

**MIDLAND CITY COUNCIL
MINUTES
September 13, 2016**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on September 13, 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., September 13, 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 10:02

1. Invocation - Pastor Jon Slayden, Second Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

- a. Hotchkiss Relay for Life
- B. Hillcrest School Dufford presented
3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of Proclamation for Relay for Life Week

PUBLIC COMMENT

Brian Patrick, General Mgr Mobile Food pizza on behal of owner general concern aobut events in City. September 22 tactical urbanism ?? not sure City event on city property. org that is going to be involved is DMMD. Issue is didn't know about it. Terry caloney homeowner in midland 15 years 3 years licensed to operate in Midland. Not sure why didn't know. They have to go through Midessa Mobile food vendors association. They don't conduct through association or any other busienss. COM has every licensed operator dont' understand why wasn't contacted. If reputable shouldn't have to go through them. Robnett don't have to have rep through SOS. State has terminated organization. So proud to serve community its loss to operate here embrace laws want laws. can't conduct business through org that is ethically bankrupt has explanation and facts. documents showing org has been terminated and 3 maybe 4 food trucks that are going. Dont know how many are licenseddd in . 8 trucks they associate with had no idea. Asking from this day forward if any event contact them about event. Lacy just because on City property doesn't mean City is funding it. Courtney have staff get togetehr with him.

Douglas Page 511 W Estes, resident 1950, in response to solicitation of agency by City adress customs and ordinances relied upon to conduct business in Midland. Observation is custom pledge flag of republic. The object of pledge id described in? US Code Flag shall have 13 stripes with exception to number of stars first flag act no mention of a gold frnge behind authorized. Made to republic for which flag of republic could be considered as not being displayed. COM is not in compliance with US Code. Dufford not following. Last comment in regard to letter form City employee to owner of prperty representing owner 1214 Pratt, 2nd observation person Michael Williams Code Officers August 18 not posstmarked . certain section of Code violated. Personal control. comments constitute second notice to COM to do business. Mayor staff will follow-up.

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.)

BUDGET AND TAX RATE ITEMS

5. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas, declaring that the City of Midland, as authorized by chapter 505 of the Texas Local Government Code, shall use proceeds of the Type B Economic Development Sales and use tax for the preexisting, existing, and future maintenance and operating costs of the Football/Soccer Stadium, Baseball Stadium, and parking facilities, and related infrastructure and improvements; and ordering publication by the City Secretary. (COMMUNITY SERVICES)

RESOLUTION NO. 2016 - 265

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, DECLARING THAT THE CITY OF MIDLAND, AS AUTHORIZED BY CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE, SHALL USE PROCEEDS OF THE TYPE B ECONOMIC DEVELOPMENT SALES AND USE TAX FOR THE PRE-EXISTING, EXISTING AND FUTURE MAINTENANCE AND OPERATING COSTS OF THE FOOTBALL/SOCCER STADIUM (GRANDE COMMUNICATIONS STADIUM), THE BASEBALL STADIUM (SECURITY BANK BALLPARK), PARKING FACILITIES, AND RELATED INFRASTRUCTURE AND IMPROVEMENTS; AND ORDERING PUBLICATION BY THE CITY SECRETARY

Tina Jauz staff and 4b board reco that bunds be used to pay for maint and capital but also fund aoverall operations of sports complex.

Mayor MOrales oph 10:24 a.m.

David Rosen 5002 Thames Ct, before City desides to shackel with tax revenue ad infinitim would ike to hear real numbers as to paid entires for last 2-03 years to see how much stadium is generating before switch sales tax oveer for support. Duford can get numbers directly from City.

Robert Reed 1901 W. Michigan, state law permits allow .25 is clear regarding use of stax to pay for maaint and operating cost iif maint and operating cost of other to be paid form sales and use tax ballot must clearly state fact. ballot established 4b corp does not state fact proceeds to be used and appleid for construction of baseball and related infrastructure and improvements. Cosntruction is value adding never maintenance. It is his conclusion at odds with Midland law if spent any 4b on operations and maint and urge council to reject reso. 2 years to what be done with 4b greater loss. ongoing budget busting continue because no true fiscal pressure to contain. Arguement hear will result in high er taxes. Today 4b board can notify comptroller that money is in bank and bring project ot end and retailers have 3 months to adjust systems. no need for continue 4b tax. Election for sales tax increase will build beetter streets, parks and drainage.

cph 10:27 a.m.

Joh seperate atte ch 505 expliciting auth muni to spend type b tax proceeds for maint and ooperation if after approved publishes notices of intent to do so and upon publicaiton 60 day wiating period if more than 10% of reg voters submit petition. if maint and op not orig set forht in ballot. seperate statue auth what is before council today.

Council Member Dufford moved to adopt Resolution No. 2016 - 265; seconded by Council Member Robnett.

Sparks willing to vote for this but believe in best interest to pay off debt and let 4b go away and then bring back. He will vote for either way if paid off do have monies there that could use as planning on using it right. He will vote for but prefer paying off stadium.

Morales not looking just for today. It is today and future and what tax can do in Midland. If pay off debt work to get to that point very quickly and issue resolved by citizens not council to see what would happen. IN meantime collect for few more months to ensure good spot.

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

6. Consider an ordinance on second reading providing funds for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017. (FINANCE) (First reading held August 30, 2016)

ORDINANCE NO. 9596

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Mayor Morales read caption of Ordinance No. 9596.

Pam Simecka final step to approve budget for FY 2017. ONE amendment at first reading to move \$917,000 to street improvement, made that change with proposed budget.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9596 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Council Member Lacy moved to amend the motion by remove \$671,000 COLA in budget.; seconded by Council Member Sparks.

comment made about how to cut worked out his calculations of what it should be of how to get to number by only raising to effective rate. extremely heavy on consulting fees elim 1.4 M. Last year lowered by 1.6 M by lowering this year of understand suffering out there. First amend remove 671,000 COLA in budget. Comment will be used if have sales tax revenue. That should be made by Council. Robnett has anyone seen them before now. no one has seen.

Sparks in addition if take up sales tax were to improve would be able to add some of

that back in later. Sparks plan for worse.

worthwhile discussion to talk about. What Mr. Dufford proposed is reasonable. \$5 M budgeted for streets and so if there we can do it later. As long as not taking away. \$5M is a good start on infrastructure. Going to be proposal later on putting something on ballot. Lacy \$5M only goes to mill and overlay doesn't go toward reconstruction. \$ spent is being added to street maintenance portion to fix current roads and give tax payers return on investment. Pam in budget \$5M in capital account called mill and overlay to be used as Engineering directs. He is talking about \$another portion dept can switch between capital and maint. \$6.3 in proposed budget. \$7.2 now with additional money. Dufford leave budget exactly where is and talk about additional 4b funds in 60 days to leave just way it is and use extra to see how things go 6 months from now and amend budget at that time if needed. Lacy if have opportunity to spend we do only reason coming in under is shortfall is short tax revenue not even remotely close to what was brought in. People in City are not getting bonuses. Taken care of obligation for public safety. Dufford 2/3 of budget are people that it takes to maintain and operate city. half are public safety folks still alive to take care of people. Lacy not taking out pay progression. Sparks doesn't take effect until next year. Can amend next year if have money if things improve. Dufford or take 900,000 set aside and see how it is in 6 months. Love explain theory behind COLA. When price of oil was high had problem with staffing and people leaving City to go work in oil fields made job difficult. had to outsource duties because didn't have employees. COLA incentive to retain employees so don't have spike again and get into trouble. Not looking at just now but 5-10 years but COLA goes a long way to stabilizing. Dufford costs more to retain then do 2-3%. Lacy pension and benefits for govt is better. tradeoff when work for govt. Council decision if have excess sales tax then reward employees at that time. This is a Council decision because voting on it. Sparks disagree don't think COLA is that effective at retaining employees.

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

Sparks page 81 Code Admin \$125,000 in consulting. Chuck Harrington to handle Santa Rita Hotel ability to do structural plan review behind staff capabilities. Lacy Page 71 Gen Svcs other special service 239,000 this year ?? Pam has to do with property tax for garage and new bank of America.

Lacy 2014 44,000 consulting engineer 700,000 2016 now 587,000 can see slowing down keep adding to dept. Can we quit doing outside City. Jose Ortiz cut back a little bit both years had to transfer funds to line item way too many consulting to be addressed. this year \$19.5 capital in roadway. That kind of work is difficult to manage inhouse. Dealing with infrastructure improvements. if go through another bond have to do up front want to make sure plans ready to go to construction immediately. Lacy 2014 when going through boom of century not taking care of engineering needs of City?. Love find it ironic that cutting money of employees but outsourcing stuff. Lacy cutting COLA. Lacy page 144 non department 150,000 for consulting fees. Pam non department that cross departments consultant such as lobbyist McClain sales tax consultant things affect multi dept. Lacy 143,000 for miscellaneous. j Pam not sure would need to check.

Sparks Hotel/Motel questions. n Visitors Bureau, CVB number \$1.638 M does it include SEAM includes all 4th July SEAM, visitors Center. Went up from \$20,000 to

\$25,000 just because asked for \$5,000 more. Go with same as as before. Just bringing up. This doesn't have to do with.

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

7. Consider an ordinance on second reading fixing the Tax Levy for the City of Midland, Texas for the Fiscal Year 2016-2017. (FINANCE) (First reading held August 30, 2016)

ORDINANCE NO. 9597

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017

Council Member Dufford moved that the property tax rate be increased by the adoption of a tax rate of three hundred and ninety-nine thousandths and six hundred seventy-nine millionths per \$100 valuation, which is effective a 3.0% increase in the tax rate and approve the second and final reading of Ordinance No. 9597 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, Morales, Dufford, Robnett. NAY: Sparks, Lacy. ABSTAIN: None. ABSENT: None.

Tax levy. ord written. 399679. changed wording does have 60% in favor motion has to be worded on mem.

Mayor most contriverisal interst of community very strong. council did homework and thanked everyone for input. difficult due to economic times. Dufford as long as he on council no most contentious.

CONSENT AGENDA

Council Member Dufford moved to approve Consent Agenda items 8 - 50 excluding 10, 11, 16, 20; 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.

8. Approved a motion approving the following minutes:
 - a. Special meeting of August 16, 2016.
 - b. Regular meeting of August 23, 2016.
 - c. Regular meeting of August 30, 2016.
9. Approved a resolution awarding an agreement for Full Service Alarm Management for the Police Department. (PURCHASING)

RESOLUTION NO. 2016 - 266

RESOLUTION AWARDING A CONTRACT FOR ALARM MANAGEMENT SERVICES

TO PMAM CORPORATION, OF DALLAS, TEXAS; SAID SERVICES WILL PROVIDE FOR THE MANAGEMENT OF ALL ASPECTS OF THE CITY'S ALARM PROGRAM

12. Approved a resolution awarding a contract for the Midland Civic Center Sewer Line Project for the General Services Department; and appropriating \$249,405.00 from the Water and Sewer Fund for the water line portion of the project. (PURCHASING)

RESOLUTION NO. 2016 - 269

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH J&H SERVICES, INC., OF ALBUQUERQUE, NEW MEXICO, FOR THE MIDLAND CENTER SEWER LINE RE-ROUTE PROJECT AT A TOTAL COST OF \$548,062.00; AND AUTHORIZING THE APPROPRIATION OF \$249,405.00 FOR SAID PROJECT

13. Approved a resolution awarding a contract for the DeZavala Lift Station Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 270

RESOLUTION AWARDING A CONTRACT FOR THE DE ZAVALA LIFT STATION REHABILITATION PROJECT TO DOWTECH SPECIALTY CONTRACTORS, INC., OF BAIRD, TEXAS, IN THE AMOUNT OF \$166,200.00

14. Approved a resolution awarding a contract for annual pump and motor maintenance services for the Utilities Department for Fiscal Year 2017. (PURCHASING)

RESOLUTION NO. 2016 - 271

RESOLUTION AWARDING A CONTRACT FOR PUMP AND MOTOR MAINTENANCE SERVICES FOR THE UTILITIES DEPARTMENT TO EVANS ENTERPRISES, INC., OF WICHITA FALLS, TEXAS, IN THE AMOUNT OF \$905,500.00

15. Approved a resolution approving the purchase of an estimated annual supply of 650,000 pounds and 40 - 150 pound cylinders of chlorine; 2,000 tons of aluminum sulfate; 20,000 gallons of polymer; 200,000 pounds of liquid anhydrous ammonia; 10,000 gallons of liquid copper sulfate pentahydrate 25%; 4,400 gallons of polymer for dewatering; 10,000 pounds of potassium permanganate; 20,000 gallons of liquid ammonium sulfate and 25 tons of powdered activated carbon for the treatment of drinking water for the Utilities Department for Fiscal Year 2017. (PURCHASING)

RESOLUTION NO. 2016 - 272

RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2017 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$1,328,714.00

17. Approved a resolution authorizing an amendment to the Water, Wastewater, & Fire Hydrant Taps Program contract between TEC Excavation, Inc., and the City of Midland (Project Number: U14-03-0335, Resolution No. 2014-204). (PURCHASING)

RESOLUTION NO. 2016 - 274

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE WATER, WASTEWATER, AND FIRE HYDRANT TAPS PROGRAM CONTRACT WITH

TEC EXCAVATION, INC.

18. Approved a resolution approving a License Agreement between LeoLabs and the City. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 275

RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND LEOLABS, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS FIVE (5) ACRES SITUATED IN THE PUBLIC SCHOOL LAND SECTION 10, BLOCK C-23, ABSTRACT NO. 1383, WINKLER COUNTY, TEXAS

19. Approved a resolution Approving a Promotional Agreement between LeoLabs, Inc., and the Midland Development Corporation. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 276

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND LEOLABS, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

21. Approved a resolution authorizing the execution of a Mutual Termination and Release Agreement between the Midland Development Corporation (MDC) and the City of Midland, Texas. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 278

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

22. Approved a resolution cancelling the General City Election which was to be held on November 8, 2016 for the offices of Mayor and City Council Members representing Districts 3 and 4. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2016 - 279

RESOLUTION CANCELING THE GENERAL CITY ELECTION WHICH WAS TO BE HELD ON NOVEMBER 8, 2016, FOR ELECTION OF THE OFFICES OF THE MAYOR, ONE COUNCIL MEMBER REPRESENTING DISTRICT 3, AND ONE COUNCIL MEMBER REPRESENTING DISTRICT 4, AS THE REQUIREMENTS OF THE TEXAS ELECTION CODE ARE COMPLIED WITH; AUTHORIZING THE CITY SECRETARY TO POST NOTICE; ACCEPTING AND APPROVING THE CITY SECRETARY'S CERTIFICATION; AND DECLARING THE UNOPPOSED CANDIDATES ELECTED TO OFFICE

23. Approved a motion approving a contract with Midland Crime Stoppers, Inc., in the amount of \$40,000.00 for the operation of a Crime Stoppers Program from funds available and as approved in the Fiscal Year 2016-2017 Budget (General Fund/Non

Departmental). (CITY SECRETARY'S OFFICE)

24. Approved a motion approving a contract with Keep Midland Beautiful, Inc., in the amount of \$100,000.00 for litter reduction, education, and beautification programs in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Sanitation Fund/Litter Division). (CITY SECRETARY'S OFFICE)
25. Approved a motion approving a contract with Midland Teen Court, Inc., in the amount of \$27,500.00 for a Teen Court program in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
26. Approved a motion approving a contract with Permian Basin Community Centers in the amount of \$75,000.00 for mental health, mental retardation and substance abuse service in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
27. Approved a motion approving a contract with Midland College in the amount of \$95,000.00 to promote growth and development in the City of Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
28. Approved a motion approving a contract with University of Texas Permian Basin Small Business Development Center (UTPB SBDC) in the amount of \$21,375.00 to promote growth and development in the City of Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
29. Approved a motion approving a contract with Arts Council of Midland in the amount of \$150,000.00 for the encouragement, promotion, improvement, and education of arts in the City of Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
30. Approved a motion approving a contract with COM Aquatics in the amount of \$44,000.00 for advertising, promotion and solicitation of aquatic activities in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
31. Approved a motion approving a contract with the High Sky Wing of the Commemorative Air Force in the amount of \$50,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
32. Approved a motion approving a contract with Hispanic Cultural Center in the amount of \$5,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
33. Approved a motion approving a contract with Midland Hispanic Chamber of Commerce in the amount of \$27,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel

Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

34. Approved a motion approving a contract with Midland Soccer Association in the amount of \$20,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
35. Approved a motion approving a contract with Midland United Girls Softball in the amount of \$49,967.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
36. Approved a motion approving a contract with Museum of the Southwest in the amount of \$453,538.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
37. Approved a motion approving a contract with Permian Basin Petroleum Museum in the amount of \$28,416.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
38. Approved a motion approving a contract with Sibley Environmental Learning Center Foundation, Inc. DBA Sibley Nature Center in the amount of \$5,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
39. Approved a motion approving a contract with Promising Projects, Inc. in the amount of \$17,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
40. Approved a motion approving a contract with Edwin Jaquez DBA West Texas Blowout in the amount of \$7,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2016-2017 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
41. Approved a resolution authorizing the execution of a Community Development Block Grant Contract with Casa de Amigos for a home cleaning program. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 280

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS FOR A HOME CLEANING PROGRAM IN THE AMOUNT OF \$32,500.00; THE PURPOSE OF THIS PROGRAM IS TO PROVIDE HOME CLEANING SERVICES TO 141 SENIOR CITIZENS AND DISABLED HOUSEHOLDS; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2016, AND END ON SEPTEMBER 30, 2017

42. Approved a resolution authorizing the execution of a Community Development Block

Grant contract with Senior Link Midland, for the Southeast Senior Center and Casa de Amigos nutrition programs. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 281

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH SENIOR LINK MIDLAND, FOR THE SOUTHEAST SENIOR CENTER AND CASA DE AMIGOS NUTRITION PROGRAMS IN THE AMOUNT OF \$66,500.00; THE PROGRAM WILL BE PROVIDED DAILY IN COORDINATION WITH OTHER ACTIVITIES; THE PURPOSE OF THIS PROGRAM IS TO PROMOTE BETTER MENTAL AND PHYSICAL HEALTH FOR SENIORS THROUGH NUTRITIOUS MEALS AND SOCIALIZATION; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2016, AND END ON SEPTEMBER 30, 2017

43. Approved a resolution authorizing the execution of a Community Development Block Grant Contract with Mission Health Care, Incorporated. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 282

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH MISSION HEALTH CARE, INCORPORATED, IN THE AMOUNT OF \$15,000.00; THE PURPOSE OF THIS PROGRAM IS TO PROVIDE DELIVERED EVENING MEALS TO SENIOR AND DISABLED HOUSEHOLDS; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2016, AND END ON SEPTEMBER 30, 2017

44. Approved a motion on request by Schumann Engineering to defer public improvements for Firefly Addition, and to waive the corresponding financial security guarantee valued at \$267,097.42, an amount equal to the estimated cost of construction. The subject property is generally located approximately 5,289 feet north of the intersection of North County Road 1150 and Loop 250, approximately 4,000 feet east 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)
45. Approved a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests, 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, between Loop 250 to FM 1788, and SH-191 to B-20; authorizing the City Manager to obtain appraisals, surveys, and to negotiate for said real property interests as related to future arterial roadways, and to execute and file all necessary documents; authorizing payment for said appraisals, survey, title insurance policies, and closing cost. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 283

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH LOCATED WITHIN THE AREA BOUNDED BY LOOP 250, STATE HIGHWAY 191, FARM TO MARKET ROAD 1788, AND BUSINESS

INTERSTATE 20; AUTHORIZING THE CITY MANAGER TO OBTAIN SURVEYS AND 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 SURVEYS, 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

46. Approved a resolution authorizing the allocation of funds from the Utility Department Operation Budget to the Briarwood Avenue Extension project (900017) in the amount of \$600,000 for sewer utility extension construction. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 284

RESOLUTION ALLOCATING \$600,000.00 FROM THE 2016 OPERATING BUDGET OF THE WATER & SEWER FUND (300) WATER & WASTEWATER MAINTENANCE DIVISION (300335) TO THE BRIARWOOD AVENUE EXTENSION PROJECT (900017)

47. Approved a resolution authorizing the execution of a Public Improvement Development Agreement between the City of Midland and Weidner & Phillips Ltd in the amount of \$5,875 for the purpose of constructing a 12 inch water line to serve Belmont Addition Section 14; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 285

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH WEIDNER & PHILLIPS LTD. FOR DEVELOPMENT OF BELMONT ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE NORTH INTERSTATE 20 FRONTAGE ROAD, APPROXIMATELY 440 FEET WEST OF SOUTH TERRELL STREET); AND ALLOCATING FUNDS IN THE AMOUNT OF \$5,875.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

48. Approved a resolution approving the proposed budget of the Midland Emergency Communication District for the Fiscal Year ending September 30, 2017. (POLICE)

RESOLUTION NO. 2016 - 286

RESOLUTION APPROVING THE BUDGET OF THE MIDLAND EMERGENCY COMMUNICATION DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017

49. Approved a resolution to Accept Grant Funding Awarded by TXDOT to the Midland Police Department to Conduct a FY2017 Comprehensive STEP Enforcement Project. (POLICE)

RESOLUTION NO. 2016 - 287

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$16,685.00 FROM THE

TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2016-2017 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM FOR INTERSECTION TRAFFIC CONTROL ENFORCEMENT AND SPEED ENFORCEMENT; SAID GRANT AWARD REQUIRES A CITY CASH MATCH IN THE AMOUNT OF \$2,115.00; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING GRANT FUNDS

Council Member Dufford moved to approve Consent Agenda items 8 - 50 excluding 10, 11, 16, 20; seconded by Council Member Lacy.

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

50. Approved a resolution authorizing the City of Midland to accept and appropriate funding awarded from the Body-Worn Camera Program grant through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2016 - 288

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$135,000.00 FROM THE BODY-WORN CAMERA GRANT PROGRAM THROUGH THE OFFICE OF THE GOVERNOR OF TEXAS CRIMINAL JUSTICE DIVISION; SAID GRANT AWARD REQUIRES A CITY CASH MATCH IN THE AMOUNT OF \$33,750.00; PROVIDING THAT THE GRANT FUNDS BE USED TO PURCHASE BODY-WORN CAMERAS FOR LAW ENFORCEMENT OFFICERS AS WELL AS DIGITAL VIDEO STORAGE AND RETRIEVAL SERVICES; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING GRANT FUNDS

10. Approved a resolution approving the early termination and buyout of the lease between the City of Midland and the Midland Chamber of Commerce for property described as all of Lots One (1), Two (2), Three (3) and the North five (5) feet of Lot Four (4), Block Fifty-four (54), Original Town Addition to the City of Midland, Midland County, Texas. (PURCHASING)

RESOLUTION NO. 2016 - 267

RESOLUTION AUTHORIZING THE EXECUTION OF A MUTUAL TERMINATION AND RELEASE AGREEMENT WITH THE MIDLAND CHAMBER OF COMMERCE REGARDING THE MIDLAND CHAMBER OF COMMERCE'S LEASE OF CERTAIN CITY-OWNED PROPERTY DESCRIBED AS ALL OF LOTS ONE (1), TWO (2), THREE (3), AND THE NORTH FIVE (5) FEET OF LOT FOUR (4), BLOCK FIFTY-FOUR (54), ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,680,000.00

Sparks pulled because termination of agreement with Chamber of Commerce for building. He is against terminating early.

Council Member Love moved to adopt Resolution No. 2016 - 267; seconded by Council Member Dufford.

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

11. Approved a resolution awarding a contract for the Washington Aquatic Center Renovation Project for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2016 - 289

RESOLUTION AWARDED A CONTRACT FOR THE WASHINGTON AQUATIC CENTER RENOVATION PROJECT TO ATLANTIS POOL PLASTERING, INC., DBA ATLANTIS AQUATIC GROUP, FROM AUSTIN, TEXAS, IN THE AMOUNT OF \$4,836,955.00; APPROVING \$100,000.00 FOR CONTINGENCIES AND RELATED PROJECTS COSTS; AND APPROPRIATING FUNDS THEREFOR

Love pulled because want to publically thanked Robnett for hard work in leading to secure funds for proejct and other Council Members who dialogued and to thank Laurie and Tina for their work.

Council Member Love moved to adopt Resolution No. ; 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.

16. Approved a resolution authorizing an amendment to the Utility Extension Program contract between TEC Excavation, Inc., and the City of Midland (Resolution No. 2014-203). (PURCHASING)

RESOLUTION NO. 2016 - 273

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE UTILITY EXTENSION PROGRAM CONTRACT WITH TEC EXCAVATION, INC.

Love pulled and not 16 and 17. Looks like doing ifnrastructure so old that some of utility system is 45 yeas old. This looks like what doing is patching where can. Laura both contracts came about due to lack of personnel. On this utility ext contract money sitll avail go out to bid for new contract projects will coutsanding what to ensure trnaisiton nicely. Doing until new utility ext program can be created. That means that take this round of patching and then come back with anther round of patching. He doesn't think is makes ense to patch antequated infraastructure. Do you feel you have adequate resources to do what tceq requires. Laura this for larger contract. have 27 positions in Maint and 23 filled and being optimistic. HER guys do patches utility ext is what does block. considering hwo many miles but whole block of water line. target problem areas that so bad don't want to put a clamp wnat to do whole block thats where tuility ext program good mid point type situation between us clamps and consultant deisgn whole dev worth of replacement. Realalr eason is to say to Laure and CM as embark on new utility ext program tha tery o seek and find long term lasting repairs/replacmeents insteaf of patching up.

Council Member Love moved to adopt Resolution No. 2016 - 273; seconded by Council Member Sparks.

Jose happy Laura is taking over this portion. Also in addiiton to patches use for new extention of water lines. did put in new ifnrastructure before paved roads to provide services. Courtney looking at long term replacement program for older Midland Laura working on putting together a plan to finance.

Hotchkiss Laura met with consittiuent with same iron orange waeer in bathrub. laura sitll safe to drink.

Mayor economic times are challenging but afford whaat you can.

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

20. Approved a resolution of the City Council of the City of Midland, Texas supporting the relocation and rebuilding of the new Chris Davidson Opportunity Park at the Bush Tennis Center. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 277

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS
SUPPORTING THE RELOCATION AND REBUILDING OF THE NEW CHRIS
DAVIDSON OPPORTUNITY PARK AT THE BUSH TENNIS CENTER

Dufford paulled so can recognize group. Mayor, Lacy, Love read and presented proclamation for New Christ Davison opportunity park.

sahred architectural rending of new park with gazebo and covered play areas.

Council Member Lacy moved to adopt Resolution No. 2016 - 277; seconded by Council Member Love.

Hotchkiss thank for supporting Midland in so many ways not only monetarily but also time.

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

SECOND READINGS

51. Consider an ordinance on second reading on a request by Strategic Restaurant Concepts, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant on Lot 7, 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) (First reading held on July 26, 2016)

ORDINANCE NO. 9583

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE

PROPERTY DESCRIBED AS LOT 7, 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), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Clerk Karla Mata read the caption of Ordinance No. 9583.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9583 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, Lacy. NAY: None. ABSTAIN: None. ABSENT: Dufford, Robnett.

52. Consider an ordinance on second reading on a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located northwest of the intersection of Todd Drive and East Highway 80.) (DEVELOPMENT SERVICES) (First reading held on August 23, 2016)

ORDINANCE NO. 9590

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.45-ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION, AND A 6.25-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, IN PART, AND AE, AGRICULTURE ESTATE DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF TODD DRIVE AND EAST HIGHWAY 80); 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 Clerk Karla Mata read the caption of Ordinance No. 9590.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9590 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.

53. Consider an ordinance on second reading on a request by Haskell Restaurant Group, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant, on a 3,200-square foot portion of Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas (Generally located approximately 420-feet west of Rankin Highway, and approximately 465-feet south of Wolcott Avenue.) (DEVELOPMENT SERVICES) (First reading held on August 23, 2016)

ORDINANCE NO. 9591

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,200-SQUARE FOOT PORTION OF LOT 6A, BLOCK 2, AMARON ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 420 FEET WEST OF RANKIN HIGHWAY AND APPROXIMATELY 465 FEET SOUTH OF WOLCOTT AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Clerk Karla Mata read the caption of Ordinance No. 9591.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9591 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.

54. Consider an ordinance on second reading on a request by Haskell Restaurant Group, LLC for a Specific Use Permit With Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,700-square foot portion of Lot 5A, Block 7, Claydesta Plaza, Section 12, City and County of Midland, Texas (Generally on the north side of West Wadley Avenue, approximately 220-feet west of Desta Drive.) (DEVELOPMENT SERVICES) (First reading held on August 23, 2016.)

ORDINANCE NO. 9592

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,700-SQUARE FOOT PORTION OF LOT 5A, BLOCK 7, CLAYDESTA PLAZA, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 220 FEET WEST OF DESTA 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 Clerk Karla Mata read the caption of Ordinance No. 9592.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9592 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

55. Consider an ordinance on second reading on a request by Maverick Engineering for a Zone Change from PD, Planned District for a Transition District to LR-2, Local Retail District on Lot 2, Block 1, Wallace Heights, Section 2, City and County of Midland, Texas (Generally located on the east side of North Loop 250 West, approximately 500-feet north of Andrews Highway.) (DEVELOPMENT SERVICES) (First reading held on August 23, 2016.)

ORDINANCE NO. 9593

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 2, BLOCK 1, WALLACE HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 500 FEET NORTH OF ANDREWS HIGHWAY); 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 Clerk Karla Mata read the caption of Ordinance No. 9593.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9593 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, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Sparks. ABSENT: None.

56. Consider an ordinance on second reading on a request by COG Realty, LLC for the vacation of the 0.137-acre portion of the alley right-of-way, located adjacent to Lot 1, Block 32, Homestead Addition, City and County of Midland, Texas (Generally located on the north side of West Michigan Avenue, approximately 140-feet west of North Pecos Street.) (DEVELOPMENT SERVICES) (First reading held on August 23, 2016)

ORDINANCE NO. 9594

AN ORDINANCE VACATING AND ABANDONING A 20-FOOT ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 32, HOMESTEAD ADDITION, CITY AND COUNTY OF

MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MICHIGAN AVENUE, APPROXIMATELY 140 FEET WEST OF NORTH PECOS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$11,928.00; AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED WITH COG REALTY LLC, A TEXAS LIMITED LIABILITY COMPANY, FROM WHICH THE CITY RESERVES AND EXCEPTS A NON-EXCLUSIVE UTILITY EASEMENT AND RIGHT-OF-WAY UNTIL EACH EASEMENT USER ABANDONS ITS USE OF SAID EASEMENT; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS NECESSARY OR APPROPRIATE TO EFFECT SAID TRANSACTIONS; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Clerk Karla Mata read the caption of Ordinance No. 9594.

Council Member Love moved to approve the second and final reading of Ordinance No. 9594 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. NAY: None. ABSTAIN: Robnett. ABSENT: None.

57. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9503; 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 August 23, 2016.)

ORDINANCE NO. 9595

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES AND CROSSINGS", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE AND SCHOOL CROSSING WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9503; 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 Clerk Karla Mata read the caption of Ordinance No. 9595.

Council Member Love moved to approve the second and final reading of Ordinance No. 9595 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

58. Hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A4 #12UL) located 310 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 4,972 feet north of Briarwood Avenue and 2,383 feet west of Trobaugh Blvd.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Lacy abstain 58-60

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting asking for same variances as in pasat landscaping and irrigation. var of 24-hour fracing. O7g reviewed an approved they always put sound barriers so included in applicjation.

Mayor Morales oph 11:21 a.m. cph

59. Hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 3 #10SH) located 528 feet from the north line and 2,210 feet from the west 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 4,753 feet north of Briarwood Avenue and 1,730 feet west of Golden Gate Drive.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting Next two wwells on shared pad site same situation same variance request been to o7g with same recomendation fo approval. no loj.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

60. Hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 3 #3H) located 528 feet from the north line and 2,251 feet from the west 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 4,753 feet north of Briarwood Avenue and 1,690 feet west of Golden Gate Drive.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same informaiton as previous item.

Mayor Morales opened the public hearing at 11:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

61. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit 1101H) located 285 feet from the north line and 1,388 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas

(Generally located 1,388 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting first of four apps in same shared pad site in midland country club area. been to o7g approved no loj var for road repair no city roads 24-hour frac. o7g had not once house within 860e for commercial and housing not in 500 feet. no sound walls.

Mayor Morales opened the public hearing at 11:24 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

62. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit 1102H) located 285 feet from the north line and 1,418 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,418 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same as previous item tank batter in county to north.

Mayor Morales opened the public hearing at 11:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

63. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit 1103H) located 285 feet from the north line and 1,448 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,448 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same as previous item.

Mayor Morales oph 11:26 a.m. cph

64. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit 1104H) located 285 feet from the north line and 1,478 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,478 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting same as previous item.

Mayor Morales opened the public hearing at 11:26 a.m. There being no one present

wishing to speak, the public hearing was immediately closed.

65. Hold a public hearing and consider an ordinance on a request by Shannan McCain for a Specific Use Permit with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant on Lot 3-G, Block 6, Scotsdale Addition, Nineteenth Section, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 550 feet west of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9598

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3-G, BLOCK 6, SCOTSDALE ADDITION, NINETEENTH SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 550 FEET WEST OF NORTH MIDLAND 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. 9598.

Development Services Director Chuck Harrington gave a brief overview of the item noting request regarding property wings n more now new restaurant interested in moving ot Midland for sale sof alco hours 11-9 sun thur 11-10 f and s. prev approved by p7z staff rec approval subject to conditions in ord.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9598 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Mayor Morales opened the public hearing at 11:28 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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

66. Hold a public hearing and consider an ordinance on a request by Javi's Sports Bar for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on Lot 7, less the west 5 feet, and Lots 8 through 10, Block 20, Belmont Addition, City and County of Midland, Texas (Generally located northeast of the intersection of Rankin Highway and West Francis Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9599

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, LESS THE WEST FIVE FEET, AND LOTS 8, 9

AND 10, BLOCK 20, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF RANKIN HIGHWAY AND WEST FRANCIS AVENUE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9599.

Development Services Director Chuck Harrington gave a brief overview of the item noting came may 10 on first reading between changed hours of operation question about late hours for restaurant. a pproved ons econd reading with restricted hours. applicant want to do away with restaurant and operate as bar. alte serving hours m-th 10-12 and f and sunday from 10-2 a.m. Sunday is a difference allows council to grant early morning if serve food. normallyw ouldn't do until 12 noon. will be serving food no schools or church p7z rec approval. no loj within 200 feet. hwoever lady appeared before p7z outside of 200 feet who spoke against request. 10-2 7 days a week clarified incorrectly rprevious spoken. Love applicant confused with what going on. Applicant is not sure of waht they want to do. Mis communicationb etween applicant and lower level staff of p7z and and directed to do somethign that was wrong. when came before council didn't et what looking for. He voisited with them and chuck they want a sports bar with food. Lacy have to serve food until 2 a.m. Love and they are. Dufford as transition from restaurant from rest to bar any problem. chuck no complaints. Hotchkiss at p7z said she had been disturbed by noise but she visited with. Dufford question of police chief if here.

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

Chirstina cooper 4718 W Dengar, food and sports bar full menu. Incident with lady visited twice said she would do petition if any problems. She think everything good, securty thur - sun not open every night until 2 a.m. just have leeway. ABS Scurity. Courtney want to do 7 days a week 10-2 7 days a week. that is what trying to do. 7 days 10-2 and htat is what ordinance redas as a sports bar. Security thur through sunday. Had any incidents with police? Christina they come tod random security checks. courtney asked police he will address. Chuckk as part of application get police report have receive dno compolaints. Dufford no requirement in ord to have security but can require it. two. security. Dufford no problem if made part of ord.

There being no one else wishing to speak, the public hearing was closed at 11:37 a.m.

Spencer last few eyars increase in these types of busienss. Considering hours and remain continuity to help streamline. Make sure before next meeting can see that. NOT a square streamline process.

Council Member Love moved approval of the first of two readings of Ordinance No. 9599 in accordance with the Charter of the City of Midland with amendment to require

two security officers Thursday through Sunday 8 p.m. to 2:00 a.m. or closing; seconded by Council Member Robnett.

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

MISCELLANEOUS

67. Consider an ordinance authorizing the issuance of "City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2016"; levying an ad valorem tax upon all taxable property within the City and providing for a limited pledge of the net revenues of the City's Waterworks and Sewer System for the payment of said certificates; prescribing the terms and details of such certificates and resolving other matters incident and related to the issuance, sale, security, payment and delivery of said certificates, including the approval of a paying agent/registrar agreement and a purchase agreement and the approval and distribution of an official statement pertaining thereto; and providing an effective date. (FINANCE)

ORDINANCE NO. 9600

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MIDLAND, TEXAS, TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016"; LEVYING AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND PROVIDING FOR A LIMITED PLEDGE OF THE NET REVENUES OF THE CITY'S WATERWORKS AND SEWER SYSTEM FOR THE PAYMENT OF SAID CERTIFICATES; PRESCRIBING THE TERMS AND DETAILS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, SECURITY, PAYMENT AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9600.

Finance Director Pam Simecka gave a brief overview of the item noting decision on issuance of bonds cert of obligation for midland ctr proj. Should find copy of presentation by Southwest and copy of updated ordinance with pricing. George Wolford to explain and answer questions.

George Wolford First Southwest, Dallas, successful pricing of c of o 38.4 M for midland center project. issuance size 27,245,000 city maintained AAA rating highest rating that can be achieved and AA+ with s&P max can be received. Rating agencies are all aware of o&g activity and impacts. To maintain ratings in light of economic situation points out city done exemplary job of doing everything it can. Under tab C copy of rating reports. They talk about strong management and budget flexibility. from administrative point city has positioned self to ward off and maintain in light of economic condition. Behind cover i preliminary official statement in marketing prospectus and underwriting group Frost Bank a. Tab A is issuance timing excellent historical low rates. issue size 27,245,000 understage full 31,194,386.50 reason issue size is less is two yield coupon rates were 4+5 percent resulted in premium received but actual principal because of premium paid by investors 3.19% interest rate. when came to Council using 3.6% when came to

Council debt service 1.870 debt service now well below. tab b shows market information. Bond council provided ord that incorporates all terms of pricing rec to approve.

Council Member Dufford moved approval of the first and only reading of Ordinance No. 9600 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, Morales, Dufford, Lacy, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

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

do downstairs after executive session.

EXECUTIVE SESSION

recess to Executive Session 11:47 a.m.

69. 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.

- 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.

- b. Section §551.072 Deliberation Regarding Real Property.

- b.1. Discuss the sale, exchange, lease, or value of real property related to potential mineral leases on City of Midland property.

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