

**MIDLAND CITY COUNCIL
MINUTES
February 23, 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 23, 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 23, 2016.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:03

1. Invocation - Rev. Rendall Fox, Jesus Way Church
2. Pledge of Allegiance

PRESENTATIONS

Alfredo Chapparo Midland College BEDC presented thanks to Council for curbing payday lending. presented plaque recognizing Council for ordinance in curbing payday lending.

b. Sharla presented to Museum of SW.

C. Council Member Love presented CALEA commission accreditation for law enforcement agencies. Randy Scott Program Manager from Oklahoma on behalf of agency Randy. this is 8th award 22 years agency has been accredited took first 3 years ujust to get together working on 25 yedars.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Appreciation Award to Mayor Morales and the City Council from the Midland Affordable Housing Alliance
 - b. Presentation of Proclamation for The Museum of the Southwest Day
 - c. Presentation recognizing the Police Department for receiving their Certificate of Advanced Meritorious Accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc.

PUBLIC COMMENT

Nelson Speer, 7010 Almey, challenge on reason of spending 39m on new Midland Center. Pay down government debt. Current debt \$138 M of all Texas community 44th. If add 39M goes to 29th source is state comptroller. Per person 1380. Project that will not generate income for cost of project and another \$33 M in C of O. In 2007 reviewed need for new Midland Center involved use of imminent domain expansion of Midland Center against eminent domain. Asked not to go forward.

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

Lacy voted yes

Council Member Love moved to approve Consent Agenda items 5 - 26 excluding 11, 17,

18, 19, 20, 21, 26; 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.

5. Approved a motion approving the following minutes:
 - a. Regular meeting of February 9, 2016.
6. Approved a resolution approving a Professional Services Agreement with Stantec Consulting Services, Inc. to provide the design for temporary (during construction) and permanent traffic signals at the intersection of "A" Street and Wadley Avenue for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 045

RESOLUTION AUTHORIZING THE EXECUTION OF A 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; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$39,800.00

7. Approved a resolution approving a Professional Services Agreement with Maverick Civil & Survey LLC dba Maverick Engineering to provide the survey and all other civil engineering design at the intersection of "A" Street and Wadley Avenue for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 046

RESOLUTION AUTHORIZING THE EXECUTION OF A 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; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$97,500.00

8. Approved a resolution authorizing a change order (to provide paving and pedestrian improvements at Illinois Avenue between North "N" Street and Andrews Highway) to the Fiscal Year 2015 Mill and Overlay project contract with Jones Bros Dirt & Paving Contractors, Inc. in the amount of \$275,184.48 for the Engineering Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2016 - 047

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH JONES BROS. DIRT AND PAVING CONTRACTORS, INC. REGARDING THE FY2015 MILL AND INLAY PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$275,184.48

9. Approved a resolution rejecting and rescinding Resolution 2016-003 for the purchase of one (1) RA-400 Spray Patcher from Bee Equipment Sales, Ltd and approving the

purchase of one (1) Bergkamp SP5 Spray Injection Pothole Patcher from French Ellison Truck Center of San Antonio, Texas through the Houston-Galveston Area Council (H-GAC) for a total cost of \$205,743.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 048

RESOLUTION RESCINDING RESOLUTION NUMBER 2016-003 WHICH APPROVED THE PURCHASE OF ONE (1) ROSCO RA-400 SPRAY PATCHER FROM BEE EQUIPMENT SALES, LIMITED, THROUGH BUYBOARD; AND APPROVING THE PURCHASE OF ONE (1) BERGKAMP SP5 SPRAY INJECTION POTHOLE PATCHER FROM FRENCH ELLISON TRUCK CENTER THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$205,743.00

10. Approved a resolution approving an annual purchase agreement for employee uniforms from Cintas-RUS, L.P. of Midland, Texas in accordance with Local Government Code 271.9051, Consideration of Location of Bidder's Principal Place of Business, for an estimated annual cost of \$95,862.00. (PURCHASING)

RESOLUTION NO. 2016 - 049

RESOLUTION AUTHORIZING THE EXECUTION OF A 2-YEAR PURCHASE AGREEMENT FOR UNIFORMS FOR CITY OF MIDLAND EMPLOYEES WITH CINTAS-RUS, LP, AT A TOTAL COST OF \$95,862.00; AND PROVIDING THAT ALL OTHER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 271.9051

12. Approved a resolution approving a professional services agreement with Parkhill, Smith & Cooper, Inc. for MS4 Permit support throughout the year and to prepare the annual report for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2016 - 051

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH CERTAIN STORMWATER MANAGEMENT TASKS REQUIRED BY THE CITY OF MIDLAND'S SMALL MS4 GENERAL PERMIT TXR04000; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$81,237.00

13. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Midland Central Appraisal District v. Guadalupe S. Dominquez, et al., in the 142nd Judicial District Court, Midland County, Texas, Cause No. TX14379. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 052

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED, MIDLAND CENTRAL APPRAISAL DISTRICT V. GUADALUPE S. DOMINQUEZ, ET AL., IN THE 142nd JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. TX14379

14. Approved a resolution authorizing the Office of the City Attorney to file all documents employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Midland Central Appraisal District v Lynetta Shaw, et al., in the 238th Judicial District Court, Midland County, Texas, Cause No. TX 14060. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 053

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED, MIDLAND CENTRAL APPRAISAL DISTRICT V. LYNETTA SHAW, ET AL., IN THE 238th JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. TX14060

15. Approved a resolution approving a second amendment to the agreement between the Midland Development Corporation and Permian Basin Public Telecommunications, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 054

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INC.

16. Approved a resolution authorizing the City Manager to purchase Block 7, Original Town Addition, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 055

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE, ON BEHALF OF THE CITY OF MIDLAND, ALL OF BLOCK 7, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE NEGOTIATION, EXECUTION AND FILING OF ALL DOCUMENTS NECESSARY FOR THE PURCHASE OF SAID REAL PROPERTY; AUTHORIZING PAYMENT FOR SAID PURCHASE; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT(S) OF CONVEYANCE

22. Approved a resolution approving the issuance of a permit to XTO Energy Inc. (Operator), for a permit to drill an oil & gas well within the City limits, (Robbie 2421SH) located 752 feet from the west line and 255 feet from the north line located in Section 24, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 595 feet east of Avalon Drive and 272 feet south from West Mockingbird Lane extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 060

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO XTO ENERGY, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 752 FEET FROM THE WEST LINE AND 255 FEET FROM THE NORTH LINE, SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 595 FEET EAST OF AVALON DRIVE AND 272 FEET SOUTH OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50); AND PROVIDING THAT SAID PERMIT DOES NOT

REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

23. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Ceniza Addition, and to waive the corresponding financial security guarantee valued at \$154,764.77, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1530 feet west of the intersection of South County Road 1180 and East County Road 120, approximately 0.6 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)
24. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Petro-Crete Industries Addition, and to waive the corresponding financial security guarantee valued at \$162,155.29, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1043 feet west of the intersection of Farm to Market 715 and East County Road 140, approximately 2.9 miles outside the City of Midland corporate limits 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 City of Midland to submit a grant application for the FY2017 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2016 - 061

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE TWO (2) SPEED RADAR TRAILERS

11. Approved a resolution authorizing a Professional Services Agreement with Halff Associates, Inc., to perform engineering and architectural design services for the Hogan Park Hike and Bike Trail development, in accordance with the City of Midland Hike and Bike Trails Master Plan. (PURCHASING)

RESOLUTION NO. 2016 - 050

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INCORPORATED, OF AUSTIN, TEXAS, FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE HOGAN PARK HIKE AND BIKE TRAIL AS PART OF THE HIKE AND BIKE TRAIL PLAN DEVELOPMENT PROJECT AT A COST OF \$189,930.00

Sparks ability to put trail map up on screen. What voting on will go around golf course up Fairgrounds so part is what was redesigned. Laurie this is just 3 legs and that is fourth leg. Sparks other places? Laurie encircles Hogan park including golf course and on Fairgrounds. Several interior trails on Hogan Park. This is just for design? yes this rec as alternate to airpark trail. that trail shelves and rec move over hogan and create same type of trail anticipated five miles few driveway crossings. Commissions hopes to raise funds. This ran by golf course, that leg designed by engineering of

roadway.

Hotchkiss asked Charlie Spence of Pakrs Commission to give his take, Charlie 3702 Oakridge court, have been on P&R for long time. Worked on airpark trail for 4 years and a lot of challenges would like to take another look down road buyt want to see something aprk. At discussion of p7r com was to move to Hogan Park Trail.

Council Member Love moved to adopt Resolution No. 2016 - 050; seconded by Council Member Lacy.

Hotchkiss comp master plan this came up over and over public wants good hike and bike.

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

17. Approved a motion authorizing the City Manager, or his designee, to advertise a request for proposals, in accordance with State Law, for the installation of fiber optic cable connecting the new Municipal Court Building to the City of Midland Data Center at Loraine Center and thereby to the City's existing wide area network. (CISD)

Sparks wanted to know what ovitng on. Sharlett RFP) written but asking that City manager be allowed to relase RFP for relaying or streaming of fiber optic between police station and new muni court building.

Council Member Dufford moved to approve a motion authorizing the City Manager, or his designee, to advertise a request for proposals, in accordance with State Law, for the installation of fiber optic cable connecting the new Municipal Court Building to the City of Midland Data Center at Loraine Center and thereby to the City's existing wide area network.; seconded by Council Member Sparks.

either above or below leave up to whoever submits bid? why giving option love. Sharlett caliche can make below ground more expensive than can afford.

Love consider future maintenance cost of above ground to take into consideration.

Morales allow to run other. sharlett yes.

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

18. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a permit to drill an oil & gas well within the City limits, (Pecan Acres 22A3 #5H) located 280 feet from the north line and 335 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately 1 mile north of Briarwood Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 056
RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON

PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 280 FEET FROM THE NORTH LINE AND 335 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50), APPROXIMATELY ONE MILE NORTH OF BRIARWOOD AVENUE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Lacy abstain next four items.

Council Member Dufford moved to adopt Resolution No. 2016 - 056; seconded by Council Member Love.

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

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

RESOLUTION NO. 2016 - 057

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 250 FEET FROM THE NORTH LINE AND 335 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50), APPROXIMATELY ONE MILE NORTH OF BRIARWOOD AVENUE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Love moved to adopt Resolution No. 2016 - 057; seconded by Council Member Robnett.

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

20. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #9SH) located 577 feet from the north line and 2,560 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,224 feet west of Golden Gate Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 058

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 577 FEET FROM THE NORTH LINE AND 2,560 FEET FROM THE EAST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 577 FEET SOUTH OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50) AND 1,224 FEET WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Robnett moved to adopt Resolution No. 2016 - 058; seconded by Council Member Sparks.

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

21. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #16AH) located 577 feet from the north line and 2,520 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,184 feet west of Golden Gate Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 059

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 577 FEET FROM THE NORTH LINE AND 2,520 FEET FROM THE EAST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 577 FEET SOUTH OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50) AND 1,184 FEET WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 059; seconded by Council Member Sparks.

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

26. Approved a resolution authorizing the City Manager to execute an Engineering Services Agreement with HDR for Study, Design Bidding and Construction Phase Services - Rehabilitation and Improvements to Spraberry Farm and Plant Farms and Appropriate Funds (UTILITIES)

RESOLUTION NO. 2016 - 062

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INCORPORATED, FOR ENGINEERING SERVICES FOR THE REHABILITATION AND IMPROVEMENTS TO SPRABERRY FARM AND PLANT FARM

Sparks for engineering? laura wilson yes. sparks come back for rfp? laura under rfp that already did for oncall services when comes back it will be p7s

Council Member Lacy moved to adopt Resolution No. 2016 - 062; 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.

SECOND READINGS

27. Consider an ordinance on second reading 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 South Fort Worth Street, approximately 150-feet north of East Pennsylvania Avenue.) (DEVELOPMENT SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9535

AN ORDINANCE VACATING AND A 0.06-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED INBLOCK 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); NOT ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,227.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9535.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9535 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.

28. Consider an ordinance on second reading 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 North Lamesa Road, and East Front Street); 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); 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 South Rankin Highway and Collins Avenue); 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) (First reading held on February 9, 2016)

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 Karla Mata read the caption of Ordinance No. 9537.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9537 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

29. Consider an ordinance on second reading 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). (DEVELOPMENT SERVICES) (First reading held on February 9, 2016)

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 Karla Mata read the caption of Ordinance No. 9538.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9538 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

30. Consider an ordinance on second reading 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 North Highway 349 and Arapahoe Road). (DEVELOPMENT SERVICES) (First reading held on February 9, 2016)

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 Karla Mata read the caption of Ordinance No. 9539.

Council Member Lacy moved to approve the second and final reading 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.

31. Consider an ordinance on second reading 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) (First reading held on February 9, 2016)

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 Karla Mata read the caption of Ordinance No. 9540.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9540 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

32. Consider an ordinance on second reading 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) (First reading held on February 9, 2016)

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 Karla Mata read the caption of Ordinance No. 9541.

Council Member Love moved to approve the second and final reading of Ordinance No. 9541 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.

33. Consider an ordinance on second reading for a 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) (First reading held on February 9, 2016)

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 Karla Mata read the caption of Ordinance No. 9542.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9542 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

34. Hold a public hearing and consider an ordinance on a request by Beacon 191 Development, Ltd. for a zone change from PD, Planned District for a Shopping Center, to LR-3, Local Retail District on Lot 6C, Block 3, Westridge Park Addition, Section 16, City and County of Midland, Texas (Generally located southeast of the intersection of Andrews Highway and Catalina Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9543

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6C, BLOCK 3, 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 SOUTHEAST OF THE INTERSECTION OF ANDREWS HIGHWAY AND CATALINA DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9543.

Development Services Director Chuck Harrington gave a brief overview of the item noting this property is location of BMW much like Mercedes in area want to persue lr3 that would allow to make improvements. If look at underlying uses this is not spot zoning. Request public notices. no loj rec approval.

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

Robert Rendall, on behalf of applicant here for questions.

There being no one else wishing to speak, the public hearing was closed at 10:43 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9543 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Lacy good exactly same

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

35. 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 Lots 1A, 7, and 8, Block 17, Skyline Terrace, 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 063

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TENT SALE ON LOTS 1A, 7, AND 8, 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 gave a brief overview of the item noting request orig pres feb 9 for approval change in site plan where located changed and need to bring back to council for approval. Lacy this property owner allowed illegal operation but specifically where tent sale all over town sell valentines without a permit. Valentines should have had mobile vendor permit. Do we need to put code officer on overtime because not enforced on weekend. would like to see if rep from mall. Robnett called temp permit.

Mayor Morales opened the public hearing at 10:46 a.m.

Troy Valium rep of simon midland park mall, they did have mobile vendor permit and did check with city to make sure it was there. this is for rug sale would like to move forward.

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

Council Member Love moved to adopt Resolution No. 2016 - 063; seconded by Council Member Hotchkiss.

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

MISCELLANEOUS

36. Approved a resolution approving a schematic design option (Option 1, Option 2 or Option 2-A) for the Midland Center and authorizing the City Manager to direct Rhotenberry Wellen Architects to proceed with design development, site utility and demolition specifications for selected option. (PURCHASING)

RESOLUTION NO. 2016 - 064

RESOLUTION APPROVING A SCHEMATIC DESIGN OPTION FOR THE MIDLAND CENTER BUILDING AND AUTHORIZING THE CITY MANAGER TO DIRECT RHOTENBERRY WELLEN ARCHITECTS TO PROCEED WITH DESIGN DEVELOPMENT, SITE UTILITY AND DEMOLITION SPECIFICATION FOR SELECTED OPTION

Council Member Robnett moved to delay voting on this item until Jan through March receipts in; seconded by Council Member Sparks.

Sparks prefer coming as public hearing to have open discussion on options open to this. HOpeing could show some of diagrams that have and Robnett has really good arguement if hotel motle receipts are going way down and cant afford payments and sitll services members that come toa count on hotel motle that would be at ravesty. Wnat to disucss option 1 at some point.

Robnett talked about project for some time in support of doing something right now premature especialys ince hotel santa rita has een some delays if have another 60 days have better idea where feb and march is. Not approving budget or dollar amount but hard to sotp something once in motion. jan down 73% over jan previous year. Morales don't see a whole lot of use of rooms during holiday season see increase in spring..

Morales compares jan 2011. this is under 2011 january receipts. Morales in Hotel Motel where at? Love taken into consideration declien hotel/motel taxes wehn fiture out.. Pam yes. recognize dec/jan signiicantly lower then previous years. got new figures yesterday 355,000 now from figure gave last week which puts in 3rd position of pasat history. January has been biggest month looking graphically but it was down significant don't know if permanent fall. Also got \$8 million. Lowered estimate to 6.3 M Morales did Midland Center have booking last eyar that didn't have this year. Sparks what Robnett saying before step out should you not invewstigate? Trend or outlier. Can't know until get dta points. \$40 M pay what out Courtny fund bal of \$17 M staff propose use \$13 M cash and \$2 debt service over 20 or 25 years. Right now pivotal time and layoffs coming in big way. asking for antoher 60 days to take another look at this. Dufford what was time frame to get schematic design? June before have nubmer. Dufford don't want to delay it for what its going to cost we can delay the whole dang thing. Why not go through with getting the design ready and hit stop button.

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

Council Member Sparks moved to adopt Resolution No. 2016 - 064 with Option 1; seconded by Council Member Robnett.

Sparks archetects did really superb job of getting options. Option 1 keeps chamber of commerce building in place and gives most options in future. Option 1 has largest basement so have more space that is in current footprint. ONce do anyother option

never going to go out and increase size of basement. ONce do option 2 likelihood of doing second floor overballroom is reduced significantly. But option one allows at later date to add 2 stories. Love don't think bigger basement is what trying to accomplish here. A bigger midland center. sot hat ends up being the most expensive option that is more expensive in the long run then if start with 2 or 2a.

Jim Rhotenberry, Rhotenberry Whellen Architects, if understand if did option 1 now and built ballroom later at that point would have more square footage. Not to confuse but hwole host of other options. could do option 2 with bigger basement. Sparks allows more flexibility to add on later. Morales can we go higher on option 2. Love if pick opiton one it give more advantages for expansion. Jim leaves more options. Morales if wait 7 or 10 year what will inflation take cost to. Council will be significantly higher. Robnett some people may not htink extra ballroom is encessary. Morales option 2 if decide and look once get option 2 chosen or whatever option scrub and get real number take to public and look at. Sparks not planning on taking to publif for vote only for presentation. Morales yes. Love want referendum on every decision. Sparks appropriate to ahve public hearing to talka bout options.

Brad one things in design phase is a lot of stakeholder meetings current and past stakeholders. Were able to get a lot of feedback from epople who use facility the most. Sparks appreciate to do and would like stakeholders to be a part of that meeting. On option 1 increasing breakout rooms increasing size of exhibit hall by 50 of what it is now and partitions will be a lot of uses in option 1. You can delay the cost of removing c of c bulding. will it cost more in future , yes.

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

Council Member Dufford moved to adopt Resolution No. 2016 - 064 with option 2; seconded by Council Member Lacy.

Hotchkiss through statistical proven records Midland has never not grown no matter whether in slump always grown. One year stayed same. Was just in meeting with Motor talking about transportaiton eneds was city going to grow. Had no profits that need larger center and wnat to reinfoce whatever construct never cheaper than it is today. Robnett it may not even be affordable today.

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

37. Consider an ordinance amending Ordinance Number 9275 which established fees and charges for Parks & Recreation, Washington Aquatic Center and Doug Russell Pool, Animal Services, and Health and Senior Services. (COMMUNITY SERVICES)

ORDINANCE NO. 9544

AN ORDINANCE ESTABLISHING OR AMENDING CERTAIN FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, PARKS AND RECREATION DIVISION; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SUCH FEES AND CHARGES SET FORTH HEREIN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9544.

Laurie Williams constction of new gazebo at park and need fees. lok at other fees as well. also acquired level soccer huge inflatable balls that crash into eachother and have people wanting to use them so set rates.

Council Member Love moved approval of the first of two readings of Ordinance No. 9544 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Love does it include Washington laurie no.

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

38. Approved a resolution authorizing the adoption of a letter of support and revitalization by the City Council to DDC Merritt Monument, Ltd for TDHCA tax credit application. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED MERRITT MONUMENT HOUSING DEVELOPMENT; THE APPLICANT IS DDC MERRITT MONUMENT, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT LEISURE DRIVE AND ROCKY LANE; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Dev Svcs Dir Chuck Harrington gave a brief overview of the item noting this request is related to next two requests. Program where seeking tax abatement credits for construction of affordable housing. First one meritt monument have had in rpepvious years. Proposing 120 total units at site and in support of app requesting reso.

Council Member Lacy moved to adopt Resolution No. 2016 - 065; seconded by Council Member Robnett.

#39 is different reso deals with airport corridor revitalization plan.

38 and 39 same project.

Colby Denison, 2508 Tarry Hill Place Austin, appreciate last two eyars support. excited about tax credits awarded last eyar for senior housing. right next door trying to do affordable and workforce housign for families. though would do 120 units given code and ensity can only do 104 units but anticipate all being affordable. Given some change sine conomy think housing greatly needed. HOpe remember product done in past high wuality product city proud of. Lacy thanked for continued efforts to bring affordable housing to Midland. Talk bout participation with COM on Beal Parkway financial investment in roadway to amek acorridor for affordable housing. Colby havent' broken gorund yet award tax credit under \$8m to bring housing and part with city oncosntruciton of beal parkway corridor near beal park it is always important being near services and retail.

Lacy put together this vote revit that is proven winner appreciate what doing do on next item. b ring top notch product. can't commen enoguh. \$8 M for first. Cody almost \$9 M of tax credits. last eyars \$20 M this years \$14 or \$15 M of new property. Colby on competition with another applicant that is coming up proposing rehab and our two app they believe they will be tied. In event tied tie bracker would go to rehab of units so important to select. If midland supports both Midland will decide want rehab of units. If prefer new construction over rehab then have to maket hat decision today.

Love want to do something unusual because 38 and 39 are connected to 40. Because Mr. Dennison brought up because in favor of more units. Love is it appropriate to talk about this item in context of this. Love up to chair makes sense because would like as much info as possible. He is in support of adding units over rehab.

Amay Inamdar, 13122 Sunrise Creek Sugarland TX, tahnked for opportunity to be here. regional VP for Michaels organizaiton largest privately held housing company. Very active in military and workforce housing. Want to become partner 4201 N Garfield pruchased 20 years ago immediatley recognized in desperate need of attention. Suffrer4ed form lack of resources but prime candidate for tx credit at no cost to City. When submitted pre app highest scoring app in region is because of strong merits in higher income are and one of best elementaries in area. Proposal only one in state to be high opportunity area. PProperty in desperate need of rehab not to mention aesthetic updates. repalce windows doors, new ktichen and baths new stairwells and balcony, improvements to lighting landscpaing siding and paint. Building brnad enw community center and supportive services. Free classes like GE prep character build for teens health and nutrition. Dramatic improved community for residents. With all due respect with other only support new construciton suggest support all hosuing projects equally will likely not receive and will drop below san angelo application. Midland could miss out on opportunity. There are 25 other criteria that state evaluates. Will be able to compete on level ground and higher propal of level ground. Will still submit appeven if city does not support. Received significant support from MAHA. Ope city will promote and promote all opprotunites. Lacy other groups also have letter of support are you in revitalization zone that meets definition? no high opportunity area. Which state dev entity located in? Texas developer and owner will be Texas entities parent company Michael org is out of New Jersey. Wehre would dev fees go to? Michaels organization but hiring all local contractors. Lacy why did you ask to take out language in resolution told Mr. Garnett not necessary because not in revitalizaiton zone. Love are you at full occupancy? 2-3 units empty with leases signed. Joe weatherly his manager. Joe in regard to fees generated by property and parent company out of town industry leader in devleopment construciton in affordable housing. Most important thing is people who live here. rEady for this when first started walking units people got excited very quickly it is for epople who live here. Love how many tdhca only funds avail to you? Joe on this scale yes. Love no other money available, joe is non competitive tax credit proeject such insignificant rehab. Sparks hwo many units 124 units. Lacy where is no -profit. Required toh ave supportive services provider which is generally non-profit. Looking to Family Promise have proposal and ind iscussion with mgt company. Morales so points between Midland and San Agneles prepa 116 sqn angelo 111 pts. 110 for other app in Midland. Love Mr. Dennsion talk about points you ahve to understand how it works to asertain who has msot points. If both go for state one applicant is going to withdraw other can proceed against san angelo. Have opportunity to add units we need willing to chance it even if san angelo beats us out. Mr. Denison don't want to bre with details

excludes a lot of scoring point. Many not included in prepa would be awarded from Craddick support and revitalization. Second reso is 6 point item. They were awarded points by state last year. Because been in for 10 years know in end so long as do everything should be tied ahead of San Angelo. Lacy beat San Angelo last year.

Love one more comment glad that they are here and glass saw need and took initiative and assuming intent on being along term player here as far as affordable housing is involved. hope understand position in. Ahmed without reso of support for one will knock other out of running. If both get reso of support they will essentially be tied because will get points and let compete on other merits and put for strongest app that can. Counter MR. Denison if both approved assuming both experts when look at scoring item assuming they will score same points making assumption dealing with profession. his expert opinion shock if not tied and don't see possibility of them getting ahead of him. Lacy 3 years ago lost to odessa by one point. Got every single possible point could get. Last year beat Sangelo by 11 points last year.

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

39. Approved a resolution of the City Council of the City of Midland, Texas recognizing prior adoption of the Midland Airport Corridor Community Revitalization Plan; supporting Merritt Monument Housing Development; identifying the proposed Merritt Monument Housing Development as the Development in the 2016 tax credit application pool that contributes most significantly to the concerted revitalization efforts. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS RECOGNIZING PRIOR ADOPTION OF THE MIDLAND AIRPORT CORRIDOR COMMUNITY REVITALIZATION PLAN; SUPPORTING THE PROPOSED MERRITT MONUMENT HOUSING DEVELOPMENT; IDENTIFYING THE PROPOSED MERRITT MONUMENT HOUSING DEVELOPMENT AS THE DEVELOPMENT IN THE 2016 TAX CREDIT APPLICATION POOL THAT CONTRIBUTES MOST SIGNIFICANTLY TO THE CONCERTED REVITALIZATION EFFORTS OF THE CITY OF MIDLAND, TEXAS; THE APPLICANT IS DDC MERRITT MONUMENT, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT LEISURE DRIVE AND ROCKY LANE; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Council Member Lacy moved to adopt Resolution No. 2016 - 066; seconded by Council Member Robnett.

this is acceptable odnt' see any reason why not considered in same way.

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

40. Approved a resolution authorizing the adoption of a letter of support by the City Council to the Midland Chaparral Associates, LP tax credit application. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED CHAPARRAL APARTMENTS; THE APPLICANT IS MIDLAND CHAPARRAL ASSOCIATES, LP, AN ENTITY 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

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 067; seconded by Council Member Sparks.

This is different item and would like to hear staff support. Chuck Harrington the applicant stated looking for tax credit to rehab existing development and asking for City support of reso.

Comment perfectly legal to vote yay for both. This apartment unit is gateway into her district and people who live in district 3 would like to see rehab. Sparks it is in his district think rehab projects have place also and happen to be around when built. think okay to vote for both and let both compete for same

Love distinctly remember story that Tom of family promise told about problems having in price of oil so high and a young woman with children her rent renew from \$800 to \$1600 and she was instantly homeless so familiar with Chaparral it needs a rehab but we need units and very difficult decision.

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

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

Council Member Lacy moved to appoint Earl Erdman to replace Dallas Smith on Airport Board and reset term; reappoint Perry Taylor to O&G; Joey Hopkins to Hotel/Motel Tax Advisory Board; reappoint Brad Bullock and Reggie Lasrence to Planning & Zoning; Kevin Wilton appoint as alternate on P&Z; seconded by Council Member Robnett.

Love this Council discussed reducing P&Z which makes more effective traditionally P&Z great start for someone who wants to go on. Want to make sure not discouraging from participating in political process stepping stone.

Hotchkiss voting.

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

Adjourn 11:46 a.m.

EXECUTIVE SESSION

42. 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:

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