

**MIDLAND CITY COUNCIL
MINUTES
December 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 December 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., December 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 - Rev. Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Dufford presented Management Awards: Monetary Savings 2nd Place: Ron Jenkins RFP Lease City of Midland Minerals 1st Place Jessie Zamora Transportation enhanced infrastructure perm street repairs in house. Category pub safety radios to provide vehicles locating services thru dispatch. Steve Thorpe Ron Jenkins 1st mowing and lot clearing in house External SErVICES 2nd Laurie Williams/Andy Cedillo/Joseph Jolly social media ccommunity partnership and better marketing; 1st palce Sgt Craig Matthews safe exchange zones in PD parking lot.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation to the 2016 Management Award Recipients

CONSENT AGENDA

Council Member Hotchkiss moved to approve Consent Agenda items 4 - 17 excluding 5, 15; 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 November 22, 2016.
6. Approved a resolution authorizing the water, sewer and sanitation write-offs for Fiscal Year 2016. (FINANCE)

RESOLUTION NO. 2016 - 348

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WATER, SEWER, AND SANITATION SERVICES

7. Approved a resolution approving the City of Midland Fiscal Year 2016 Investment Policy. (FINANCE)

RESOLUTION NO. 2016 - 349

RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2017 INVESTMENT POLICY

8. Approved a resolution awarding a contract for the Utility Extension Program for the Engineering Services Division (PURCHASING)

RESOLUTION NO. 2016 - 350

RESOLUTION AWARDDING A CONTRACT FOR THE UTILITY EXTENSION PROGRAM 02 TO THE SOLE BIDDER, TEC EXCAVATION, INC. OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,400,000.00; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution approving the sole source purchase of eighteen (18) mobile radios and accessories from Dailey-Wells Communications, Inc. for a total cost of \$82,552.50 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 351

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF EIGHTEEN (18) XG-75M MOBILE RADIOS WITH ACCESSORIES FOR PUBLIC SAFETY VEHICLES FROM DAILEY-WELLS COMMUNICATIONS, INC., AT A TOTAL COST OF \$82,552.50

10. Approved a resolution awarding a contract for the purchase and installation of three (3) pivot irrigation systems for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 352

RESOLUTION AWARDDING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF THREE (3) PIVOT IRRIGATION SYSTEMS FOR THE SPRABERRY FARM TO THE SOLE BIDDER, LAMESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF \$272,426.08

11. Approved a resolution approving the purchase of four (4) side wheel roll irrigation systems and parts for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 353

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF FOUR COMPLETE NEW SIDE WHEEL ROLL IRRIGATION SYSTEMS WITH 5/32" NOZZLES, TEN 5" X 20' TORQUE PIPES COMPLETE WITH SPRINKLER, RISERS AND LEVELERS, AND TWENTY 5" X 40' STANDARD SIDE WHEEL ROLL PIPES COMPLETE WITH WHEEL, SPRINKLER, RISERS AND LEVELERS FOR USE AT THE SPRABERRY FARM TO THE SOLE BIDDER, MESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF \$66,600.00

12. Approved a resolution approving the issuance of a request for qualifications for the Design/Build Shoring Project for the Midland Center for the General Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 354

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR THE MIDLAND CENTER DESIGN & BUILD SHORING PROJECT

13. Approved a resolution authorizing the execution of Amendment #4 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2016 - 355

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER FOUR TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: ENGINEERING SERVICES FOR THE AIRFIELD STORM SEWER PROJECT, PROFESSIONAL SERVICES FOR THE SECURITY CHECKPOINT EXPANSION PROJECT, DESIGN AND BIDDING PHASE ENGINEERING SERVICES FOR THE MAF AIRFIELD MARKING VEHICLE PROJECT, DESIGN AND BIDDING PHASE ENGINEERING SERVICES FOR THE AIRCRAFT LAVATORY DISPOSAL STATION PROJECT, DESIGN AND BIDDING PHASE ENGINEERING SERVICES FOR THE ACCESS CONTROL SYSTEM AND CABLE UPGRADE PROJECT, PROFESSIONAL SERVICES FOR THE TERMINAL AIRPORT BUILDING RAMP SIDE EXIT STAIRS PROJECT, AND SPACEPORT BUSINESS PARK ENVIRONMENTAL ASSESSMENT (FORMERLY KNOWN AS THE MAF AEROSPACE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL ASSESSMENT); AND APPROPRIATING NECESSARY FUNDS

14. Approved a resolution authorizing the execution of an agreement with Fidelity Security for the purchase of stop loss insurance for the City of Midland's Group Health Plan. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2016 - 356

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RENEWAL OF THE AGREEMENT WITH FIDELITY SECURITY FOR THE PURCHASE OF STOP LOSS INSURANCE FOR THE CITY OF MIDLAND'S GROUP HEALTH PLAN, EFFECTIVE FOR THE PLAN YEAR COMMENCING ON JANUARY 1, 2017

16. Approved a motion to receive and file the Consolidated Annual Performance and Evaluation Report for 2015/2016. (DEVELOPMENT SERVICES)
17. Approved a motion to accept the final report for the NE Midland Feasibility Study, prepared by Freese and Nichols, Inc. and authorized by the Midland City Council on April 12, 2016. (ENGINEERING SERVICES)
5. Approved a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for Emergency Medical Services and Health Department Receivables. (FINANCE)

RESOLUTION NO. 2016 - 347

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR EMERGENCY MEDICAL SERVICES RECEIVABLES AND HEALTH DEPARTMENT RECEIVABLES

Lacy discouraging 1.4 M in fees can't get back see 38% of amount billed. what is cost of ride in EMS? Chip various structure \$399 goes up with two more steps for advanced life support and ALS 2 highest level is 699. Dufford increased over years cost of ride in ambulance even though raise rates medicare say this is all going to pay. Lacy that's large number what paid budget by. Lacy sent to hospital do we get it back in

recovering outstanding debt. Chip do billing for all once written off theyave made all efforts. in industry really good.

Dufford looked at 10 years ago and always been cognizent of trying ot riase rates. before worked deal with hospital couldn't collect anything. hospital can collect helped keep nujmbers down.

Council Member Lacy moved to adopt Resolution No. 2016 - 347; 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.

15. Approved a resolution authorizing the execution of a professional services agreement with Paradigm Management Services for workers' compensation services. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2016 - 357

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARADIGM MANAGEMENT SERVICES, LLC FOR CERTAIN MEDICAL MANAGEMENT SERVICES; AND AUTHORIZING PAYMENT THEREFOR

Dufford pulled for staff catherin defer until next meeting.

Council Member Dufford moved to defer to a future meeting ; seconded by Council Member Lacy.

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

SECOND READINGS

18. Consider an ordinance on second reading on a request by 898 Restaurant Group LLC for a Specific Use Permit with Term for the sale of beer and wine, for on-premises consumption, in a restaurant, on a 2,124-square foot portion of Block 1, replat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 270 feet east of North Midkiff Road.) (DEVELOPMENT SERVICES) (First Reading held November 22, 2016.)

ORDINANCE NO. 9621

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,124-SQUARE FOOT PORTION OF BLOCK 1, RE-PLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 270 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR 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 Karla Mata read the caption of Ordinance No. 9621

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9621 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.

19. Consider an ordinance on second reading on a request by Opal's Table, LLC for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 3,763-square foot portion of the west 24.25 feet of Lot 9 and all of Lots 10 through 12, Block 65, Original Town Addition, City and County of Midland, Texas (Generally located southeast of the intersection of North Colorado Street and West Wall Street.) (DEVELOPMENT SERVICES) (First Reading held November 22, 2016.)

ORDINANCE NO. 9622

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 3,763-SQUARE FOOT PORTION OF THE WEST 24.25 FEET OF LOT 9 AND ALL OF LOTS 10 THROUGH 12, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST WALL 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 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. 9622.

Council Member Love moved to approve the second and final reading of Ordinance No. 9622 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.

20. Consider an ordinance on second reading altering prima facie speed limits along certain streets in the City; authorizing installation of appropriate signs and markings; 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 November 22, 2016.)

ORDINANCE NO. 9623

AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9623.

Council Member Love moved to approve the second and final reading of Ordinance No. 9623 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.

Brina Quinones speed limit 20 on his street people go 40. all ask is what raise it to have enforcement. 25 is too fast for him but can't argue ask have enforcement.

21. Consider an ordinance on second amending Title IV, "Building Regulations", Chapter 8, "Dangerous and Dilapidated Buildings", of the City Code of Midland, Texas, by Establishing Section 7, "Abatement of Substandard Buildings". (CITY ATTORNEY'S OFFICE) (First Reading held November 22, 2016.)

ORDINANCE NO. 9624

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 8, "DANGEROUS AND DILAPIDATED BUILDINGS", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 7, "ABATEMENT OF SUBSTANDARD BUILDINGS", SO AS TO ESTABLISH MINIMUM STANDARDS FOR THE CONTINUED USE AND OCCUPANCY OF BUILDINGS AND AN ABATEMENT PROCESS FOR SUBSTANDARD BUILDINGS; REQUIRING THE VACATION, RELOCATION OF OCCUPANTS, SECURING, REPAIR, REMOVAL, OR DEMOLITION OF SUBSTANDARD BUILDINGS; PROVIDING FOR NOTICE AND A PUBLIC HEARING; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2017; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9624.

Council Member Love moved to approve the second and final reading of Ordinance No. 9624 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

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

PUBLIC HEARINGS

22. Hold a public hearing and consider a resolution to expand the Midland Center and construct new staging, lighting, turf, trees, benches, sidewalks, and a splash pad, on

Centennial Park, for public use. A portion of the new Midland Center will be located on Centennial Park (Generally located on block 54, lots 13-24, Original Town Addition, between Wall Street and Texas Avenue). (COMMUNITY SERVICES)

RESOLUTION NO. 2016 - 358

RESOLUTION OF THE CITY COUNCIL OF MIDLAND, TEXAS, MAKING CERTAIN FINDINGS, PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF AN APPROXIMATE 2,876 SQUARE FOOT TRACT OF LAND OUT OF LOTS 18-21, BLOCK 54, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PUBLIC PARK USE TO BE USED FOR THE NEW MIDLAND CENTER FOR PUBLIC USE; AND MAKING THE SAME FINDING REGARDING THE COMPLETION OF IMPROVEMENTS TO INCLUDE NEW STAGING, LIGHTING, TURF, TREES, BENCHES, SIDEWALKS, AND A SPLASH PAD IN CENTENNIAL PARK, FOR PUBLIC USE; SAID IMPROVEMENTS TO BE LOCATED ON CENTENNIAL PARK LOCATED ON LOTS 13-24, BLOCK 54, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WALL STREET, SOUTH OF TEXAS AVENUE, EAST OF THE SITE OF THE FORMER MIDLAND COUNTY COURTHOUSE, AND WEST OF THE MIDLAND CENTER)

Tina Jauz reported related to reno of midland center and cent park. procedural allows to use parkland during projects. Love what sq footage of encroachment? John about 2800 sq ft.

Mayor Morales opened the public hearing at 10:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2016 - 358; 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.

23. Hold a public hearing and consider an ordinance on a request by Cuthbert Mansion for a Zone Change from PD, Planned District for a Shopping Center, to LR-1, Local Retail District, on Lot 1A, Block 7, Town and Country Annex, Section 9, City and County of Midland, Texas (Generally located on the south side of West Cuthbert Avenue, approximately 150-feet east of North Midkiff Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9625

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1A, BLOCK 7, TOWN AND COUNTRY ANNEX, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-1, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST CUTHBERT AVENUE, APPROXIMATELY 150 FEET EAST OF NORTH MIDKIFF ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9625.

Development Services Director Chuck Harrington gave a brief overview of the item noting request made Cuthbert mansion wedding events. property zoned pd with underlying Ir1 and prop is fully developed. They wish to rezone propose to construct storage building in rear part of property and want to clear up pd aspect. pd in place has never been complied with. this will clean up problems there. Storage building 40 x 50 if can make fit in restrictions of Ir1. on avg they hold about 2 events outside a year no noise violations sell no alcohol. If want users have to provide free to guest. all aspects of conditions meet Ir1 standards and future uses and changes have to comply with Ir1 regulations. does restrict separate building primary building has to match arch elem of existing main structure so control how looks. in compliance with tall city tom comp no lot rec approval. Love when say in conformity to tall city plan. chuck land use is in conformance. Love why can't build storage without zone change. Chuck still have to do a change to PD. love why have to get rid of pd. chuck never complied with pd but high on site matches like pd was originally done anyway. it would have to be totally redone. Love maybe should start enforcing. chuck anything put in place same restrictions as Ir1. have to match existing buildings. Love looking at zoning map see where looks like be weird configuration of pd lot. What see existing there in stripes is Cuthbert mansion it will change everything to Ir 1 to the west. It will all become LR1 once this is changed to match center of alley. There will be no strips or slivers on property.

Mayor have opportunity to make areas look attractive and appropriate this is opportunity to do it.

Mayor Morales opened the public hearing at 10:35 a.m.

Lon Branham, owned since 2006.

There being no one else wishing to speak, the public hearing was closed at 10:35. a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9625 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.

MISCELLANEOUS

24. Consider an ordinance amending Midland City Code Section 6-2-7 in order to require loose animal repeat offenders to be neutered/spayed before being released back to the owner. (COMMUNITY SERVICES)

ORDINANCE NO. 9626

AN ORDINANCE AMENDING TITLE VI, "POLICE REGULATIONS", CHAPTER 2, "ANIMALS AND FOWL", SECTION 7, "LICENSE AND FEES; ISSUANCE OF TAGS; PENALTIES", SUBSECTION (C), OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REQUIRE THE NEUTERING OR SPAYING OF A REPEAT ANIMAL-AT-LARGE BEFORE THE OWNER MAY RECLAIM THE IMPOUNDED ANIMAL FROM THE ANIMAL SERVICES DIVISION; CONTAINING A CUMULATIVE CLAUSE AND

EXPRESSLY REPEALING ANY ORDINANCE OR PART THEREOF IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9626.

Paul O'Neil gave a brief overview of the item noting trying to control steps of following goal reduce euthanasia one step is dealing with repeat offenders and don't claim responsibility and just pay fines. Spaying or neutering helps alleviate. Going with second impoundment to be fair but once used resources should be able to ultimately solve problem by requiring to spay or neuter. Robnett on second offense will be called. First time let them know. If second impoundment will have to be spayed or neutered encourage to use voucher prior. Robnett on second impoundment the owner called before process takes place. Paul won't be done at shelter but will work with owner to get to their vet. Lacy time frame on first and second event. Paul just one time accidents happen. Sparks within 3 year is reasonable. Paul create more work in searching database. Morales you have certain residents that happen all time. If weekly kind of occurrence. If situation with health and age of animal with take a vet's word if forego surgery. Love does everybody start with a clean slate January 1? Paul yes clean slate when ord enacted. Love congratulations this is a great ordinance really excited about it. Won't go into affect until Jan 10 have to vote on it. Dufford if someone's dog does get out 3 years later those are not folks. Paul in situations like referring to will be licensed and microchipped. Robnett will have discretion over second offender. Paul yes when wearing city license and microchip have efforts to return before bring to shelter. Hotchkiss animal shelter don't have easy job have to tell people all time it's a hard job and clarity is awfully nice to know this is the rule. Shouldn't put discretionary point on animal shelter staff. Morales have competitive homeowners to allow animals to roam free and paying fines. Took a very baby step to improve felt like still getting around that with minute improvement. Dufford of first time addressed. Paul will see very few of cases you are talking about. Paul will have some discretion with rec of vet and health issues. Mayor asked humane coalition to step in.

Natalie Castillo midland humane coalition euthanasia rate gone up 2% animal producing while at large continue to grow. Understand what say about prized animals problem once start getting out continue to get out. Explain the bill to 3 years or explain specific time to breed shouldn't happen after 6 females after 6 genetic problems. Rec breed within certain amount of time. Unaltered animal is liability to city whether double fencing kenneling because increases likelihood animal will get loose. Leaving ord as it most beneficial clear cut and easy to understand. If naimla has gotten out producing litters of puppies and females who are impregnated by dogs owners don't want dogs unable to find homes. Think second impoundment is plenty of chances. The second is good compromise 2 strikes haven't been able to contain animal. Sparks what that does does not address what they are trying to address going to be very few times that have to deal with that but it has some sense that trying with owners. Dufford circumstances are very few and far between would like to address few and far between circumstances. Morales addresses problem going on today.

Paul fair method of dealing with a problem. Sparks still rec having 3 year.

Morales if go to 3 year will it be addressing issue today. Paul yes may add confusion.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9626 in accordance with the Charter of the City of Midland with amendment to second time within three years; 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.

Mayor thanked Paul for working on issue. Paul leaving thanked for his service to Midland. Appreciate services. Paul couldn't have done without staff and support of Tina.

Mayor thanked humane coalition for help with ord and other issues. Think community will benefit with these changes.

25. Consider an ordinance amending Ordinance No. 8189 which established fees and charges for the City of Midland Community Services Department. (COMMUNITY SERVICES)

ORDINANCE NO. 9627

AN ORDINANCE AMENDING THE UNALTERED IMPOUNDMENT FEE OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, ANIMAL SERVICES DIVISION; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SAID FEE SET FORTH HEREIN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9627.

Paul another baby step think further encourage people to ??

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9627 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.

26. Approved a resolution approving an agreement relating to improvements to Water Pollution Control Plant and Sale of Reclaimed Water and the Construction Management Services Contract with Pioneer Water Management. (UTILITIES)

RESOLUTION NO. 2016 - 359

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF MIDLAND AND PIONEER WATER MANAGEMENT LLC REGARDING IMPROVEMENTS TO THE WATER POLLUTION CONTROL PLANT AND THE SALE OF RECLAIMED WATER

Robnett refresher quick run down on what doing and walk through high level overview. Robert Patrick 2014 aging infrastructure at wastewater plant and new reg coming down going to require more stringent. took RFP two responding entities award from Pioneer. they going to put infrastructure and pipe effluent treatment which would help \$60 to \$80 M to upgrade. This bring to type two standard higher than required \$110 M inv to \$115 M from Pioneer and City will then take something which was seen as liability and receive

91C 1000 galolons and second go up. reducion in first term is to hlp comp form \$115 M inv and tkaing in 2.5 M year on rev didn't have per year. Laure 91 centes per thousand looked at current op expenses and arrived at that cost. Robnett tell about terms and second and third terms didn't see link of second and third terms at pioneers option length. Laura primary term is 84 M th gallons or 28 years and second and third is 10 years . john 1.24 1.43 first and second extended term ten years each. Robnett notice requirement is 60 days is that enough time to find someone to take ffluent water if decide not to accept it will be 28 years before even reach that point. by end of first term will ahve idea. will ahv eot get discharge lic just discharge itno midland draw south of town. Dufford does notice work both ways? Dufford only ask because what if we get 50 years in and need potable water to use. Courtney if after 3 terms expire city in position to have infrstructure to take to golfcourse or public parks to use to irrigate.

Robnett on min volumes by Pioneer and in primary term respon for prov 5mgd mentions those are in conflict must take 250 th gallons. less than 5mgd liklihood insignificant but accounted for currenttly receive 9mgd probl 8 mgd fi can't meet type two quality then ahve to discharge and wont' be able tos eelll if below type 2 level. JOhn its 4.5 M per day not 5. the min take was a number that city agreed upon that pioneer cont to keep that gallon number ot keep it moving every year. additionall prot even on low side still 28 year cap i no event can primary term go longer than 28 eyars. Love it is which comes years 28 or 84 bil gallons. if not type two have to discharge it but letting our venues of where discharge expire so where would. Laura will ahve to initiate discharge to discharge into midland draw south of town to flow south of city of midland. Will apply for peermit as soon as contract is paproved.

Sparks this wouold definition on effective date will not start until after passage of ???101? Morales it has had ppreliminary review from legislative council. Love what happens if house rule 101 does not pass. Courtney one is pioneer can come back an request go into affect. Robnett assuming that fee schedule will cover all assumed new operating costs. Laura that rate was established in 2014. Laura feel comfortable with rate. Robnett there is provision that fees can increase up to 15% annually. Courtney want to make sure is if something major broke in system our best int to get fixed so can icnrease up to 15% to help in reppair of capital improvements. Dont' feel comfortable that odne all homework. Love fallacy to assume that costs will remain same for 28 years. Courtney costs were first approved wwhen first went over with pioneer. It was on our part 91 cwent's was low number but enough to cover opearting cost but oporutnity to recoop their capital exp after primary account. Dufford getting \$120 M upgrade otherwise wwe do it. Roobnett understand benefit project of City of midland but didn't have time to review contracts before today. Saprks cconstruction no construction to get sstarted until after effective date? correct. Morales M&O 20 eyars down rroad how much money put in trying tto get into compliance it will be ongoing. We are setting a good foudndnation for at least the next 30 years. Love the original was going to sell pioneer upgrades and sell at ddiscount but also have ability to sell to others. Staff no never sell to anyone else. Robnett is water exclusively for their use. Laura pioneer restricted by tceq. Sparks as far as whether city can sell water after primary term or ext. Love can't sell for first 28 but after that? Dufford no after 48 years. Robert Patrick did look at flow rate and expenses and were it not for 2.5 m all expense born by city rate payers. what obligation to take our water balance of water has to be sent down midland draw. Courtney want to make sure has way to make sure city can get rid of water so discharge permit is route if case pioneer doesn't accept. pioneer want to protect and have exclusive right to that water they want exclusive right we want to amke sure we

can get rid of in case don't. Foregoing any revenue at their election. Robnett seems terribly wasteful. should retain right to sue water pioneer doesn't want. Courtney don't have infrastructure set up now. Sparks went through that. realistically nobody is going to be interested in setting up 5 mg for 10 days and not have for 6 months from realistic standpoint that is understand. Courtney keep in mind to continue with conversation pioneer invested millions above delivery point with infrastructure to get to the field to use that water. Nobody will be set up other than truck hauling nobody else will be set up to accept it. Sparks unless it's not of usable quality can't see reason wouldn't take it even if pioneer wasn't going to use it.

Robnett where custody transfer of water takes place. Laura exhibit at back of contract right at boundary line of water plution control plant they take at point leaves plant and required to bring their infrastructure to receive it.

Council Member Lacy moved to adopt Resolution No. 2016 - 359; seconded by Council Member Robnett.

Dufford think would of happened a year and half earlier if price of oil had not gone down.

Courtney we had pretty well negotiated back in December of last year and economic and legislative session apologize for communication portion. from Dec to now tweaked but major deal points already negotiated a year ago. hotchkiss a win win.

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

PUBLIC COMMENT

27. 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.)

Keep Midland Beautiful Amanda Byrom, Keep Midland Beautiful??? adopted new mission wanted to share so grateful of mission excited for direction headed and past successes wouldn't be able to do without each one. brought gift to celebrate successes and share that done great things this year new tree guide for permian basin, collected 37 lbs of electronics cleaned 213 tons of litter from community. year over year breaking record. good return from City's investment in City. 2016 kmb ornament and caendars.

Courtney introduced new staff member Willie Resto from City of Cleburne replacing Sharlett Chowning 20 plus years of computer data experience. looking forward to working with him for next 20 years.

Willie looking to provide technology and advancement interviewing to see where needs are.

MISCELLANEOUS (CONTINUED)

28. At approximately 12:30 p.m. the City Council will recess and reconvene at Pioneer Natural Resources Scott Sheffield Courtyard, located on the west end of the building, 3617 North Big Spring Street to hold a reception regarding the agreement between the City of Midland and Pioneer Water Management relating to improvements to the Water Pollution Control Plant and sale of reclaimed water.

EXECUTIVE SESSION

recess at 11:31 a.m.

29. 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.

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