

**MIDLAND CITY COUNCIL
MINUTES
December 15, 2015**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on December 15, 2015.

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

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Police Chief Price Robinson, Fire Chief Robert Isbell, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Director Jose Ortiz, Interim Director of Airports Justine Ruff, Planning Division Manager Bob Baronti, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, and Community Development Manager Sylvester Cantu.

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 15, 2015.

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

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

The Agenda Items were heard in the following order:

OPENING ITEMS

cto 10:04 a.m.

wish all Merry Christmas Happy new year thaks for support and making Midland World class city.

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

PRESENTATIONS

Catherin managt awards proj and acheiv above and beyond expected. (Get list from Caatherin)

Innovation 3rd - Curtis Ralston Tall City Plan program 2nd- 1st Community Eternal efficiency 2nd Johnny Doss 1st \$500 Construction speial crew of parks division for concrete work renovated playground in City parks , External services 2nd Aaron Cox commuuty and youthe events kids camp at sports complex 2nd \$300 Gina Arrabola social networking between dept and community. 1st ext service jake medrano using existing software to expand services no additional money.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation to the 2015 Management Award Recipients.

PUBLIC COMMENT

Nelson Sppeakr 7101 Almey Court, certificate of obligation on AGenda December 15 bill of rights official ratified fiscal responsibiliyt and transparency. pay down debts in lasat several eyars however noticed that fiscal conservativeship does not appear to be observed in certain sitaution. According to oen website current debt is \$137.7 M that is about \$1,076 per capita. that will raised to \$1,254 per capita. Midland and Odessa in competition we will surpass Odessa in per capita spending. #2 in cities our size for per capita debt. only round rock more. request stop squandering family fortune.

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 6 - 37 excluding 5, a, 12, 13, 23, 28, 30, 32, 34; seconded by Council Member Robnett.

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

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

RESOLUTION NO. 2015 - 374
RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2016
INVESTMENT POLICY

7. Approved a resolution authorizing the City Treasurer to write off as un-collectible certain delinquent accounts for Emergency Medical Services Receivables. (FINANCE)

RESOLUTION NO. 2015 - 375
RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS
UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR EMERGENCY
MEDICAL SERVICES RECEIVABLES

8. Approved a resolution approving Fiscal Year 2015 Water, Sewer and Sanitation write-offs. (FINANCE)

RESOLUTION NO. 2015 - 376
RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS
UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WATER, SEWER, AND
SANITATION SERVICES

9. Approved a resolution authorizing the City Treasurer to write off as un-collectible certain delinquent accounts for miscellaneous accounts receivable and insufficient fund checks. (FINANCE)

RESOLUTION NO. 2015 - 377
RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS
UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR MISCELLANEOUS
ACCOUNTS RECEIVABLE AND INSUFFICIENT FUNDS CHECKS

10. Approved a resolution authorizing transfer of funds. (FINANCE)

RESOLUTION NO. 2015 - 378
RESOLUTION AUTHORIZING THE TRANSFERS OF THE FUND BALANCES OF THE
UNCLAIMED PROPERTY FUND, THE STREET IMPROVEMENT FUND, AND THE
POLICE SAFEKEEPING FUND TO UNIQUE ACCOUNTS IN THE GENERAL FUND;
AUTHORIZING THE TRANSFER OF THE FUND BALANCE OF THE WATER
DEPOSIT FUND TO A UNIQUE ACCOUNT IN THE WATER AND SEWER FUND; AND
ALLOCATING \$456,000.00 OF 2015 LABOR EXPENDITURES AND BUDGET
AUTHORITY ASSOCIATED WITH THE ERP SOFTWARE INSTALLATION FROM THE
PURCHASING DIVISION, CISD, ACCOUNTING DIVISION, AND DEVELOPMENT
SERVICES DEPARTMENT TO THE ERP PROJECT

11. Approved a resolution electing Board of Directors for Midland Central Appraisal District. (FINANCE)

RESOLUTION NO. 2015 - 379
RESOLUTION CASTING THE CITY OF MIDLAND'S VOTES FOR DIRECTORS OF

THE MIDLAND CENTRAL APPRAISAL DISTRICT FOR W. WESLEY PERRY AND DIRECTING THE CITY MANAGER TO FILE THE APPROPRIATE DOCUMENTS

14. Approved a resolution approving the purchase of three (3) tandem axle cab and chassis' for refuse truck bodies for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 382

RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) TANDEM AXLE CAB AND CHASSIS FOR REFUSE TRUCK BODIES FROM SUMMIT TRUCK GROUP OF MIDLAND, TEXAS, AT A TOTAL COST OF \$263,589.00

15. Approved a resolution approving the purchase of an annual supply of ammunition for the Police Department. (PURCHASING)

RESOLUTION NO. 2015 - 383

RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, PRECISION DELTA CORPORATION, GT DISTRIBUTORS, INCORPORATED, AND KIESLER POLICE SUPPLY, AT A TOTAL COST OF \$139,410.02

16. Approved a resolution approving an agreement between Pictometry International Corporation and the City of Midland for pictometry imagery for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 384

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR AERIAL IMAGERY AND RELATED SERVICES WITH PICTOMETRY INTERNATIONAL CORP., OF ROCHESTER, NEW YORK, AT A TOTAL COST OF \$219,955.50

17. Approved a resolution approving an Interlocal agreement with Midland Memorial Hospital for the provision of Health and Wellness Center Services. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2015 - 385

RESOLUTION AUTHORIZING AN INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; AND AUTHORIZING PAYMENT THEREFOR

18. Approved a resolution authorizing the execution of Amendment #11 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2015 - 386

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER ELEVEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR IMPROVEMENTS CONTAINED IN THE AIRPORT CAPITAL IMPROVEMENT PROGRAM; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECT: MAF AIRCRAFT LAVATORY DISPOSAL STATION

MODIFICATIONS; AND APPROPRIATING FUNDS

19. Approved a resolution authorizing the advertising for bids for the project described as Ramp Lighting System Improvements at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2015 - 387

CONSIDER A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE RAMP LIGHTING SYSTEM IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID PROJECT WILL REPLACE THE EXISTING LIGHT FIXTURES WITH LED LIGHTING ON APPROXIMATELY TEN (10) EXISTING LIGHT POLES AND ADD A NEW LIGHT POLE LOCATION ON THE SOUTH RAMP AT MIDLAND INTERNATIONAL AIR & SPACE PORT.

20. Approved a resolution authorizing the City Manager to execute an acknowledgment of the assignment of the Commercial Land/Use Agreement between Landmark Aviation and The City of Midland, Texas to BBA Aviation. (AIRPORTS)

RESOLUTION NO. 2015 - 388

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACKNOWLEDGMENT CONSENTING TO A SECURITIES PURCHASE AGREEMENT BETWEEN LANDMARK U.S. CORP HOLDINGS, LP, AND BBA AVIATION, PLC, OR ITS AFFILIATES, AND THE REBRANDING OF THE ROSS MIDLAND, LLC, OPERATIONS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT

21. Approved a motion to intervene in Sharyland Utilities, L.P. application to the Public Utility Commission of Texas Docket No. 45308 to amend its Certificate of Convenience and Necessity (CCN) for the proposed Tall City to Glass 138 kV Transmission line in Martin and Midland Counties, Texas. (CITY MANAGER'S OFFICE)
22. Approved a motion authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$32,864.00 to assist the City of Midland Health and Senior Services Division (City) with the delivery of public health emergency preparedness services; authorizing the City Manager or his designee to execute all necessary acceptance documents; and authorizing and directing the City Treasurer to deposit the funds into the General Fund. (COMMUNITY SERVICES)
24. Approved a resolution authorizing and executing a Right-of-Way License between City of Midland and CrownQuest Operating, LLC, said Right-Of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing multiple oil and gas pipelines, and to have the right to ingress and egress at convenient points for such purpose; all facilities are located within the City of Midland property, Section 19, Block 36, T-3-S, T&P RR. Co. Survey, Midland County, Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 390

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

25. Approved a resolution approving the issuance of a permit to Trail Ridge Energy Partners II LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Willow Lakes 191H) located 250 feet from north line and 1,130-feet from west line, Section 19, Block 38, T-1-S, T&P RR Company Survey, Midland County, Texas (Generally located off Fairground Road extension and East Mockingbird Lane extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 391

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO TRAIL RIDGE ENERGY PARTNERS II LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 250 FEET FROM THE NORTH LINE AND 1, 130 FEET FROM THE WEST LINE, SECTION 19, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF THE NORTH FAIRGROUNDS ROAD EXTENSION, SOUTH OF THE MOCKINGBIRD LANE EXTENSION)

26. Approved a resolution authorizing the execution of a road repair agreement with Trail Ridge Energy Partners II LLC, regarding its application to drill oil and gas well (Willow Lakes 191H) within the City Limits, in Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. The Road Repair Agreement will cover North Fairgrounds Road Extension in the amount of \$25,000.00 (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 392

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH TRAIL RIDGE ENERGY PARTNERS II LLC REGARDING ITS APPLICATION TO DRILL AN OIL AND GAS WELL (WILLOW LAKES 191H) WITHIN THE CITY LIMITS IN SECTION 19, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

27. Receive and file the Consolidated Annual Performance and Evaluation Report for 2014/2015. (DEVELOPMENT SERVICES)
29. Approved a resolution ratifying and approving a resolution of the Board of Directors of the Midland Housing Finance Corporation (The Corporation) approving the dissolution of The Corporation; authorizing and directing the City Treasurer to pay a filing fee to the Secretary of State; and authorizing the City Secretary to file, or ensure the Secretary of The Corporation has filed The Corporation's executed Certificate of Termination/Dissolution and to certify a copy of this resolution to any appropriate entity as necessary for the dissolution of The Corporation. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 394

RESOLUTION RATIFYING AND APPROVING A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDLAND HOUSING FINANCE CORPORATION (THE "CORPORATION") APPROVING THE DISSOLUTION OF THE CORPORATION; AUTHORIZING AND DIRECTING THE CITY TREASURER TO PAY A FILING FEE TO THE SECRETARY OF STATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO FILE, OR ENSURE THAT THE SECRETARY OF THE CORPORATION HAS FILED, THE CORPORATION'S EXECUTED CERTIFICATE OF

TERMINATION / DISSOLUTION AND TO CERTIFY A COPY OF THIS RESOLUTION TO ANY APPROPRIATE ENTITY AS NECESSARY FOR THE DISSOLUTION OF THE CORPORATION

31. Approved a resolution to appropriate \$26,000 from the 2007 CO Traffic System Improvement Fund Unappropriated Fund Balance to the Wadley and Lamesa Signal Detection Project (900203-193). (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 396

RESOLUTION APPROPRIATING \$26,000.00 FROM THE 2007 CO TRAFFIC SYSTEM IMPROVEMENT FUND UNAPPROPRIATED FUND BALANCE ACCOUNT TO THE LAMESA SIGNAL DETECTION PROJECT

33. Approved a resolution authorizing the City Manager to allocate funds to Midland County for paving of Midland Drive and Warehouse Road in accordance with the City – County Interlocal Cooperation Contract, dated November 12, 2013. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 398

RESOLUTION AUTHORIZING MIDLAND COUNTY, TEXAS (THE “COUNTY”) TO PERFORM PAVING SERVICES ON SOUTH MIDLAND DRIVE, FROM WEST INDUSTRIAL AVENUE TO THE NORTH FRONTAGE ROAD OF INTERSTATE HIGHWAY 20, AND ON WAREHOUSE ROAD, FROM WEST INDUSTRIAL AVENUE TO THE NORTH FRONTAGE ROAD OF INTERSTATE HIGHWAY 20, IN ACCORDANCE WITH THE CITY - COUNTY INTERLOCAL COOPERATION CONTRACT AUTHORIZED BY RESOLUTION NO. 2013-401; TRANSFERRING AND APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$269,970.31

35. Approved a resolution accepting the following from Cumberland and Western Resources, LLC; two 0.03 acre Drainage Easements located in Section 38, Block 40, T-1-S, T&P RR CO. Survey, Midland County Texas; a 0.82 acre Right-of-Way Dedication located in Section 38, Block 40, T-1-S, T&P RR CO. Survey, Midland County, Texas; and a 0.83 acre Right-of-Way Dedication located in Section 38, Block 40, T-1-S, T&P RR CO. Survey, Midland County, Texas; authorizing the execution of said Easements and Dedications; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 400

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FOLLOWING FROM CUMBERLAND AND WESTERN RESOURCES, LLC: TWO 0.03-ACRE DRAINAGE EASEMENTS LOCATED IN SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; A 0.82-ACRE RIGHT-OF-WAY DEDICATION LOCATED IN SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND A 0.83-ACRE RIGHT-OF-WAY DEDICATION LOCATED IN SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY

36. Approved a resolution inviting the United States Army Special Operations Command

(USASOC) to conduct the Unconventional Warfare Exercise 16 (UWEX 16), realistic military training in Midland, Texas from March 10, 2016 through June 5, 2016. (POLICE)

RESOLUTION NO. 2015 - 401

RESOLUTION OF THE CITY OF MIDLAND, TEXAS INVITING THE UNITED STATES ARMY SPECIAL OPERATIONS COMMAND (USASOC) TO CONDUCT THE UNCONVENTIONAL WARFARE EXERCISE 16 (UWEX 16) IN MIDLAND, TEXAS FROM MARCH 10, 2016 THROUGH JUNE 5, 2016

37. Approved a resolution authorizing an Operating Certificate for Ryan Levi Cooper to operate a limousine business. (POLICE)

RESOLUTION NO. 2015 - 402

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR MOORE'S LIMO SERVICE, LLC, TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

5. Approved a motion approving the following minutes:

Love abstain.

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Sparks.

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

Regular meeting of November 17, 2015.

Council Member Lacy moved to approve Approved a motion approving the following minutes;; seconded by Council Member Sparks.

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

12. Approved a resolution appropriating \$714,978.00 for the abatement and demolition project of the Old Midland County Courthouse, Mid-America Building and the Midland Executive Center. (PURCHASING)

RESOLUTION NO. 2015 - 380

RESOLUTION RATIFYING AND APPROVING A CHANGE ORDER IN THE AMOUNT OF \$348,040.00 WITH LLOYD NABORS DEMOLITION, L.L.C.; AUTHORIZING THE EXECUTION OF A CHANGE ORDER IN THE AMOUNT OF \$88,000.00 WITH LLOYD NABORS DEMOLITION, L.L.C.; AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH VANDERGRUFF GROUP ARCHITECTS, PC IN THE AMOUNT OF \$209,801.25; SAID CHANGE ORDERS AND SAID AMENDMENT ARE FOR THE ABATEMENT AND DEMOLITION OF THE FORMER MIDLAND COUNTY COURTHOUSE; AND APPROPRIATING \$714,978.00 THEREFOR

Sparks pulled prev disc things had problem with. Orig TIRZ project elected to not completely fund and di know as end of July \$170,000 additional cost and went in front of TIRZ elected not to fund that \$170,000. Also have contingency and we are talking about not budgeting for new proeject and rec that go ahead and pay for change order pay for \$348,000 which was unavoidable knwoing asbestos that wa attached and could not be abated in normal process. Just heard Nabors doing very good job. At this point if going to continue to go over it should be brought back in front of Council. Give \$20,000 contingency and would just as soon see again if going to go over again. Lacy when looka t tnumbers of \$88,000 for change order and \$209,801 total of \$714,000 diff of \$69,000. Sparks can answer. Fred believes it is contingency. Some as been paid with TIRZ funding . Sparks of \$209,000 that is air monitoring have jalready paid a large sum and rest is \$163,000 for contingency. By limiting to \$20,000 contengency reducing request by \$143,861.75. or \$571,117.

Council Member Sparks moved to approve Approved a resolution appropriating \$714,978.00 for the abatement and demolition project of the Old Midland County Courthouse, Mid-America Building and the Midland Executive Center with amendment to approve \$571,117.; seconded by Council Member Robnett.

Sparks didn't know aobut addiitonal cost and had another \$39,000 in air quality measuring. Nature of contingency is for unknown cost with this demo. Mayor hjow does this change. Fred onolyf or unforeseeables. will ahve to call special meeting to come back.

Lacy agree with Sparks but as whole can see unforeseeable thinks hould will not support.

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

13. Approved a resolution approving the purchase of twenty-two (22) Police package utility vehicles for the Garage Division. (PURCHASING)

RESOLUTION NO. 2015 - 381

RESOLUTION APPROVING THE PURCHASE OF TWENTY-TWO (22) POLICE PACKAGE UTILITY VEHICLES FOR THE GARAGE DIVISION FROM CALDWELL COUNTRY CHEVROLET, AT A TOTAL COST OF \$769,647.00

Lacy pulled when did capital proeject approved 1.2m for purch of vehicles at 35,000per vehicles what is anticipated cost. Regina garage superintend cost approx \$25,596.29 in fy 24377.42. \$60,000 per vehicle is 1.32 million which goes over budget. Fred budgeted \$59,600 per vehicle. Fred do anticipate savings and if additional costs or savings. Tommy that was amount approved. What saying is for vehicles they did come about \$5,000 more than what was budgeted. As far as outfitting vehicles and there is potential savings on that end. At end of day think its going to add up to that amount. Fred when actually go out for bid on remaining items. Additional dollars will look at year end but other items will come in less. Courtney Garage fund is own seperate fund if comes in over budget when use inappropriate fund balance of garage fund.

Council Member Sparks moved to adopt Resolution No. 2015 - 381; seconded by

Council Member Robnett.

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

23. Approved a resolution approving the transfer of the Oil and Gas Well Permits, Right-of-Way Licenses and Road Repair Agreements issued to High Sky Partners LLC (Current Operator). The following permits will be transferred to RSP Permian, L.L.C.: Mask No. 1001, Mask 1002D, Mask 1003, Mask HZ Unit No 1031WA, Mask HZ Unit No 1032LS, Mask HZ Unit No 1033MS and Mask HZ Unit No 1034WB. The Mask permitted wells are located in Section 10 of Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Mockingbird Lane and east of the extension of north Garfield Street.) The following permits will be transferred to RSP Permian, L.L.C.: Ramcon No 1201D, Ramcon No 1204D, Cowden No 1202D, Cowden No 1203D, Cowden No 1205D, and Cowden No 1206. The Ramcon/Cowden permitted wells are located in Section 12 of Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of State Hwy 349 and north of (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 389

RESOLUTION APPROVING HIGH SKY PARTNERS, LLC'S ("OPERATOR") TRANSFER OF CERTAIN OIL AND GAS WELL PERMITS TO RSP PERMIAN, L.L.C. ("TRANSFeree"); APPROVING OPERATOR'S TRANSFER TO TRANSFeree OF THE ROAD REPAIR AGREEMENTS APPLICABLE TO SAID OIL AND GAS WELL PERMITS; THE OIL AND GAS WELLS ARE MASK NO. 1001, MASK NO. 1002D, MASK NO. 1003, MASK HZ UNIT NO. 1031WA, MASK HZ UNIT NO. 1032LS, MASK HZ UNIT NO. 1033MS, AND MASK HZ UNIT NO. 1034WB, SAID WELLS BEING LOCATED IN SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE EXTENSION, EAST OF NORTH GARFIELD STREET EXTENSION), RAMCON NO. 1201D, RAMCON NO. 1204D, COWDEN NO. 1202D, COWDEN NO. 1203D, COWDEN NO. 1205D, AND COWDEN NO. 1206, SAID WELLS BEING LOCATED IN SECTION 12, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF STATE HIGHWAY 349, NORTH OF MOCKINGBIRD LANE), NICKEL NO. 101D, NICKEL NO. 102D, ISBELL NO. 104D, ISBELL HZ UNIT NO. 105H, ISBELL HZ UNIT NO. 106H, ISBELL NO. 107D, ISBELL HZ UNIT NO. 108MS, ISBELL HZ UNIT NO. 109LS, ISBELL HZ UNIT NO. 110WB, ISBELL HZ UNIT NO. 111WA, SYNATSCHK NO. 100SW, RAMCON NO. 1207D, RAMCON NO. 1208D, NICKEL NO. 103D, AND SYNATSCHK NO. 2, SAID WELLS BEING LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF THE SOLOMON LANE EXTENSION, WEST OF THE NORTH FAIRGROUNDS ROAD EXTENSION), MCC #6, MCC #7 AND MCC #8, SAID WELLS BEING LOCATED IN SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 349, NORTH OF MOCKINGBIRD LANE); AND APPROVING OPERATOR'S TRANSFER TO TRANSFeree OF A RIGHT-OF-WAY LICENSE TO ENTER THE CITY OF MIDLAND'S PROPERTY FOR THE PURPOSE OF PLACING, INSTALLING, CONSTRUCTING, OPERATING, REPAIRING, MAINTAINING, REPLACING AND REMOVING THREE (3) CRUDE OIL PIPELINES AND TO HAVE THE RIGHT OF INGRESS AND EGRESS AT CONVENIENT POINTS

FOR SUCH PURPOSE, SAID PROPERTY BEING LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ALONG A PORTION OF MOCKINGBIRD LANE, EAST OF STATE HIGHWAY 349, AND ALONG A PORTION OF NORTH FAIRGROUNDS ROAD, NORTH OF LOOP 250)

Sparks abstain left dais.

Love pulled citizen had comments wanted to make recognize David Rosen.

David Rosen 5002 Thames Court, resident 41 years. contacted by by RSP Permian to lease minerals. Each has 1/4 acre and half minerals. At best 1/8 acre of minerals. High sky partner already staked intended to be drilled horizontally under home and pulled through 2 sections. Wolfberry partners sold to high sky partners and now wants to transfer to rsp permian. This seems backwards. usually lease all acreage before stake wlels and haven't been leased yet. Have made initial offer to lease minerals. Have seen offer to lease as a negotiation. It has only been 3 weeks since contacted and made a counter offer. It has been take it or leave. Meanwhile wolfberry, highwky and resp all do well. Mineral acreage leases for much more than what have been offered. Asking this council not to approve transfer of location so that all parties can continue to neg in good faith. It may be other unleased acreages out there only speak for 4 homes on his culdesac. Asked for transfers in Section 10 be held off. Lacy zero jurisdiction on subsurface. Mineral trespass is determined by Court. City cannot help. Rosen don't have to approve transfer. Lacy nothing illegal. Lacy City is not the mediator in that. Love COM does not like to get involved in business affairs. Had opportunity to make statement, suggest use media to his advantage. Council is not in position to vote down because not liked.

Council Member Lacy moved to adopt Resolution No. 2015 - 389; seconded by Council Member Robnett.

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

28. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals located outside the City Limits of Midland located in Section 10, Block 40, T-2-S, T&P RR Co. Survey, County of Midland, Texas; and authorizing the City Manager to retain counsel to provide legal services related to all title and transactional matters pertaining to the leasing of City-owned minerals (Generally located north and south of Business Interstate Highway 20 and west of South County Road 1250 and east of South County Road 1260.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 393

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 10, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH AND SOUTH SIDES OF BUSINESS INTERSTATE HIGHWAY 20, WEST OF SOUTH COUNTY ROAD 1250, AND EAST OF SOUTH COUNTY ROAD 1260), SAID LEASE TO REQUIRE COMPLIANCE WITH ALL CITY OF MIDLAND REGULATIONS APPLICABLE TO THE EXPLORATION, DRILLING, DEVELOPMENT, PRODUCTION,

TRANSPORTATION, AND STORAGE OF OIL, GAS, AND OTHER SUBSTANCES
PRODUCED IN ASSOCIATION WITH OIL AND GAS

Council Member Sparks moved to adopt Resolution No. 2015 - 393; seconded by Council Member Robnett.

Sparks pulled requesting CM converse with Council Member Dufford prior to final signature. Lacy agree. Dufford good with that.

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

30. Approved a resolution authorizing the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for the reconstruction of the intersection of North A Street and Wadley Avenue, appropriating \$212,252 from the 2014 CO Street & Drainage Fund Unappropriated Fund Balance to the A Street and Wadley Intersection Improvements Project (900202-175), and authorizing payment to TxDOT in an amount not to exceed \$194,752. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 395

RESOLUTION AUTHORIZING THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, TO PARTICIPATE WITH THE CITY OF MIDLAND, TEXAS, IN ENGINEERING AND CONSTRUCTING HIGHWAY SAFETY IMPROVEMENTS AT OR NEAR THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; AUTHORIZING THE EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE HIGHWAY SAFETY IMPROVEMENTS AT OR NEAR THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; APPROPRIATING FUNDS IN THE AMOUNT OF \$212,252.00; AUTHORIZING PAYMENT TO THE STATE THEREFORE IN AN AMOUNT NOT TO EXCEED \$194,752.00; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF TRANSPORTATION

Lacy pulled for questions. What anticipate cost? any overages over \$212,000 will be on liability to City. trend projects come in higher how do we plan to pay if goes over where excess money comes in. Dufford maybe shouldn't do. Mike Pacelli intention not fund if goes over. Believe can come in under and design without alternates so control of scope through bidding. TxDOT awarding for construction they ended to come back to City if overage. Have opportunity to award or not. If scale back scope that is fine.

Morales any remainign CO monies if needed. Jose anticipate will not have additional funds if overage approach will be to not proceed if over. When agreement awarded? Mike 2013. award earliest 1 to 1 1/2 from now. It is off system so city owned street but funding through TxDOT as safety improvement grant. We handle design. tx build out. Sparks determined intersection more accident then other places around and think can help. Mike 2013 and 2012 made top list of high crash locations. Only off system project awarded in 2013.

Council Member Lacy moved to adopt Resolution No. 2015 - 395; seconded by Council

Member Sparks.

Love keeping eyes and ears open for other pot txdot money ? Mike always keep eyes open some projects not worthwhile but on safety.

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

32. Approved a resolution authorizing the City Manager to negotiate and acquire any Right-of-Way necessary for public use along Beal Parkway from Anetta Drive to Thomason Drive, to seek an appraisal, and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete the Right-of-Way acquisition; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 397

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, FROM A POINT AT OR NEAR THE INTERSECTION OF BEAL PARKWAY AND ANETTA DRIVE TO A POINT AT OR NEAR THE INTERSECTION OF THOMASON DRIVE AND WEST ILLINOIS AVENUE; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY HAS RECORDED, ALL INSTRUMENTS OF CONVEYANCE

Lacy pulled receive complaints about delay of project where on process with getting road. do have row to build road but if want row have to acquire clips of row. Want clarity. constit fear for childrens safety in front yard. Matt Carr question where at? Do have plans that have been complete ready to go out to bid. At same time acquiring row and most critical is on north end at thompson. Do not have a clear way going to acquire at this time. Might be able to do that but with this move forward with row acquisition allowing cm to have auth to neg and work out. Do have econt plans just inc ase roundabout is an issue. it is plan right now. If any changes to plan will go back to public. Lacy if can't acquire row and roundabout scrapped will go back to Council and add roundabout when funding and row avail. Matt purp of meeting is show difference between two an saety advantages. Lacy his concern is senior housing going in and need for thoroughfare in area adjoining to svc rd faster move forward better. if roundabout is holding up pref to move forward and build road.

Love how is going to be funded what is retention of funding of project. Jose looking at various options one is Briar wood objection. Hotchkiss arrived 10:54 a.m. clarify still some corner clips needed throughout entire project.

Council Member Lacy moved to adopt Resolution No. 2015 - 397; seconded by Council Member Sparks.

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

34. Approved a resolution authorizing the execution of an amendment to the Right-of-Way License between the City of Midland, Texas and Plains Pipeline, L.P., dated November 17, 2015; said amendment will permit a pipeline booster pump to be located on City-owned property described as Section 8, Block 38, T-1-S, T&P RR Co. Survey, Midland County and Martin County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2015 - 399

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND, TEXAS AND PLAINS PIPELINE, L.P., DATED NOVEMBER 17, 2015; SAID AMENDMENT WILL PERMIT A PIPELINE BOOSTER PUMP TO BE LOCATED ON CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY AND MARTIN COUNTY, TEXAS

Council Member Dufford moved to adopt Resolution No. 2015 - 399; 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.

SECOND READINGS

38. Consider an ordinance on second reading amending Title V, "Business Regulations", of the City Code of Midland, Texas, by establishing Chapter 12, "Transportation Network Companies", so as to establish a program to register and regulate transportation network companies within the City of Midland; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of January 1, 2016. (CITY ATTORNEY'S OFFICE) (First reading held November 03, 2015)

ORDINANCE NO. 9509

AN ORDINANCE AMENDING TITLE V, "BUSINESS REGULATIONS", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 12, "TRANSPORTATION NETWORK COMPANIES", SO AS TO ESTABLISH A PROGRAM TO REGISTER AND REGULATE TRANSPORTATION NETWORK COMPANIES WITHIN THE CITY OF MIDLAND; NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2016

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9509.

2a how did get. Lacy cannot charge fees for revenue generating of PD conducts in core with police \$5 for help with processing once per month.

Morales when sign up with UBER all of these drivers go in. Lacy on TNC to notify COM>

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9509 in accordance with the Charter of the City of Midland with the following amendments 1) Section 5-12-13 Amendments a) Allow TNCs to submit applications for TNC vehicle licenses on behalf of their drivers at once per month. b) Providing the Chief of Police with the discretion to allow a TNC to conduct a background check that complies with Midland Police Department standards if a TNC elects to perform such checks. 2) Section 5-12-14 Amendment a) Reduce the TNC vehicle license fee from \$25.00 to \$5.00 3)Section 5-12-21 Amendments a) Require a TNC to pay \$2.50 for every ride that originates at the Midland International Air & Space Port on a quarterly basis with supporting documentation and allowing the City to audit the TNC payments. B) Moving the effective date of the ordinance from January 1, 2015 to February 1, 2015.; seconded by Council Member Sparks.

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

39. Consider an ordinance on second reading on a request by Robert Anderson for a Special Exception from the Zoning Code concerning the maximum size of an accessory structure on Tract 19, Block 19, Hillcrest Acres, City and County of Midland, Texas (Generally located on the south side of Princeton Avenue, approximately 330-feet west of North Midland Drive.) (DEVELOPMENT SERVICES) (First reading held on November 17, 2015)

ORDINANCE NO. 9510

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR TRACT 19, BLOCK 19, HILLCREST ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF PRINCETON AVENUE, APPROXIMATELY 330 FEET WEST OF NORTH MIDLAND DRIVE), BY PERMITTING A DETACHED ACCESSORY STRUCTURE OF A SIZE THAT EXCEEDS THE TOTAL FINISHED AREA OF THE PRINCIPAL STRUCTURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9510.

Love is proposed structure adequately hidden. Chuck not per say applicant here if like to ask him. no screening. Hotchkiss large setback.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9510 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.

40. Consider an ordinance on second reading on a request by Larry Miller for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 4B, Block 2, Westridge Park Addition, Section 34, City and County of Midland, Texas (Generally located on the west side of North Loop 250 West, approximately 800-feet north Deauville Boulevard.) (DEVELOPMENT SERVICES) (First reading held on November 17, 2015)

ORDINANCE NO. 9511

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 4B, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 34, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 800 FEET NORTH OF DEAUVILLE BOULEVARD); 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. 9511.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9511 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

41. Consider an ordinance on second reading on a request by Fortune Partners Properties, LLC for a zone change from PD, Planned District for a Shopping Center, to LR-2, Local Retail District, on a 2.30-acre portion of Lot 1, Block 3, Lindsay Acres, Section 2, City and County of Midland, Texas (Generally located northwest of the intersection of West Stokes Avenue and Rankin Highway. (DEVELOPMENT SERVICES) (First reading held on November 17, 2015)

ORDINANCE NO. 9512

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 2.30-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 3, LINDSAY ACRES, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST STOKES AVENUE AND RANKIN 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 Secretary Karla Mata read the caption of Ordinance No. 9512.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9512 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, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: Morales.

42. Consider an ordinance on second reading amending Title XI, "Planning and Development", of the City Code of Midland, Texas, by establishing Chapter 12, "Stormwater Management Code", so as to establish methods for controlling the introduction of pollutants into the City's Municipal separate Storm Sewer System; setting forth the minimum requirements for stormwater management; regulating non-stormwater discharges to the municipal stormwater drainage system; providing for civil enforcement and remedies; providing for criminal enforcement and a maximum penalty or fine of two thousand dollars (\$2,000.00); setting forth an appeal procedure; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (ENGINEERING SERVICES) (First reading held on November 17, 2015)

ORDINANCE NO. 9513

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 12, "STORMWATER MANAGEMENT CODE", SO AS TO ESTABLISH METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM; SETTING FORTH THE MINIMUM REQUIREMENTS FOR STORMWATER MANAGEMENT; REGULATING NON-STORMWATER DISCHARGES TO THE MUNICIPAL STORMWATER DRAINAGE SYSTEM; PROVIDING FOR CIVIL ENFORCEMENT AND REMEDIES; PROVIDING FOR CRIMINAL ENFORCEMENT AND A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); SETTING FORTH AN APPEAL PROCEDURE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9513.

Jose second reading brought last meeting and had some revisions requested. Ord as presented with revisions. Lacy more comments? Builders association. Scott Payne 5803 Oak Creek, home builders association is on board appreciate amendments made and support.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9513 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

43. Consider an ordinance on second reading on request by George V. Anderson Jr., Diann H. Anderson, and Rangeland RIO Pipelines for the vacation of an 11.6 acre portion of a City Drainage Easement, generally located one-half mile south of Business 20 and one-half mile west of County Road 1150; Block 38, T-1-S, Section 44. (ENGINEERING

SERVICES) (First Reading held on November 17, 2015)

ORDINANCE NO. 9514

AN ORDINANCE VACATING AND ABANDONING AN 11.6-ACRE PORTION OF A DRAINAGE EASEMENT LOCATED IN SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY ONE-HALF MILE SOUTH OF BUSINESS INTERSTATE 20 AND APPROXIMATELY ONE-HALF MILE WEST OF COUNTY ROAD 1150); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$11,600.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9514.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9514 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

44. 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 22A2 #9SH) located 250 feet from the north line and 610 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting first of 3 wells sharing same pad sight horizontal. approved by o7g rec approving vbariance for landscaping 12 months and irigation until future dev and requesting 24 hour frac.

Sparks how close to residences? couple thousand feet from city.

Mayor Morales opened the public hearing at 11:08 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

45. 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 22A3 #10SH) located 280 feet from the north line and 610 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting second of three wells about 30 feet. all going to a new tank battery.

Mayor Morales opened the public hearing at 11:10 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

46. 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 #11SH) located 310 feet from the north line and 610 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer gave a brief overview of the item noting ditto 3rd of 3.

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

47. Hold a public hearing and consider an ordinance on a request by Hilton Garden Inn for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a bar, on Lot 8, Block 2, Westridge Park Addition, Section 20, City and County of Midland, Texas (Generally located northwest of the intersection of Deauville Boulevard and North Loop 250 West.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9515

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 8, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND NORTH LOOP 250 WEST), 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 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. 9515.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9515 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

Development Services Director Chuck Harrington gave a brief overview of the item noting Hilton Garden Inn. Went through process of Council determine want to change hours. applicant ocming in to adjust their hours of operation. no schols for church 300 ft met all req staff rec approval of request.

Mayor Morales opened the public hearing at 11:12 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Mayor what request Chuck Lacy orig ord made error when made application want to keep their time.

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

48. Hold a public hearing and consider an ordinance on a request by Manohar L. Gurru for the vacation of the 0.12-acre portion of the alley right-of-way located in Block 5, Gardens Addition, City and County of Midland, Texas (Generally located on the east side of Andrews Highway, approximately 330-feet north of Louisiana Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9516

AN ORDINANCE VACATING AND ABANDONING A 0.12-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 5, GARDENS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 330 FEET NORTH OF WEST LOUISIANA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$20,720.00; RETAINING A GENERAL UTILITY AND ACCESS EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9516.

Development Services Director Chuck Harrington gave a brief overview of the item noting applicant proposing to connect his two properties and need of vacate alley to accomplish. property to west consented. mcad appraisal \$20,720 several franchise utilities app agreed to maintain utility easement. app consider discounting cost to \$500 with justification hat alley remaining as it. client cannot construct anything on it.

Love what does continuous access mean if not connecting buildings. Chuck it would resemble he is trying to put his properties together for one address. Love those two pieces of property are in different zones Ir1 and Ir2 now about to take it one property with one address so is there not concern about about one address in two zoning codes. Chuck two zoning at point int ime to plat to properties into one would see issue and zone change so whole property is consistent. Both uses can be in either zoning. Take anotehr stab at continous access. Chuck his access might be hindered so public would have continous access. Robnett parking space.

Mayor Morales opened the public hearing at 11:18 a.m.

Ben Sanchez 418 N Pecos? repalting into one lot and in final stage have placed note on final plat that public and utility easement so pbulic would have use just as now. remain as it but combing two properties into one lot. Lacy in future another individual owns could build? Ben no because of public utilities. John it is also in ord that nothing can be built on. Love basically just words he used so parking lot is part of his structure.

Frank there is a building on back section it is just not just a parking lot.

There being no one else wishing to speak, the public hearing was closed at 11:21 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 9516 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss.

Council Member Dufford moved to amend the motion by changing purchase amount from \$20,720 to \$500 ; seconded by .; seconded by Council Member Love.

Mayor on O&M? Chuck his obligation going forward. Change from \$20,000 to \$500. With amendment. Love any concerns since not markt. john since adjacent no.

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

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

49. Hold a public hearing and consider a resolution on a request by Sonny Aguilar for a Temporary Land Use Permit for a Mobile Food Truck on Lot 12, Block 26, Original Town, City and County of Midland, Texas (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 403

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MOBILE FOOD VENDOR ON LOT 12, BLOCK 26, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Chuck Harrington approved one year term coming back for renwal no alco bev not permitted or sold. restrooms provided onlyd iffERENCE has another mobile vendor vehicle park on that site. hours same, staff rec approval.

Mayor MORales opened the public hearing at 11:25 a.m.

Sony Aguilar 4120? Spring court, Lacy it is bus secon vehicles all comply? Sony yes, mobile move all aorund parking lot other project put on hold for now of stationary bus. There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Council Member Love moved to adopt Resolution No. 2015 - 403; 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.

50. Hold a public hearing and consider an ordinance on a request by Michael Harris for a Special Exception to the zoning code, permitting, in a AE, Agriculture-Estate District, a fence up to eight feet in height above natural grade within the front yard setback providing for the fence material above three feet to be designed with a minimum of zero (0) percent openness, as measured from a point perpendicular to the fence from the

adjacent street, on Lot 6, Block 2, northwestern Addition, Section 15, City and County of Midland, Texas (Generally located on the south side of Mockingbird Lane, approximately 230-feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9517

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 6, BLOCK 2, NORTHWESTERN ADDITION, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 230 FEET EAST OF NORTH MIDLAND DRIVE), BY PERMITTING A REDUCED OPENNESS OF A FENCE WITHIN THE FRONT YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9517.

Development Services Director Chuck Harrington gave a brief overview of the item noting request applicant 0 percent open to fence reasons in attached letter maintain greenbelt and across street locations of non conforming fencing. recognize his concerns but under regulations see no hardship can't support his request.

Chuck no objection

Mayor Morales opened the public hearing at 11:28 a.m.

Michael Harrison 4307 ?? don't know if looked at attached doc. Sparks in AE as originally intended was front yard along street how many acres. Michael 2 acres. Fence is shown on there there is still a lot of open area from the street to house aesthetically nice rec approving.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9517 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

51. Hold a public hearing and consider an ordinance 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 2,583-square foot portion of Lot 15F, Block 40, Fairmont Park Addition, Section 40, City and County of Midland, Texas (Generally located on the north side of West Wadley Avenue, approximately 250-feet west of Sagemon Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9518

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2,583-SQUARE FOOT PORTION OF LOT 15F,

BLOCK 40, FAIRMONT PARK ADDITION, SECTION 40, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 250 FEET WEST OF SAGEMONT 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. 9518.

Development Services Director Chuck Harrington gave a brief overview of the item noting Dickies BBQ here not to long ago since expanded by taking over portion of neighboring restaurant that closed. Asked for approval to expand alco bev svc area. Staff no objections no schools church 300 staff rec approval.

Mayor Morales opened the public hearing at 11:31 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. 9518 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.

52. Hold a public hearing and consider a resolution authorizing the intent of the City of Midland to use Community Development Block Grant funds to acquire fee simple title to real property for the development of affordable housing; said real property described as Lots 1 through 6, Block 7; Lots 2, 3, 5, 6, 9, 10, and 12, Block 8; and Lots 7, 8 and 9, Block 9, Greenwood Addition, 2nd Section, City and County of Midland; Lots 7 through 10 and 12, Block 10, Lots 1, 2, 4, 5 and 12, Block 11, Lots 1, 2, 4, 5 and 6, Block 12, Lots 10, 11 and 12 Block 26, Greenwood Addition, 3rd, 4th and 5th Section, City and County of Midland; declaring a public purpose; authorizing the City Attorney to determine ownership of said real property; and authorizing the City Manager to procure professional services for the appraisal services associated with the purchase of said real property. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 404

RESOLUTION AUTHORIZING THE INTENT OF THE CITY OF MIDLAND TO USE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO ACQUIRE FEE SIMPLE TITLE TO REAL PROPERTY FOR THE DEVELOPMENT OF AFFORDABLE RESIDENTIAL HOUSING, SAID REAL PROPERTY DESCRIBED AS LOTS 1-6, BLOCK 7, LOTS 2, 3, 5, 6, 9, 10 AND 12, BLOCK 8, LOTS 7, 8 AND 9, BLOCK 9, GREENWOOD ADDITION, 2ND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, AND LOTS 7-10 AND 12, BLOCK 10, LOTS 1, 2, 4, 5 AND 12, BLOCK 11, LOTS 1, 2, 4, 5 AND 6, BLOCK 12, LOTS 10, 11 AND 12, BLOCK 26, GREENWOOD ADDITION, 3RD, 4TH AND 5TH SECTION, CITY AND COUNTY OF MIDLAND,

TEXAS; DECLARING A PUBLIC PURPOSE; AUTHORIZING THE CITY MANAGER TO DETERMINE OWNERSHIP OF SAID REAL PROPERTY; AND AUTHORIZING THE CITY MANAGER TO PROCURE PROFESSIONAL SERVICES FOR THE APPRAISAL SERVICES ASSOCIATED WITH THE PURCHASE OF SAID REAL PROPERTY

Isaac Garnett CDBG, staff intent is to proceed with approp steps with land in Greenwood addition. Lacy Love and himself met original target area ccould not obtain so moving to other target areas to move in affordable housing. Morales can this be titled target area. Isaac it is a target area. Love ask that change name on paper.

Mayor Morales opened the public hearing at 11:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2015 - 404; seconded by Council Member Sparks.

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

53. Hold a public hearing and consider a resolution authorizing the intent of the City of Midland to use Community Development Block Grant funds to acquire fee simple title to real property for the development of affordable housing; said real property described as Lots 1, 2, 3, 18 and 19, Block 60; Lots 1 through 6 and Lots 16 through 20, Block 61; Lots 4, 6 through 9 and Lots 13 through 20, Block 62; Lots 1 through 20, Block 63; Lots 1 through 4, Lots 9 through 12, and Lots 15 through 20, Block 64, Park Avenue Heights, Second Section, City and County of Midland; declaring a public purpose; authorizing the City Attorney to determine ownership of said real property; and authorizing the City Manager to procure professional services for the appraisal services associated with the purchase of said real property. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2015 - 405

RESOLUTION AUTHORIZING THE INTENT OF THE CITY OF MIDLAND TO USE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO ACQUIRE FEE SIMPLE TITLE TO REAL PROPERTY FOR THE DEVELOPMENT OF AFFORDABLE RESIDENTIAL HOUSING, SAID REAL PROPERTY DESCRIBED AS LOTS 1, 2, 3, 18 AND 19, BLOCK 60, LOTS 1-6 AND 16-20, BLOCK 61, LOTS 4, 6, 7, 8, 9 AND 13-20, BLOCK 62, LOTS 1-20, BLOCK 63, LOTS 1-4, 9-12 AND 15-20, BLOCK 64, PARK AVENUE HEIGHTS, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS; DECLARING A PUBLIC PURPOSE; AUTHORIZING THE CITY MANAGER TO DETERMINE OWNERSHIP OF SAID REAL PROPERTY; AND AUTHORIZING THE CITY MANAGER TO PROCURE PROFESSIONAL SERVICES FOR THE APPRAISAL SERVICES ASSOCIATED WITH THE PURCHASE OF SAID REAL PROPERTY

Title,?? Isaac Garnett gave a brief overview of the item noting asking allow to proceed with steps to acquire this property and hope to repair together?

Mayor Morales opened the public hearing at 11:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2015 - 405; seconded by Council Member Dufford.

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

MISCELLANEOUS

54. Consider an ordinance amending the budget for Fiscal Year 2015 Yearend Budget Amendment. (FINANCE)

ORDINANCE NO. 9519

AN ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2014-2015 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9519.

Pam Simecka here to ask for \$2.3 M in budget auth to adjust balances. majority is closing of tradewind project. now transfer money from construction fund back to GF. Also have exp for funds hadn't budgeted previously need auth for lineberry property funds, police's fund a police spec pur fund and police spec purp fed fund for spec purp spec purp fund for state. all police funds have balance and spending out of their funds.

Council Member Love moved approval of the first of two readings of Ordinance No. 9519 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. Approved a resolution approving and authorizing publication of Notice of Intent to issue Series 2016 Certificate of Obligation. (FINANCE)

RESOLUTION NO. 2015 - 406

A resolution approving and authorizing publication of notice of intention to issue series 2016 certificates of obligation in an amount not to exceed twenty-two million eight hundred thousand and no/100 dollars (\$22,800,000.00)

Pam start of issuance of cert of obligation. Before start introduce to Eric Maja for first southwest. provide tech support for questions on certificates. Basically first step in issuance bonds must for cert of obligation publish intent in paper and at CH for 30 days. cert of obligation do allow a petition to submit to a ballot 5% of cert voters sign petition 30 days from first publication date which is 21st of dec.

Mayor know time of day in now economy with oil and gas down watch a lot of major oil companies and think good discussion needs to take place once get in CO is to break down into description providing. traffic signals, police and CISD. Sparks one is if were to go down road it would be fiscally irresponsible. Don't think should be doing this over the Christmas holiday for one even if publicize no one paying attention cuts down on 30 days. Talked about and have all agreed at some point looking at paying off sports complex in March 2016 and going to tax payers to ask for repurp of 4b identified at least \$9M maybe more that 4b could be used for including row acquisition Washington

pool dennis the mannce. golf club and others. Really think ought to postpone looking at doing this not until after heard weather voters interested in repurposing our 4b. Looking at 33.5 M to get 22 M worth of value. If have to take 400,000 for what spend for bond agent and put it in there also. Have a property tax levy that is estimated to be at 1.55 cents for what originally gave at 22.4 M doesn't sound like a lot current tax rate at 38.04 is 4% increase. Been trying to hold increases to 3%. If don't make budget will try to cut salaries of people and they are most important asset have not fluff stuff. Need to think about O&G business down. Sales tax already seeing probably won't make budget this year and think need to step back and look at. If things change in 6 months can look at again at that point. think more along lines of allowing taxpayers say so in this. On CO when can issue. Pam primary season feb to aug need to have before next years budget to budget interest cost for next years service. Morales other question these are rec by staff council can look at each and decide individually. Pam yes. Lacy agree with Sparks don't think good time to be issuing debt during economic uncertainty. \$46.54 through 15 days \$35 dollars heading in trend to decreased tax revenues are going to be outlook for a while. There is suffering going on in oil industry. Council should take lead and not hamper taxpayers with more debt. between gf and enterprise \$143 M if move forward interest \$235 M. Can't put this burden on taxpayers not supporting any CO/ Morales on street and drainage if do not move forward with row acquisition how does that hamper if don't move forward? Jose if don't move forward have challenges today there are projects that truly need to get out. At the end of day recognize financial. if have CO dollars could look at more critical funds. Have ability to partner with them for those projects. row acquisitions have had success with donations from property owners. Morales 4b know coming up for election next year. what haven't done is got in front of voters to talk about how tax could be used. if do not move forward today with street and drainage could this raise taxes later on? Either way taxes are going to go up. Morales have heard that citizens want roads built. Sparks been talking about going to voters with 4b for two years and now looking at taking a note. that is part of problem have. Morales have not put off 4b. it has come up when appropriate didn't have to pay off 4b but disagree with statement. Sparks add this debt which has 4% increase in property tax how going to face individuals if can't make budget and tell them going to have to cut back. Morales his concern is roads. Sparks roads is minor part. Morales how address funding of roads. Love this potentially added debt how much tax levy? Pam 1.92 cents for or 1.4 M annual payment for P&I. Love question for Jose recall that at Council retreat council gave staff go out and secure row for future anticipated roads need. Jose correct. Love outside of COs any other idea of how might be raised besides pull out of gf and raising taxes. Jose instead of acquiring row acquire easements which is long term row. instead of securing row obtain easements so that when projects come up can go get row. Jose challenge because properties are unaltered securing easements preserve for future use. Love this is conservative Midland and a lot of Dave Ramsey fan all debt is not bad debt. corporations use debt to leverage especially when price is cheap. Because no money from state debt is way to get CIP projects out without raising taxes significant. when become council tml sends out package and CO is one of legs of 3 legged stool to raise money to accomplish projects. Can be reasonable handled if keeping reserves. Pam upped general fund balance now up to 46% which will do well if go forward with rating. rating like to have as much as can have 25% was beginning rec keeping higher due to economic conditions in environment to make more attractive. Midland kept large fund balance in comparison to other cities pam. Love talked about quality of life at last two retreats and Midland is world class and council should support desire and statements for quality of life. can't stop providing services because people ideologically opposed to debt. have fatih and simecka doing

job in light of current economic situation. when approve 2014 co asked them when washington park updated and everyone said indicated that cos in 2014 doug russel and washington park in 2016 COAS. Can tell disheartened have no idea with respect to 4b it could fail and rhetorically ask if citizens don't support would you be willing to issue cos feel like washington park going to be axed.

Morales traffic signals elaborate on what investing. Miek Pacelli asking for \$2 M \$1M for total reconstruction of intersections downtown 4. The other million not specially allocated it is for opportunities as they come up 3 intersections on state highway loop 250 and fairgrounds; big sparing at mockingbird/191 at Avalon. plans ready to go if txdot ready to go can partner with them. Morales if major safety concern. Mike at some locations it is. Mayor Community Services. Lacy how much in current budget for traffic signal? Mike in GF in main 360,000 for maint of existing system. none for capital projects. Dufford his comment is fact been doing for decades nothing new issued cos over years through very up and down and idea is always done in fiscally responsible manner and always paid debt obligations. this no different then 2008 and 2009 and same thing in economy. Council did cut things and ended up funding later. Council have approved all of these projects have been vetted all nodding head and get idea that economy isn't as good today. His only thought is go back and take look at again and maybe things can cut from this budget but hate to be making cuts without input and discussion with what want and need to do. Get together before have to hit deadline to determine difference between wants/needs and postpone what can do for a better day. Morales summed up very well. Different time of day do have further discussion and questions. Love the public does have a say so there is a provision can sign petitions and bring to a vote. The other thing is several public hearing meetings to address this issue. public will have opportunity to address council officially. been doing it the same time every year its always been done not hiding anything do at this time to meet schedule to get bonds issues for budget purposes. Dufford what is latest date? Pam by July. Reason gone out in January because good time in market get better rate. If where a lot of competition pay higher interest rate. voting to start the process. Have ability to vote no later. Pam yes on February 9th. Lacy what is cost to start process. Pam financial advisory cost and bonding attorney cost. JBodn Counsel historically low levels. Item before council is notice of intent. Council has to set date which will be February 9 subject to market conditions at that time. There will not be any out of pocket cost today to council. Morales not ready to move forward. Sparks approp for staff to pare down. Think we repurpose 4b which will address Love's concerns.

Dufford can approve notice of intention but amount could change. Not to exceed amount 22.8 M one thing want to avoid is going out to amount and council not approve that amount. Not obligated for full 22.8 M need to know a week before that it is a not to exceed amount. Love if council decided not to approve this intent to today what does it do to schedule? Pam it would push obtaining funds by March of 2016 move money back. Pam redo schedule from wherever you want to go still have to do 30 day notice and neg with underwriters. Getting cash about 30 days from date of approve sale. Love if cont to be in climate that in economically and have projects that needed to be done that pose hazard to health safety would still issue co is that correct? Morales only if Council chooses to. Pam raise direct property tax, spend approp fund balance. co allows to spread debt over 20 years. easier on tax payer through time period.

Pam \$4 m for public safety is critical. no other source to fund \$4 m for public safety software. Raising taxes, raiding rainy day fund. Fiscally irresponsible to not go

through each item.

Sparks ask staff to come back with recommended changes.

Council Member Love moved to adopt Resolution No. 2015 - 406; seconded by Council Member Dufford.

Dufford why not publicize and see how much public input we get.

Better off to bring back to for more discuss.

Morales notice of intention. Robnett headline incorrect Council to issue more debt without voter approval. far from truth. Dufford debt does hold tax rate down. Lacy if valuations stay true. Morales if deny today can put back on in January as is today. Lacy don't want workshop day before vote. Courtney need direction from Council what want to see above and beyond. Courtney orig list \$50 M when talked about wants and needs from quality of life or health and safety.

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

56. Approved a resolution approving the issuance of a request for qualifications for design, development and project management of the 2016 Clubhouse, Tournament Pavilion and Cart Storage Project at Hogan Park Golf Course for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 407

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR THE DESIGN, DEVELOPMENT, AND PROJECT MANAGEMENT OF THE 2016 CLUBHOUSE, TOURNAMENT PAVILION, AND CART STORAGE PROJECT FOR THE HOGAN PARK GOLF COURSE

Tina Jauz effort in getting a head start. If can issue the RFQ and have it out that gets us jump start on getting pavilion replaced and getting rest of project for rest of year. 30 days is a long time. Do't award of cos not approved.

Lacy this is an enterprise fund none affect ad valorem tax.

tina won't award rfq if

Council Member Lacy moved to adopt Resolution No. 2015 - 407; 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.

57. Approved a resolution approving the issuance of a request for qualifications for the Washington Aquatic Center Renovations Project for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2015 - 408

RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE WASHINGTON AQUATIC CENTER RENOVATIONS PROJECT FOR THE COMMUNITY SERVICES DEPARTMENT

Laurie same thing get jump to get consultant on board. even if started tomorrow probably 2018 before pol build.t

Council Member Love moved to adopt Resolution No. 2015 - 408; seconded by Council Member Lacy.

Robnett for all of our projects moving forward. There has to be a tight timeline its timing if this rfq.

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

58. Conduct a review of the Specific Use Permit with Term for the sale of all alcoholic beverages for Fast Freddy's on an 8,202 square foot portion of Lot 2, Block 15A, Oxford Heights Addition, Section 7, City and County of Midland, Texas, and consider a motion finding the permittee is in compliance with the permit conditions (Generally located on the north side of West Illinois Avenue, approximately 300-feet east of North Midland Drive). (DEVELOPMENT SERVICES)

Chuck Harrington back in April had Fast Freddy's and Council approved renewal with stip that be reviewed at ten dof six monhth. foud they have been complying. Prohibiting anyone 21 from going in, they have reduced numnber of incidents. met stiplations rec approval of request. Love would like to know if Chief of Police has any comments.

Police Chief PRice Robinson, quite a difference in number of clals. Officers work off duty 10-2 3 nights a week. Officers who worked there notice a big difference in environment, attitude and clientel. Mr. lynch positive in working with them. Sparks officers noticed improvement. PRice yes.

Michael Luynch 4700 ???Drive Colleywood Tx. Lacy this is hsing example and comend for what doing apprec steps ttaken to reduce calls and promise establish not burden and put together right policies. Luynch thanked council for working wtih him. Chief and his folks did great job taught staff a lot good positive experience. Love also comment on efforts.

Council Member Love moved to approve a motion finding the permittee is in compliance with the permit conditions (Generally located on the north side of West Illinois Avenue, approximately 300-feet east of North Midland Drive).; 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.

59. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for El Montecito Estates, and to waive the corresponding financial security guarantee valued at \$4.02 million, an amount equal to the estimated cost of

construction. The subject property is generally located approximately 4600 feet east of the City of Midland corporate limits, on the west side of North County Road 1150 approximately 660 feet north of the intersection with East Loop 250 North, in the ExtraTerritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES) (Deferred from November 17, 2015)

Jeff as recall this is proposed development out near east side of loop where bends south. this proejct was deferred at last meejting. since that ime have met with applicant and their engineer and council members think have come up with a compromise solution to address everyones concerns. Proposed to develop this primarily as a private drive for internal streets. In exhibit Elkins will remain public. The main road in orange read at bottom will be private road but public use easement possible backage and collector to connect Elkins to Todd. The other street sin green will be private adn construction standard base rock with double course chip seal on top which includes backage road. this compromise took while to get to this point and came in last week and struggled to get on agenda so all have something to look at. overlooked something in ehre which think should be aware of the request as structured by applicant and engineer says that if and when hoa responsible for maint of roads if and when decide to turn streets over to city that city would upgrade the streets and the city does not agree with that. Think hoa is responsible. The motion calls for that. Morales it doesn't fulfill obligation of a City road but they are maintained by hoa as private roads. they can be paved over with hot mix and add curb and gutter. Lacy what is cost difference between county and city standard. Egnineer has included cost of county standard streets \$600,000. The cost to convert is extra 1.4 M. and another \$500,000 for sidewalks.

Ben Sanchez Schumann Engineering, asked about dif between county road and city road if city line moves east and encompasses this subdivision and by code theminimum width is 30 foot with hot mix low curb and gutter with 8 inch base only cost would be to add hot mix. If added to city it doesn't mean hoa goes away. Lacy privately owned roads until decide want city to maintain it which would then need to put 2 inch of asphalt. Developer will put up . Morales drainage concerns city staff reviewing drainage plans and getting close. Ben once becoems part of Midland and homes on lots tax pbase increases for com.

Hotchkiss since clause that did not get brought to Council and not itnerested in clause about converting roads to city standards at city's cost. Ben agrees it would be an hoa cost. Sparks rec approve with documentation in minutes that approving with provision that when city takes over the hoa the hoa will bring up to city standard as required by City Council at the time before city would tkae over roads. It will not be the city's responsibility to bring up to City standards. John you would asses proeprty and always have tha tprotections 12:44 p.m. John have to affirmative accept at a future meeting.

Council Member Sparks moved to approve a motion on request by Schumann Engineering Co. Inc. to defer public improvements for El Montecito Estates, and to waive the corresponding financial security guarantee valued at \$4.02 million, an amount equal to the estimated cost of construction. The subject property is generally located approximately 4600 feet east of the City of Midland corporate limits, on the west side of North County Road 1150 approximately 660 feet north of the intersection with East Loop 250 North, in the ExtraTerritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County); seconded by Council Member Lacy.

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

60. Approved a resolution authorizing the execution of all documents necessary to settle litigation styled WHF Electrical Contractors, Inc. v. Cajun Constructors, Inc. and Liberty Mutual Insurance Co. v. City of Midland, Texas and CDM Smith, Inc. (42nd Judicial District Court, Midland County, Texas; Cause Number CV-48,216). (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2015 - 409

RESOLUTION AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO SETTLE LITIGATION STYLED WHF ELECTRICAL CONTRACTORS, INC. V. CAJUN CONSTRUCTORS, INC. AND LIBERTY MUTUAL INSURANCE CO. V. CITY OF MIDLAND, TEXAS AND CDM SMITH, INC. (142ND JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS; CAUSE NUMBER CV-48,216)

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

EXECUTIVE SESSION

Recess to executive session at 12:46 p.m. remianing items will be heard downstairs follwoing exeuctive.

62. 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 §551.072, Consultation with Attorney.
 - a.1. Discuss litigation styled litigation styled WHF Electrical Contractors, Inc. v. Cajun Constructors, Inc. and Liberty Mutual Insurance Co. v. City of Midland, Texas and CDM Smith, Inc. (142nd Judicial District Court, Midland County, Texas; Cause No. CV-48,216).
 - b. Section §551.072, Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease, or value of real property described as portions of Sections 45 and 46, Block 40, T-1-S, and portions of Sections 3, 4, 9 and 10, Block 40, T-2-S, Midland County, Texas.
 - c. Section §551.074 Personnel Matters.
 - c.1. Deliberate the employment, evaluation, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.

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

PASSED AND APPROVED the __ day of ____, 2015.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary