MIDLAND CITY COUNCIL
MINUTES
July 12, 2016

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ___ a.m. on July 12, 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 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., July 12, 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, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10

1. Invocation - Pastor Jon Slayden, Second Baptist Church

2. Pledge of Allegiance

PRESENTATIONS

P m Simeck w rd to Mor les

b. M yor presented

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

   a. Presentation of distinguished Budget Award

   b. Presentation recognizing Occidental Petroleum for their donation of right-of-way for 6 linear miles of future roadways in North Midland

PUBLIC COMMENT

R mon Thom s 3007 Godd rd, CEO of PBCC MHMR 10:09

J net Pritch rd Stubbemon L w Firm sked #35 on Gend J net honor to serve on bo rd.

don sp rk 2701 Hummingbird, dis ppointed to see need to spend $ some borrowed for Conve Ctr wout going to public. Public needs to be involved with m king dec of $40 + m.

Mrk people up in rms put on conv ctr with cost knock down bldg which is still good when get income income gone w ste of money @nd wrong thing to do. Using hotel/motel $ but not where oblig@tion comes from. Sure you think enough $ to p@y but @lso told th@t for sports ctr. Some things s@id @bt new f@c is to m@ke 1st cl@ss city bec@use of people, entre spirit.

4. 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.)

CONSENT AGENDA

Council Member Robnett moved to approve Consent Agenda items 5 - 29 excluding 7, 15, 18, 19, 20, 21; 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.

R@y Kirk 3012 SCR 1213,

feel if work h@rd to m@ke PB owners t@xi @nd drivers cl@im use his services when they h@ve their own compnies. m@y be more co th@t h@ve given b2d r2tings to. G2ve b2d r2tings to hhis comp2ny. W2nd to bring b4 council to see if something could be worked into ord of oth co trying to hurt other comp2ndies.

5. Approved a motion approving the following minutes:

   a. Regular City Council meeting of June 28, 2016.

6. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Diamondback O&G LLC; said minerals being located in Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally Located North of West Loop 250 and East of North Midland Drive and South of Mockingbird Lane and West of North Midkiff Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 196

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH DIAMONDBACK O&G LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST LOOP 250, EAST OF NORTH MIDLAND DRIVE, SOUTH OF MOCKINGBIRD LANE, AND WEST OF NORTH MIDKIFF ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

8. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with D.E. Operating LLC; said minerals being located in Section 24, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of East Golf Course Road and East of North Lamesa Road and South of East Wadley Avenue and West of North Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 198

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH D.E. OPERATING LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 24, BLOCK 39, T-1-S T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST GOLF COURSE ROAD, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST WADLEY AVENUE, AND WEST OF NORTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

9. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with D.E. Operating LLC; said minerals being located in Section 13, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of East Wadley Avenue and East of Lamesa Road and South of East Loop 250 North and West of North Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 199

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH D.E. OPERATING LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 13, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST WADLEY AVENUE, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST LOOP 250 NORTH, AND WEST OF NORTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

10. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with D.E. Operating LLC; said minerals being located in Section 25, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of South Street and East of North Lamesa Road and South of East Golf Course Road and West of North Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 200

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH D.E. OPERATING LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 25, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF SOUTH STREET, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST GOLF COURSE ROAD, AND WEST OF NORTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

11. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being located in Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of East Interstate 20 and East of Rankin Hwy and South of East New Jersey Avenue and West of South Lamesa Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 201

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF INTERSTATE HIGHWAY 20, EAST OF RANKIN HIGHWAY, SOUTH OF EAST NEW JERSEY AVENUE, AND WEST OF SOUTH LAMESA ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

12. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being located in Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of West Interstate 20 and East of Cotton Flat Road and South of Carter Avenue and West of Rankin Highway.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 202

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF INTERSTATE HIGHWAY 20, EAST OF COTTON FLAT ROAD, SOUTH OF CARTER AVENUE, AND WEST OF RANKIN HIGHWAY), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

13. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being located in Section 34, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of Carter Avenue and East of Cotton Flat Road and South of West Illinois Avenue and West of South A Street.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 203

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CARTER AVENUE, EAST OF COTTON FLAT ROAD, SOUTH OF WEST ILLINOIS AVENUE, AND WEST OF SOUTH A STREET), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

14. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being located in Section 35, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of East New Jersey Avenue and East of South A Street and South of West Michigan Avenue and West of South Lamesa Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 204

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 35, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST NEW JERSEY AVENUE, EAST OF SOUTH A STREET, SOUTH OF WEST MICHIGAN AVENUE, AND WEST OF SOUTH LAMESA ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

16. Approved a resolution authorizing the City Manager to negotiate and execute a contract for Primary Depository/Banking Services for the Finance Department. (PURCHASING)

RESOLUTION NO. 2016 - 206

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH WELLS FARGO BANK, N.A. TO PROVIDE PRIMARY DEPOSITORY AND COMMERCIAL BANKING SERVICES FOR THE CITY OF

MIDLAND

17. Approved a resolution awarding a contract to Daktronics, Inc. through Buyboard contract 423-13 for the purchase and installation of a new sound system at Grande Communications Stadium at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 207

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A SOUND SYSTEM FOR GRANDE COMMUNICATIONS STADIUM AT THE SCHARBAUER SPORTS COMPLEX WITH DAKTRONICS, INC., THROUGH BUYBOARD IN THE AMOUNT OF $153,947.00; AND APPROVING $15,394.70 FOR CONTINGENCIES

22. Approved a resolution authorizing the execution of a Professional Services Agreement Amendment for the construction administration and Resident Project Representative services for the Rehabilitation of the Two (2) Existing Concrete Ground Storage Tanks located at the Edgewood Booster Pump Station Project with Parkhill Smith and Cooper for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 212

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR THE EDGEWOOD GROUND STORAGE TANKS REHABILITATION PROJECT; SAID AMENDMENT WILL AUTHORIZE A FEE INCREASE OF $27,500.00

23. Approved a resolution authorizing the execution of Amendment #2 to Parkhill, Smith & Cooper's Professional Services Agreement covering the following project: Design Phase of Commemorative Air Force (CAF) ramp and taxilane; and appropriate funds. (AIRPORTS)

RESOLUTION NO. 2016 - 213

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER TWO TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO PROVIDE FOR DESIGN AND BID SERVICES FOR THE COMMEMORATIVE AIR FORCE RAMP AND TAXILANE PROJECT; AND APPROPRIATING NECESSARY FUNDS

24. Approved a resolution approving the specifications and authorizing the advertisement for bids for project described as Rehabilitate Runway 10/28, 16R/34L and Taxiways at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2016 - 214

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE REHABILITATE RUNWAY 10/28, 16R/34L AND TAXIWAYS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID PROJECT WILL REDUCE THE CREATION OF FOREIGN OBJECT DEBRIS ON THE RUNWAY SURFACES AND WILL PRESERVE THE SURFACES AND REDUCE THE RATE OF PAVEMENT OXIDATION TO THE TAXIWAYS AND RUNWAYS

25. Approved a resolution authorizing the Mayor, City Manager and City Attorney to attest and execute FAA Grant #56, upon receipt of said grant, covering various projects at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2016 - 215

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE FEDERAL AVIATION ADMINISTRATION ("FAA") GRANT NUMBER 56 IN THE AMOUNT OF $4,865,401.00 UPON RECEIPT FROM THE FAA; SAID GRANT WILL FUND NINETY PERCENT (90%) OF THE FAA-ELIGIBLE PORTIONS OF THE TAXIWAY AND GA APRON AREAS A & B CONSTRUCTION PROJECT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT

26. Approved a motion on request by Midland County, Texas, authorizing and giving consent for the Commissioners Court of Midland County, Texas, (i) to design and construct an extension of County Road 140 westerly from County Road 1210 for a distance of approximately 2.05 miles at a width of sixty (60) feet, (ii) to extend County Road 1230 southerly from the I-20 service road to connect with County Road 140 at a width of sixty (60) feet, and (iii) to exercise its rights of eminent domain, if necessary, in order to acquire property in connection with said extensions of County Road 140 and County Road 1230. (CITY MANAGER'S OFFICE)

27. Approved a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests necessary or appropriate in tracts of land each having an area not to exceed 0.25 acres, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 216

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE IN TRACTS OF LAND EACH HAVING AN AREA NOT TO EXCEED 0.25 ACRES, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

28. Approved a motion on request by West Company to defer public improvements for Northview Addition, Section 14, and to waive the corresponding financial security

guarantee valued at $15,853.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of Bluebird Lane, approximately 620-feet east of North Midkiff Road located within the City of Midland corporate limits. (ENGINEERING SERVICES)

29. Approved a resolution authorizing the renewal of an Operating Certificate for Permian Basin Taxi. (POLICE)

RESOLUTION NO. 2016 - 217

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR PERMIAN BASIN TAXI TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

7. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Endeavor Energy Resources, L.P.; said minerals being located in Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of Carter Avenue and East of South Midkiff Road and South of West Illinois Avenue and West of South Garfield Street.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 197

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, L.P. FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CARTER AVENUE, EAST OF SOUTH MIDKIFF ROAD, SOUTH OF WEST ILLINOIS AVENUE, AND WEST OF SOUTH GARFIELD STREET), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

Council Member Lacy moved to adopt Resolution No. 2016 - 197; seconded by Council Member Robnett.

Lacy req of Dufford

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

15. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being located in Section 36, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally Located North of Cloverdale Road and East of South Lamesa Road and South of South Street and West of South Fairgrounds Road.); for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 205

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED

NORTH OF CLOVERDALE ROAD, EAST OF SOUTH LAMESA ROAD, SOUTH OF SOUTH STREET, AND WEST OF SOUTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 205; seconded by Council Member Lacy.

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

18. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the City of Midland Cured-In-Place Sewer Manhole Rehabilitation Project - Phase III for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 208

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CURED-IN-PLACE SEWER MANHOLE REHABILITATION PROJECT - PHASE THREE; SAID PROJECT TO PROVIDE FOR THE REHABILITATION OF 54 MANHOLES

Council Member Sparks moved to adopt Resolution No. 2016 - 208; seconded by Council Member Robnett.

Love pulled manhole not being level and runn ing over throw off alignment of car. if replace do everything possible ot keep flat and level. Laura Wilson third phase of working on manhole sin draw so wont be in pavement but have made not.

Laura sanitary sewer in draws not in row.

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

19. Approved a resolution authorizing the City Manager to negotiate a guaranteed maximum price with Lee Lewis Construction for the construction of the Midland Convention Center with a contract amount not to exceed $33,139,259.00. The total project cost for all work will not exceed $42,839,259.00. (PURCHASING)

RESOLUTION NO. 2016 - 209

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH LEE LEWIS CONSTRUCTION, INC., WITH A GUARANTEED MAXIMUM PRICE NOT TO EXCEED $33,139,259.00 FOR CONSTRUCTION OF THE MIDLAND CONVENTION CENTER BUILDING; AND PROVIDING THAT THE TOTAL PROJECT COST FOR SAID CONSTRUCTION AND ALL ASSOCIATED WORK SHALL NOT EXCEED $42,839,259.00

Council Member Robnett moved to adopt Resolution No. 2016 - 209; seconded by Council Member Dufford.

Sparks same for 20 and 21 comments. By time take 25 year not looking at 9-10 m for 6000 sq ft. 13 years left on lease. So dont' believe wwhen already going from 12,500 wsq ft to 20,000 sq ft of exhibit sp that need additional 6000sq ft right now. If were to reduce by 6M and ocme back in 10-15 years and do add on it could be done at that itme more fiscally responsible. Undeerstand message that it will cost more in future but not sure interest paying will be less than cos tin future. think midland center has merit but voting aginst it and also 20 and 21.

Mayor talking about last several eyars population message since 1950 pop continues to grow even in down economy. ISD increase ine nrollment, never saw mass exodous. Midland Ctr not able to handle capfacity. Booked 100% and horseshoe iss booked and alle vent centers are booked. challenged on recuriting larger events because dont' havee capacity. Facility outdated cast iron, flooding, no technology resrooms outdated chalolenging from building standingpoint. form financial fiscally resp just got AAA from financial institutions. Just like sports complex hhave ability ot payy off debt early. Too many positives toomany good opportuniteis to not move forward with vote. NOt a tajmajal but keep in for 20-25 years. Sparks think in some ways you amde another one of his points. 20-25 years. About time get paid off we will ened new. Yes growing population but exapnding from 12.5 th sq ft to 19.7 sq ft don't need 6000 sq ft now. Can look in 10-15 yrs looking at need ot expand more and already been saving because knew were going ot expand in 10-15 years. Can expand more than 6000 dowwn the road if needed. so tear that side of building down and make taller. At this point thiink using alot of speculations and using too much per sq ft for that. have to spend 1.7 m to buy out lease to tear down building. in 15 years don't have to Robnett spec fr future this is one that Mr. Dufford has been planniing for wlel over 10 years plent yof time to . Sparks seem to continue think new MIdland Ctr completely. Ok with moving forward but not with tearing down Chamber. Lovee being on Midlaand Ctr committee thanked staff and Rhotenberry Wellen and staff, Lee LEwis meticulously went over every detail to get inexpnsive as possibly could.

Mayor Hotel/motel tax no addiitonal taxes to taxpayers.

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

20. Approved a resolution awarding a contract for Asbestos Abatement for the Midland Center and the Midland Chamber of Commerce for the General Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 210

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RON OSBORN, INCORPORATED, DBA ADVANCED ENVIRONMENTAL SERVICES, FOR ASBESTOS ABATEMENT AT THE MIDLAND CENTER AND THE MIDLAND CHAMBER OF COMMERCE; AND AUTHORIZING THE APPROPRIATION OF $57,200.00 FOR SAID CONTRACT

Council Member Love moved to adopt Resolution No. 2016 - 210; seconded by Council Member Robnett.

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

21. Approved a resolution approving plans and specifications and authorizing advertisement

for bids for the demolition of the Midland Center and the Midland Chamber of Commerce for the General Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 211
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE DEMOLITION OF THE MIDLAND CENTER AND CHAMBER OF COMMERCE BUILDINGS

Council Member Love moved to adopt Resolution No. 2016 - 211; seconded by Council Member Hotchkiss.

Love also thank chamber staff.

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

SECOND READINGS

30. Consider an ordinance on second reading adopting the Tall City Tomorrow comprehensive plan, as authorized by Chapter 213 of the Texas Local Government Code, said comprehensive plan illustrating the future development of the City. (DEVELOPMENT SERVICES) (First reading held June 28, 2016)

ORDINANCE NO. 9578
AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, ADOPTING THE TALL CITY TOMORROW COMPREHENSIVE PLAN AS AUTHORIZED BY CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE; SAID COMPREHENSIVE PLAN ILLUSTRATING THE FUTURE DEVELOPMENT OF THE CITY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF AUGUST 1, 2016

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9578.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9578 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

31. Consider an ordinance on second reading on a request by Mis Amigas Restaurant for a Specific Use Permit with Term for the sale of alcoholic beverages, for on-premises consumption, in a restaurant on Tract 9, Morningside Addition, City and County of Midland, Texas (Generally located on North Big Spring Street, approximately 300-feet north of Scharbauer Drive.) (DEVELOPMENT SERVICES) (First reading held June 28, 2016)

ORDINANCE NO. 9579
AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS TRACT 9, MORNINGSIDE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE ON

NORTH BIG SPRING STREET, APPROXIMATELY 300 FEET NORTH OF SCHARBAUER DRIVE), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9579.

Council Member Love moved to approve the second and final reading of Ordinance No. 9579 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

32. Consider an ordinance on second reading on a request by Rene Robles to vacate the 0.09-acre portion of the street right-of-way, located adjacent to Lot 1, Block 44, South Park Addition, City and County of Midland, Texas (Generally located on the south side of East Hicks Avenue, approximately 580-feet west of South Terrell Street.) (DEVELOPMENT SERVICES) (First reading held June 28, 2016)

RESOLUTION NO. 9580

AN ORDINANCE VACATING AND ABANDONING A 0.09-ACRE PORTION OF SOUTH FORT WORTH STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 44, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST HICKS AVENUE, APPROXIMATELY 580 FEET WEST OF SOUTH TERRELL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $7,646.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9580.

Council Member Love moved to approve the second and final reading of Ordinance No. 9580 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.

PUBLIC HEARINGS

33. Hold a public hearing and consider a request for a Temporary Land Use for a Festival on Lots 10-12, Block 93, Lots 1-5, Block 105, all of Block 94, a 0.6-acre portion of Block 104, the portion of S. 'K' St. adjacent to Blocks 93 and 94, and the portion of W. Indiana St. adjacent to Blocks 93 and 96, West End Addition, City and County of Midland, Texas (Generally located on the south side of West Missouri Avenue, between South 'J' and South 'L' Streets.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 218

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON LOTS 10-12, BLOCK 93, ALL OF BLOCK 94, A 0.6-ACRE PORTION OF BLOCK 104, LOTS 1-5, BLOCK 105, THE PORTION OF SOUTH K STREET ADJACENT TO BLOCKS 93 AND 94, AND THE PORTION OF WEST INDIANA AVENUE ADJACENT TO BLOCKS 93 AND 96, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST MISSOURI AVENUE, BETWEEN SOUTH "J" STREET AND SOUTH "L" STREET); 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 this for annual festival of Museum of Southwest 47t5y anual. requesting closure of streets Thur 8-6 for setup op fri 8 a.m. to 12 midnight sat 9 7 sun 10-6. It will e usual artist booths, food vendors, live music, alco bev for sale ample restrooms and 12 security guards. staf rec approval subject to conditions. Lacy good with nieghbors, yes.

Myoar morales oph 10:39 a.m. cph

Love testyament of how well musuem of sw did.

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 218; seconded by Council Member Lacy.

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

34. Hold a public hearing and consider a resolution expressing the intent of the Midland City Council to continue in effect Title VI, "Police Regulations", Chapter 9, "Curfew Hours for Minors", of the Midland City Code pursuant to Texas Local Government Code Section 370.002. (POLICE)

RESOLUTION NO. 2016 - 219

RESOLUTION EXPRESSING THE INTENT OF THE MIDLAND CITY COUNCIL TO CONTINUE IN EFFECT TITLE VI, "POLICE REGULATIONS", CHAPTER 9, "CURFEW HOURS FOR MINORS", OF THE MIDLAND CITY CODE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 370.002

Police Chief Price Robinson gave a brief overview of the item noting 3 year review of juvenile curfew asked council to continue another 3 years. curfew enacted 1995 since them 2400 curfew violation citiation about 114 a year. also stated this curfew great tool for pd to use for juveniles usually nothing productive after midnight 1201 am to 6 am for persons under 17 years of age. In last 3 years been 1302 juvenile arrests. Dedicated juvenile detective solely dedicated to handling juvenile cases curfew great tool for them asked to ext another 3 years. Lacy thanked him and staff for all hard work, love echo that and sorry for loss polic eincurred. sympathies and pprayers with pd. Price sent dept emial since cant imagine.

Lucy to lliv ein a city like Midland.

Mayor Morales oph 10:43 a.m. cph

Council Member Lacy moved to adopt Resolution No. 2016 - 219; seconded by Council Member Robnett.

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

MISCELLANEOUS

35. Approved a motion making an appointment to the Permian Basin Community Center for Mental Health and Mental Retardation Board.

Council Member Hotchkiss moved to reappoint Janet ; 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.

EXECUTIVE SESSION

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

a. Section 551.087 Deliberate Economic Development Negotiations

recess to executive meeting 10:44 a.m.

a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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