

**MIDLAND CITY COUNCIL
MINUTES
February 14, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 14, 2017.

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

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 14, 2017.

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

Council Members absent: None.

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

The Agenda Items were heard in the following order:

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

OPENING ITEMS

10:03 a.m.

homeschooler Noah and Riley homeschoolers 13 and 9 to learn.

1. Invocation - Pastor Daniel Stephens, Mid-Cities Community Church
2. Pledge of Allegiance

PRESENTATIONS

Council presented a retirement commendation

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Retirement Commendation to Tommy T. Hudson.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 39 excluding 6, 7, 9, 10, 12, 13, 14, 15, 35; seconded by Council Member Robnett.

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

4. Approved a motion approving the following minutes:
 - a. Regular meeting of January 24, 2017.
5. Approved a resolution approving the purchase of five hundred (500) tons of Asphaltic Concrete Patching Material from CSA Materials, Inc. through TxSmartBuy contract 745-A1 for a total cost of \$55,000.00 for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2017 - 028

RESOLUTION APPROVING THE PURCHASE OF FIVE HUNDRED (500) TONS OF ASPHALTIC CONCRETE PATCHING MATERIAL FOR THE TRANSPORTATION DIVISION FROM CSA MATERIALS, INC., THROUGH TXSMARTBUY AT A TOTAL COST OF \$55,000.00

8. Approved a resolution authorizing the City Manager and the City Attorney to negotiate and execute a professional services agreement with Priority Power Management, L.L.C for aggregation, consulting and negotiation services regarding the city's supply, transmission and distribution of electric service for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 031

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PRIORITY POWER MANAGEMENT, LLC, FOR AGGREGATION, CONSULTING AND NEGOTIATION SERVICES REGARDING THE CITY'S ELECTRICITY SUPPLY

11. Approved a resolution approving the purchase of Netvault back up replication servers from Dell Marketing, LP through Department of Information Resources contract DIR-SDD-1951 for a total cost of \$76,024.20 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 034

RESOLUTION APPROVING THE PURCHASE OF NETVAULT BACK-UP REPLICATION SERVERS FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT FROM DELL MARKETING, LP, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$76,024.20

16. Approved a resolution amending the Professional Services Agreement with Stantec Consulting Services, Inc. for design for temporary (construction) and permanent traffic signals at the intersection of "A" Street and Wadley Avenue by extending the expiration date for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 039

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. FOR TRAFFIC SIGNAL DESIGN SERVICES RELATED TO THE RECONSTRUCTION OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; SAID AMENDMENT EXTENDING THE TERM OF THE AGREEMENT TO DECEMBER 31, 2018

17. Approved a resolution amending the Professional Services Agreement with Maverick Civil & Survey LLC dba Maverick Engineering for survey and all other civil engineering design at the intersection of "A" Street and Wadley Avenue by extending the expiration date for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 040

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC, DOING BUSINESS AS MAVERICK ENGINEERING, FOR SURVEYING AND CIVIL ENGINEERING DESIGN SERVICES RELATED TO THE RECONSTRUCTION OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; SAID AMENDMENT EXTENDING THE TERM OF THE AGREEMENT TO DECEMBER 31, 2018

18. Approved a resolution appropriating funds from the Midland Development Corporation's 2015-2016 Fiscal Year Budget to be used for promotional purposes, as authorized by Chapter 504 of the Texas Local Government Code. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 041

RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF \$871,464.00 FROM THE FISCAL YEAR 2015-2016 BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

19. Approved a resolution appointing a member to the Midland Emergency Communication District Board of Managers (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 042

RESOLUTION APPOINTING CLIFFORD BALZER AND PRICE ROBINSON TO THE BOARD OF MANAGERS OF THE MIDLAND EMERGENCY COMMUNICATION DISTRICT

20. Approved a motion authorizing the execution of a sports agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)
21. 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)
22. 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)
23. 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)
24. 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)
25. 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)
26. 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)
27. 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)
28. 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)

29. 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)
30. 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)
31. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bozeman Unit 803LS) located 306 feet from the south line and 2,145 feet from the west 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 Boulevard. extension and 2,102 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 043

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,145 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,102 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

32. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bozeman Unit 803MS) located 306 feet from the south line and 2,175 feet from the west 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 Boulevard. extension and 2,132 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 044

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,175 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,132 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

33. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bozeman Unit 803WA) located 306 feet from the south line and 2,115 feet from the west 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 Boulevard. extension and 2,072

feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 045

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,115 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 2,072 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

34. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bozeman Unit 803WB) located 306 feet from the south line and 2,085 feet from the west 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 Boulevard. extension and 1,976 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 046

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 2,085 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 405 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 1,976 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

36. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, LP, and rescinding a Surface Use Agreement dated October 26, 2016 between the City of Midland and Endeavor Energy Resources. The Surface Use Agreement is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing one oil flow line, not to exceed four (4) inches in diameter, two six (6) inch saltwater disposal line, four ten (10) inch temporary lay flat lines, and other necessary related facilities; to have the right to ingress and egress at convenient points for such purpose; all facilities are located on City of Midland property, Sections 09 & 16, Block 37, T-3-S, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 048

RESOLUTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 AND 16, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

37. Approved a resolution authorizing and executing a Right-of-Way License between the

City of Midland and Navitas Midland Basin, LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a gas transportation pipeline, not to exceed twenty (20) 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, Sections 18,19, and 30, Block 36, T3S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 049

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 18, 19, AND 30, BLOCK 36, TOWNSHIP 3 SOUTH, B. LEE SURVEY, ABSTRACT NOS. 956, 501, AND 957, MIDLAND COUNTY, TEXAS

38. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Navitas Midland Basin, LLC., said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing a gas transportation pipeline, not to exceed twenty (20) 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 12, Block 37, T3S and Sections 18,19, and 30, Block 36, T3S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 050

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 18, 19, AND 30, BLOCK 36, TOWNSHIP 3 SOUTH, B. LEE SURVEY, ABSTRACT NOS. 956, 501, AND 957, MIDLAND COUNTY, TEXAS, AND SECTION 12, BLOCK 37, TOWNSHIP 3 SOUTH, B. LEE SURVEY, ABSTRACT NO. 955, MIDLAND COUNTY, TEXAS

39. Receive the 2016 Midland Police Department Racial Profiling Analysis. (POLICE)
6. Approved a resolution approving the purchase of one (1) Caterpillar 826K Compactor from Warren Power & Machinery, Inc. through Buyboard contract 424-13 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 029

RESOLUTION APPROVING THE PURCHASE OF ONE (1) CATERPILLAR 826K COMPACTOR FOR THE GARAGE DIVISION FROM WARREN POWER & MACHINERY, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$726,990.00

Love pulled tumors there is another machine that will do work as good great testimony about machine and \$170,000 less. what is rationality is. Fred when look at ass far purchases replacement of equipemnt for another CAT piece in fleet for 18 years. start looking at useful life has it been good for city and talk to dept mgrs to make sure piece meets needss and requirements. Warren Cat exceptional as far as quality adn work provide second to none. confident equipment will meet citys need and expectation. Pricing does make difference. Morris the piece of equipement may be a Bomack, he

asked his counterparts what are experiences and it does not get good reviews that he has seen. It is something new done guinney pig and this is vital piece of equipment and gave a recommendation. Love vetted other machine and determine that machine wasn't up to standards in what he determines to use it for. Sparks Fred said he thought piece of equipment 18 years? Morris 99 17-18 years. Sparks be nice to actually have in memo age of equipment. Lacy tired of buyboard bypassing rfp process and leaving out other vendors opportunity. doing disservice by not going out to rfp.

Council Member Robnett moved to adopt Resolution No. 2017 - 029; seconded by Council Member Lacy.

Love on equipment we have do we run it until there is no use or is there opportunity to recycle resell? Morris getting better have buyback on couple pieces of equipment can turn over sooner and not get ot maint issuess. Don't want to spend \$170,000 in maint and down time.

Morales seen other smaller communities can we donate. Fred auction items and can look at donating. Normally dispose at auction. funds go back to garage. over budget in 6 and 7.

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

7. Approved a resolution approving the purchase of one (1) Wheel Loader from Yellowhouse Machinery Company through Buyboard contract 424-13 for a total cost of \$138,000.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2017 - 030

RESOLUTION APPROVING THE PURCHASE OF ONE (1) JOHN DEERE 444K 4WD LOADER FOR THE GARAGE DIVISION FROM YELLOWHOUSE MACHINERY COMPANY THROUGH BUYBOARD AT A TOTAL COST OF \$138,000.00

Lacy pulled how possible 53% over what budgeted. Fred bigger unit as far as what budgeted. Had 2004 1 1/2 yard and htis 2 1/2 yard bucket. That is biggest difference. What actually budgeted for what what budgeted for in 2004. Sparks think need to get bids on this. Lacy presented something that presented in fiscal budget and not remotely what going to need. Fred this particular item wasn't on list. 3 yard bucket not on list and this smaller than that bucket. Council need to address this items in your memo.

Council Member Lacy moved to adopt Resolution No. 2017 - 030; seconded by Council Member Robnett.

Love just voted for 170,00 difference and that is small amount compared to what just did. Robnet net neutral because of other savings. Sparks had there been discussion in memo want larger unit than what budgeted for because garbage trucks didn'tt cost as much would not have been upset. still think get bid on item. Love Morris if this is delayed how affect your dept? Morris they will work with it. Sparks go out with rfp and find out buyboard is less. Lacy no problem. morris need unit as soon as possible.

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

9. Approved a resolution approving the issuance of a request for proposals for the expansion of ShoreTel Connect VOIP Phone System and Associated SIP Trunks Citywide for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 032

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR THE EXPANSION OF THE SHORTEL VOIP TELEPHONE SYSTEM; SAID SYSTEM WILL REPLACE THE CITY-WIDE NORTEL PHONE SYSTEM

Council Member Lacy moved to adopt Resolution No. 2017 - 032; seconded by Council Member Love.

Sparks failure of part of current system that needed to be replace right away. Willie customer service completely went down and couldn't get calls in. PPhone system 1988 took same system had at court. Sparks it was touched on in memo you see that going to new system will save on a monthly basis. Willien 46364 for att lines. vvoip drop to 19,000 per month. about 30,000 per month savings with additional saving in Id now 6000 per year completely go away. Significant savings. Anticipate savings of 19000 for technologg evaluating for future. anticipate in 3 years donw 5942. Sparks appreciate explanation yesterday. Want to reiterate didnt' ahve time to do this point reevaluaate whether all this plexars are needed in oday's society. Willie update on one item phones 700 piece two model ussing 160 and other 186 dollars quite a bit less than cost estimate. These are office phones. Willie some desk sets will go away because can sue computer. HOtchkiss inundated with phone calls with people in district who couldn't get through to waterr department and they would call her and would get answers for them. this real need thank youf or addressing.

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

10. Approved a resolution approving the purchase of Emergency Medical Dispatch software for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 033

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF EMERGENCY MEDICAL DISPATCH SOFTWARE FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT FROM PRIORITY DISPATCH CORPORATION OF SALT LAKE CITY, UTAH, AT A TOTAL COST OF \$145,910.00; AND APPROPRIATING FUNDS THEREFOR

Sparks pulled this was not lowest price that had when talking with MR. Resto said that there was committe and this was their recommendation. Eva Luna communicaitons, fire and hospital personnel. Sparks who on committee ?? Eva chip beena round for a long time make sure all protocols meet standars of caare that are set nationwide. better at

online recertification than other one. Love what saying is call is made and something went wrong and they are trying to sue city of midland because protocols they have more experience litigating issues on behalf of client. Eva correct. Sparks Chief Balzer was on that you good with that. chip yes.

Council Member Love moved to adopt Resolution No. 2017 - 033; seconded by Council Member Lacy.

Sparks it doesn't include fire marshal module and is 75,000 more do you expect to come back at later date can't justify 70,000 dollars don't think it would help that much. Eva won't come back.

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

12. Approved a resolution approving the issuance of a request for proposals for a new Electronic Medical Records System for the Midland Health Department for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 035

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR A NEW ELECTRONIC MEDICAL RECORDS SYSTEM FOR THE CITY'S HEALTH DEPARTMENT

Sparks don't have problem other than didn't see. Willie last night went through what had submitted. They gave you spreadsheet only gave page one in packet. if give place where marked sg4 system will interface in medical mso and hospital.. sparks even with this probably for some of us that are not quite as technically inclined probably should have yes in rfp that it will work with hospitals medical records system.

Council Member Love moved to adopt Resolution No. 2017 - 035; seconded by Council Member Sparks.

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

13. Approved a resolution awarding a contract for the Bill Williams Softball Complex Concrete Improvement Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 036

RESOLUTION AWARDING A CONTRACT FOR THE BILL WILLIAMS SOFTBALL COMPLEX IMPROVEMENT PROJECT TO MID-TEX OF MIDLAND, INC., IN THE AMOUNT OF \$195,700.00; AND APPROVING \$1,824.00 FOR CONTINGENCIES

Robnett pulled but had question answered.

Council Member Robnett moved to adopt Resolution No. 2017 - 036; seconded by Council Member Lacy.

The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Lacy,

Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

14. Approved a resolution selecting one (1) firm to provide Construction Material Testing services for all City Departments for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 037

RESOLUTION APPROVING THE SELECTION OF RRC POWER & ENERGY, LLC TO PROVIDE PROFESSIONAL SERVICES TO ASSIST THE CITY WITH CONSTRUCTION MATERIALS TESTING AS NEEDED; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS FOR SAID SERVICES; PROVIDING THAT NO SUCH AGREEMENT EXCEEDING \$50,000.00 SHALL BECOME EFFECTIVE UNTIL THE CITY COUNCIL AUTHORIZES THE EXECUTION OF THE AGREEMENT; AND AUTHORIZING PAYMENT THEREFOR

Sparks in memo can be used for roadss but a lot of other depts as well. how many of these do we expect to see in enxt year or two. Matt Carr can't answer don't know what will come up. Theres time when might need something for one of his projects and he mightt be able to come out and get one test done. Fred Gabe by going thorough process of getting them on board so can get going and geet tested immediatley. Sparks dont' have problem with concept should we have a itme limit of 3-5 years to review and see if time to change. Matt think 3 year time limit. Sure the testing service will want to up cost. Sparks go with this for no more than 3 years.

Council Member Sparks moved to adopt Resolution No. 2017 - 037 with amendment for no more than three years; seconded by Council Member Lacy.

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

15. Approved a resolution approving the selection of five (5) firms for On Call Professional Engineering Services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 038

RESOLUTION APPROVING THE SELECTION OF DUNAWAY ASSOCIATES, L.P., FREESE AND NICHOLS, INC., MAVERICK ENGINEERING, PARKHILL, SMITH & COOPER, INC., AND STANTEC CONSULTING SERVICES, INC. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ENGINEERING SERVICES, ARCHITECTURE SERVICES, LANDSCAPE ARCHITECTURE SERVICES, LAND SURVEYING SERVICES, REAL ESTATE APPRAISING SERVICES, AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER EXECUTED IN ACCORDANCE WITH SUCH AN AGREEMENT SHALL NOT EXCEED \$150,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH EACH AGREEMENT SHALL NOT EXCEED \$300,000.00 PER

AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT THEREFOR

Lacy some concerns with some of language and would like to talk about putting in penalty clause. in past never on time and because of tardiness and have to do more with change orders. to include some type of penalty clause if don't meet timeline no longer considered for City work. Matt NE feasibility study came in on time and in budget. Love rather see incentive rather than penalties. Robnett single deadline missed never does business again. ? Lacy during 3 year term if deadline. Morales don't want to be that harsh limited with services. Robnett going to put into jeopardy prof relationships. needs to be accountability. liquidated damages clause. robnett need time to consider that to not be arbitrary. Love sometimes its complications with staff. Sparks missed fact that Mr. Carr does agree with Mr. Lacy and has every intention of holding firms accountable to be on time. Mayor so don't need to put anything in place. Sparks yes have it on record that Mr. Carr is to hold accountable to be on time. only reason not to put anything in. if talking a week out that is different than 3-6 months behind. As far as limited number of folks here that can do job engineering firms don't come strictly out of Midland. Love if there is a problem with firm then staff will recognize that and on subsequent applications that decision is staff will consider that. Matt don't have to use that firm again during the time period.

Council Member Love moved to adopt Resolution No. 2017 - 038; seconded by Council Member Hotchkiss.

Matt this saves time up front but if have needs they will go to other firms if necessary. Love as economy continues to grow and expand should expect some delays because of material shortages etc.

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

35. Approved a resolution authorizing the City Manager to negotiate and execute leases of City-owned minerals for tracts of 4 acres or less. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 047

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AGREEMENTS FOR LEASES OF CITY-OWNED MINERALS LOCATED IN TRACTS OF LAND EACH HAVING AN AREA OF NO MORE THAN FOUR ACRES, SAID AGREEMENTS TO PROHIBIT DRILLING ON THE SURFACE OF CITY-OWNED PROPERTY AND REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

Lacy pulled to amend to add City Manager and Council representative some on council feel more comfortable to have council part of process.

Council Member Lacy moved to adopt Resolution No. 2017 - 047 with amendment to authorize city manager and Council representative; seconded by Council Member Robnett.

Sparks before see any agreement were approving it.

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

SECOND READINGS

40. Consider an ordinance on second reading ordering a Special Election to be held on Saturday, May 6, 2017 for the purpose of voting for repurposing the one-quarter of one percent sales tax currently used for the sports complex. (CITY SECRETARY'S OFFICE) (First reading held on January 24, 2017.)

ORDINANCE NO. 9636

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

Sr read caption 9636

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9636 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

41. Hold a public hearing and consider an ordinance on a request by Francisco Gomez for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,140-square for portion of Lots 11(N/2) and 12, Block 187, Southern Addition, City and County of Midland, Texas. (Generally located on the southeast corner of South Baird Street and East Florida Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9637

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,140-SQUARE FOOT PORTION OF THE NORTH HALF OF LOT 11 AND LOT 12, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH BAIRD STREET AND EAST FLORIDA 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 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. 9637.

recess due to technical difficulties 11:02 a.m.

reconvene 11:10 a.m.

Mayor Morales opened the public hearing at 11:11 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. 9637 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Sparks don't like 10 aa.m. on sunday morning vote against anything. had 11 a.m. until last meeting.

Council Member Sparks moved to amend the motion by start alcohol service time on Sunday morning at 11:00 a.m. ; seconded by ; seconded by Council Member Lacy.

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

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

42. Hold a public hearing and consider an ordinance on a request by Mac's BBQ & Catering for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in restaurant, on a 8,319 -square foot portion, Lots 16-18, Block A, Garrett Place Addition, City and County of Midland, Texas. (Generally located on the north side of West Indiana Avenue, approximately 160-feet east of Carlton Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9638

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,319-SQUARE FOOT PORTION OF LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 160 FEET EAST OF CARLTON STREET), 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. 9638.

Development Services Director Chuck Harrington gave a brief overview of item noting currently have sup for alco bev in rest limited seating 160 people services hours 11 a.m. to 12 a.m. mon sat as know from previous meeting group offsite parking to increase numbers and now requesting revised permit for 300 people hours from 10 a.m. to 12 a.m. and closed on Sunday. received no loj and have adequate parking now. staff rec approval with conditions set forth in item.

Mayor Morales opened the public hearing at 11:17 a.m.

Wesley when 2400 W Indian would like to make a change to requested hours but would like opportunity to have birthday part at mcs on Sunday but start hours at 2 p.m. midnight Before that church is 7 a.m. to 2 p.m.

There being no one else wishing to speak, the public hearing was closed at 11:18 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9638 in accordance with the Charter of the City of Midland with amendment to amend alcohol services hours on Sunday from 2:00 p.m. to midnight; seconded by Council Member Love.

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

43. Hold a public hearing and consider a resolution to amend the 2016 Community Development Annual Action Plan authorizing a reallocation of certain Community Development Block Grant funds. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 051

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2016/2017 ACTION PLAN TO THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS PER AMENDMENT DOCUMENTS ON FILE WITH THE CITY SECRETARY; SAID AMENDMENT TO INCLUDE THE REALLOCATION OF \$707,030.23 AND RELATED BUDGET TRANSFERS; AND A COPY OF SAID AMENDMENT DOCUMENTS SHALL BE ON FILE IN THE CITY SECRETARY'S OFFICE

CDBG Isaac Garnett, staff rec that approve changes to 2016 2017 action plan to reflect one allocation change to 661412. And clean up our budget as well from previous line items. want to allocate additional 150,000 to home buyers downpayment program and want to do sidewalk improvement plan project in amount of 557,000 near Bunch Elementary.

Mayor Morales opened the public hearing at 11:21 a.m.

Isaiah Jackson 108 N Jackson, support this motion children attend bunch elementary

when pick up no sidewalks and dangerous to hav children walking ins treet and want to support this action.

There being no one else wishing to speak, the public hearing was closed at 11:22 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 051; seconded by Council Member Lacy.

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

44. Hold a public hearing and consider an ordinance on a request by Goudeau Realty Holdings for a Special Exception to the Zoning Ordinance concerning Parking Regulations on Lot 12A, Block 2, Kelview Heights, Section 10, City and County of Midland, Texas. (Generally located southeast of the intersection of N. Pecos Street and W. Wadley Avenue. - Council District 3) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9639

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 12A, BLOCK 2, KELVIEW HEIGHTS, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH PECOS STREET AND WEST WADLEY AVENUE), BY PERMITTING A REDUCED NUMBER OF PARKING SPACES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9639.

Development Services Director Chuck Harrington gave a brief overview of the item noting se int of north epcos proposed use office building portion gen officer and half for concierge dr office. under 20 spaces able to accomodate for dr office one space per 300 sq feet for dr. difference here is that is concierge dr not a regular physician heavy parking demand and as always plenty of parking for gneeral offices. small site worked with staff heavily to insure proper landscaping feel this is warranted in this case for sspecial exception. no loj received. Love is that what you call a dr who performs house calls. chuck Robnett very limited number of patients and they do make house calls.

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. 9639 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

45. Hold a public hearing and consider an ordinance on a request by BRR Architecture for a

zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 1C, Block 33, Northgate Addition, Section 26, City and County of Midland, Texas. (Generally located northeast of the intersection of Northgate Avenue and Northcrest Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9640

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1C, BLOCK 33, NORTHGATE ADDITION, SECTION 26, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTHGATE AVENUE AND NORTHCREST 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. 9640.

Development Services Director Chuck Harrington gave a brief overview of the item noting on behalf o walmart amend planned district to include canopy for r package pick up. 1440 sq ft compatible with all uses in surrounding area. staff recommends approval of this zone change no loj wer ereceived. Love MR. Pacello looked at for circulation and traffic? Miek Pacelli recalls reviewing with no concerns.

Chuck place order come up park and brought to car.

Mayor MOrales opened the public hearing at 11:27 a.m.

Molly Viscayno 4505 N. Midland Drive on behalf orf Panda Express, want to ensure wont' impact store. store making ggood money and sales and no negative impact. Road closure.

There being no one else wishing to speak, the public hearing was closed at 11:28 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9640 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

46. Hold a public hearing and consider an ordinance on a request by Hutton Team, LLC for a vacation of the 0.046 -acre portion of the alley right-of-way, located between Lots 1-2 and Lot 18, Tract 6, of the Replat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located on the north side of Marlin Avenue, approximately 190-feet west of Rankin Highway. - Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9641

AN ORDINANCE VACATING AND ABANDONING A 0.046-ACRE PORTION OF

ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1, 2 AND 18, TRACT 6, REPLAT OF TRACTS 5 & 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MARLIN AVENUE, APPROXIMATELY 190 FEET WEST OF RANKIN HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$4,007.52; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9641.

Development Services Director Chuck Harrington gave a brief overview of the item noting Rileys auto part store. applicant wishes to make use of alleyway as part of development and asked it to be vacated with retain of utility. main portion left open orig hearing schedule jan 24 came to agreement as far as alley and access. Have a letter since come in from same property owners regarding dedication. city utility att atmos oncor have utilities all keep in place make use of distance for alley for part of project. The effective value of proper \$2 sq ft \$4007.52. Sparks make use of it but no structure. Hotchkiss neighbors are now comfortable. Chuck still want an agreement with owner. John does applicant own on both sides of alley. chuck yes. Robnett what were concerns of property owners? Chuck other property owners use alley for access and concerned about it being open for access.

Mayor MOrales opened the public hearing at 11:33 a.m.

Josh Ligon, Tennessee, representing owner. proposing development of parcel that would be auto appts store needed additional lot in rear that will add to that for purpose of additional parking and create access easement 26 feet wside form marlin thru to adjoining neighbors. no curb needed. by vacating we are going to assume having to take care of property it will not be blocked by any emans. utility easement will stay not moving. Lacy what are concerns of adjacent property owner. Josh spoke with Cruz family withdrew not able to make out for last meeting. Agreed in concept but have not gotten full agreement together and specifics for construction concessions for making being members of community. They want to make sure suggested proposing approve contingent to approval of agreement. In that dictate in agreement. Lacy what is currently at locaiton? retail liquor store.

There being no one else wishing to speak, the public hearing was closed at 11:35 a.m.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9641 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

47. Hold a public hearing and consider an ordinance on a request by Hutton Team, LLC for a Special Exception from the Zoning Code concerning the side yard setback and parking regulations on Lots 1, 2, and 18, and a 0.046-acre portion of alley right-of-way, out of Tract 6, of the re-plat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of Rankin Highway and Marlin Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9642

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1, 2 AND 18, AND A 0.046-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, TRACT 6, REPLAT OF TRACTS 5 AND 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF RANKIN HIGHWAY AND MARLIN AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK AND A REDUCED NUMBER OF PARKING SPACES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9642.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is follow up to previous item applicant is Oreileys auto parts as part of development required to provide 15 foot side yard set back along marlin avenue and 36 parking spaces. proposing 28 spaces and side yard 5 feet. As request deviation and no hardships shown to rec denial of this special exception. should council move to grant asked to please make note of the conditions of items on agenda report. chuck hardship created by applicant. Mike like to have defined driveways orderly and structure. two standard driveways on local street no access onto rankin which is why comfortable with.

Sparks do know auto parts store are larger than any other retail because they have to have parts. Have yet to go into a city auto parts store that has a full parking lot they are generally empty.

Chuck applicant can better address what kind of storage this special exception goes with property if it changed and it was more intense retail they will also be short of parking. Sparks we can make it so only for this business. Love when this application came before last time he was concerned about the five foot setback did visit with applicant and upon looking at it don't have problem reduction because huge parking lot won't cause line of site of people trying to turn on rankin. it will be lighted. in regard to parking the last application suggests the the applicant is trying to accommodate the parking situation and a large portion is with a retention pond. In favor of it and can support this item.

Mayor Morales opened the public hearing at 11:43 a.m.

Josh Ligon, TN, think going to restate some of things about 90 feet back from rankin highway. The marlin street is side street do have 5 foot set back because of way corner have two front and have a 15 foot?? with rain got last night need for detention and concrete does that.

There being no one else wishing to speak, the public hearing was closed at 11:45 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9642 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Dufford.

48. Hold a public hearing and consider a resolution on a request by Our Lady of Guadalupe Catholic Church for approval of a Temporary Land Use Permit for a Church Family Fair and Carnival on Lot 8, Block 7, Glendale Addition, and Lot 13A, Block 7, Glendale Addition, Section 2, City and County of Midland, Texas. (Generally Located northeast of the intersection of North Tyler Street and Garden Lane.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 2017-052

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CHURCH FAMILY FAIR AND A CARNIVAL ON LOT 8, BLOCK 7, GLENDALE ADDITION, AND LOT 13A, BLOCK 7, GLENDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH TYLER STREET AND GARDEN LANE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Chuck Harrington gave a brief overview of the item noting Our Lady of Guadalupe Catholic church for annual carnival event held over 4 days april 27 april 30. Onsite sale of alcohol on sat and sun 15 per rest 10 port rest 8 security guards on duty all timee. staff rec approvla.

Mayor Morales oph 11:47 a.m. cph

Council Member Love moved to adopt Resolution No. 2017-052; seconded by Council Member Sparks.

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

MISCELLANEOUS

49. Approved a resolution authorizing the City Council to support the adoption of a letter of support and revitalization to The Michaels Organization for TDHCA tax credit application. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, SUPPORTING THE PROPOSED CHAPARRAL APARTMENTS AND CONFIRMING THAT THE CITY SHALL PROVIDE A LOAN, GRANT, REDUCED FEE OR CONTRIBUTION OR OTHER VALUE OF BENEFIT IN THE NOMINAL AMOUNT OF \$10.00 FOR SUCH DEVELOPMENT; THE APPLICANT IS MIDLAND CHAPARRAL ASSOCIATES, LP, AN AFFILIATE OF THE MICHAELS ORGANIZATION; THE PROPOSED DEVELOPMENT IS LOCATED AT 4201 NORTH GARFIELD STREET; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

DSD Chuck Harrington gave a brief overview of the item noting last year request form

group to remodel and rebuild existing apartment using tx dept of comm affairs tax credit. as part of this have shown commitment form city requesting \$10 so it adds points to their request. Love last year tough decision this org and another were competing and main reason went with other was to add more units and this is rehab and glad to see this applicant come back and potentially apply for rehab dollars.

Mayor has criteria changed. ??? it has slightly but feel competitive.

Lacy project that was approved funding revoked because City of Midland is not qualified in downturn which made no sense. Happy to support. Hopefully next time add more units and see cleaned up a little bit. Love to see more credits available to Midland region hoping to work with state govt.

Council Member Sparks moved to adopt Resolution No. 2017-053; seconded by Council Member Hotchkiss.

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

50. Consider an Ordinance amending Title III "Departments", Chapter 1, Water Department (UTILITIES)

ORDINANCE NO. 9643

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO AMEND THE REQUIREMENT THAT NON-RESIDENTIAL CUSTOMERS THAT USE WATER FOR OUTSIDE LANDSCAPE IRRIGATION PURPOSES HAVE A SEPARATE WATER METER FOR SUCH PURPOSES AND SO AS TO LIST CURRENT WATER AND SEWER RATES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND DIRECTING NOTIFICATION TO CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9643.

UD Laura Wilson revising ord passed in 2013 at that time all conservation measures put into place and water advisory council felt a lot of burden on residential folks so put in conversion with commercial but conflicts with landscaping requirements. New stuff coming in back in October to let existing commercial customers know of conditions and have a lot of comments about that. revisited what was done in past make sure still in conservation code but existing commercial meters exempt will be severe burden on conservation meters. new residential folks. main purpose is to eliminate existing. if do major remodeling or major expansion will be required.

Sparks have additional amendment to page 3 of proposed ordinance 3-1-2 rates under capital A customer inside City limits #1 under little d all water and sewer rates will increase by 2.5% and every October thereafter through and including October 1 of 2019. Laura feel that was left in there through CRMWD current contract is through 20. no objection Laura can bring back again. Lacy in spirit of transparency that is correct way to do it. come back every 3 years.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9643 in accordance with the Charter of the City of Midland with amendment to to page 3 under A customer inside City Limits #1 d to All water and sewer rates will increase by 2.5% on October 1, 2017 and every October 1 thereafter through and including October 1, 2019.; seconded by Council Member Lacy.

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

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

no appointments

PUBLIC COMMENT

Pedro Munoz, 400 N. Ft. Worth, here 2 half years ago and here to complain same issue of code enforcement. Last time here James Roberts was here James Roberts retired from police department assist fire chief he tried to run him down in his own alley they label him a trouble maker because stood in alley with stick when couldn't get job done jump off truck and he stood his ground. When jump off truck told him he was going to kill him they call 911 on him. He went up to him. He asked Mr. Roberts if ready to die. They told him every right to be in alley. Last week same white man tried to kill him again and he called cops but they didn't do anything. They called code enforcement with last couple of months and nothing has been done. submitted Code enforcement wrong light fixtures on building. all have to do is look at catalogues for building. Can we get a sheet that states those lights are directed down as should be. Love Mr. Munoz I remember distinctly talking about another incident like the one last time meaning that individuals approached you. They have him under surveillance (James Robert, Bobby Dars, Cody Dars) people from first United Methodist church. Robnett you might have legal complaint recommend go see an attorney. Love remember story last time and want to clarify that it happened again.. Police took his complaint but didn't take his. Mayor address code enforcement and mayor will make an appointment with him to listen to his concerns. Love might want to retain an attorney.

Love we are bound by law cannot by law address. They are willing to meet with him.

Isaiah Jackson officers retained him in his driveway. Officer ?? two daughters came outside folks shouting to get back into vehicle and asked him just visited one of clients at adult detention center asked for ID and proof of ins after several min free to go. no reason for detention resolved right then to make full complaint to midland police department dissatisfaction magnified. he did not offer personnel complain he write phone numbers. Received no answer and left emails. went to write complaint on own letterhead. One address to chief price Robison mailed fourth copy received no written response. do not have written knowledge. in process of becoming licensed attorney none allow for warrantless intrusion Jan 23, 2017 on private property owned by wife's family please do something about this. from day moved city asked by people why do you live in the flats did not understand the question. citizens of midland have same protections of every other person

adjourn 12:13 p.m.

52. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.(Please limit comments to three minutes or less.)

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

PASSED AND APPROVED the __ day of ____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary