

**MIDLAND CITY COUNCIL  
MINUTES  
October 25, 2016**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at \_\_\_\_ a.m. on October 25, 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., October 25, 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**

10:02

moment of silence for kids in gokart.

1. Invocation - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

## **PRESENTATIONS**

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

## **CONSENT AGENDA**

Council Member Dufford moved to approve Consent Agenda items 4 - 22 excluding 6, 12, 13, 14, 20, 21; 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.

4. Approved a motion approving the following minutes:
  - a. Regular meeting of October 11, 2016.
5. Approved a resolution approving a Professional Services Agreement with HDR Engineering, Inc. for the final design review for pre-construction services for the Water Pollution Control Plant for the Utilities Department; and appropriating funds therefore. (PURCHASING)

### **RESOLUTION NO. 2016 - 311**

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR FINAL DESIGN REVIEW SERVICES OF PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SECONDARY IMPROVEMENTS AT THE WATER POLLUTION CONTROL PLANT; AND APPROPRIATING FUNDS THEREFOR

7. Approved a resolution approving the purchase of fifty-five (55) Nema TS2 Type Controllers with Maxtime from Texas Highway Products through TxSmart Buy contract 550-A2 for a total cost of \$120,285.00 for the Traffic Operations Division. (PURCHASING)

### **RESOLUTION NO. 2016 - 313**

RESOLUTION APPROVING THE PURCHASE OF FIFTY-FIVE (55) NEMA TS2 TYPE 2 CONTROLLERS WITH MAXTIME FOR THE TRAFFIC OPERATIONS DIVISION FROM TEXAS HIGHWAY PRODUCTS, LTD., THROUGH TXSMARTBUY AT A TOTAL COST OF \$120,285.00

8. Approved a resolution approving the purchase of one (1) sweeper from Tymco, Inc. through Buyboard contract 420-13 for a total cost of \$253,750.50 for the Garage

Division. (PURCHASING)

RESOLUTION NO. 2016 - 314

RESOLUTION APPROVING THE PURCHASE OF ONE (1) STREET SWEEPER FOR THE GARAGE DIVISION FROM TYMCO, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$253,750.50

9. Approved a resolution awarding annual agreements for Uniforms for the Police Department. (PURCHASING)

RESOLUTION NO. 2016 - 315

RESOLUTION AUTHORIZING THE EXECUTION OF TWO PURCHASE AGREEMENTS FOR AN ANNUAL SUPPLY OF UNIFORMS FOR THE POLICE DEPARTMENT FROM GALLS, LLC, OF LEXINGTON, KENTUCKY, AND GT DISTRIBUTORS, INC., OF AUSTIN, TEXAS, AT A TOTAL COST OF \$52,460.50

10. Approved a resolution approving a professional services agreement with HDR Engineering, Inc. for engineering services for the 2017 Midland Water Pollution Control Plant Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 316

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR DESIGN, BIDDING, AND CONSTRUCTION SERVICES FOR THE 2017 MIDLAND WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT

11. Approved a resolution ratifying a change order in the amount of \$119,777.54 for the Frictional Asphaltic Surface Preservation Treatment Project. (PURCHASING)

RESOLUTION NO. 2016 - 317

RESOLUTION RATIFYING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH CROSSROADS ASPHALT PRESERVATION, INC. REGARDING THE FISCAL YEAR 2016 FRICTIONAL ASPHALTIC SURFACE PRESERVATION TREATMENT PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$119,777.54

15. Approved a resolution approving the issuance of a 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 321

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,388 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,388 FEET WEST OF NORTH STATE HIGHWAY 349 AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 322

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,418 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,418 FEET WEST OF NORTH STATE HIGHWAY 349 AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 323

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,448 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,448 FEET WEST OF NORTH STATE HIGHWAY 349 AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

18. Approved a resolution approving the issuance of a 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 324

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 285 FEET FROM THE NORTH LINE AND 1,478 FEET FROM THE EAST LINE, SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,478 FEET WEST OF NORTH STATE HIGHWAY 349 AND 5,030 FEET NORTH OF MOCKINGBIRD LANE); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

19. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals located in Section 19, Blk 39, T-1-S, T&P Ry. Co. Survey, County

of Midland, Texas. (Generally located north of Andrews Highway and south of West Wadley Avenue and west of North Midland Drive and east of North Loop 250 West.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 325

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN AGREEMENT FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED NORTH OF ANDREWS HIGHWAY, WEST OF NORTH MIDLAND DRIVE, SOUTH OF WEST WADLEY AVENUE, AND EAST OF NORTH LOOP 250 WEST), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

22. Approved a resolution approving a Discharge License with Broadbent and Associates, Inc. (UTILITIES)

RESOLUTION NO. 2016 - 328

RESOLUTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER DISCHARGE LICENSE AGREEMENT WITH BROADBENT & ASSOCIATES, INC., FOR THE PURPOSE OF DISCHARGING EFFLUENT AT 4015 S. FM 1788, MIDLAND, TEXAS

6. Approved a resolution accepting the offer of \$252,000.00 from the Midland Chamber of Commerce for the properties described as 301 North Colorado Street, 0.451 acres, Blk: 027, Lots: 07A, Original Town Addition, Sec 3, and, 310 West Illinois Avenue, 0.448 Acres, Blk: 027, Lots: 13A, Original Town Addition Sec 3, City and County of Midland, Texas. (PURCHASING)

RESOLUTION NO. 2016 - 312

RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY DESCRIBED AS LOT 7A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3 (301 NORTH COLORADO STREET), AND LOT 13A, BLOCK 27, ORIGINAL TOWN ADDITION, SECTION 3 (310 WEST ILLINOIS AVENUE), CITY AND COUNTY OF MIDLAND, TEXAS, TO THE MIDLAND CHAMBER OF COMMERCE; PROVIDING THAT THE PURCHASE PRICE SHALL BE \$252,000.00; AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL DOCUMENTS NECESSARY FOR SAID SALE; AND ORDERING RECORDATION BY THE CITY SECRETARY

Sparks pulled because think selling it for under value and in too big of a hurry to sell and by this time next year better price.

Dufford how much per sq ft? Fred 43560 .448 acres and .89 acres total. 39,160 sq ft, little under \$7 sq ft. Mayor had up for bid once and no apps. extended and this time around had chamber which is what looking at now. Understand where coming from if turn around minimum of two years before company get back on feet and interest in develop. Jeff don't see that way oil industry decided pb is one of few places can make money invest 20 b of acquisitions. robnett 45 b last five years. Sparks put that much capital and think won't get any less. Morales so many buildings downtown and until city started taking action. Hate for property to sit there for many moons. Sparks spent over

\$1 M to demo buildings on it. Lacy offer is \$252,000. When purchase sept \$268,000 when buoguth feel should get complete refund. Courtney a lot came out of TIRZ. Lacy higher value to property want to be good community partners with them don't think you can put dmo cost. Sparks if ppatients can get more for property. Morales did fair bid process and chamber is a business that followed the procedure. Morales when it comes to downtown dev there is not a pace that you ahve to maintain. having challenge with moving forward with downtown. busienss willing to invest in a building downtown and get a property up in next couple of years. Dufford don't object but have a willing buyer today and don't know for sure if willing buyeer int he next couple of years. That s what you hav eto weigh. Morales inventory own proeprty on fla /main and now munic ourt house empty as move into new one. bofa was opportunity, bldg of sw and western united. plenty of properties if have buyer come to table on future development. Sparks those are all properties htat already have a building on top of it. HOepfully wont' demo oddd court house. Robnett how bid bofa property? 90,000sq ft. when fees? Regina collecting vendors or firms from previous bids. As see come up on website and see them interested in proeprty put on list and send it out. Robnett after sending out twice sufficient and thorough distribution? Regina yes. Robnett anyone from mdc or chamber present? Interested in relationship between chamber and mdc and leasing space and how it will work? Lacy have MDC corp up there but nothing to MDC yet not sure if MDC interrested in enterin into a relationship. don't want to force mdc to move into there if not their desire. Morales just assumption and conceptual no agreement and if mdc chooses not to join they would lease space out.. Robnett protections city have if chamber alters plans. John in rfp doc ciyt included construction begin 18 complete in 30 months. city retain reversionary itnerst if did not meet would return back to city. Therir proposal conncpt rpresented we would make part of document for proeprty as well. They will be tied down to conceptual design. IF a substantial change is made it comes back to Council. MDC is not obligated. Fred sq footage has to be minimum of 10,000 sq ft. Love been up to bat withdowntown and would really like to see property devleop. Dont have heartburn with respect to price his concern is moving a little fast and supportive but would like to nail down the ownership. About to take a significant property and if for profit can put back on taxroles. They probably won't pay property taxes. Can sell it to them, lease it or look at other things. Fred have dates of what tried to do with property. Regina went out for rfp 11/2013 open 1/2014. most recent is what discussing now. demod 2015. Dufford the question is do we want chamber downtown or somepalce else? that's what you look at. Prefer somebody to locate downtown. Willing buyer today that will stay downtown. Love there are other properties and spoke to commercial real estate developers. Companies don't interaction through rfp think that is handicapping us. Dufford about \$7 sq ft is that a reasonable price? bofa was \$20 sq ft and revenue. what is price of vacant lot downtown?

Taylor Main 9 Saddleclub drive, current chairman of chamber of commerce. Mldland how many members? Taylor over 1000. Morales what can you tell about disscussion who property for who housed there? Taylor design as precented iss conceptual in conjhunction with putting together proposal. very much in line with ideas that chamber board has. chamber board not officially approved concept but unofficial pleased with concept. Feel like it will conform to what will be presented. Cost estimate comfortable with at thtis point. Tenants have been officing with MDC enjoy relationship with them they will provide an option without an obligation for MDC to office with them. Lacy if MDC doesn't deside to office with them will themmove forward. Taylor yes the building size may change. Lacy is board okay with 268,000 office price. Taylor willing to go to that amount. John is amount refundable if they don't build in 18 months. Taylor excited

about opportunity and appreciate councils consideration. They only have temporary location and goal is to have their own building. Feel like chamber is a door to business community of Midland. They need to make a de

Council Member Lacy moved to adopt Resolution No. 2016 - 312 with amendment to change purchase price to \$268,000 and purchase price is non-refundable if they do not meet timeline; 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.

12. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A4 #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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 318

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 310 FEET FROM THE NORTH LINE AND 335 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 4,972 FEET NORTH OF BRIARWOOD AVENUE AND 2,383 FEET WEST OF TROBAUGH BOULEVARD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Lacy abstain

Council Member Dufford moved to adopt Resolution No. 2016 - 318; seconded by Council Member Robnett.

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

13. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 319

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 528 FEET FROM THE NORTH LINE AND 2,210 FEET FROM THE WEST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 4,753

FEET NORTH OF BRIARWOOD AVENUE AND 1,730 FEET WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 319; seconded by Council Member Love.

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

14. Approved a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 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.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 320

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 528 FEET FROM THE NORTH LINE AND 2,251 FEET FROM THE WEST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 4,753 FEET NORTH OF BRIARWOOD AVENUE AND 1,690 FEET WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Love moved to adopt Resolution No. 2016 - 320; seconded by Council Member Robnett.

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

20. Approved a resolution authorizing the City Manager to Execute the First Amendment Agreement with Midland-Odessa Urban Transit District ("MOUTD"), City of Odessa and McDonald Transit Associates, Inc. for management of the transportation system. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 326

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CONTRACT WITH THE MIDLAND-ODESSA URBAN TRANSIT DISTRICT, THE CITY OF ODESSA, TEXAS, AND MCDONALD TRANSIT ASSOCIATES, INC., RELATED TO THE MANAGEMENT AND OPERATION OF A MOTORBUS TRANSIT SYSTEM IN THE CITY OF MIDLAND AND THE CITY OF ODESSA

Sparks pulled not sure understand what trying to do. Chuck amendment to contract to allow for those to be part of contract listen 10:33 a.m. Rob stephens here more

involved. Dufford what is contribution city makes. Courtney 260,000 aobuyt same about.

Rob Stephens, contributions is same as previously 300,000 now. Morales did we also not make amendment to pay quarterly based on bills submitted. Rob Stephens several years talked about challenges of transportation system. Contribution remains same no difference in contribution. Thsi maendment is with orig contract travel expenses related to his travel controlled locally reimbursable to grant. a few felt take out of local and put in contract for macdonald to reimburse. went before his board and odessa and passed. Doesn't change how he serves. Very honored to be part of Austin 1x month to visit with TxDott Staff, Made advances in legislative year in legislative appropriations request. move expenses oveer to employer instead of local. housekeeping issue. Saprk doesn't change anything in contribution.

Hotchkiss serves on board really ejoyed working with Mr. stephesn work hard he is chairman of public transportation committee.

Council Member Dufford moved to adopt Resolution No. 2016 - 326; seconded by Council Member Love.

Love serves on other board also enjoy working with him. echo sharla statements kudos.

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

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

#### RESOLUTION NO. 2016 - 327

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

Sparks pulled wasn't clear where in city limits looks like undeveloped. Ryan Farmer not in city limit but at Spraberry Farms. IN future can add indicator of wher ein City.

Council Member Love moved to adopt Resolution No. 2016 - 327; seconded by Council Member Robnett.

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

## SECOND READINGS

23. Consider an ordinance on second reading on a request by Dave Carter for a Zone Change from LR-2, Local Retail District, to LR-3, Local Retail District, on Lot 6, Block 5, Midland Industrial Park Addition, City and County of Midland, Texas. (Generally located northwest of the intersection of West I-20 and Commerce Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9608

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6, BLOCK 5, MIDLAND INDUSTRIAL PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF INTERSTATE 20 AND COMMERCE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9608.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9608 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.

**PUBLIC HEARINGS**

24. Hold a public hearing and consider an ordinance on a request by Percy Engineer for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on a 3,170-square foot portion of Lot 3, less the west 1.5 feet; Lots 4 through 6; and Lot 7, less the east 24.25 feet; Block 65, Original Town Addition, City and County of Midland, Texas. (Generally located on the south side of West Wall Street, approximately 170-feet east of South Colorado Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9609

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,170-SQUARE FOOT PORTION OF LOT 3, LESS THE WEST 1.5 FEET, LOTS 4-6, AND LOT 7, LESS THE EAST 24.25 FEET, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WALL STREET, APPROXIMATELY 170 FEET EAST OF SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED C-1, CENTRAL AREA DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A

MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9609.

Development Services Director Chuck Harrington gave a brief overview of the item noting proposing to redevelop into a mixed use in mornings coffees and evenings craft beer sales. max seating 153 people, hours m-f 6:30 a.m. to 12 a.m. sat sun 10 a.m. to 12 a.m. operation and alcohol sales proposed same. No schools or churches no letters of objection.

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

Jogquin Domingo?? before Mayor Perry. Like to show City Council a warning sign that would allow drivers on services road. not for this item.

Percy Engineer 3806 ??? lacy problem with changing alcohol start time? not at all.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9609 in accordance with the Charter of the City of Midland with amendment to change start time for alcohol sales monday through friday at 10:00 a.m.; 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.

25. Hold a public hearing and consider an ordinance on a request by Martinez Bakery for a Specific Use Permit with Term for the sale of beer and wine, for on-premises consumption, in a restaurant, on a 4,320-square foot portion of Lots 1 and 2, Block 187, Southern Addition, City and County of Midland, Texas. (Generally located southwest of the intersection of East Florida Avenue and South Weatherford Street.) (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 9610

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 4,320-SQUARE FOOT PORTION OF LOTS 1 AND 2, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF EAST FLORIDA AVENUE AND SOUTH WEATHERFORD STREET), 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 BEER AND WINE IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9610.

Development Services Director Chuck Harrington gave a brief overview of the item noting request by Martinez Bakery for on premises consumption in restaurant. Property does not have current sup they had one issued in 2010 with nor record removed. serviceable hours and operation t-s 6 a.m. to 9:30 p.m. and Sunday 12 p.m. to 9:30 p.m. no schools or churches 300 feet. rec approval limited to exhibit. 2 letters of objection objections amount to 26 percent require super majority of council. Lacy will we change application for hours of operation and alcohol. Dufford who is opposiiton. ONE AA applicance property to north and other one was private proeprty owner to east of baker.

Dufford where is nearest restaurant already has alcohol? Probably Dona Anitas maybe another one in between.

Mayor Morales opened the public hearing at at 10:49 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Love sked if good with changing hours to 10 a.m. yes.

Council Member Love moved approval of the first of two readings of Ordinance No. 9610 in accordance with the Charter of the City of Midland with amendment to change starting sale of alcohol hoours at 10 a.m. Tuesday through Saturday.; 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.

26. Hold a public hearing and consider an ordinance on a request by Miguel Bustilloz for a zone change from PD, Planned District for a Recreation Center, to an Amended Planned District on Lot 1, Block 10, Bush Tennis Center, City and County of Midland, Texas. (Generally located on the north side of Briarwood Avenue, approximately 1,300-feet west of Holiday Hill Road. (Planning Admin)

#### ORDINANCE NO. 9611

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 10, BUSH TENNIS CENTER, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A RECREATION CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 1,300 FEET WEST OF HOLIDAY HILL ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9611.

Development Services Director Chuck Harrington gave a brief overview of the item noting Bush Tennis Center amend features on landscaping and other features of tennis center. Staff meets all requirements rec approval of request. Lacy its for opportunity park. chuck yes.

Mayor Morales opened the public hearing at at 10:51 a.m. There being no one present

wishing to speak, the public hearing was immediately closed.

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

27. Hold a Public Hearing and consider an ordinance on a request by Jorge's Café for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 630 square foot portion of the Common Area and a 6,250 square foot portion of Lots 14-17, Block 11A, Fairway Park Addition, Section 3, City and County of Midland Texas. (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 9612

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 630-SQUARE FOOT PORTION OF THE COMMON AREA AND A 6,250-SQUARE FOOT PORTION OF LOTS 14-17, BLOCK 11A, FAIRWAY PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 100 FEET SOUTH OF PALMER 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 SueAnn Lopez read the caption of Ordinance No. 9612.

Development Services Director Chuck Harrington gave a brief overview of the item noting Jorge Cafe on N. Big Spring. Many other retail establishments in area. They currently have sup with term and requesting to extend morning hours and current one limits from 12 p.m. to 12 a.m. m-sun. operation 9 12 m-s asked alchol sales between 10 a.m. to 12 a.m. all other aspects will remain same including patio area 630 sq ft no loj staff rec approval.

Mayor Morale opened the public hearing at 10:54 a.m.

Jorge Veloz, 4713 Spring Meadow #4, orig took out sup for restaurant but since nice patio area added that later. somehow another end up with 12 oclock opening at 10 a.m. especially on weekends. Want to make sure have availability to do that. Otherwise want explanation on attorneys part where says conditions and restrictions contained herein. wanted to know what it means. John Ohnemiller in order to make enforceable have to put in provision can't hink of issue where penalized for starting to serve 5 minutes early.

There being no one else wishing to speak, the public hearing was closed at 10:57 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9612 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.

prec setting lacy every start at 10 a.m.

28. Conduct a public hearing on a request by the Midland Odessa Urban Transit District for route and schedule changes. (This is a public hearing only. No action will be taken.) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington requirement for federal funding. Already had one in August and here in Midland. No action required changing route 5 to accommodate new HEB. Stop will be right in front of HEB.

Mayor Morales opened the public hearing at 10:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

#### **MISCELLANEOUS**

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

Council Member Lacy Brent Hilliard to new term on MDC; Randy Stolp to Zoning Board of Adjustment to replace Annabell; Stephanie Martin to P&R to replace Sisco vacancy; Majorie Terry to Midland Housing Authority Commission; Stephen Lowery to replace Robert Rendall on MDC when term expires; 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.

#### **PUBLIC COMMENT**

30. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation 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.)

Coluin Domingo, 3407 Princeton, solve Loop 250 problems that TxDot and Engineers could not solve and exit ramps Midland/Odessa. Would like to disclose a warning sign which drivers on service road can see when exit traffic coming and mistake cars on loop highway to be one on ramp. all along the Loop. The paint is usually orange or yellow. On other side use reflective tape which they can see. The Mayor Burns. This is cheapest solution to what will work he has other ideas but know City Council does not pay. The 5th amendment to use his private property. He asked pay price of tape? Love what talking about is a TxDot issue. He is chairman of MPO might be appropriate to address his concern there. He can put into TxDot to share their ideas. As far as property if feel haven't been compensated justly recommend hiring an attorney to see

that he is. Domingo where would he get. Can't engage in discussion.

## **EXECUTIVE SESSION**

Recess to executive session at 11:10 a.m.

31. 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 551.071, Consultation with Attorney

a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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

PASSED AND APPROVED the \_\_ day of \_\_\_\_, 2016.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary