Drive.) This is a public hearing only. No further action will be taken.
(DEVELOPMENT SERVICES)

O&G compliance Officer Ron Jenkins gave a brief overview of the item noting second well on second pad and clarification houses within city limits 1500 west 1600 to south. same variances.

Mayor Morales opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

32. Hold a public hearing regarding a proposed Oil and Gas Permit to XTO Energy Inc. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Robbie 2421SH) located 752 feet from the west line and 255 feet from the north line located in Section 24, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 595 feet west of Avalon Drive and 272 feet from South Mockingbird Lane extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

O&G Ron Jenkins gave a brief overview of the item noting o7g reviewed and approved. variance for landscaping in lieu of landscaping make \$10,000 donation to com parks and rec endowment. Lacy how louse to house. Ron commercial buildings directly to west nearest house approx 1000 to northwest. well to west and that one has trees around it this well is to east of that location. Lacy would like to look at before voting on. Ron will get landscape info on other well. Sparks there isn't south mocking bird lane ext it is south of ext.

Ron var 24 hour frac and offering to be sound blankets on sides. Do those notice go out staing variance. Ron no. Lacy can't restrict hours of frac.

Mayor Morales oph first 24 hour fracing with horizontal wells can't stop shut down have to allow to be coninuous process. Ron ord set up for vertical wells. Ron offering ot put sound blankets on sides towards residents. Ron in pst whenever needed .

Mayor Morales opened the public hearing at 11:00 a.m.

Andy Torres 6413 conco address about 600 feet from well. Not opposed but concern primarily with oil field traffic unless some sort of enforcement that go up lease roads only to force go on lease roads only . Lacy gave his business card and will have a dialogue valid concerns and will talk with him. Other is dont' want home to be devalued. Love grab laswer point and indicate where his house is.

Ron as far as road accessing from Briarwood will come straight into listen 11:03 a.m. Sparks restricted on entrance and exit.

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

33. Hold a public hearing and consider an ordinance on a request by Tejas Avenue, LLC for the vacation of a 0.05-acre portion of N. Pecos Street, located adjacent to Lots 1 and 2, Block 59, Original Town Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of West Texas Avenue and North Pecos Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9522

AN ORDINANCE VACATING AND ABANDONING A 0.05-ACRE PORTION OF NORTH PECOS STREET RIGHT-OF-WAY ADJACENT TO LOTS 1 AND 2, BLOCK 59, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,000.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9522.

Development Services Director Chuck Harrington gave a brief overview of the item noting seeking to vacate portion of Pecos Street. Franchise util co paproved requeust but staff are concerned about their request proposing to take in existing street parking and increase other issues there and think created dangerous precedent downtown from individual devleopment. Indicaated to applicant willing to look at other options but street

parking itself staff is in position to not approve. Think far better idea to just do away with that portion of Pecos. Received one lot. Sparks this vacation would narrow Pecos. Dufford it actually is cut in for parking along there the street never gets touched it allows 10 feet of parking to go in there. Dufford taking an old crappy building and improving the space and they need extra parking for their employees think staff maybe 4 owners that are affected by Pecos and better solution to see if all four owners vacate all of Pecos.

Dufford would like to pursue seeing if four owners would like to purchase and give all extra parking and pedestrian. Hotchkiss can defer and ask to come back with another plan? Sparks kind of hard to justify as talk about need more parking downtown City putting money into parking downtown but willing to well someone already have downtown. Know where coming from. Dufford look at from different perspective because way street is cut and spending lots of money to rehab building. If spending money and going on tax rolls. configured different there than anywhere else. Could be all four property owners in front of Pecos would want to make into Pedestrian walkway and take off city to maintain. Miek parking acquisition co that owns all parking lots south of building. on east side is Arrington wnb east quadrant. and parking company is ERP. John one option is to hold public hearing today and Council can make call if want to have first reading and have option after holding public hearing can defer vote on first reading and ask them to get together and bring another option.

Mayor Morales opened the public hearing at 11:12 a.m.

Ben Sanchez, Schuman Engineering 408 N. Pecos, Applicant seeking to use parking there already as private parking. Here on map on previous GIS map there was a vacation of 10 feet in 2007 to accommodate parking across street row through Pecos. Previously set precedent for accommodating private parking. As far as deferring and getting everybody together would have to discuss with applicant.

received easement to south of property, they basically incorporate same easement for their surface lot parking. Their jogs in and they already seem parking easement and would like to have same process. Would have 10-15 people in building and will house about 3 parking spaces if don't have. Since renovating no place to house. Only business around that public parking. Forst has every lot behind them and Arrington across street. Just asking council to give same easement that ERP is using. White shirt white pants.

Robert Rendall 6 Desta Drive, here on behalf of Arrington which owns parking lot across street. Originally had concerns it looked like part of Pecos would be closed. After determining area was behind normally would be curb don't have concern as long as street not closed. Client working with other 3 parties in closing that street which would create more parking. Contrary to initial discussions willing to work with what City decides.

Who is Judy Rice property manager at Frost and Faskin.

Property Owner and Tray Walker John Owen?? 3705?? history of improving downtown improved 3 old structure across from bofa property created a lot of downtown parking. In this case this will be new home sold bofa property to ERP. Literally taking public parking and making them private can see same cars in same spot every day.

NOT as if paying. The easement the street actually is a certain width and carved out in front of building they actually have same easement inside parking lot and get to charge for it every month. While working with city to close street, it benefits everybody. Goal is to approve this today and come back later on for other matter. Need help today from City on this. Plan to be in late March or early April. Not giving it to use paying \$8,000 for it. would like to eliminate street parking and build covered parking but extend parking lot back to east so no street parking. Seek blessing.

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

Council Member Love moved approval of the first of two readings of Ordinance No. 9522 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Spencer only one seen to City Council have turned away. Discussions hotel santa rita and private parking on street. Generaloly not in support would like to see a better package and potentially closing the street. Dufford for his precedent setting and here for Frost bank for exact same thing. Morales always improving sidewalks don't think corner big impact in downtown if approve today can have discussion. Lacy this is just first reading and give more time in next two weeks to check it out. If same opportunity afforded across street precedent set on that street. Only reason different to him then on Wall Street is fact that this cut out exists and its not part of street not impeding traffic and sidewalk is staying there. Love concern about potential precedent even though one there but very fact that is a cut out makes a huge difference.

Robnett. ask one more question \$5 invest in downtown in addition to this building or included. in addition. Dufford between first reeading and second want discussion with folks affected by possibly lcosing down Pecos and add additional free parking.

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 Osaka Japanese Steakhouse for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 5A, Block 3, Westridge Park Addition, Section 14, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 160-feet north of Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9523

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 5A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 160 FEET NORTH OF DEAUVILLE BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, 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 SueAnn Lopez read the caption of Ordinance No. 9523.

Chuck Harrington gave a brief overview of the item noting Osaka Japanese Steakhouse proposing to include patio area and want to amend sup rest `10213 feet and max oc 280. prop hours sun sat 11 to 2 a.m. no loj and p7z rec approval. Lacy is it customerary to give rest 2 a.m.? Chuck out of ordinary.

Mayor MOrales opened the public hearing at 11:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9523 in accordance with the Charter of the City of Midland amend to change serving time to 12 midnight; seconded by Council Member Hotchkiss.

Sparks current time? until 10:00j jp.m.

Sparks do think are going to be setting precedent for restaurants going to midnight. Morales if rented patio and wanted to stay beyond oeprating time that would be disadvantage. Sparks would have liked to hear form applicant on what is their idea. haven't though of private party standpoint. Morales bet midnight is sufficient for this group. If she gets wind and doesn't like it she will come back.

Julian Rubio 2102 Rico owner of Sedona grill agree with Jerry have aptio area and restaraunt will stay open until midnight and actually if asking for 2 a.m. cannot do that to restaraunt cannot do that to restaraunt because restaraunt someitmes do have customers actually what Jerry said restaraunts should have right. Lacy also have right

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

35. Hold a public hearing and consider an ordinance on a request by Sedona Grill for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on 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.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9524

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 SueAnn Lopez read the caption of Ordinance No. 9524.

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Sedona Grill for SUP initial SUP came up for renewal in August and had a number of issues out there including noise and other police offenses that had occurred. Since that point in time Julian worked with them trying to solve issues and talked with Police Chief in last 3 months had 6 incidents none included noise addressed that issue. Applicant seeking to operate as a restaurant wants to go to 60 percent requirement. Because have worked with staff staff rec approval p7z rec approval and had amendment that excluded live performers. Did have 3 residences that voiced objection. received 2 loj in packet. Lacy on permanent structure of canopy be fire sprinkled. Harrington number of issues there Mr. Lacy put up going to be taken down on occasion trying to work through that part. Robnett awning constructed originally without a permit? Harrington believe so. lacy it was because taken down when staff alerted.

Price Robinson on after last meeting on Sept 17 Mr Rubio came to PD and talked about issues going on in the club, noise complaints. Going to try to turn speakers inward from street and amend sup. Told Mr. Rubio look at call volume in 90 days. on Dec 17 looked at calls and only 3 none of which included loud music. It definitely improved. Vandalism to vehicle, 2 disturbances. Lacy fatality in parking lot back into the day? Police several years ago. what was case? Love personal altercation between two individuals over another individual. Morales want to change business model from nightclub back to a restaurant.

Mayor Morales opened the public hearing at 11:39 a.m.

Julian Rubio 2102 Rico Place, member of Marine Corp 1977-1981 moved to Midland and made since that time. As far as working with Chuck and Price Robinson very resourceful informative and in light of situation since had boom and third boom. Was unaware of any incidents 2101 is a big address. If somebody gets pulled over in front of his restaurant and some may not go as far as disturbances related to the restaurant. Fatality was an issue between his location and Jumburitto one ran over the other person. Noise have not had a complaint since August of 2014 and that's been a year and a half and had four complaints that would of been four complaints in time and one was 4 in the morning so could have been a car parked outside. As far as DJ usually have radio station out there with bands that was talking about no dj on patio and no live bands. Never received citation for being loud. DJ booth will remain inside. Reducing hours from 2 a.m. on fri and sat to 1 a.m. Keep grill open until midnight and looking at attracting type of crowd. Last call 12:45 a.m. If not that busy will close up. Lacy his restricted just to weekend. The difference is last item more specific targeted weekend times. Sun-thur midnight fri sat 1 a.m. Hotchkiss at p7z what saw there was a lot of people unhappy that came to speak and there was response decreased hours and reclassified as restaurant a60% food 40% in liquor. TABC will need to check on that. Think reason we don't see people here is comfortable with what p7z suggested and felt they have been heard. some of noise didn't directly get those complaints called directly to pd. Owned restaurant since 2007. Canopy issue on patio, that was put in 3-4 years

ago by Lone Star. Specifically enforcing on restaraunt when other restarants that open with A-2 with ahve over 100 people if do any kind of improvements to they can require fire sprinkler system. Canopy is fir resistant and have documents. Robnett construction done without permits. Love Lonestar failed to secure necessary permit. Morales there were some major concerns on noise and it needs to stop. Neighbors are your neighbors and deserve respect. if you can do best to bkeep music down, turn sepakers in and prevent loudness after 11 p.m. that would be respectful to neighbors. We want you to runb usiness Council respon to rep constitutents need level of noise reduced. Appreciate efforts taken to reduce calls. 60/40 mix is a good call and shows good faith. Get ouside noise level reduced.

Rubio ladies were here at p7z invited to come to see inside of restaraunt. Hotchkiss in her district she is contact any time you ahve question move to approval but put a review on 6 months.

There being no one else wishing to speak, the public hearing was closed at 11:51 a.m.

Council Member Hotchkiss moved approval of the first of two readings of Ordinance No. 9524 in accordance with the Charter of the City of Midland with amendment to put on six month review by Council only.; seconded by Council Member Lacy.

Robnett need to be more proactive in watching during terms of sup. lacy saw great example and hope trend continues if not deny sup altogether. Council doing good job of sendin emssage.

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

36. Hold a public hearing and consider an ordinance on a request by Graham Brothers Entertainment of Midland and Odessa, Inc. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a nightclub, on Lot 1, Block 2, Bankhead Addition, Section 2, City and County of Midland, Texas. (Generally located northwest of the intersection of South Midkiff Road and Bankhead Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9525

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 2, BANKHEAD ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH MIDKIFF ROAD AND BANKHEAD HIGHWAY), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A NIGHTCLUB FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9525.

Chuck Harrington gave a brief overview of the item noting request by Graham Brothers Entertainment on behalf of Club O Rita?? There were quite a number of incidents that need to be addressed. Since that point in time owners worked to solve issues and asked for him to report on status. Felt they have been working with staff to correct problems. would recommend approval p7z rec approval they put 6 month review on it .

Lacy why are askign 10-2 a.m. Harrington for sepcial parties ahve more understanding of that. Love its not in residential hotel across street. Morales loj in regarding to speaker vendor is it resolved? He's here. Lacy also issue with mobile food vendor illegal. Harrington now inc o0mpiance.

Mayor Morales opened the public hearing at 11:56 a.m.

Roger Gearhardt 2104 Indiana, appreciate consideration working with Chief and staff alot of problems didn't know he had until he got to planning. When got notices form Staff that compliant about noise called guy. Been in business for a very long time and want to do the right thing. Lacy aug 2014 2015 500 incidents. Loud music, narcotics, assault sdwi, liquor law violations. Lacy started working with Chief 24 month period is not a track record I would consider. Garhardt zero tolerance on narcotics turn it over ot police. When police see if can't get ride home rather wrestle for violate civil right and get police to get keys away but catch 22 to off duty Midland Police they have customer service and they protect public of Midland but that is wher eget laundry list. If ask police who work they think clean operation. Lacy what is underage policy? Garhardt put X on hand and have kicking out and sending out since got letter from staff hired an underecover person that has mgr txt number and walk through and look for minors who are drinking and get police involved. Appreciate steps taken to ensure not strain on . rec 6 month review period as well. Robnett how many nights a week do you go to establishment. Only open 3 days. thurs-Sat. Lacy have outdoor est in back. Garhardt haven't used in years.

There being no one else wishing to speak, the public hearing was closed at 12:01 p.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9525 in accordance with the Charter of the City of Midland with amendment requiring minimum of two peace officers Thursday through Saturday and a six month review period by Council; seconded by Council Member Love.

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

37. Hold a public hearing and consider an ordinance on a request by Jia Lin for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,725-square foot portion of Lot 6C, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas. (Generally located on the west side of North Loop 250 West, approximately 550-feet north of Deauville Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9526

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,725-SQUARE FOOT PORTION LOT 6C, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND,

TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 550 FEET NORTH OF DEAUVILLE BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, 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 SueAnn Lopez read the caption of Ordinance No. 9526.

Chuck Harrington gave a brief overview of the item noting Asian Fusion Restaurant porpposal alco for rest only 11 a.m. to 9:30 m-0th 90109 fri sat 11-9 sun. 3725 sq ft 2725 serviceable 181 seats. p7z rec approval and staff concur.

Mayor MOrales opened the public hearing at 12:03 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9526 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.

38. Hold a public hearing and consider an ordinance on a request by Chris White for a Special Exception to the Zoning Code concerning the side yard setback requirements on Lot 4, Block 5, Green Hill Terrace, City and County of Midland, Texas. (Generally located on the south side of Tanforan Avenue, approximately 110-feet west of Saratoga Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9527

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 4, BLOCK 5, GREEN HILL TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF TANFORAN AVENUE, APPROXIMATELY 110 FEET WEST OF SARATOGA DRIVE), BY PERMITTING A REDUCED SIDE YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9527.

Chuck Harrington gave a brief overview of the item noting special exception annexed into city as AE while most of structures were built along 1F2 stnadards. Applicant seeking to add addition to home that doesn't create any more then what already in that area maintaining setback of existing structure. Its not a situaiton he created on his own

and staff supports this request. Lacy when built? 1959 this is grandfathered in greenbelt.

Mayor Morales opened the public hearing at 12:06 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 9527 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.

39. Hold a public hearing and consider an ordinance on a request by Regal Licensing, LLC / Hollywood Theaters for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Movie Theater, on Lot 3, Block 45, Fairmont Park Addition, Section 13, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North, approximately 750-feet west of Henry Koontz Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9528

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 45, FAIRMONT PARK ADDITION, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 750 FEET WEST OF HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A MOVIE THEATER FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9528.

Development Services Director Chuck Harrington gave a brief overview of the item noting Hollywood for sale of alcoholic beverage 4915 W Loop 250 the proposal is not first time seen tyep of request had one for Cyndergy. this one came in asking for hours from 10 a.m. to 2 a.m. and 12 to 2 on sundays. by comparison cyndergy 10 2 all days. total area 45342 sq feet lobbies halls and theatre. No church or school within 300 feet no objections. Love how can if this granted how can the applicant or City make sure that people aren't taken alcoholic beverages out back door? Chuck not familiar with theatre assume operational mgmt condition. Can be out there and catch someone doing that. Their operations say won't get past this point and assume they would monitor that. Does cynergy have that can go out in similar way. Lacy does this est serve food? Sharla it said snacks. Synergy is a dinner theatre substantil food hamburgers pizza. Bars serve snacks also Love. Hotchkiss don't think we need to be consistent. So few plaes children can go and not have alcohol. Would rather have a palce where children can go and not alcohol be portion of that experience. Have

aversion to alcohol in this circumstance.

Mayor Morales opened the public hearing at 12:12 p.m.

Tommy Hale 5112 Anetta, pastor calvary msionary church? questions? live across from Cynnergy taht is grave concern 12:13 p.m. movie theatres conceal or open and the sale of alcohol absolutely against it. Love point of order last time minister hale was here for open session ehw as in a very life threatening car wreck at that time I had mentionw eneed ed to acknowledge what happened tohim glad to see him standing here. On way to work gentleman 67 a.m. came across median hit head on man who was once in wheel chair hosp 62 days crossed over but god had other plans. challenge all of you all gospel seek ye first kingdom of god and all else will be added to thee. Ask God for direction and he will lead you. 8 titanium rods in him. Have a lot of sensive issues of alcohol because of what happened. If don't know need ot find out quickly.

Lacy can't carry inside bar has to post. Tommy Hall also put private security or com police in grave danger as well.

There being no one else wishing to speak, the public hearing was closed at 12:18 p.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9528 in accordance with the Charter of the City of Midland with amendment to change hours sun - sat serving hours from 12 noon to 2 a.m.; seconded by Council Member Robnett.

Dufford it can happen anywhere to any restaraunt or anywhere. Sparks from his standpoint expect that those who have license woujld e responsible more likely to ahve that case when unlicensed to carry. Appreciate what Council Hotchkiss had ot say have place where not have alcohol . Robnett while understand those comments its arbitrary every sup review should have that same consideration. Sparks difference in snacks and alcohol moview theatre is known for having more kids that club ariba. Robnett nice parks system that is alcohol free. Love hat eto dneý busienss legla right to conduct business what if ask applicant to consider modifying hours less kids at 10 p.m. modify hours as alternative. Lacy amend to modify hours from 12 p.m. to 2 a.m.

In this circumstance area where poeple's children drop off and feel comfortable but alcohol different slant.

Morales rely on citizens and consituatent to give feedback and asked for community to weigh in. Robnett any complaints on Cynergy. Chief just Cynergy. is it required? How do they plan on keeping minors form ahving alcohol when there.

Love like to encourage staff to reach out to applicant to see if they take into consideration open carry and see what approving. Need defined clear plicy or plan. Robnett have to ask that question of every applicant. Dufford in light of whats happened other areas need to ahe a real policy with open carry.

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

MISCELLANEOUS

40. Approved a motion appealing the Building Official's denial of a sign permit application by Chevron, located on 6301 Deauville Boulevard, Midland, Texas. (DEVELOPMENT SERVICES)

Chuck Harrington Chevron appeal denial of sign permit 6103 JDeauville. Original applied 3 free standing signs over two frontages. Withdrawn request for extra free standing. now boils to 3x5 directions. directionals restricted to 4 sq ft. Talking about TxDot approve that size but this local street. See no issue in readability. Found no justification for it. Staff rec denial of permit. Lacy well within applicants property and mainly to better direct traffic on their property to the appropriate place. support granting because of commitment Chevron made to community. Can understand when become roadway applicant should have right well within own property its a large complex def support what trying to do. Dufford allowing sign. Sparks make sure going to right place when visit. Hotchkiss support staff comments have rules because have rules. Don't give exceptions because howmuch building costs. Do think traffic will be going slowly they can read as they come and support Chevron wholeheartedly but support staff. Robnett size and cost of building doesn't fall within new ord this sits outside and should be given special consideration.

Love development has changed our sign ordinance doesn't fit anymore. Need to address sign ordinance. Chuck been doing modifications. comp plan and zoning then can address.

Council Member Lacy moved to approve a motion appealing the Building Official's denial of a sign permit application by Chevron, located on 6301 Deauville Boulevard, Midland, Texas.; seconded by Council Member Dufford.

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

41. Consider an ordinance on request by Rangeland Energy for the vacation of an 10.7901 acre portion of a City Drainage Easement, generally located south of Business 20 and immediately west of County Road 1160; Block 38, T-1-S, Section 42. (ENGINEERING SERVICES)

ORDINANCE NO. 9529

AN ORDINANCE VACATING AND ABANDONING A 10.7901-ACRE PORTION OF A DRAINAGE EASEMENT LOCATED IN SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF COUNTY ROAD 1160, APPROXIMATELY ONE QUARTER MILE SOUTH OF BUSINESS INTERSTATE HIGHWAY 20); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$21,580.20; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9530.

___ Ryan Farmer gave a brief overview of the item noting in addition to previous easements own 15 vacate portion of track that falls outside of ?? 12:31 staff rec approval.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9529 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.

42. Consider an ordinance amending Title VIII, Chapter 6, Section 24 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9530

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION", CHAPTER 6, "GARBAGE, TRASH AND RUBBISH", SECTION 24, "CHARGES FOR DUMPING OR UNLOADING AT SANITARY LANDFILL OPERATED BY THE CITY OF MIDLAND", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO INCREASE THE RATES CHARGED FOR DUMPING OR UNLOADING AT THE SANITARY LANDFILL FACILITY OPERATED BY THE CITY OF MIDLAND AND TO ELIMINATE THE STATE PERMIT FEE OF ONE DOLLAR AND TWENTY-FIVE CENTS (\$1.25) PER TON; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF ONE THOUSAND DOLLARS (\$1,000.00); CONTAINING AN ESCALATION CLAUSE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9530.

Solid Waste Director Morris Williams gave a brief overview of the item noting clean up verbiage in ord wrap \$1.25 state fee put it all inclusive in our fee make cleaner as go into new system. Lacy not increasing cost. no.

Council Member Love moved approval of the first of two readings of Ordinance No. 9530 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. NAY: None. ABSTAIN: None. ABSENT: Robnett.

43. Discuss the possible issuance of certificates of obligation for the purpose of paying for the construction, improvement and acquisition of public works and equipment. The discussion may include the potential amount of the certificates of obligation as well as potential public works projects such as streets, drainage, park and recreational facilities, police facilities, and communication information technology improvements and equipment. Discussion only, no action will be taken.

Pam Simecka handing out updated sheets should have received 3 sheets one is list of projects and take form non appropriate fund balance. List of bond issuance did a quick list that got back went back and did the different projects funded under 12:36 that was information that had requested wanted to be sure all had same information for decision making process. As of yesterday bond rating got reaffirmed by Finch at AAA so taking a little pressure off of our fund balance. Currently about \$48 M but may open up some option of spending from fund balance vs debt. Love what amount of fund balance spend down to yet still maintain rating. Courtney comfortable between \$8-10M keep at 35% of

fund balance. As Pam said worth noting that did get reaffirm AAA rating even though our own economy which is way of saying City know what doing and have necessary controls to live in down economy. Pat self on back because anticipating rating to go down due to economic climate. Lacy with continued decrease in sales tax if sever our budgeted amount of \$39.9 M will need to be dipping into unap to make up shortfall. Courtney it will be staff cutting other capital areas. Look at closely have consultant that monitors everytimes sales tax comes around but as months go down and see trends will react accordingly. Goal to not have to dip into fund balance. Lacy next month will be next months numbers and March. If lower than anticipated good sign trend will continue and be mindful. Optimistic better than seem. Love where does funds from unapprop fund bal come from. Pam remaining funds get rev funds, exp out and that is the difference. Last few years more rev in that spent so extra flows down to bottom. As rev hold less money flowing down and unapprop fund balance will be less. Love majority taxes or result of previously owed capital proj that weren't spent. Pam very little money that comes back from Capital projects back to gf usually what budgeted is spent. Had exception on Tradewinds but exception. Sometimes see \$100,000 from series of projects but usually very little. Love referring to budget process and sales tax because of price oil might be dropping and I know that affects overall budget not on sales tax but on property tax; correct. Pam property tax is source of paying off debt. Love absence of max exodus or deterioration of property. Pam assessed valuation will hold but should see an increase due to big projects. Courtney projecting for 2017 and think 2018 will maintain. For next two budget years if continue to have downturn will see decrease 2 years from now. Lacy 1/3 of budget is sales tax only way to make up shortfall is raise sales tax. Lacy possible 3-4m SHORTFALL if don't hit projected sales tax numbers. Morales its all assumptions. Will interest rates hold? Pam in near future will see interest rates start to increase.

Morales have visited about possibility to apy with unappropriated. Dufford why do that? Sparks should if take a note only get 2/3 value if cost \$2M to build by done would cost \$3M. Lacy think Washington Pool needed but can be paid for by 4B. Love don't currently have it and either need to do in May or next May. Morales for purpose that 4B does pass this May could we then begin to remove money from 4b to pay for projects. Courtney \$12M lets say 4b goes away if repurp that can keep money in 4b account. Morales could use for Washington Park, Dufford how specific do we have to get on these projects? if don't fund washington park here it could move out two years or never get done. Dufford how specific or unspecific can use some of the money for washington park. Pam has to do notice of intent and have to notice by category such as p7r street. Courtney notices are generic so it would say road and improvements but do Mockingbird and have money left over can do another project. Want to make sure we don't get too specific and tie our hands.

Love going to comment on what Washington Park means to his district. This extremely important affect that neighborhood 3 ways. 1) increase property values around 2) a lot of vacant lots in area and encouraging free market to go in and build lots want to have home near wonderful rec facility 3) traffic generate will help businesses. In all scenarios com benefits increased property tax and potential increased sales tax. Dufford looking at project and trying to decide where pare back. Love if look at history actually got to a point that debt was high and dropped down in debt City staff very good about planning for capital projects. Morales pull dennis menace and neighborhood parks because confident 4b will pass. Sparks can say from what Pam given if absent 4b which was 35.9 million from 1991 to 2006 utilities everything avgs 7.54 m deb from 2007

to current avg 15.12 M per year of new debt as average. If you don't continue to grow can't cover. from 1991 to 2006 had 7.54 av debt. Mayor still behind in infrastructure and will never get ahead. Robnett can't issue inord amount of debt and can't be in issue to not issue balance of what talking about. Quick question can we take a single vote on each vote and final vote on CO its either youre in. Ohnemiller Council can vote on projects independently squared away as what majority of Council wanted to get on notice. Bond Council sensitive to process if don't sign off issue sfall s apart. A lien item vote might allow chance to.

Dufford thing is if look at percentage of tax base probably the same. Love solution is to find a happy medium between debt might potentially issue and what might be left in 4B unapprop fund balance. If can come up with way that might be where solution is. Courtney staff fully understand dilemma this list is probalby doubt that we cut back on. Only su much of tolerance level to issue debt. It would be difficult to rank 1-4 every dept is different. Could do again reluctant to dip in unapprop fund bal if comf with using R10M of unap an issue 22.400,000 use 10 M out of unap so issue would be 12.4 M and see what 4B issue and salex tax does. Dufford all tings can be paid different but go back to the issuance of this deb amount of want ot pull unap could use at later date and decided can pay for this way later it give flex to say even though had this in here from X. Morales prioritize whats needed with bond money. Love at reat spec talkeda bout quaility of life and making Midland a world class city. nervous about bottle necking of capitl projects and becoems fiscal nightmare. Lacy or on flip side and economy slows down more savings. Dufford issued debt in 2009 with uncertainty wouldn't have Fairgrounds, Briarwood. Love this is why have professional director she has done her job. Lacy if property val stay same would have to pay by rasiing taxes at 1.9cents. Pam if held expenses at same level would have to increase. Morales what is time for decision. Courtney tradiional notice in Decmeber becasue better rates but can issue any time. Mayor gie a little more time and get back Courtney on time. Love nervous last council though Washington park was going to be axed and feel better now. Dufford in conversation is it more important than other projects. Pam talking about making to issue bond it has to be pretty concrete as to where spend money if say \$2M on street drainage have to spend it on that. While have movement between proejects ins ame category cant move between categories.

44. Approved a motion appointing a Mayor Pro Tempore.

Council Member Love moved to apoint J.Ross Lacy as Mayor Pro Tempore; 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.

45. Approved a motion making appointments to various Boards and Commissions.

Mayor asked Council to bring all appointments next meeting.

EXECUTIVE SESSION

Recessed meeting ot executive session at 1:14 p.m.

46. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

a. Section 551.087 Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

All of the business at hand having been completed, the meeting adjourned at ____ p.m.

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary