

**MIDLAND CITY COUNCIL  
MINUTES  
August 09, 2016**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 9:30 a.m. on August 09, 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: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, City Secretary Amy Turner, Finance Director Pam Simecka, Development Services Director Charles Harrington, First Assistant City Attorney Stephen Gates, Assistant Fire Chief Fritz Niggeler, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, Public Information Officer Sara Bustilloz, Intern Cory Maxwell, and Planner Geoff Solomonson.

Mayor Morales called the Briefing Session to order at 9:30 a.m.

1. Receive an update from the Development Services Department regarding sign regulations and the status of the revision process.

Chuck Harrington reported they have been moving forward with a revision to the sign ordinance mainly in response to requests for variances. Staff will update Council on where they are at in the process noting they are not ready to make recommendations at this time.

Planning Division Manager Jessica Carpenter reviewed a presentation noting they needed to clarify definitions and such as distinguishing among ground signs, monuments signs and pole signs. They also need to remove the terminology "electronic message center and "video display" and replace them with "digital display". The Master Sign Plan is the most well written section of the code. They will need to explore if Council desires flexibility for sign size imitations noting they could consider a sign size versus lot ratio. The billboard section was recently updated and there are no plans for further updates.

Temporary signs should also be addressed. Staff is receiving public comment that the code in the temporary signs section is too restrictive and shared examples of apartment communities trying to advertise their vacancies. The business community has also asked for two temporary banner signs when their business has dual frontage. Another area to be addressed would be portable signs which would include temporary digital signs. They also plan to address aesthetic corridors including Loop 250. They would like to add verbiage preventing snipe/bandit signs, such as garage sales signs, from being placed on private or public utility poles. A discussion should be held to consider whether or not to address garage sale signs, directional signs, incidental signs and safety/warning signs.

Staff suggested forming a committee that would be comprised of two Council Members, two Planning & Zoning members, a member from the public, a developer, a representative from the realtors association, a representative from the apartment management association and a retailer. Building Official Steve Thorpe also suggested including a representative from an automobile dealership.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:59 a.m.

## **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 09, 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: 1, 2, 3, 4, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 5, 7, 12, 19, 20, 21, 22, 23, 24, 25, and 26.

Mayor Morales called the meeting to order at 10:06 a.m.

## **OPENING ITEMS**

1. Invocation - Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

## **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

## **PUBLIC COMMENT**

4. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.(Please limit comments to three minutes or less.)

No citizens were present wishing to speak.

## CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 6 - 18 excluding 5, 7, and 12; 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.

6. Approved a resolution approving an annual agreement for readymix concrete and caliche for the Transportation Division. (PURCHASING)

### RESOLUTION NO. 2016 - 235

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT FOR AN ANNUAL SUPPLY OF READY MIX CONCRETE AND CALICHE FROM 4J CONCRETE, LLC, DBA JORDAN CONCRETE, OF MIDLAND, TEXAS, AT A TOTAL COST OF \$91,400.00

8. Approved a resolution approving plans and specifications and authorizing advertisement for bids to re-route the sewer main with an additive alternate to replace the water line for the Midland Civic Center for the General Services Department. (PURCHASING)

### RESOLUTION NO. 2016 - 237

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS TO RE-ROUTE THE MIDLAND CENTER SEWER LINE WITH AN ADDITIVE ALTERNATE TO REPLACE THE WATER LINE

9. Approved a resolution approving the purchase of furniture for the new Municipal Court Building through TXSmartBuy. (PURCHASING)

### RESOLUTION NO. 2016 - 238

RESOLUTION APPROVING THE PURCHASE OF FURNITURE FOR THE NEW MUNICIPAL COURT BUILDING FROM WILSON OFFICE INTERIORS AND MILLER OFFICE INTERIORS, THROUGH TXSMARTBUY AT A TOTAL COST OF \$314,454.91

10. Approved a resolution approving an emergency contract with ABCO Fire Protection for the repair of the fire protection system at Security Bank Ball Park for a cost of \$59,900.00 plus \$5,990.00 in contingencies for a total of \$65,890.00 for the Community Services Department. (PURCHASING)

### RESOLUTION NO. 2016 - 239

RESOLUTION APPROVING A CONTRACT WITH ABCO FIRE PROTECTION, INC., FOR THE REPAIR OF THE FIRE PROTECTION SYSTEM AT SECURITY BANK BALLPARK AT A TOTAL COST OF \$59,900.00; AND APPROVING \$5,990.00 FOR CONTINGENCIES

11. Approved a resolution authorizing the execution of the 2016 AirSho Agreement between The City of Midland, Texas and the Commemorative Air Force (CAF). (AIRPORTS)

### RESOLUTION NO. 2016 - 240

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INC., FOR THE STAGING OF AN AIRSHOW AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; THE AIRSHOW WILL

COMMENCE FRIDAY, AUGUST 26, 2016, AND CONCLUDE SUNDAY, AUGUST 28, 2016

13. Approved a resolution calling an election on November 8, 2016 for three City Officials. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2016 - 242

RESOLUTION CALLING AN ELECTION FOR THREE CITY OFFICIALS; AMENDING THE BOUNDARY OF THE CITY AND CITY COUNCIL DISTRICTS; PROVIDING FOR USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS FOR SAID ELECTION; AND ESTABLISHING VOTE CENTERS FOR SAID ELECTION

14. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (WHITEFISH UNIT 801MS) generally located 470 feet north of Green Tree Boulevard extension and 645 feet east of North Midland Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 243

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 690 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 470 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 645 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

15. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (WHITEFISH UNIT 801WB) generally located 470 feet north of Green Tree Boulevard extension and 615 feet east of North Midland Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 244

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 660 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 470 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 615 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

16. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (WHITEFISH UNIT 801LS) generally located 470 feet north of Green Tree Boulevard extension and 586 feet east of North Midland Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 245

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 630 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 470 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 586 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

17. Approved a resolution approving the issuance of a permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (WHITEFISH UNIT 801WA) generally located 470 feet north of Green Tree Boulevard extension and 675 feet east of North Midland Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 246

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 306 FEET FROM THE SOUTH LINE AND 720 FEET FROM THE WEST LINE, SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 470 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND APPROXIMATELY 675 FEET EAST OF NORTH MIDLAND DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

18. Approved a resolution authorizing the execution of an amendment to a Public Improvement Development Agreement between the City of Midland and Fasken Land & Minerals Ltd., with an original amount of \$656,000.00, for the widening of Holiday Hill Road; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 247

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH FASKEN LAND AND MINERALS, LTD. ("FASKEN") FOR THE EXPANSION OF HOLIDAY HILL ROAD; SAID AMENDMENT PROVIDING THAT, IN LIEU OF CONTRIBUTING \$656,000.00 TOWARD THE IMPROVEMENTS, FASKEN SHALL CAUSE THE CONSTRUCTION OF IMPROVEMENTS TO HOLIDAY HILL ROAD; SAID AGREEMENT AND AMENDMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

The following items were pulled from Consent Agenda and considered individually.

5. Consider a motion approving the following minutes:
  - a. Special meeting of July 25, 2016.
  - b. Regular meeting of July 26, 2016.

c. Special meeting of August 2, 2016.

Council Member Lacy moved to approve all three sets of minutes as presented; 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.

7. Consider a resolution awarding a contract for the Frictional Asphaltic Preservation Treatment Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2016 - 236

RESOLUTION AWARDED A CONTRACT FOR THE FISCAL YEAR 2016 FRICTIONAL ASPHALTIC SURFACE PRESERVATION TREATMENT PROJECT TO CROSSROADS ASPHALT PRESERVATION, INC. OF WINNIE, TEXAS, AT A TOTAL COST OF \$642,688.02; AND AUTHORIZING PAYMENT THEREFOR

Council Member Lacy inquired about the item. Assistant Transportation Manager Gabe McClelland reported they are following up with the maintenance from last year to place a surface preservation treatment behind the crack fill. This should extend the life of the street by 5-7 years.

Council Member Lacy moved to adopt Resolution No. 2016 - 236; 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.

12. Consider a resolution supporting the candidacy of Council Member John B. Love III for the position of President-Elect of the Texas Municipal League. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 241

A RESOLUTION SUPPORTING THE CANDIDACY OF COUNCIL MEMBER JOHN B. LOVE III FOR THE POSITION OF PRESIDENT-ELECT OF THE TEXAS MUNICIPAL LEAGUE

Council Member Lacy moved to adopt Resolution No. 2016 - 241; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: Love. ABSENT: None.

**SECOND READINGS**

19. Consider an ordinance on second reading on a City-initiated request to change the name of the portion of Green Tree Boulevard generally located on the east side of North Big Spring Street, approximately 790 feet north of Maverick Lane. (DEVELOPMENT SERVICES) (First reading held on July 26, 2016)

ORDINANCE NO. 9582

AN ORDINANCE CHANGING THE NAME OF THE PORTION OF GREEN TREE BOULEVARD THAT IS ADJACENT TO LOT 7, BLOCK 2, LONE STAR BUSINESS PARK, SECTION 2, LOTS 20, 21 AND 36, BLOCK 2, AND LOT 1, BLOCK 5, LONE STAR TRAILS, AND LOTS 16, 17, 26, 27, 32 AND 33, BLOCK 5, LONE STAR TRAILS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 790 FEET

NORTH OF MAVERICK LANE), TO "OCCIDENTAL PARKWAY"; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9582.

Council Member Love moved to approve the second and final reading of Ordinance No. 9582 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 on a request by the City of Midland for the vacation of a 0.55-acre portion of North Loraine Street right-of-way, generally located between West Texas Avenue and West Wall Street, approximately 300 feet west of North Main Street. (DEVELOPMENT SERVICES) (First reading held on July 26, 2016)

ORDINANCE NO. 9584

AN ORDINANCE VACATING AND ABANDONING A 0.55-ACRE PORTION OF NORTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 13-24, BLOCK 54, AND BLOCK 55, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST TEXAS AVENUE AND WEST WALL STREET, APPROXIMATELY 300 FEET WEST OF NORTH MAIN STREET); THE CITY OF MIDLAND BEING THE OWNER OF ALL ABUTTING PROPERTY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9584.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9584 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.

21. Consider an ordinance on second reading on a request by SB Hospitality Corporation for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, generally located southwest of the intersection of West Loop 250 North and Henry Koontz Boulevard. (DEVELOPMENT SERVICES) (First reading held July 26, 2016)

ORDINANCE NO. 9585

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 7, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A

SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9585.

Council Member Love moved to approve the second and final reading of Ordinance No. 9585 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

Cristi Owens, 4703 W. Loop 250 N. reported she is the Manager of Chuck E. Cheese and she misspoke at the last meeting by saying all alcoholic beverage would be 6-ounce servings. She clarified that wine is 6 ounces but beer will be 12 ounces or 20 ounces. Every patron is limited to two drinks per day and they now have a computerized tracking system in place.

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

22. Consider an ordinance on second reading on a request by Manor Park for a Zone Change from 1F-1, One-Family Dwelling District, in part, MF-1, Multiple-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, and MF-2, Multiple-Family Dwelling District, in part, to PD, Planned District for a Housing Development generally located on Sinclair Avenue, approximately 290-feet east of North Loop 250 West. (DEVELOPMENT SERVICES) (First reading held on July 26, 2016)

ORDINANCE NO. 9586

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING TRACTS 14, 15, 16, AND 17, WALLACE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH ARE PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, IN PART, MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MF-2, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND TH, TOWNHOUSE DWELLING DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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. 9586.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9586 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.

23. Consider an ordinance on second reading on a request by John Cole Stout for a vacation of the 0.012-acre portion of North B Street right-of-way generally located northeast of the intersection of North B Street and West Kansas Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9588

AN ORDINANCE VACATING AND ABANDONING A PORTION OF NORTH B STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 7, BLOCK 23, HIGH SCHOOL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST KANSAS AVENUE AND NORTH B STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,045.44; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9588.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9588 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

**PUBLIC HEARINGS**

24. Hold a public hearing and consider an ordinance on a request by the City of Midland for the vacation of a 0.138-acre portion of the alley right-of-way generally located on the north side of West Wall Street, approximately 140 feet west of North Main Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9589

AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1-24, BLOCK 54, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WALL STREET, APPROXIMATELY 140 FEET WEST OF NORTH MAIN STREET); THE CITY OF MIDLAND BEING THE OWNER OF ALL ABUTTING PROPERTY; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9589.

Development Services Director Chuck Harrington gave a brief overview of the item noting it was a request by the City to vacate an alley to allow for the future redevelopment of the park and the Midland Center. All utilities will have to be relocated.

Mayor Morales opened the public hearing at 10:20 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. 9589 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.

**MISCELLANEOUS**

25. Consider a resolution approving and authorizing publication of Notice of Intent to issue Series 2016 Certificate of Obligations not to exceed \$31 million. (FINANCE)

RESOLUTION NO. 2016 - 248

A RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE SERIES 2016 CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED THIRTY-ONE MILLION AND NO/100 DOLLARS (\$31,000,000.00)

Finance Director Pam Simecka reported this is the second step of a bond issuance for the Midland Center. This resolution would authorize a notice to be published twice in next couple of weeks notifying of the intent to issue bonds. The final decision will be made on September 13 which is when bond prices will be brought for Council consideration. They hope the rate to be at 2.5 to 2.75 percent but have estimated high at 3.6 percent noting the market is at an all-time low for municipal debt.

Council Member Love moved to adopt Resolution No. 2016 - 248; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

**EXECUTIVE SESSION**

- 26. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
  - a. Section §551.087 Deliberate Economic Development Negotiations
    - a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
  - b. Section §551.072, Deliberation Regarding Real Property
    - b.1. Discuss the purchase, exchange, lease, or value of real property described as an approximate 0.13-acre tract of land out of the tract located at 4620 Andrews Highway and an approximate 1.56-acre tract of land out of the tract located at 4704 Andrews Highway, City and County of Midland, Texas.

Mayor Morales recessed the meeting to Executive Session at 10:22 a.m.

All of the business at hand having been completed, the meeting adjourned at 11:56 a.m.

PASSED AND APPROVED the 23rd day of August, 2016.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary