

**MIDLAND CITY COUNCIL
MINUTES
February 09, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 09, 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, General Services Director Fred Reyes, 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 ____ a.m., February 09, 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

10:05

1. Invocation - Pastor Robert Pase, Grace Lutheran
2. Pledge of Allegiance

PRESENTATIONS

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

PUBLIC COMMENT

thom s flourney, 3202 W K ns s, re d excerpt from dec of ind - does he h ve right to force neighbor to give money. if h s right c n deleg te to govt. does council h ve right to force t king of money spe king g inst 4b.

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 - 27 excluding 7; 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 Lacy moved to approve Consent Agenda items 5 - 27 excluding 7; seconded by Council Member Love.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of January 26, 2016.
6. Approved a resolution approving the purchase of twenty-one (21) Panasonic laptops including a three year warranty for police vehicles from PCMG, Inc. through Buyboard for a total cost of \$86,571.87 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 032

RESOLUTION APPROVING THE PURCHASE OF TWENTY-ONE (21) PANASONIC LAPTOPS WITH CORRESPONDING THREE (3) YEAR WARRANTIES FOR POLICE VEHICLES FOR THE GARAGE DIVISION FROM PCMG, INCORPORATED, THROUGH BUYBOARD AT A TOTAL COST OF \$86,571.87

8. Approved a resolution awarding the project described as Aircraft Ramp Lighting System Improvements at Midland International Air & Space Port (7146) to Basin Electric &

Technology of Midland, Texas, and appropriate the necessary funds. (AIRPORTS)

RESOLUTION NO. 2016 - 034

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BASIN ELECTRIC & TECHNOLOGY OF MIDLAND, TEXAS, FOR THE AIRCRAFT RAMP LIGHTING SYSTEM IMPROVEMENTS PROJECT (7146) AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT IN AN AMOUNT NOT TO EXCEED \$311,386.00; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$448,064.00

9. Approved a resolution authorizing the execution of a Mutual Termination and Release Agreement between the XCOR Aerospace, Inc., and the City of Midland, Texas for a 22,500 sq. ft. tract of land located within Tract G, Section 5, Block 40, T2S, T&P Ry. Co. Survey, Midland County, Texas. (AIRPORTS)

RESOLUTION NO. 2016 - 035

RESOLUTION AUTHORIZING THE EXECUTION OF A MUTUAL TERMINATION AND RELEASE AGREEMENT BETWEEN XCOR AEROSPACE, INC., AND THE CITY OF MIDLAND, TEXAS, REGARDING A CERTAIN CITY-OWNED 22,500 SQUARE FOOT TRACT OF LAND LOCATED WITHIN TRACT G, SECTION 5, BLOCK 40, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

10. Approved a resolution authorizing the execution of a Commercial Land Lease Agreement between the Midland Development Corporation (MDC) and the City of Midland, Texas. (AIRPORTS)

RESOLUTION NO. 2016 - 036

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND DEVELOPMENT CORPORATION REGARDING REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND DESCRIBED AS APPROXIMATELY 22,500 SQUARE FEET OF BUNKER SPACE

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

RESOLUTION NO. 2016 - 037

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

12. Approved a motion authorizing the execution of a Sports Agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES)
13. Approved a motion authorizing the execution of a Sports Agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket. (COMMUNITY SERVICES)
14. Approved a motion authorizing the execution of a Sports Agreement with Midland

Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older. (COMMUNITY SERVICES)

15. Approved a motion authorizing the execution of a Sports Agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger. (COMMUNITY SERVICES)
16. Approved a motion authorizing the execution of a Sports Agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES)
17. Approved a motion authorizing the execution of a Sports Agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES)
18. Approved a motion authorizing the execution of a Sports Agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES)
19. Approved a motion authorizing the execution of a Sports Agreement with the Boys and Girls Club of Midland, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)
20. Approved a motion authorizing the execution of a Sports Agreement with First Baptist Church Upward Flag Football League, to administer programs, special events, and services related to flag football activities for youth and adults. (COMMUNITY SERVICES)
21. Approved a motion authorizing the execution of a Sports Agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES)
22. Approved a motion authorizing the execution of a Sports Agreement with Stonegate Fellowship to administer services related to flag football for youth and adults. (COMMUNITY SERVICES)
23. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Sunridge Ranch Estates Section 5, and to waive the corresponding financial security guarantee valued at \$345,303.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 2,050 feet northwest of the City of Midland corporate limits, on the southeast corner of the intersection of North County Road 1246 and West County Road 41 in the Extra Territorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES)
24. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Sunridge Ranch Estates Section 6, and to waive the corresponding financial security guarantee valued at \$269,785.73 an amount equal to the estimated cost of construction. The subject property is generally located approximately 690 feet north of the City of Midland corporate limits, on the north side of West County Road 44

approximately 280 feet west of the intersection with North County Road 1240 in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)

25. Approved a resolution authorizing the execution of a six-month Right-of-Way License with Dawson Geophysical Company, for seismic testing on Midland Airpark property, Sections 14 & 15, Block 39, T-1-S, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 038

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY FOR SEISMIC TESTING ACROSS CITY-OWNED PROPERTY AT MIDLAND AIRPARK, SECTIONS 14 & 15, BLOCK 39, TOWNSHIP 1 SOUTH, MIDLAND COUNTY, TEXAS

26. Approved a resolution authorizing the execution of a six-month Right-of-Way License with Dawson Geophysical Company, for seismic testing on City right-of-way, and City-owned parcels, spanning from approximately Holiday Hill Road to Lamesa Road, but excluding the Midland Airpark property. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 039

RESOLUTION AUTHORIZING THE EXECUTION OF A SIX-MONTH TEMPORARY RIGHT-OF-WAY LICENSE WITH DAWSON GEOPHYSICAL COMPANY FOR SEISMIC TESTING ACROSS CITY-OWNED STREETS AND RIGHTS-OF-WAY

27. Approved a resolution authorizing the renewal of an Operating Certificate for Midland Shuttle Services, Inc. (POLICE)

RESOLUTION NO. 2016 - 040

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR MIDLAND SHUTTLE SERVICES, INCORPORATED, TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

7. Approved a resolution approving specifications and authorizing advertisement for bids for the Fiscal Year 2016 Mill and Inlay Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2016 - 033

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE FISCAL YEAR 2016 MILL AND INLAY PROJECT; SAID PROJECT WILL PROVIDE FOR THE REMOVAL AND REPLACEMENT OF TWO TO FIVE INCHES OF ASPHALT PAVEMENT ON CERTAIN ROADWAY SECTIONS

Council Member Lacy moved to adopt Resolution No. 2016 - 033; seconded by Council Member Robnett.

Lacy pulled for clarency done fantastic job thank fantastically. Give context on what road and what anticipating total project . Gabe McClelland Midkiff two alternates illinois right at hosp. 2nd base bid Wadley A and Big Spring all 3 area paving in need of

removal 1.75 - 2 M. Any other roads targeting? Gabe not this year. list of streets that prioritizing in coming years. Lacy \$%m in mill and overlay. Corutney waiting tos ee what economy is doing \$5 million comfortable 2.5 now and wait and see wha teconomy is going. Will see back with additional requests. Don't want to cut mill and inlay program.

Love what happens to alternative proejects if aren't aprproved. Does staff bring back up in order or? Asking because Robnett showed info about previous unfunded projects cut and a lot of them were infrastructure. Gabe goal to bring two alternates should be done next year. Love serious infrastructure dont' want kcik cans down road. Hotchkiss the \$2M what proejct. Gabe base bid \$1.75-2M two alternates if come in underestimate get an alternate done. Hotchkiss first proejct only.

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

SECOND READINGS

28. Consider an ordinance on second reading 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 E. 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

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9531 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.

29. Consider an ordinance on second reading 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 SueAnn Lopez read the caption of Ordinance No. 9532.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9532 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.

30. Consider an ordinance on second reading 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-square 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 SueAnn Lopez read the caption of Ordinance No. 9533.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9533 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

31. Consider and ordinance on second reading 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 SueAnn Lopez read the caption of Ordinance No. 9534.

Council Member Love moved to deny an ordinance on second reading 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.; seconded by Council Member Dufford.

Morales as look at economy as iindividuals and how effects individually there are pros and cons. Look thorough our eyes and how to we help and support each other. Very strong message. If heard it put self in position. this is our community and we have to take care of it. Heard repeatedly trust Council. Type B Tax issue veyr important issue, tool and opportunity. There are those that do support repurposing the tax as it is opportunity to do a lot of goo din community to keep property taxes down and improve community. Others opposed ot tool as written but don't oppose whole issue and see as opprotunity to do good. Believe there could be a better approach. Great revenue tool been successful in various cities. improved tax base. At end of day Midland texas our community elected to make right decision. Said numerous times that htis communiyt is of one and take care of selves and take pride to improve city and gola to move forward. Encourage council to not support May 7 but do in November so can take time to show benefits of how Type B tax can improve City. Campaign in front to work.

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

Dufford suggested to move to November election.

PUBLIC HEARINGS

32. Hold a public hearing and consider an ordinance on a request by Carl Englestad for a vacation of the 0.06-acre portion of the alley right-of-way, located adjacent to Lot 13, Block 143, Southern Addition, City and County of Midland, Texas. (Generally located on

the east side of S. Fort Worth Street, approximately 150-feet north of E. Pennsylvania Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9535

AN ORDINANCE VACATING AND A 0.06-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 143, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH FORT WORTH STREET, APPROXIMATELY 150 FEET NORTH OF EAST PENNSYLVANIA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,227.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9535.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made by Carl Englestad for vacation a portion of alley. Applicant owns all property surrounding alley. been reviewed by utility and staff no issues. Issue boils down to appraised value of property. mcad 5227 he is disputing that value. Have second request into appraisal and came up with same amount. Staff rec approval at rate established by appraisal district. Love in application said wanting to vacate question is which property will be extended? Chuck he will have to replat it. Love he has mfgd homes on 3 lots to south correct? Englestad, correct.

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

Carl Englestadt 4900 Spy Glass Circle, disputing property price it is an estimate appraisal property to south 607 S. Ft Worth taxable value is \$5,000 which is .71 per square foot. MCAD has this at \$2 per square foot estimate. Taxable value is .71. Robnett how long owned property to south. about 3 years at that time.50 cents per square foot. Spark looked up properties around there in 2012 it was \$700 for whole lot and now at \$5,00. his cal came up .76 cents per foot. He can't figure out where get \$2 per foot. Love as property owner in area tell you most of properties exhibited she he outlined. in 2012 \$700 a lot and then jumped up. The valuations have increased. Sparks \$5,000 for lot above and lot below. He paid back taxes of 7 years and owned property for one year. Love that is not germane because that is part of buying real estate. . Dufford okay with .71 cents.

Love will replat northern part. Carl or replat southern part may split.

There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9535 in accordance with the Charter of the City of Midland with amendment to change value to \$1856.; 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.

33. Hold a public hearing and consider an ordinance on a request by RJ Daum, RPLS for the vacation of a 5.44-acre portion of right-of-way out of 33.97-acres out of Blocks 3, 4, 21, and 22, East Midland Addition, and Blocks B, C, D, E, F, and G, Montgomery Addition, City and County of Midland, Texas. (Generally located west of the intersection

of Walnut Lane and N. Stonewall Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9536

AN ORDINANCE VACATING AND ABANDONING A 5.44-ACRE PORTION OF RIGHT-OF-WAY LOCATED IN BLOCKS 3, 4, 21, AND 22, EAST MIDLAND ADDITION, AND BLOCKS B, C, D, E, F, AND G, MONTGOMERY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF THE INTERSECTION OF WALNUT LANE AND STONEWALL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$296,208.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9536.

Chuck seeking to vacate a portion of row to put together for future development row never improved since orig platted. appraisal district \$296,208 for property. No utilities in land and staff rec approval. This valued \$1.25. Love did staff have opportunity to look at in relation to comp plan? Chuck in gen always look at plan but don't typically see impact from street closures unless large arterials are planned. this case large palt for residential devleopment so doesn't impact comp plan. Love hwo far away from 1F. Love historical zoning haphazard and hasnt' beenc hanged. not sure what applicant is putting ther econcerned aobut C# close to residential depending on what going to ut there. C3 allows pretty much anything.

Mayor Morales opened the public hearing at 10:45 a.m.

R.J. Daum 408 N Pecos, agree with City Staff here for questions. Worked with property, it is opportune for transaction to take place because of current owners. Primarily in flood plain this transaction will help with devleopment. Love what plan on putting there. Daum plans for common area eventually housing situation once done with O&G development. Village atmosphere. Light industrial activity? Daum storage and concrete company that is already there. Love concern big lot and becoems C3 and have industrial. Heard what said but if sell property then can have anything. Would you be willing to consider a more restrictive zoning code you can drill by right store in less than C3 and build houses in less than C3. Daum, sure. Love helpJohn any zoning have to give notice in a hearing. cannot incorporate a zoning issues. Sparks platting would have to come back. Love if comes back for zoning request would have ot fill out app and pay for. Since willing can we work with him since it is our request. Courtney vote on first reading and not have second reading until coems forward with zoning request. Daum okay with that. Council consensus received.

Council Member Love moved approval of the first of two readings of Ordinance No. 9536 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.

34. Hold a public hearing and consider a resolution on a request by Robert Ahola for approval of a Temporary Land Use Permit for a Tent Sale on Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of W. Loop 250 North, approximately 220-feet west of North Midkiff Road.)

(DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 041

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TENT SALE ON LOT 7, BLOCK 17, SKYLINE TERRACE ADDITION, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington request is for tent sale in Midland Park Mall. Show on exhibit 4000 sq ft area for 18 day period. This is less than one approved last year that was 22 days. hours 9 am to 10 pm daily. Staff rec approval no loj.

Mayor Morales oph 10:53 a.m. cph

Council Member Robnett moved to adopt Resolution No. 2016 - 041; seconded by Council Member Hotchkiss.

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

35. Hold a public hearing and consider an ordinance, on a request by Lockridge Outdoor Advertising, LLC, for a Specific Use Permit, with Term, for a Billboard, on all of Block 17, less 1,351-square feet, Original Town, City and County of Midland, Texas (Generally located northwest of the intersection of N. Lamesa Road, and E. Front Street – District 2); and a Specific Use Permit, with Term, for a Billboard, on a 2.86-acre tract of land out of Section 7, Block 39, T-2-S, T&P Railroad Company Survey, City and County of Midland, Texas (Generally located on the south side of Interstate 20, approximately 350-feet east of Lote Bush Drive – District 2); and Specific Use Permit for an Electronic Billboard on Lot 1, Block 16, Haley Heights, City and County of Midland, Texas (Generally located southwest of the intersection of S. Rankin Highway and Collins Avenue – District 2); and a Specific Use Permit with Term, for an Electronic Billboard on a 7.98-acre tract out of Section 4, Block 39, T-2-S, T&P (DEVELOPMENT SERVICES)

ORDINANCE NO. 9537

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 16, HALEY HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH RANKIN HIGHWAY AND COLLINS AVENUE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2.86-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF INTERSTATE 20, APPROXIMATELY 350 FEET EAST OF LOTE BUSH DRIVE), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED

AS ALL OF BLOCK 17, LESS 1,351 SQUARE FEET, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST FRONT STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 7.98-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF INTERSTATE 20, APPROXIMATELY 1,100 FEET EAST OF SOUTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMITS SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9537.

Development Services Director Chuck Harrington gave a brief overview of the item noting consists of four requests lumped into 1. first sup for elec billboard swc of s rankina nd collins. this request meets size and height conditions and min seperation requirements, and setbacks and in excess of property zoned. Dufford consistent with agreement in all four requests. chuck yes. Love all four in his district.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 9537 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

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

36. Hold a public hearing and consider an ordinance on a request by 8086, LLC, for a Specific Use Permit, with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a Lounge or Nightclub, on a 8,853-square foot portion of Lot 1A, Block 2, Grandridge Park Addition, Section 6, City and County of Midland, Texas. (Generally located southwest of the intersection of Holiday Hill Road and League Drive). (DOWNTOWN DEVELOPMENT)

ORDINANCE NO. 9538

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,853-SQUARE FOOT PORTION OF LOT 1A, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HOLIDAY HILL ROAD AND LEAGUE DRIVE), 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 LOUNGE OR NIGHTCLUB FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9538.

Development Services Director Chuck Harrington gave a brief overview of the item noting sup for alcoholic beverages. Originally had sup but because changes building plan approved juen 2014 the restauraunt max seating 250 occupants and roviding 63 parking, cons with planned deve no chruch or school within 300 nearest residential 800 feet away. no objections to hrus no loj rec approval.

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

Robert Rendall availabnle in case have quesitons minor mod of size of bldg.

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

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9538 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.

37. Hold a public hearing and consider an ordinance on a request by Lamar Advertising, for a Zone Change from AE, Agriculture-Estate District, to LR-2, Local Retail District, on Lot 1, Block 1, Green Acres, City and County of Midland, Texas. (Generally located approximately 400-feet north of the intersection of N. Highway 349 and Arapahoe Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 9539

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, GREEN ACRES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 400 FEET NORTH OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9539.

Development Services Director Chuck Harrington gave a brief overview of the item noting currently zoned AE. prev request zoning to expand PD and was denied and now

requesting to go to LR2. located on west side of 349 east pd for industrial uses and they are seeking to change this identifies area for housing but several changes supercedes what was in complan. Multiple storage facilities and along major arterial not good use for residential. Applicant has zone change and behind sup for billboard. the owner looking at expanding his operations to the north. No loj rec approval of zone change.

Mayor Morales opened the public hearing at 11:02 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. 9539 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.

38. Hold a public hearing and consider a request by Lamar Advertising, on appeal, for a Specific Use Permit, with Term, for a Billboard, on Lot 1, Block 1, Green Acres, City and County of Midland, Texas. (Generally located approximately 400 feet north of the intersection of North Highway 349 and Arapahoe Road). This is a public hearing only and no additional action will be taken. (DEVELOPMENT SERVICES)

Development Services Director gave a brief overview of the item noting this request for SUP for billboard. falls ins pecial contorl area the request requires removal of 2 billboards to repalce with elec. They ahve removed two billboards. min seperation 1500 over 300. max 300 applicant requeting 672 which is what would be out on IH. Staff rec denail of billboard this large at that location. Staff perspective 349 people coming in 349 feel like 300 sq ft is adequate to be seen. Robnett size of two billboards removed? Chuck don't know.

Mayor Morales opened the public hearing at 11:06 a.m.

Chris Stokes, 515 Three Rivers. built two structures out here after sign ordinance changed. p7z didn't have problem on west side. had deal in palce and trying to honor that deal. Two billboards took down 349 across from country club and further south taken down for new apartment complex built on east side of 349 and subdivision being built. Like all billboards are subject to leases. Asking for a static billboards. Not holding up development if need to do it they do it. Brought five letters of support. screened from residential and unique because of industrial nature. use north side is city limits next adjacent property south powerlines no houses built out here. Betenbough will be screened by office warehouse in front of subdivisions. Hotchkiss the objection from staff is it does not fit new standards. Chris 300 sq ft would be awkward. Hotchkiss this is new standard. Chris had agreement in place prior to new ordinance. This si right size for him puts in rotary program can move to other locatiosn in City. Love would approach from different angle. What is the need, why need the extra space vs. Chris 300 sq ft work on every other part of 349 because speed limit is 35 miles per hour and red lights. There is alot more mixed use less dense more residential in adjacent and larger billboards are appropriate. This unique more of sameuses will never change no residential will see speed limit is 55. Chris rotary systemt hat spots rotates around city. Dufford would consider taking down a billboard on MISD. Chris still have to pay rent check. Chris customers like to be near mall or other area. Primary is rotate vinyl to get

more exposure to customers. Hotchkiss doesn't meet size requirements.

672 square feet. net loss took down 400 sq ft.

There being no one else wishing to speak, the public hearing was closed at 11:15 a.m.

39. Hold a public hearing and consider a resolution on a request by Westlake Hardware, Inc. for approval of a Temporary Land Use Permit for Outdoor Retail Sales on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas. (Generally located on the north side of Andrews Highway, approximately 390-feet east of Whitney Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 042

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR RETAIL SALES ON LOT 1, BLOCK 5, PARK PLACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 390 FEET EAST OF WHITNEY DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting outdoor sales area temporarily February through June for seasonal type products. Their hours mon sat 8-9 sun 9-6. areas will occ 24 parking spaces but have current 186 have 212 avail leaes in excess of what codes requires for site. no loj and staff rec approval. Love a bit unusual to have tlu that is 4.5 months. Chuck it is yes, what looked at where located fact that can't have sidewalk sales that other businesses can do which who staff evaluated on it. Chuck looking at seasonal aspects such as fertilizer and flowers. Lacy temp nursery in aprking lot. yes. Robnett christmas is a few weeks. Dufford made request of lowes? Hotchkiss those facilites have greenhosue built into building. Love had one for tractor supply not that long.

Mayor Morales opened the public hearing at 11:18 a.m.

Phillip Ulcak 2303 ScR 1128, district mgr welake hardware avail to ans questions. Lacy chain link? Philip temp shade with chain. timing start setting up mid feb and wont' bring plants in first of march. Lacy water? Phillip 2012 had proposal approved by city and start down plants now . phillips garden hose speed bump to protect hose. Hotchkiss is it open for months? Philip close plants end of May off parking lot middle of June. Love ask again enxt eyar for same? yes.

There being no one else wishing to speak, the public hearing was closed at 11:20 a.m.

Council Member Love moved to adopt Resolution No. 2016 - 042; seconded by Council Member Hotchkiss.

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

MISCELLANEOUS

40. Receive the 2015 Midland Police Department Racial Profiling Analysis (POLICE)

PRice saw presentaiton briefing thismorning any q eustions/

41. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9540

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9540.

Miek pacelli update 5 stop signs 34 converting yeild to stops. issues in neighborhood for site distance.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9540 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Love sitll problem on Oak.

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

42. Consider an ordinance establishing yield right-of-way signs at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9541

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9541.

Mike Paceli same for yield signs companion. Love only one stop sign on oak you said severla only one.

Council Member Dufford moved approval of the first of two readings of Ordinance No. 9541 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

43. Consider an ordinance on request by Southwest Baptist Church and Fasken Oil and Ranch for the vacation of a 0.45 acre City Utility Easement, generally located one (1) mile east of County Road 1275, and immediately north of State Highway 191; Section 33, Block 40, T-1-S,T&P RR Company Survey, Midland County, Texas. (ENGINEERING SERVICES)

ORDINANCE NO. 9542

AN ORDINANCE VACATING AND ABANDONING A 0.45-ACRE UTILITY EASEMENT LOCATED IN SECTION 33, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY ONE MILE EAST OF COUNTY ROAD 1275); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$10,350.00; WAIVING THE FEE FOR THE COST OF THE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9542.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9542 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.

44. Approved a resolution authorizing the execution of a Professional Services Agreement with Kimley-Horn and Associates, Incorporated, of Irving, Texas for design development, construction documents, bidding assistance, and construction oversight for the Washington Aquatic Center Pool and Bathhouse Renovation Project; and appropriating \$420,000.00 for said professional services. (PURCHASING)

RESOLUTION NO. 2016 - 043

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INCORPORATED, TO PROVIDE DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS, BIDDING ASSISTANCE, AND CONSTRUCTION OVERSIGHT FOR THE WASHINGTON AQUATIC CENTER POOL AND BATHHOUSE RENOVATION PROJECT; AND AUTHORIZING THE APPROPRIATION OF \$420,000.00 FOR SAID PROFESSIONAL SERVICES AGREEMENT

Laurie Williams - Saprks \$420,000 is a lot just ifnished Doug Russell can you not start with design spef used for Doug Russel and why can't staff get bids and oversee construction. Laurie many things into work of pool and majority of work at Washington is pumps filtersa nd mechanical parts. the consultant is expert. Sparks same thing at Doug Russell same concept. Saprks trying to make same. Washington bathhouse not

renovated arch whole new animal. went through process of rfq can't jus tpick up wher eleft off. Sparks could see if reduction in scope thats 4 full-time engineers for a eyar that's a lot fo man hours seems like we are not doign anything. Seems like a whole lot of money. Laurie typically is 10%. Laurie not a footprint you can pick up and move over. Morales serious concern aobut that what about health and safety if trying to replicate something that doesn't fit? Robert Patrick had same questions when got into detials there is a significant difference in layout once got into detials. Robnett is it something you're comfortable enough cutting he's not. Lacy visited pools there are immediately safety conditions today. can move forward increase quaility of life dont' think Doug Russel are cookie cutter because different enough. Sparks he understnad that but understand how many dollars involved. Cookie cutter is strictly 10%. No reason behind it nobody cranked any numbers. Hotchkiss its big numbers and it isn't building the pool. but it is what comes before us time after time there is no recourse. Once pick a consultant can negotiate those fees. this is negotiated price. If proeject is \$5m still same price. Love think Kimley Horn is excellent choice.

Council Member Love moved to adopt Resolution No. 2016 - 043; seconded by Council Member Dufford.

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

45. Approved a resolution approving a contract for the purchase and installation of a pre-fabricated shade structure for the Hogan Park Golf Course for tournament operations from Playgrounds Etc LLC through Buyboard for a total cost of \$103,337.00. (PURCHASING)

RESOLUTION NO. 2016 - 044

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A PRE-FABRICATED SHADE STRUCTURE FOR THE HOGAN PARK GOLF COURSE WITH PLAYGROUNDS ETC, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$103,337.00

Greg Sikes, David Byrd?? Storm in August took pavillion and blew it over onto the golf course. This gets back to where were it is a ncier cover two tournaments if lose would be cost of cover. Dufford shade structure can use other place if get design. bolted together so can move it. Hotchkiss is there protection to make it wind resistant. Open ended gable .

Council Member Lacy moved to adopt Resolution No. 2016 - 044; 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.

46. Approved a motion making an appointment to the Hotel/Motel Tax Advisory Board or other various boards and commissions.

Council Member Love moved to appoint Shirley Howard to Parks Board; 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.

EXECUTIVE SESSION

recess to executive 11:37 a.m.

47. 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