MIDLAND CITY COUNCIL
MINUTES
January 26, 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 26, 2016.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem J.Ross Lacy (District 4), 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 Sharla Hotchkiss (District 3).

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 Services Director Jose Ortiz, Director of Airports Justine Ruff, Planning Division Manager Jessica ___, 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 ___ a.m., January 26, 2016.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem J.Ross Lacy (District 4), 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 Sharla Hotchkiss (District 3).

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

cto 10:00 a.m.

1. Invocation - Rev. Pat Bryant, Travis Baptist Church

2. Pledge of Allegiance

PRESENTATIONS

a. Presented by J.Ross Lacy and City Manager Sharp
b. Jones Brother presentation by Council Member Sparks.
c. presented by Mayor Morales

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

   a. Presentation of Retirement Proclamation to Bobbie Jo Land

   b. Presentation recognizing Jones Brothers Dirt & Paving for their donation of roadway easements for future roadways in northeast Midland

   c. Presentation recognizing Greg Sikes who was named the 2015 Golf Professional of the year for the West Texas Chapter of the North Texas PGA

PUBLIC COMMENT

Osaka Japenese Rest Gracie Ortiz, 1207 Tradewinds Blvd. consider ordinance change form Midnight to 2 a.m. to do special events.

Nelson Spear, 7010 Almay Court, challenge on reason of not letting 4b tax die a natural death especially in years that income is blowing a growing. Ran on Fiscal platforms and now encouraging Midland voters to extend tax by 25 years. Debt 138M proposed 25 year tax borrow against for unspecified projects. Ranks 44th in overall debt. passing a non specified is like giving overdrawn teenager a new credit card. Worse thing can do is raise taxes and second worse is expend an expiring tax. Tax rate will go down to 8%. Cutting of tax would help more citizens across the board. Stop squandering family fortune. Debt is horendous give chance to catch breath.

Carla Repman 4202 NCR 1250 it doesn't bother about the 4b tax but be more specific. 25 years too long look 5-10 yeqars and look for specific use. Just putting in GF can use anything should be earmarked for utiliteis or PD or FD or dvided between certain things.

Laura Lawson 1408 Storey Avenue, reiterate what Carla felt current language is long and convoluded. Makes hard to understand what will be paying for seems to lsit everything possible under state law. As far as sunset very long because not sure what ot expect in economy. 25 years lacks accountability.

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 Lacy moved to approve Consent Agenda items 5 - 26 excluding 7, 13, 16, 17, 18; 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.

5. Approved a motion approving the following minutes:

   a. Special Meeting of January 11, 2016.

   b. Regular Meeting of January 12, 2016.

6. Approved a resolution authorizing a contract for the purchase and installation of artificial turf for the Scharbauer Sports Complex Sports Fields project through Buyboard contract 476-15 for the Community Services Department; and appropriating funds therefor. (PURCHASING)

RESOLUTION NO. 2016 - 014

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH FIELD TURF USA, INCORPORATED, FOR THE PURCHASE AND INSTALLATION OF ARTIFICIAL TURF FOR FOUR (4) MULTI-PURPOSE SPORTS FIELDS AT THE SCHARBAUER SPORTS COMPLEX, THROUGH BUYBOARD AT A TOTAL COST OF $1,834,906.00

7. Approved a resolution authorizing an agreement with Parkhill, Smith & Cooper, Inc., for design and right of way acquisition for the reconstruction of Briarwood Avenue from 500 feet west of County Road 1255 to 500 feet east of Avalon Drive for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 015

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES INCLUDING SURVEYING, DESIGN, SCHEMATIC DEVELOPMENT, RIGHT-OF-WAY MAP PREPARATION, AND SERVICES PERTAINING TO RIGHT-OF-WAY ACQUISITION IN CONNECTION WITH THE WIDENING OF BRIARWOOD AVENUE FROM A POINT APPROXIMATELY 500 FEET WEST OF COUNTY ROAD 1255 TO A POINT APPROXIMATELY 500 FEET EAST OF AVALON DRIVE; DEPOSITING AND APPROPRIATING FUNDS IN THE AMOUNT OF $730,000.00; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED $430,109.00

Lacy Phase II of Briarwood 3 phase to get up hwy 158 this comletly funded thorugh MDC. mdc hleping fmaily growin trying times. having af ew hiccups in phase one start of construction is not do to city staff but to utility companies to relocate companies. ready to start first of year. 10:21 clarify in spirit of transparency. Morales oncor trying to move tleelphoen poles major hold up. Matt Carr met on Friday as early as 3-4 weeks late as 2-3 months. Morales once starts how long. Matt once everything out other companies can complete their work. Love relocated roads on fairgrounds it gets done

quickly. Lacy future development are we going to push for utility placement further in advance. Matt Carr with direction from Jose Ortiz instead develop it to planmetric, plan identify row and utility to take care of first and then develop construction plans.

8. Approved a resolution approving a contract for the purchase and installation of a restroom/concession building for the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 016

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RESTROOM FACILITIES, LIMITED, FOR THE PURCHASE AND INSTALLATION OF A MODULAR RESTROOM/CONCESSION BUILDING FOR THE SCHARBAUER SPORTS COMPLEX, THROUGH BUYBOARD AT A TOTAL COST OF $289,087.24

9. Approved a resolution approving the sole source purchase of twenty-two (22) mobile radios for public safety vehicles from Dailey-Wells Communications, Inc. for a total cost of $100,897.50 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 017

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF TWENTY-TWO (22) XG-75M MOBILE RADIOS FOR PUBLIC SAFETY VEHICLES FROM DAILEY-WELLS COMMUNICATIONS, INCORPORATED, AT A TOTAL COST OF $100,897.50

10. Approved a resolution approving the purchase of equipment to outfit twenty-one (21) police vehicles from Cap Fleet Upfitters through Buyboard contract 432-13 for a total cost of $204,242.43 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 018

RESOLUTION APPROVING THE PURCHASE OF EQUIPMENT TO OUTFIT TWENTY-ONE (21) POLICE VEHICLES FOR THE GARAGE DIVISION FROM CAP FLEET UPFITTERS THROUGH BUYBOARD AT A TOTAL COST OF $204,242.43

11. Approved a resolution authorizing the execution of a contract with Strong Environmental Services, LLC dba Texas Consulting Services for a phase 1 environmental site assessment of the Chamber of Commerce and the Midland Center, with the option to include an asbestos survey as part of the scope of work for the Chamber of Commerce building. (PURCHASING)

RESOLUTION NO. 2016 - 019

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH STRONG ENVIRONMENTAL SERVICES, LLC, DBA TEXAS CONSULTING SERVICES, AT A TOTAL COST OF $7,250.00, FOR A PHASE 1 ENVIRONMENTAL SITE ASSESSMENT FOR THE CHAMBER OF COMMERCE AND THE MIDLAND CENTER BUILDINGS, WITH THE OPTION TO INCLUDE AN ASBESTOS SURVEY FOR THE CHAMBER OF COMMERCE BUILDING; AND APPROPRIATING FUNDS

12. Approved a resolution authorizing the execution of a contract with Strong Environmental Services, LLC dba Texas Consulting Services for air monitoring services, project management, and bid document preparation for the removal of asbestos from the Midland Center. (PURCHASING)

RESOLUTION NO. 2016 - 020

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH STRONG ENVIRONMENTAL SERVICES, LLC, DBA TEXAS CONSULTING SERVICES, AT A TOTAL COST OF $26,500.00, FOR AIR MONITORING SERVICES, PROJECT MANAGEMENT, AND BID DOCUMENT PREPARATION FOR THE REMOVAL OF ASBESTOS AT THE MIDLAND CENTER; AND APPROPRIATING FUNDS

14. Approved a resolution authorizing the Midland Chamber of Commerce to hold the annual Star Spangled Salute at Hogan Park and where alcohol can be sold and consumed and authorizing the City Manager or his designee to notify the Texas Alcoholic Beverage Commission of the permission granted. (COMMUNITY SERVICES)

RESOLUTION NO. 2016 - 022

RESOLUTION AUTHORIZING THE MIDLAND CHAMBER OF COMMERCE TO HOLD THE ANNUAL STAR SPANGLED SALUTE AT HOGAN PARK ON JULY 4, 2016; AND AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT SAID EVENT

15. Submit 2016 CDBG Application Schedule. (DEVELOPMENT SERVICES)

19. Approved a resolution authorizing the execution of a Public Improvement Development Agreement between the City of Midland and Midland Heritage Oaks Inc., in the amount of $34,404.00 for the purpose of constructing a 12 inch public water main to serve Heritage Oaks Addition Section 5; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDLAND HERITAGE OAKS, INC. FOR DEVELOPMENT OF HERITAGE OAKS ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF THE INTERSECTION OF PEDERNALES DRIVE AND FRIO DRIVE); AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED $34,404.00; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

20. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Sunoco Pipeline, L.P., 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 an oil 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 44, Block 38, T-1-S, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 027

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND SUNOCO PIPELINE, LIMITED PARTNERSHIP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, AND SECTION 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

21. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way or Easement necessary for public use along Occidental Parkway, Garfield Street, and Midland Drive; and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete the Right-of-Way acquisition; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 028

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 AT OR NEAR THE FOLLOWING-DESCRIBED LOCATIONS: FROM THE INTERSECTION OF MIDLAND DRIVE AND STATE HIGHWAY 349 (NADINE AND TOM CRADDICK HIGHWAY), IF THE EXISTING MIDLAND DRIVE WERE EXTENDED TO INTERSECT WITH STATE HIGHWAY 349 (NADINE AND TOM CRADDICK HIGHWAY), TO THE POINT AT WHICH SAID MIDLAND DRIVE EXTENSION MEETS THE NORTHERN CORPORATE LIMITS OF THE CITY OF MIDLAND; FROM THE INTERSECTION OF GARFIELD STREET AND STATE HIGHWAY 349 (NADINE AND TOM CRADDICK HIGHWAY), IF THE EXISTING GARFIELD STREET WERE EXTENDED TO INTERSECT WITH STATE HIGHWAY 349 (NADINE AND TOM CRADDICK HIGHWAY), TO THE POINT AT WHICH SAID GARFIELD STREET EXTENSION MEETS THE NORTHERN CORPORATE LIMITS OF THE CITY OF MIDLAND; AND FROM A POINT ON MIDKIFF DRIVE APPROXIMATELY 1.5 MILES SOUTH OF STATE HIGHWAY 349 (NADINE AND TOM CRADDICK HIGHWAY), IF THE EXISTING MIDKIFF DRIVE WERE EXTENDED TO INTERSECT WITH STATE HIGHWAY 349 (NADINE AND TOM CRADDICK HIGHWAY), TO A POINT ON BUSINESS STATE HIGHWAY 349-C (BIG SPRING STREET) APPROXIMATELY 1.5 MILES SOUTH OF STATE HIGHWAY 349 (NADINE AND TOM CRADDICK HIGHWAY); 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; AUTHORIZING PAYMENT FOR SAID 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

22. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for North Williams Addition, Section 4 and to waive the corresponding financial security guarantee valued at $273,832.41, an amount equal to the estimated cost of construction. The subject property is within the City of Midland corporate limits and generally located at the southwest corner of the Mockingbird Lane and Garfield Street intersection. (ENGINEERING SERVICES)

23. Approved a motion on request by Maverick Engineering LLC. to defer public improvements for Threat Estates and to waive the corresponding financial security guarantee valued at $70,236.03 an amount equal to the estimated cost of construction.

The subject property is generally located 2.76 miles south of the City of Midland corporate limits, on the east side of FM715 and approximately 230 feet south of County Road 138 in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)

24. Approved a resolution authorizing the execution of a Public Improvement Development Agreement between the City of Midland and Petree Isbell Inc., in the amount of $29,879.00 for the purpose of constructing a 12 inch public water main and a 12 inch public sewer main to serve Pavilion Park Addition Section 8; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 029

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH PETREE-ISBELL, INC. FOR DEVELOPMENT OF PAVILION PARK ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON DRIVE, APPROXIMATELY 670 FEET EAST OF LAMESA ROAD); AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED $29,879.00; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

25. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Rangeland RIO 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, maintaining and removing an oil transportation pipeline, not to exceed thirteen (13) 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 5, Block C24 Loving and Winkler Counties, Texas and Sections 27,20,19,13,12,7, Block C23, Winkler County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 030

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND RANGELAND RIO PIPELINE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 5, BLOCK C24, PSL SURVEY, LOVING AND WINKLER COUNTIES, TEXAS AND SECTIONS 27, 20, 19, 13, 12, AND 7, BLOCK C23, PSL SURVEY, WINKLER COUNTY, TEXAS

26. Approved a resolution allowing the Midland Fire Department to apply for a grant, through the U.S. Department of Homeland Security, in the amount of $307,000. (FIRE)

RESOLUTION NO. 2016 - 031

RESOLUTION AUTHORIZING THE MIDLAND FIRE DEPARTMENT TO FILE AN APPLICATION WITH THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE 2015 ASSISTANCE TO FIREFIGHTERS GRANT; SAID FUNDS WILL BE USED TO PURCHASE A GRASS FIREFIGHTING TRUCK AND A COMMUNITY HEALTHCARE PARAMEDIC VEHICLE; SAID GRANT IS A MATCHING FUNDS GRANT IN WHICH THE ASSISTANCE TO FIREFIGHTERS GRANT WOULD FUND 90% ($276,300.00) OF THE TOTAL AMOUNT ($307,000.00) AND THE CITY OF MIDLAND WOULD FUND 10% ($30,700.00) OF THE TOTAL AMOUNT

13. Approved a resolution authorizing the execution of a professional services agreement with Maverick Engineering, LLC for the re-routing of the Midland Center sewer main line. (PURCHASING)

RESOLUTION NO. 2016 - 021

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK ENGINEERING, LLC, FOR SURVEY SERVICES, DEVELOPMENT OF CONSTRUCTION PLANS, AND THE PREPARATION OF BID DOCUMENTS TO RE-ROUTE THE MIDLAND CENTER MAIN SEWER LINE; ALLOCATING FUNDS IN THE AMOUNT OF $50,000.00; AND AUTHORIZING PAYMENT THEREFOR

Sparks pulled to clarify why needing to move sewer line and is just sewer or sewer and water and where moving it from. Jose Ortiz having to relacte existing uiltiys in Jalley bhind midland center and park. move to main street. relocate sewer and water adjustments. Morales even if do not move forward with Midladn Center need to see what is going on under there. Potholing is drilling hole. Jose a lot of things undersurface tunnels or other facilities in infrastructure that n eed to identify to determine cost. Sparks won't tear up Main st. Jose no just due diligence. Sparks all the way to Ohio and businesses will their sewer reroute. Jose no way to tie back into the existing north of texas so have to get up to existing line. everyone else will maintain service. Love when look at it though for having foresight to look up to OHio includingthis property so 10-15 years already resolved. Jose if have new system to tie into.

Lacy paid by Hotel/Motel funds. Fred, correct.

Council Member Love moved to adopt Resolution No. 2016 - 021; 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.

16. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a permit to drill an oil & gas well within the City limits, (Pecan Acres 22A2 #9SH) located 250 feet from the north line and 610 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 023

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY(“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 250 FEET FROM THE NORTH LINE AND 610 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY 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); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN

EXISTING ROAD REPAIR AGREEMENT

Lacy abstain 16-18 left room.

Council Member Sparks moved to adopt Resolution No. 2016 - 023; seconded by Council Member Robnett.

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

17. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a permit to drill an oil & gas well within the City limits, (Pecan Acres 22A3 #10SH) located 280 feet from the north line and 610 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 024

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 280 FEET FROM THE NORTH LINE AND 610 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY 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); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Robnett moved to adopt Resolution No. 2016 - 024; seconded by Council Member Sparks.

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

18. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a permit to drill an oil & gas well within the City limits, (Pecan Acres 22A4 #11SH) located 310 feet from the north line and 610 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 025

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 310 FEET FROM THE NORTH LINE AND 610 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY 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); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Robnett moved to adopt Resolution No. 2016 - 025; seconded by Council Member Hotchkiss.

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

SECOND READINGS

27. Consider an ordinance on second reading 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9520.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9520 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, Lacy, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

28. Consider an ordinance on second reading on 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9521.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9521 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.

29. Consider an ordinance on second reading on a request by Tejas Avenue, LLC for the vacation of a 0.05-acre portion of North 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9522.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9522 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.

30. Consider an ordinance on second reading 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9523.

Gracie Ortiz rep Osaka Japanese 1207 Tradewinds Blvd, want to change the time from midnight to 2 a.m. 7 days a week. Lacy any compromise? Those are hours we give a bar. Morales for special events only. Right now go to midnight and close at 10 p.m. how many times 10 to midnight in last 2 years. Gracie just a few. Morales these events held in whole restaraunt? in new patio area seats 50-60 people. Small parties. If opportunity comes before want ot say yes to client. Robnett any other restarants that have 2 a.m. 7 days a week. Lacy any sound barriers. Patio is enclosed. Have not applied for TABC yet for 2 a.m. John TLUP for events. If only ahve a handful of events for certain dates horus with conditions they have to do due diligence 30-45 days in advance. That is a single vote resolution. Dufford can limit to 10 events per year. Courtney hard to monitor. Hotchkiss one entity as outdoor events at TheBar clsoe whole parking lot. John they come. Irmaldo, in future growing so much okay with 1 a.m. Morales if have event that comes up can come before city and ask for one day permit otherwise get tabc approval and go through city and county and then come back. Dufford if this body is okay with 1 a.m. 3 days a week or apply 3 days a week. Lacy okay with 1 .am. thursday thorugh Saturday. Love Christmas lets say she came in and did application for 2 or 3 weeks in December can do that. Spencer offer amendment.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9523 in accordance with the Charter of the City of Midland with amendment to change alcohol service hours until 1:00 a.m. Friday, Saturday and Sunday; seconded by Council Member Love.

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

31. Consider an ordinance on second reading on a request by 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9524.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9524 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Lacy 6 month amend included in ord. john yes.

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

32. Consider an ordinance on second reading 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9525.

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

9525 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

6 mnth review. john yes

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

33. Consider an ordinance on second reading 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9526.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9526 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.

34. Consider an ordinance on second reading 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. - District 1) (DEVELOPMENT SERVICES) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9527.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9527 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.

35. Consider an ordinance on second reading 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9528.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9528 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love voted for previously, pro business however City of Midland regulate alcohol use by SUP because residents wnat to have say where alcohol is consumed. had sev individuals reach out about this. Pro busienss but rep citizens of Midland and because of that vote gainst this item. There are other places people can go and have a dirnk. Hollywood didn't start out with this business model but citiznes spoken strong aobut this. Lacy echo his comments. Had outpour of public comment. Believe in representative pub also changing his vote to no at request of consitutents. Pro busienss as well.

Morales he has been harrassed able to get responses form consitutnets between two matters. that is what transparency appreciate constituencies voicing.

Hotchkiss you allowed that and gave invitation. When there was concern you siad have two weeks lets listen to citizens applausd for openign the dialogue and applaud citizens for letting us know. Robnett htis disservice to Hollywood one alcohol related item in last year. Not orig business plan also small vocal minority that reached out to him. Just approved Club reno with several hundred instances but did not hear public outcry on that. In full agreement should let businesses operate. Jsut because small minority reached out to dozens of folks and not one did not support. Just because movie theatre poor vote to deny. Dufford echo everything Spencer said. To do this Regal Theatres is doing a disservice because trying to compete. If another theatre. Did ask children who have children if would bother started serving alcohol it wouldn't bother them not wouldn't take because palce sin past never been an incident. One incident with someone probably already inebriated before getting to Cinergy. Give less wieght then someone reaching out to them or typing out an email. Robnet approved permit for HEB and alot in and out of there. This is arbitrary and knee jerk. Sparks don't think disservice to Hollywood still against. It's not knee jerk voted aginst first time. Tough situation but will leave us without an alcohol free authority. John one year can apply again.

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

36. Consider an ordinance on second reading on a 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) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9529.

Council Member Love moved to approve the second and final reading of Ordinance No. 9529 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.

37. Consider an ordinance on second reading amending Title VIII, Chapter 6, Section 24 of the City Code. (SOLID WASTE) (First reading held on January 12, 2016)

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 Karla Mata read the caption of Ordinance No. 9530.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9530 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.

PUBLIC HEARINGS

38. Hold a public hearing at approximately regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804LS) located 306 feet from the south line and 2,528 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Blvd. extension and 2,528 feet west of North Midkiff Road.) 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 four well application same item presented by Diamond Back Energy and took over to south. horizontal new tank battery. Been to O&G approved. requ vari of irrig and landscaping surface agreement with surface owner, agreement for one big fence aorund four wells. same for tank battery ability to change fence. var for larger pit size one large pit. 24-hour fracing.

Mayor Morales opened the public hearing at 10:59 a.m.

Dennis Prince, 2900 Passage Way, speaking on behalf of people that live there. Who take responsibility for those roads. There is a lot of traffic and need someone to be responsible for the Roads North Midkiff and Passage Way. Six or eight families living out there kids using roads and need someone to be responsible for that.

Sparks talking about traffic or road repair? Dennis with well traffic already a problem now for several eyars and think this will add to it. It's nto a new problem and this will increase. Ron Jenkins wlell use road from Craddick Highway come in from top and will not be tyraveling city streets if devleops they will end up using go under North Midkiff. coming off Oxy property without hitting City Streets unless it develops will need safer alternative . Lacy operator has done job by keeping traffic out of there.

There being no one else wishing to speak, the public hearing was closed at 11:03 a.m.

39. Hold a public hearing at approximately regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804MS) located 306 feet from the south line and 2,468 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Blvd. extension and 2,468 feet west of North Midkiff Road.) 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 ditto.

Mayor Morales opened the public hearing at 11:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

40. Hold a public hearing at approximately regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804WA) located 306 feet from the south line and 2,498 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Blvd. extension and 2,498 feet west of North Midkiff Road.) 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 same info

Mayor Morales opened the public hearing at 11:05 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

41. Hold a public hearing at approximately regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Butte Unit 804WB) located 306 feet from the south line and 2,558 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Blvd. extension and 2,558 feet west of North Midkiff Road.) 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 same info.

Mayor Morales opened the public hearing at 11:06 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

42. Hold a public hearing and consider an ordinance on a request by Northstar RR, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on Lot 2, Block 1, Garden Twenty, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of East Interstate Highway 20 and East State Highway 158.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9531

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2, BLOCK 1, GARDEN TWENTY, SECTION 2, CITY

AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF EAST INTERSTATE 20 AND EAST STATE HIGHWAY 158), 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 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

Mayor Morales read the caption of Ordinance No. 9531.

Development Services Director Chuck Harrington gave a brief overview serve alco in hotel. floor area 939 sq fet 11 a.m. to 12 midnight. nos chols or chruch no loj rec approval.

Mayor Morales opened the public hearing at 11:07 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. 9531 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.

43. Hold a public hearing and consider a request by Lamar Advertising on appeal for a Specific Use Permit with Term for a Billboard, on the north 100-feet of the south 400-feet of the west half of Block 2, and the south 75-feet of the north 465-feet of the west half of Block 2, Brookshire Village, First Section, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 225-feet north of West Wadley Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting request made by Lamar Advertising for site on North Big Springs. previously billboard at location took down and proposing ot replace. falls in new special contorl area. require to remove bilboard to replace. lr2 allows billboards. Did not meet the min seperate. there is sup on billboard on walgreens restricts and doesnt' meet minimum 1500 seperation. A lot of discussion with Walgreens and unwilling to release their SUP it is without term issues in 1986. No terms no clause fo r removal but it exists. Propo billboard meets size and height requirements. staff cannot rec approval becuase of setback. Love was previous billboard removed was it in violation. Chuck legal non conforming. Love get that dont' know if communication between staff and lamar they removed billboard with intention of replacing it and then said no can't replace it how did that happen. Chuck as said lamar good corp citizen and have gone in rpocess of removing dont know if prior to billboard removed in exact same location.

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

Chris Stokes, Lamar Advertising 515 Three Rivers, hospital requested remove billboard to remove big stone hospital to tear down safely retaining wall to south billboard in way. I kenw residential issue thats why not going to put digital or lights it will be monopole it will be 25 feet took down for hospital. Aware of Walgreens SUP becvause lmar requested it. Had billboard on property until Walgreens bought in 2006. They ahve no intention of billboard but now that come to him they think they ahve value they stated they will not be building a billboard. Asking for a variance unique to property not a lot of SUP with term in City. This one never going to expire. PUtting back what was there benefit to hospital. have five letters of support and adiditonal letters. Lacy support his request. no vote but will vote to approvel. Dufford that particular sign taken down did you request a sign any other palce in the City at that time. Love Walgreens has ability and location within distance but no billboard there currently. Chris no existing on that location. Chris down since 2007. Love asked John if decide to give exception and approve and Walgreens wants to build billboard with new billboard ordinance would it come before Council. John they would have a strong arguments that grandfathered. Hotchkiss 11:17 a.m. question - John if granted use but dont' sue for a certain period. Love Council can rescind previous ordinances. John when have zoning matter you need ot tred lightly. Lacy in previous time had another SUP for billboard just south of Walgreens and dont' remember hearing about walgreens. Lamar took down as courtesy to property own when demolishing no problem lets go. Love Council needs to consider this in future don't know what other non comforming use but if one damaged and hazard if willing to put one up that is sfaer then should allow to do.

Sparks took down to safely remove structure and just put up not electronic but statuc restro poster 60 foot smaller than can build.

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

44. Hold a public hearing and consider an ordinance on a request by Alderson Auto Group for a zone change from PD, Planned District for a Shopping Center, to LR-3, Local Retail District, on Lot 3, Block 7, Westridge Park Addition, Section 16, City and County of Midland, Texas (Generally located southwest of the intersection of Andrews Highway and Catalina Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9532

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3, BLOCK 7, WESTRIDGE PARK ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ANDREWS HIGHWAY AND CATALINA DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9532.

Development Services Director Chuck Harrington gave a brief overview of the item noting Mercedez Dealership to redo PD couple times now want LR3 zoning and taken out of PD district. Same as underlying that had. LR3 auto sales new and used. does

not rep spot zoning consistent with area. They ahve vehicles that were stored in open ground which is violating going through process to amend put in paved parking to store cars. Love what is underlying zoning for surorunding. Chuck car dealerships, restaurants hotel. Lacy worked with applicant and support. BMW will be coming through with this same zoning. h is district.

current pd creating undue burden to owner.

Mayor Morales opened the public hearing at 11:25 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. 9532 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.

45. Hold a public hearing and consider an ordinance on a request by Timothy Rogers for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 2,460 foot portion of Lot 2B, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas (Generally located southeast of the intersection on Summit Avenue and Belmont Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9533

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,460-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SUMMIT AVENUE AND BELMONT STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9533.

Development Services Director Chuck Harrington gave a brief overview of the item noting Lori's cafe proposing second location requesting SUP for alcoholic bev sales for restaurant. Allow 93 seats no schools or churchs 300 feet. Hours 10 a.m. to 11 p.m. no loj rec approval.

Measure to 300 feet chuck. Mayor Morales opened the public hearing at 11:27 a.m.

Jose Luis Chavez pastor of of church across from area. City promised to apve Wolcott and do improvements but hasn't been done. This proeprty is back to back with the church. It is up to Council but did consider that had Pastor praying and said pledge to

one God indivisible. If its about money Romans saw Christ raised and sold testimony for money. Its about business what are going to do to kids. Midland was not like this when he made ahome, a church.

There being no one else wishing to speak, the public hearing was closed at 11:30 a.m.

Love 2 or 3 hotels do they ahve SUP for alcohol? chuck do you know which hotels? Chuck don't know. Love any other alcohol uses in area. Chuck WingStop has a permit and that is in same lot. Love on backside of Summit not any entrances besides service doors. Someone can't exit going toward church? Chuck no.

Council Member Love moved approval of the first of two readings of Ordinance No. 9533 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Love coment made all about money previous money prop business but community spoke out .

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

MISCELLANEOUS

46. Consider an ordinance ordering a Special Election to be held on Saturday, May 7, 2016 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. 9534

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2016, 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. 9534.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9534 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

Sparks heard last night not a new tax but need to be careful what say because it utilizes a mechanism of a tax that we've had. It is a new tax when it goes to 2041 September 30 Council Member Dufford will be over 80 he will be 40 days from 80 years. better chance than not that his parents will not see the sunset so new tax. it may using

something that already had but insincere to say not new tax. Morales it is a repurpose of this tax and goal. Had to call and wanted to go out and educate about how it works so had to get it on the agenda today to have election in May. Campaign could allow us to talka bout how it would be better aobut taking specific projects and turning into tournament faiclities. Delegation from this community to look at those parks and understand what the parks could look like. This community loses sales tax, hotel/motel and opportuniteis to host tournaments to other communities. Big outcry. If had not called it would not have opportunity of how existing tax could better community. Lanaguage was broad so did not leave anyone out. Follow state taxlangauge kept broad for certain reasons. Not transparent not hiding anything. Type B campaign committee. Talka bout cost of operating sports complex. capital expenditures, how tax has grown and look at reward givent o community form 1999 to this day. Example and clarity to bring up. The language on 25 year that can be discussed because heard 0-25 years. not set ins tone have to start somewhere. Lacy been ging back and forth ran on increase quality of life for children in community and amke midland better today then eysterday. this tax will dot aht. He heard overwhelming support from community and better roads. Issue COS and add to ad valorem or sales tax incentive to help apy for projects. atcrossroads. Opporutnity to be a world class city. with title coems responsibility to offer ammenities. as a child this city set bar and gotten away from it because blindsided with okay for now. Set example tired of children going to other faiclites. Great population Lubbock, Amarillow, Lamesa hobb and other commun ityes. In Katy Tx the level of palying surfaces and facilites were outstanding. Doing for children and MIdland to be a better place.

Love we don't have to decide this today is putting on ballot the purpose of PH is to inform citizens and let citizens make decision and vote accordingly just voting to put on ballot and language can craft later. Lacy this is identical langage to surrounding communities and they don't put sunsets on them its not just parks but infrastructure, arts, senior center. If hamstring selves the whole city should get benefit. Morales there were some media comments made that wer einaccurate in his opinion. Love further comment this conservative seciton of country and got to stop doing things cheply looking for lowest tax, lowest COs but at same time have a city to run and have things have to do. Council's job to fiure out what best way to do that. Final comment taxes are not in vacuum we get something from that and this will have ability to bring epople to community to spend more dollars and generating more revenue. Lacy willing to spend quarter for every $100 for a better Midland. Morales voters will ahve a chance to vote. If tax goes away have to decide hwo to pay for sports complex. Sparks that wasn't thought of before put that on the ballot. In favor of getting out in front of the public. Needs to have some sort of accountability. 25 years for most people won't be here that will hold any accountability to it. From comments saw in newspaper there is an intention of taking a loan that means your going to be stuck that is a new tax, it is repurposing but a new tax. What being discussed but dont' allow voters to vote on is do we want to take a note or pay as go as an option. Hotchkiss how long was original 4b 30 years. how many years in 16 years. What is Council intent doing away after 16 years. Can keep it until bond paid for. Hotchkiss another Council might say outlived productivity. Immensely successfull do have a beautiful stadium and think always leave. This will reflect the wants of the community and has the option to vote. It's an opportunity of 25 eyars. Robnett at time will ahve option. Can't be afraid of debt as reason to turn opportunity away. Hate extending debt but there may be a time that that is necessary. Morales problem with improvements to promote new and expanded enterprise. John that is statutory language. Lacy echo Hotchkiss comments. Look at 2000 that land

have valuation of $1 million. Look at ten dof this eyar that area will be $500 million. When epople say no realized benefit because added advalorem to tax base including htoel/motel or slaes tax and football palyoff games. Projected sales tax was $3 million now bringing in more. It offers opportunity and pay as you go atmosphere. This is 30,000 foot view of Midland. Hate to discourage voters form approving somethign that would be a great benefit. The alternative is 100% Midlands pay for it rather than a combination of Midland and visistors. Sparks would like to say possible vision to do on pay as you go and does not have to be done at one time. Offer amendmnt that leave at 25 years to allow Mayor chance to put together program and approve with 25 years but not be able to draw any money off of it until go to voters at later date and have them approve a project with knowledge of how much its going to cost for project. Repurpose it for pool but any new debt would have to go to voters for a specific project. Mayor MOrales by March 1 or ealry March go public with 3 renditions of how parks would look see renderings cost estimates and publically say these 3 parks will be tournaments facilites. If approved by voters then built a 1-2 years form them. Saprks give voteers choice wwith 3 additional items on baallot. Dufford want everyone to vote on each project? Saprks if need debt then ened voter approval. Hotchkiss there are things that may be infrastructure. Robnett would you offer the same amendment for a CO. Saprks no way sotp if don't like. Robnett that s beauty of elected municipal governement.

Jose Luis Chavez, 1307 Camp, what devalues a car the most? Here is when Jones show up next door. Need to give best to kids. If want to save money jsut pay credit cards. You ahve problem solve it with taxes that is language here. Wants it to have a purpose. Think should go ahead but not for 30 years.

Robnett Fitch credit rating financial profile significan credit strength financial performance very conservative AAA credit rating. Lacy taxing rate gone from 68 cents to 38 cents. Lacy include every road and every park park that need to change sprinkler head.

Dufford can't change lanaguage unless move to November. Sparks it would be a seperate item.

Died lack of second. by prohibiting debt attached ot the use of 4b funds without a vote of the people. sparks motion.

Hotchkiss slight rebuttal been very prudent financially there is always recourse from the Public. If we do things don't like and if hear enough will stop going in that direction. Guess not distrustful of fact that there is a way. Sparks we have to start this year. Mayor 8 years from now new Council and if citizens are not happy with progress they ahve what options. John put back on ballot. Saprks saying all or ntonign and have to pass a new sports complex this eyar because have to get it started. Lacy then lets cancel election until get proejcts ready and appease Sparks. but you've already said if its not in May then dont' support it. Morales on discussion of sunset are we good. everyone good for 25. Hotchkiss have precedence to say 25 and show it can be cut off earlier. Love have feeling that future Councils. Robnett do not support issuing any public debt period conservative governments dont issue debt. Saprks conservative govts allow their constituents to vote on it. .

Lacy clarify if 4b tax shoujld not extended if it doesn't allow voters to vote on May of 2016. Sparks should be allow to go until its paid off. Not allowing them to vote just on

4b and debt.

Morales if not specific about the proejcts thent he voters won't aprpove it? Sparks that is probably correct.

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

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

None.

EXECUTIVE SESSION

Recess to Executive at 12:17 a.m.

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

a. Section 551.072 Deliberation Regarding Real Property.

a.1. Discuss the purchase, exchange, lease, or value of real property described as all of Block 7, Original Town Addition, Midland, Midland County, Texas.

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

PASSED AND APPROVED the __ day of ____, 2016.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary