MIDLAND CITY COUNCIL
MINUTES
January 24, 2017

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on January 24, 2017.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Interim Fire Chief Chip Balzer, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Sara Bustilloz.

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 10:00 a.m., January 24, 2017.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at __ a.m.

OPENING ITEMS

cto 10:01 a.m.

1. Invocation - Pastor Robert Pase, Grace Lutheran Church

2. Pledge of Allegiance

PRESENTATIONS

Love presented

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

   a. Presentation of a Proclamation to Downtown Midland Management District celebrating Mardi Gras.

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 4 - 14 excluding ; 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.

4. Approved a motion approving the following minutes:

   a. Special meeting of January 5, 2017.

   b. Special meeting of January 9, 2017.

   c. Regular meeting of January 10, 2017.

5. Approved a resolution approving a contract between the City of Midland, Texas and SilverWing Enterprises, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2017 - 018

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

6. Approved a resolution of the City of Midland denying the effective date of Sharyland Utilities, L.P.'s and Sharyland Distribution & Transmission Services, L.L.C. application(s) to change rates; requiring reimbursement of the reasonable rate case expenses; finding

that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and Legal Counsel. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 019

RESOLUTION DENYING THE EFFECTIVE DATE AND THE PROPOSED CHANGE OF RATES OF SHARYLAND UTILITIES, L.P. AND SHARYLAND DISTRIBUTION & TRANSMISSION SERVICES, L.L.C. (COLLECTIVELY, “SHARYLAND”); REQUIRING REIMBURSEMENT OF REASONABLE RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND A COPY OF THIS RESOLUTION TO SHARYLAND AND LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C.

7. Approved a resolution approving an amendment to the agreement between the MDC and Basin PBS. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 020

RESOLUTION APPROVING A THIRD AMENDMENT TO THE PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

8. Approved a resolution authorizing the execution of an Economic Development Agreement between the Midland Development Corporation and the City of Midland accepting funds for the acquisition of any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary for the future extension of Wadley Avenue. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 021

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND FOR IMPROVEMENTS TO WADLEY AVENUE, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

9. Approved a resolution authorizing the City Manager to acquire on behalf of the City of Midland any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith from at or near a point on State Highway (SH) 158 approximately 0.25 miles southeast of the intersection of SH 158 and North CR 1247 to a point approximately 600 feet west of the intersection of Callaway Drive. The limits for Jal Draw extend from at or near a point on SH 158 at the intersection of North CR 1247 to a point approximately 1900 feet west of the intersection of Jal Draw and Crowley Boulevard. The scope includes: to seek an appraisal, and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 022

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH FROM A POINT ON STATE HIGHWAY 158 APPROXIMATELY 0.25 MILES SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 158 AND NORTH COUNTY ROAD 1247 TO A POINT APPROXIMATELY 600 FEET WEST OF THE INTERSECTION OF WADLEY AVENUE AND CALLAWAY DRIVE; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; APPROPRIATING FUNDS; AUTHORIZING PAYMENT FOR SAID REAL PROPERTY INTERESTS, APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

10. Approved a motion approving a contract with Wayne Needham DBA Ultimate Calf Roping in the amount of $12,500 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

11. Approved a motion authorizing the submission of the Schedule for CDBG Application Cycle, 2017-2018 Action Plan. (DEVELOPMENT SERVICES)

12. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navitas Midstream Midland Basin, LLC., said Right-of-Way License is for entering the City of Midland’s property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a gas transportation pipeline, not to exceed sixteen (16) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 30, Block 36, T-3-S, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 023

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, TOWNSHIP 3 SOUTH, B. LEE SURVEY, ABSTRACT NO. 957, MIDLAND COUNTY, TEXAS

13. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and EnLink Crude Pipeline, LLC, said Right-of-Way License is for entering the City of Midland’s property for the purpose of placing, installing, constructing, operating, repairing, and maintaining and removing an oil transportation pipeline, not to exceed twelve (12) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is proposed to be located within City of Midland property, Sections 9, and 10, Block 38, T-2-S, T&P R.R. Co. Survey, Midland

County, TX. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 024

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENLINK CRUDE PIPELINE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 AND 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

14. Approved a resolution to appropriate proceeds from the sealed bid sale of old service weapons and court awarded weapons. (POLICE)

RESOLUTION NO. 2017 - 025

RESOLUTION APPROPRIATING PROCEEDS FROM THE SEALED BID SALE OF OLD SERVICE WEAPONS AND COURT AWARDED WEAPONS TO THE POLICE EQUIPMENT AND TECHNOLOGY PROJECT (800820) FOR THE REPLACEMENT OF MIDLAND POLICE DEPARTMENT DUTY WEAPONS

SECOND READINGS

15. Consider an ordinance on second reading on a request by Basin Burger House for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas (Generally located southwest of the intersection of North Colorado Street and West Louisiana Avenue.) (DEVELOPMENT SERVICES) (First reading held January 10, 2017.)

ORDINANCE NO. 9628

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 29, HOMESTEAD ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST LOUISIANA AVENUE), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9628.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9628 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, Morales, Dufford, Robnett. NAY: Sparks, Lacy. ABSTAIN: None. ABSENT: None.

16. Consider an ordinance on second reading on a request by THDT Investments, Inc. for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on Lots 32B1 and 32B2, Block 39, Fairmont Park Addition, Section 48, City and County of Midland, Texas (Generally located on the east side of West Loop 250 North and approximately 490-ft. north of Tremont Avenue.) (DEVELOPMENT SERVICES) (First reading held January 10, 2017.)

ORDINANCE NO. 9629

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 32B1 AND 32B2, BLOCK 39, FAIRMONT PARK ADDITION, SECTION 48, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 490 FEET NORTH OF TREMONT AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9629.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9629 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

17. Consider an ordinance on second reading on a request by Alli Bixler for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 5,141-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas (Generally located southeast of the intersection of North Garfield Street and Castleford Road.) (DEVELOPMENT SERVICES) (First reading held January 10, 2017.)

ORDINANCE NO. 9630

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 5,141-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND CASTLEFORD ROAD), 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 Karla Mata read the caption of Ordinance No. 9630.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9630 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.

18. Consider an ordinance on second reading on a request by Maverick Engineering for vacation of the combined 0.227-acre Service Access, Utility, and Water Line Easement, less the 20-foot Utility Easement along the westernmost property boundary all located in Lot 1, Block 10, Arbor Addition, Section 5, City and County of Midland Texas. (Generally located southwest of the intersection of Sunshine Parkway and Idlewide Drive. Council District 4) (DEVELOPMENT SERVICES) (First reading held January 10, 2017.)

ORDINANCE NO. 9631

AN ORDINANCE VACATING AND ABANDONING A 0.196-ACRE SERVICE ACCESS AND UTILITY EASEMENT AND A 0.034-ACRE WATER LINE EASEMENT LOCATED IN LOT 1, BLOCK 10, ARBOR PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SUNSHINE PARKWAY AND IDLEWILDE DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $24,720.30; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9631.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9631 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.

19. Consider an ordianace on second reading on a request by Mac's BBQ & Catering for a Special Exception to the City of Midland Zoning Ordinance Section 11-1-7 concerning parking requirements on lots 1-4; 7 and 8, Block 2, Ball Park Addition, City and County of Midland Texas. (Generally located southwest of the intersection of West Indiana Avenue and Baldwin Street.) (DEVELOPMENT SERVICES) (First reading held January 10, 2017.)

ORDINANCE NO. 9634

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1-4, 7 AND 8, BLOCK 2, BALL PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST INDIANA AVENUE AND BALDWIN STREET), BY PERMITTING OFF-SITE PARKING BENEFITTING LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 160 FEET EAST OF CARLTON STREET); 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 Karla Mata read the caption of Ordinance No. 9634.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9634 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.

20. Consider an ordinance on seconding reading amending Fiscal Year 2015-2016 budgets for certain funds. (FINANCE) (First reading held January 10, 2017.)

ORDINANCE NO. 9635

AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2015-2016 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9635.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9635 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.

MISCELLANEOUS

21. Approved a motion directing staff to begin the annexation of a 36.36-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158. (DEVELOPMENT SERVICES)

Council Member Love moved to approve a motion directing staff to begin the annexation of a 36.36-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158.; seconded by Council Member Robnett.

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

22. Approved a motion directing staff to begin the annexation of a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the west side of Arlington Road.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harington gave a brief overview of the item notiing just like one before request by group that plans on expanding legacy edition to west and wouldlike to be in city. staff asking approval.

Council Member Lacy moved to approve direct staff to begin the annexation of a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the west side of Arlington Road.); seconded by Council Member Robnett.

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

23. Approved a resolution approving plans and specifications and accepting the guaranteed maximum price of $33,132,612.00 for the construction of the new Midland Center from Lee Lewis Construction, Inc.; approving the total estimated project cost for an amount not to exceed $42,839,259.00; authorizing the City Manager to execute contracts associated with the project; and appropriating funds in the amount of $33,055,508.58 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 026

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ACCEPTING A GUARANTEED MAXIMUM PRICE OF $33,132,612.00 FOR THE CONSTRUCTION OF THE MIDLAND CONVENTION CENTER FROM LEE LEWIS CONSTRUCTION, INC.; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE MIDLAND CONVENTION CENTER WITH LEE LEWIS CONSTRUCTION, INC.; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL RELATED AGREEMENTS; AND APPROPRIATING FUNDS THEREFOR

Sparks want to point out when passed option 2 owners cont was 1/2 m it is now 1 m which is what brings up cost on project from what approved inf eb. wanted to ask about screen that has been left out. asked what plan is for that. Brad Barnett media mesh carried as add alternative additional 799,000. are continueing to look at other sources of funding it would be facing park definately persuing those option rwa arch is working with lee lewis to find out what dorp dead date to find out. think a big impact especailly in plaza due diligence private ppublic project. if comes in after budget can complete. Fred would bring back for a change. Brad do everything they can to say don't need more money.

Council Member Love moved to adopt Resolution No. 2017 - 026; seconded by Council Member Lacy.

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

24. Approved a resolution awarding a contract for the Midland Center Design and Build Shoring Project for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 027

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH HAYWARD

BAKER, INC., FOR THE MIDLAND CENTER DESIGN & BUILD SHORING PROJECT AT A TOTAL COST OF $173,000.00; AND PROVIDING $43,250.00 IN CONTINGENCY FUNDING THEREFOR

General SErvices Director why cont at 25% walls built in 1920s we don't foresee have any problems but may have issues asking addiitonal contingency. Feel confident can do for that dollar amoun t. Way under demo than what originally budgeted for. Sparks is this inw hat just approved. not asking for addiitonal allocation.

Council Member Lacy moved to adopt Resolution No. 2017 - 027; seconded by Council Member Robnett.

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

25. Consider an ordinance ordering a Special Election to be held on Saturday, May 6, 2017 for the purpose of voting for repurposing the one-quarter of one percent sales tax currently used for the sports complex. (CITY SECRETARY'S OFFICE)

ORDINANCE NO. 9636

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 6, 2017, FOR THE PURPOSE OF VOTING FOR OR AGAINST THE EXTENSION OF THE IMPOSITION OF THE SALES AND USE TAX WITHIN THE CITY OF MIDLAND AT THE RATE OF ONE-QUARTER (1/4) OF ONE PERCENT (1%), WHICH IS CURRENTLY USED FOR THE SCHARBAUER SPORTS COMPLEX FOOTBALL/SOCCER STADIUM AND BASEBALL STADIUM, AND RELATED INFRASTRUCTURE, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, CHAPTER 505, AS AMENDED (“CHAPTER 505”), IN ORDER TO UNDERTAKE PROJECTS AUTHORIZED BY CHAPTER 505; SETTING FORTH SAID PROJECTS HEREIN; MAKING PROVISION FOR THE CONDUCT OF SUCH ELECTION; AND SETTING FORTH OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9636.

Robnett asked for public comment to be opened on item. Council agreed.

Mayor Morales opened the floor for anyone wishing to speak on item.

Bill Kirby, 5017 Belle Grove Ct, think glaring ommision read final wording that will be on ballot the word golf is nowhere to be found. All articles I found leading up to last couple of month have the word golf in there. he asked why? Lacy the Hogan golf course is designated as aCity park so it would be covered. Bill thinks the word golf should be on the ballot. Somebody is going to say they didn't say anything about fixing golf course and said golf course renovation should be int here. People know what kind of condiiton it is in. Had private discussions late last summer that fell apart. Goal initially was to put together a blue print and road map to be able to hand to the mayor if 4b tax were to continue or pass have to work details out. Been 8months down road and have plan. Was told don't need to mess with a plan. Robnett will we be clear can spend money on golf course. John O. yes sports and parks are both covered. Sparks no project can be done unless there is money. The Mayors desire is for Hogan park but it has to go through committee just like if it going to be used for golf.. Joh O language is tautory language taken stright form st. Mayor plans you have will then be presented to 4b committee as stated. Your word is not going to the wayside. Every sporting group will ahve same request, budget is limited, challenge to address your concern.Kirby if city does not want to get behind muni golf part of program would include first t program. if city not going to get behindmuni golf and have nice facility then get out. sell it get out of it let someone else devleop it and run it.. Its been losing money when we took it over it started taken money.

Council Member Love moved approval of the first of two readings of Ordinance No. 9636 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

ONe of things in here is there will be no debt can be taken forr any project several people asked this doesn't say and guarantee that their going to pay off the sports complex. What assurance can it be in ballot language that current debt is paid off? Mayor this a community project opportunity. If we have that big of a concern if community needs to be behind this language to need to know. The debt is fine with him. This community deserve opportunity to appreciate what has been gotten out of sports complex and taken same attitude ot use city wide. this language addresses concern that too specific no sunset and no debt. This is a tool that benefits community city wide. not going to solve road issues at all. in 15 years if not doing our job allows families to stay here and enjoy, consumption tax benefits are wonderful.. Lacy he will instruct staaff to put item on agenda to end debt he will make moriton of recrd.

Sparks for extending a good 4b he just wants assurances that things are going to get done. Love please comment on respect to 4b statutory and whether we have option top ay off or not. John O dont' have option to not pay off. The timing of those payments that is where some discresion. Short answer can't decide never paying off. Sparks but donesn't have to get paid offf until 2022. Love when not if. Lacy tuesday after election it should be paid off and if fails it iwll leave fund balance and if not continue to stay in to move forward with imrpoving the quality of life. Courtey collect for another quarter and then . Mayor 2006 refinancestax payers saved 12m if pay off early another 2m. this council very responsible. Dufford 4b ill have a recommendation next month on paying it off. Sparks original debt that was ont he sports complex that was going to be paid for in 2030. This 4b sunsets in 2032. If look at it from orig was in 4b extending for 2 years pastsports complex and allows to use for other uses other than that property. Not extending that much further. A couple of things want to point out is his belief not all of it should be spend for tournament facilitiess but should be upgrading some of the ballparks that will not be tourrnament facilities. don't want all parks to be just tournament fields. still want nice fields that dads and granddads can go out with children and just play ball. Want to use for parks across the city.

Dufford promise will be a focus of 4b to hit that.

Morales address 21 of public parks 16 more to go if this happens can make immediate impact on those neighborhoods and everyone will receive benefit. We want people to be outside enjoying the parks.

Lacy agree with spakrs addressing parks doesn't address little league fields would like to see a good portion go to new roads. Love hope remember all of this in August when start talkinga bout budget. Hotchkiss when did comp master plan had all sorts of public metgs for people to what wanted. Had a lot of public input including hike and bike trail. Those concerns will be addressed with this item.

Robnett think in addiiton to what pot spend funds on most important addition inclusion of ballot lang ballot point 4 maint and operating cost of said proejct. Have immense issue going forward so dont' forget we can go spend money on aprks and road but can take care of what we have today. this allows flexibility to take care of what have and invest in community. Love his favorite part about pot ext 4b is that you taken burden off of property tax owners and citizens form outside of Midland are contributing tax dollars to city of mid. that is best erason to extend this.

Mayor wants entire community behind this and believe in this. This is good opportunty and will improve quality of palce in Midland. Oil co attract young rpof. we unique city and this help to move forward.

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

26. Approved a motion authorizing the negotiation and execution of a fourth amendment to the Master Development Agreement between the City of Midland, the Midland Development Corporation, and HSR Realty No. 1 Development, LLC. (CITY MANAGER'S OFFICE)

Council Member Lacy moved to defer ; seconded by Council Member Love.

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

Council Member RobnettMove to amend the Proof of Financing requirement in the Master Development Agreement from January 31, 2017 to March 28, 2017 and extend the deadline for providing 50% of construction drawings to March 28, 2017; seconded by Council Member Love.

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

recess to executive session 12:06 p.m.

27. Approved a motion making appointments to various boards and commissions

PUBLIC COMMENT

None.

28. 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.)

EXECUTIVE SESSION

recess to exec session 10:52 a.m.

reconvene 12:03 p.m.

29. 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.

    b. Section §551.074 Personnel Matters

    section b only.

        b.1. Deliberate the employment, evaluation, and duties of the City Manager, City Attorney, City Secretary, Municipal Court Presiding Judge, and Municipal Court Associate Judge.

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

PASSED AND APPROVED the __ day of ____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary