

**MIDLAND CITY COUNCIL  
MINUTES  
February 23, 2016**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at 8:30 a.m. on February 23, 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, Assistant City Manager Robert Patrick, Assistant City Manager Frank Salvato, City Secretary Amy Turner, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, General Services Director Fred Reyes, Assistant City Attorney Stephen Gates, Traffic Engineer Mike Pacelli, City Engineer Matt Carr, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, Planner Ted Helm, and Public Information Officer Sara Bustilloz.

1. Receive and discuss a presentation by Rhotenberry Wellen Architects on the Midland Center schematic design and pricing.

Jim Rhotenberry of Rhotenberry Wellen Architects reported he had schematic designs and cost estimates for three options for the replacement of the existing Midland Center. They submitted three options for pricing to the construction manager at risk and now have that information to review with Council.

They interviewed stakeholders and others who use the Midland Center on a regular basis to come up with a list of key elements needed, which included 20,000 square feet of exhibit hall space, 6,000 square feet of ballroom space, a need for breakout meeting rooms, an expanded lobby and pre-function space, expanded kitchen facilities, state-of-the-art audio visual and technology capabilities and the ability to develop the Midland Center in phases.

Option 1 includes the Chamber staying in their current location, a 20,000 square foot convention hall, and 5,000 square feet of meeting rooms. Option 2 removes the Chamber, has the 20,000 square feet of exhibit space, 3,000 square feet of meeting space in the basement and a 6,000 square foot ballroom on the ground level where the current chamber is located. Option 2-A includes the 20,000 square feet of exhibit space, 6,000 square feet of meeting space on the main level, and a 6,000 square foot ballroom on the second level.

Mr. Rhotenberry reviewed schematics and elevations of each option pointing out the option of including LED programmable lights for the outside facing the park. He reviewed the proposed schedule for moving forward noting if it was approved today they would have the design completed by May 9th and expect Lee Lewis Construction to have the proposal

ready by June 1st. Construction documents could be completed by August and construction could begin by October 2016, with a proposed completion date in April of 2018.

Natalie Shelton of DMMD noted they would be interested in funding projects that the City may not such as the LED Board that faces the park.

Staff clarified this would be Agenda Item No. 36 on the Agenda and Council would be voting on which option to pursue and not a dollar amount.

2. Receive and discuss a presentation by Freese & Nichols of the proposed Zoning Ordinance.

Development Services Director Chuck Harrington reported staff is presenting a draft document of the proposed zoning ordinance. Council will be given memory sticks containing the draft document as well as the presentation.

Dan Sefko and Alan Greer of Freese and Nichols reviewed what they have completed to date noting the new zoning ordinance is broken into nine sections, zoning districts have been reduced from 28 to 20, and districts have been renamed such as MF-16 which means 16 dwelling units per acre are allowed. They added bonus densities with criteria for how higher density can be approved, added standards that are easier to find and understand, and inserted hyperlinks into the document.

Mr. Sefko noted this is now a public review document and they expect to have a few changes after Council reviews the document. He pointed out the equivalency table noting they do not intend to remap. Mr. Harrington noted that staff will continue to work the remap and make necessary changes to the document. Eventually the equivalency table will go away. He noted that the draft ordinance will go to Planning & Zoning, the Permian Basin Builders Development Council and made available on-line for all to review.

1. Receive and discuss a presentation by Rhotenberry Wellen Architects on the Midland Center schematic design and pricing. (CONTINUED)

Kirk Hewitt, Chief Estimator for Lee Lewis Construction was invited back for additional questions regarding demo costs, shoring the basement, roof options, and other miscellaneous items. It was noted that once an option is selected, they will scrub the numbers with the architect and bring back a more complete document for Council's approval to move forward.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:56 a.m.

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 23, 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, Assistant City Manager Robert Patrick, and Assistant City Manager Frank Salvato.

The Agenda Items were heard in the following order: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 22, 23, 24, 25, 11, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41.

Mayor Morales called the meeting to order at 10:03 a.m.

### **OPENING ITEMS**

1. Invocation - Rev. Rendall Fox, Jesus Way Church
2. Pledge of Allegiance

### **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation of Appreciation Award to Mayor Morales and the City Council from the Midland Affordable Housing Alliance
  - b. Council Member Hotchkiss presented a Proclamation for The Museum of the Southwest Day
  - c. Council Member Love recognized the Police Department for receiving their Certificate of Advanced Meritorious Accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc.

### **PUBLIC COMMENT**

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.

Nelson Speer, 7010 Almey, challenged Council's reason for spending \$39 million on a new Midland Center and spoke against using eminent domain.

### **CONSENT AGENDA**

Council Member Love moved to approve Consent Agenda items 5 - 26 excluding 11, 17, 18, 19, 20, 21, 26; 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.

5. Approved a motion approving the following minutes:
  - a. Regular meeting of February 9, 2016.

6. Approved a resolution approving a Professional Services Agreement with Stantec Consulting Services, Inc. to provide the design for temporary (during construction) and permanent traffic signals at the intersection of "A" Street and Wadley Avenue for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 045

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH STANTEC CONSULTING SERVICES, INC., FOR TRAFFIC SIGNAL DESIGN SERVICES RELATED TO THE RECONSTRUCTION OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$39,800.00

7. Approved a resolution approving a Professional Services Agreement with Maverick Civil & Survey LLC dba Maverick Engineering, to provide the survey and all other civil engineering design at the intersection of "A" Street and Wadley Avenue for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 046

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC, DOING BUSINESS AS MAVERICK ENGINEERING, FOR SURVEYING AND CIVIL ENGINEERING DESIGN SERVICES RELATED TO THE RECONSTRUCTION OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH A STREET; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$97,500.00

8. Approved a resolution authorizing a change order (to provide paving and pedestrian improvements at Illinois Avenue between North "N" Street and Andrews Highway) to the Fiscal Year 2015 Mill and Inlay. (PURCHASING)

RESOLUTION NO. 2016 - 047

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH JONES BROS. DIRT AND PAVING CONTRACTORS, INC. REGARDING THE FY2015 MILL AND INLAY PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$275,184.48

9. Approved a resolution rejecting and rescinding Resolution 2016-003 for the purchase of one (1) RA-400 Spray Patcher from Bee Equipment Sales, Ltd and approving the purchase of one (1) Bergkamp SP5 Spray Injection Pothole Patcher from French Ellison Truck Center of San Antonio, Texas through the Houston-Galveston Area Council (H-GAC) for a total cost of \$205,743.00 for the Garage Division. (PURCHASING)

RESOLUTION NO. 2016 - 048

RESOLUTION RESCINDING RESOLUTION NUMBER 2016-003 WHICH APPROVED THE PURCHASE OF ONE (1) ROSCO RA-400 SPRAY PATCHER FROM BEE EQUIPMENT SALES, LIMITED, THROUGH BUYBOARD; AND APPROVING THE PURCHASE OF ONE (1) BERGKAMP SP5 SPRAY INJECTION POTHOLE PATCHER FROM FRENCH ELLISON TRUCK CENTER THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$205,743.00

10. Approved a resolution approving a purchase agreement for employee uniforms from Cintas-RUS, L.P. of Midland, Texas in accordance with Local Government Code 271.9051, Consideration of Location of Bidder's Principal Place of Business, for an estimated annual cost of \$95,862.00. (PURCHASING)

RESOLUTION NO. 2016 - 049

RESOLUTION AUTHORIZING THE EXECUTION OF A 2-YEAR PURCHASE AGREEMENT FOR UNIFORMS FOR CITY OF MIDLAND EMPLOYEES WITH CINTAS-RUS, LP, AT A TOTAL COST OF \$95,862.00; AND PROVIDING THAT ALL OTHER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 271.9051

12. Approved a resolution approving a professional services agreement with Parkhill, Smith & Cooper, Inc. for MS4 Permit support throughout the year and to prepare the annual report for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2016 - 051

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH CERTAIN STORMWATER MANAGEMENT TASKS REQUIRED BY THE CITY OF MIDLAND'S SMALL MS4 GENERAL PERMIT TXR04000; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$81,237.00

13. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Midland Central Appraisal District v. Guadalupe S. Dominquez, et al., in the 142nd Judicial District Court, Midland County, Texas, Cause No. TX14379. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 052

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED, MIDLAND CENTRAL APPRAISAL DISTRICT V. GUADALUPE S. DOMINQUEZ, ET AL., IN THE 142nd JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. TX14379

14. Approved a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Midland Central Appraisal District v Lynetta Shaw, et al., in the 238th Judicial District Court, Midland County, Texas, Cause No. TX 14060. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2016 - 053

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE ALL DOCUMENTS, EMPLOY ALL NECESSARY EXPERTS AND MAKE ALL NECESSARY APPEARANCES TO REPRESENT THE CITY OF MIDLAND IN A LAWSUIT STYLED, MIDLAND CENTRAL APPRAISAL DISTRICT V. LYNETTA SHAW, ET AL., IN THE 238th JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS, CAUSE NO. TX14060

15. Approved a resolution approving a second amendment to the agreement between the Midland Development Corporation and Permian Basin Public Telecommunications, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 054

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INC.

16. Approved a resolution authorizing the City Manager to purchase Block 7, Original Town Addition, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2016 - 055

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE, ON BEHALF OF THE CITY OF MIDLAND, ALL OF BLOCK 7, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE NEGOTIATION, EXECUTION AND FILING OF ALL DOCUMENTS NECESSARY FOR THE PURCHASE OF SAID REAL PROPERTY; AUTHORIZING PAYMENT FOR SAID PURCHASE; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT(S) OF CONVEYANCE

22. Approved a resolution approving the issuance of a permit to XTO Energy Inc. (Operator), for a permit to drill an oil & gas well within the City limits, (Robbie 2421SH) located 752 feet from the west line and 255 feet from the north line located in Section 24, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 595 feet east of Avalon Drive and 272 feet south from West Mockingbird Lane extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 060

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO XTO ENERGY, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 752 FEET FROM THE WEST LINE AND 255 FEET FROM THE NORTH LINE, SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 595 FEET EAST OF AVALON DRIVE AND 272 FEET SOUTH OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

23. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Ceniza Addition, and to waive the corresponding financial security guarantee valued at \$154,764.77, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1530 feet west of the intersection of South County Road 1180 and East County Road 120, approximately 0.6 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)

24. Approved a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Petro-Crete Industries Addition, and to waive the corresponding financial security guarantee valued at \$162,155.29, an amount equal to the estimated

cost of construction. The subject property is generally located approximately 1043 feet west of the intersection of Farm to Market 715 and East County Road 140, approximately 2.9 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES)

25. Approved a resolution authorizing the City of Midland to submit a grant application for the FY2017 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2016 - 061

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE TWO (2) SPEED RADAR TRAILERS

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

11. Consider a resolution authorizing a Professional Services Agreement with Halff Associates, Inc., to perform engineering and architectural design services for the Hogan Park Hike and Bike Trail development, in accordance with the City of Midland Hike and Bike Trails Master Plan. (PURCHASING)

RESOLUTION NO. 2016 - 050

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HALFF ASSOCIATES, INCORPORATED, OF AUSTIN, TEXAS, FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE HOGAN PARK HIKE AND BIKE TRAIL AS PART OF THE HIKE AND BIKE TRAIL PLAN DEVELOPMENT PROJECT AT A COST OF \$189,930.00

Council Member Sparks asked about the project. Parks & Recreation Manager Laurie Williams reported this is for design of the hike and bike trail that will encircle Hogan Park, will include interior trails through Hogan Park, and encircle the Golf Course. They have shelved the trail around Airpark at this time because there were too many obstacles. The Parks & Recreation Commission is planning to raise the money for the construction of the trail. It was confirmed that the Golf Course has reviewed the plan.

Charlie Spence, 3702 Oakridge Court, reported they worked on the Airpark trail for four years but due to challenges, they decided to move to Hogan Park, but they plan to revisit the Airpark trail at a future date.

Council Member Love moved to adopt Resolution No. 2016 - 050; 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.

17. Consider a motion authorizing the City Manager, or his designee, to advertise a request for proposals, in accordance with State Law, for the installation of fiber optic cable connecting the new Municipal Court Building to the City of Midland Data Center at Loraine Center and thereby to the City's existing wide area network. (CISD)

Council Member Sparks asked for more information. Chief Information Officer Sharlett Chowning reported the request is to allow the City Manager to release a Request for Proposals for fiber optic between the police building and the new municipal court building. She clarified they would try to go underground unless it was cost-prohibitive.

Council Member Dufford moved to approve a motion authorizing the City Manager, or his designee, to advertise a request for proposals, in accordance with State Law, for the installation of fiber optic cable connecting the new Municipal Court Building to the City of Midland Data Center at Loraine Center and thereby to the City's existing wide area network; 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.

18. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a permit to drill an oil & gas well within the City limits, (Pecan Acres 22A3 #5H) generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 056

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 280 FEET FROM THE NORTH LINE AND 335 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50), APPROXIMATELY ONE MILE NORTH OF BRIARWOOD AVENUE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Lacy noted he would abstain on the next four items.

Council Member Dufford moved to adopt Resolution No. 2016 - 056; seconded by Council Member Love. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: Lacy. ABSENT: None.

19. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A4 #6H) generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 057

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 250 FEET FROM THE NORTH LINE AND 335 FEET FROM THE EAST LINE, SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50), APPROXIMATELY ONE MILE NORTH OF BRIARWOOD

AVENUE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Love moved to adopt Resolution No. 2016 - 057; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: Lacy. ABSENT: None.

20. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #9SH) generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,224 feet west of Golden Gate Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 058

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 577 FEET FROM THE NORTH LINE AND 2,560 FEET FROM THE EAST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 577 FEET SOUTH OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50) AND 1,224 FEET WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Robnett moved to adopt Resolution No. 2016 - 058; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: Lacy. ABSENT: None.

21. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #16AH) generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,184 feet west of Golden Gate Drive. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 059

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 577 FEET FROM THE NORTH LINE AND 2,520 FEET FROM THE EAST LINE, SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 577 FEET SOUTH OF THE WEST EXTENSION OF MOCKINGBIRD LANE (WEST COUNTY ROAD 50) AND 1,184 FEET WEST OF GOLDEN GATE DRIVE); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 059; seconded by Council Member Sparks. The motion carried by the following vote: AYE: Hotchkiss,

Love, Sparks, Morales, Dufford, Robnett. NAY: None. ABSTAIN: Lacy. ABSENT: None.

26. Consider a resolution authorizing the City Manager to execute an Engineering Services Agreement with HDR Engineering, Incorporated for study, design bidding, construction phase services, rehabilitation, and improvements to Spraberry Farm and Plant Farms. (UTILITIES)

RESOLUTION NO. 2016 - 062

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INCORPORATED, FOR ENGINEERING SERVICES FOR THE REHABILITATION AND IMPROVEMENTS TO SPRABERRY FARM AND PLANT FARM

Council Member Sparks asked if this was for engineering. Utilities Director Laura Wilson confirmed that it was and that the item will come back to Council for approval of Plans and Specs.

Council Member Lacy moved to adopt Resolution No. 2016 - 062; 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.

**SECOND READINGS**

27. Consider an ordinance on second reading a request by Carl Englestad for a vacation of the 0.06-acre portion of the alley right-of-way, generally located on the east side of South Fort Worth Street, approximately 150-feet north of East Pennsylvania Avenue. (DEVELOPMENT SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9535

AN ORDINANCE VACATING AND A 0.06-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED INBLOCK 143, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH FORT WORTH STREET, APPROXIMATELY 150 FEET NORTH OF EAST PENNSYLVANIA AVENUE); NOT ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,227.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9535.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9535 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

28. Consider an ordinance on second reading on a request by Lockridge Outdoor Advertising, LLC, for a Specific Use Permit, with Term, for a Billboard generally located northwest of the intersection of North Lamesa Road, and East Front Street; and a Specific Use Permit, with Term, for a Billboard, on a 2.86-acre tract of land generally located on the south side of Interstate 20, approximately 350-feet east of Lote Bush Drive; and Specific Use Permit for an Electronic Billboard generally located southwest of the intersection of South Rankin Highway and Collins Avenue; and a Specific Use

Permit with Term, for an Electronic Billboard on a 7.98-acre tract out of Section 4, Block 39, T-2-S, T&P (DEVELOPMENT SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9537

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1, BLOCK 16, HALEY HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH RANKIN HIGHWAY AND COLLINS AVENUE), WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 2.86-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF INTERSTATE 20, APPROXIMATELY 350 FEET EAST OF LOTE BUSH DRIVE), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS ALL OF BLOCK 17, LESS 1,351 SQUARE FEET, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST FRONT STREET), WHICH IS PRESENTLY ZONED C-3, COMMERCIAL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A BILLBOARD; CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 7.98-ACRE TRACT OF LAND OUT OF SECTION 4, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF INTERSTATE 20, APPROXIMATELY 1,100 FEET EAST OF SOUTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR AN ELECTRONIC BILLBOARD; MAKING SAID PERMITS 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. 9537.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9537 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: Hotchkiss. ABSTAIN: None. ABSENT: None.

29. Consider an ordinance on second reading on a request by 8086, LLC, for a Specific Use Permit, with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a Lounge or Nightclub generally located southwest of the intersection of Holiday Hill Road and League Drive. (DEVELOPMENT SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9538

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,853-SQUARE FOOT PORTION OF LOT 1A,

BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HOLIDAY HILL ROAD AND LEAGUE DRIVE), 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 LOUNGE OR NIGHTCLUB 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. 9538.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9538 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.

30. Consider an ordinance on second reading on a request by Lamar Advertising, for a Zone Change from AE, Agriculture-Estate District, to LR-2, Local Retail District generally located approximately 400-feet north of the intersection of North Highway 349 and Arapahoe Road. (DEVELOPMENT SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9539

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 1, GREEN ACRES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 400 FEET NORTH OF ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9539.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9539 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, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

31. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas and authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9540

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9540.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9540 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.

32. Consider an ordinance on second reading establishing yield right-of-way signs at various locations within the City of Midland, Texas and authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9541

AN ORDINANCE ESTABLISHING YIELD RIGHT OF WAY SIGNS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; REQUIRING AND AUTHORIZING THE POSTING OF APPROPRIATE SIGNS AT SAID INTERSECTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9541.

Council Member Love moved to approve the second and final reading of Ordinance No. 9541 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.

33. Consider an ordinance on second reading for a request by Southwest Baptist Church and Fasken Oil and Ranch for the vacation of a 0.45 acre City Utility Easement, generally located one mile east of County Road 1275, and immediately north of State Highway 191. (ENGINEERING SERVICES) (First reading held on February 9, 2016)

ORDINANCE NO. 9542

AN ORDINANCE VACATING AND ABANDONING A 0.45-ACRE UTILITY EASEMENT LOCATED IN SECTION 33, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY ONE MILE EAST OF COUNTY ROAD 1275); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$10,350.00; WAIVING THE FEE FOR THE COST OF THE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9542.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9542 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**

34. Hold a public hearing and consider an ordinance on a request by Beacon 191 Development, Ltd. for a zone change from PD, Planned District for a Shopping Center, to LR-3, Local Retail District generally located southeast of the intersection of Andrews Highway and Catalina Drive. (DEVELOPMENT SERVICES)

### **ORDINANCE NO. 9543**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 6C, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN LR-3, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF ANDREWS HIGHWAY AND CATALINA DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9543.

Development Services Director Chuck Harrington gave a brief overview of the item noting this property is a BMW dealership that would like to pursue changing their zoning to LR-3 to allow them to make improvements. No letters of objection have been received and staff recommends approval.

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

Robert Rendall reported he was present on behalf of the applicant and was available to answer any questions.

There being no one else wishing to speak, the public hearing was closed at 10:43 a.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9543 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.

35. Hold a public hearing and consider a resolution on a request by Robert Ahola for approval of a Temporary Land Use Permit for a Tent Sale generally located on the south side of West Loop 250 North, approximately 220-feet west of North Midkiff Road. (DEVELOPMENT SERVICES)

### **RESOLUTION NO. 2016 - 063**

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TENT SALE ON LOTS 1A, 7, AND 8, BLOCK 17, SKYLINE TERRACE ADDITION, UNIT 7, CITY

AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting this request was originally approved February 9th but due to a change in the site plan they are bringing it back for Council approval.

Council Member Lacy noted that there were a lot of people illegally selling items all over town for Valentine's weekend including at the mall parking lot. It was suggested that Code Enforcement Officers be placed on overtime especially on weekends to prevent people from illegally selling items without a permit.

Mayor Morales opened the public hearing at 10:46 a.m.

Troy Bante, 4511 N. Midkiff Road, representing Midland Park Mall, reported that they had a mobile vendor permit for the person selling Valentine's Day gifts in the parking lot. He noted that this request is for a rug sale.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Council Member Love moved to adopt Resolution No. 2016 - 063; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Robnett. NAY: Dufford, Lacy. ABSTAIN: None. ABSENT: None.

## **MISCELLANEOUS**

36. Consider a resolution approving a schematic design option (Option 1, Option 2 or Option 2-A) for the Midland Center and authorizing the City Manager to direct Rhotenberry Wellen Architects to proceed with design development, site utility and demolition specifications for selected option. (PURCHASING)

### **RESOLUTION NO. 2016 - 064**

**RESOLUTION APPROVING A SCHEMATIC DESIGN OPTION FOR THE MIDLAND CENTER BUILDING AND AUTHORIZING THE CITY MANAGER TO DIRECT RHOTENBERRY WELLEN ARCHITECTS TO PROCEED WITH DESIGN DEVELOPMENT, SITE UTILITY AND DEMOLITION SPECIFICATION FOR SELECTED OPTION**

Council Member Robnett moved to delay voting on this item until January-March Hotel/Motel receipts are received; seconded by Council Member Sparks.

Council Member Sparks noted he preferred taking this to the public for open discussion about the various options. Also, since hotel receipts are down he did not believe the City could afford the payments and still provide services that members have come to count on.

Council Member Robnett felt that moving forward on this project would be premature due to the decreased hotel receipts and the delays with Hotel Santa Rita. He felt that if Council moved forward at this time, it would be hard to stop once it is in motion.

Council Member Love asked Finance Director Pam Simecka if the decline in hotel receipts was taken into consideration. She stated that it was.

Council Member Dufford asked when the schematic design would be available. It was reported they would be available in June. Council Member Dufford noted Council should move forward with the design and then make a decision on whether or not to move forward at that time.

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

Council Member Sparks moved to adopt Resolution No. 2016 - 064 with Option 1; seconded by Council Member Robnett.

Council Member Sparks noted that the architects did a superb job of providing options and felt that Option 1 gives the City the most options moving forward with the largest basement. Council Member Love countered that the goal is not to end up with a bigger basement but with a better Midland Center and felt Option 2 or 2-A would be a better direction.

Jim Rhotenberry, Rhotenberry Wellen Architects, answered questions about the design noting that if Council chose Option 2 it could be designed to add a second floor later.

Brad Barnett of the Midland Center noted that they had a lot of stakeholder meetings prior to presenting the options.

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

Council Member Dufford moved to adopt Resolution No. 2016 - 064 with Option 2; seconded by Council Member Lacy.

Council Member Hotchkiss noted that statistics have proven that Midland has continued to grow even in down economic times. She explained that no matter which option is chosen, it will never be less expensive to build, than it is today.

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

37. Consider an ordinance amending Ordinance Number 9275 which established fees and charges for Parks & Recreation, Washington Aquatic Center, Doug Russell Pool, Animal Services, and Health & Senior Services. (COMMUNITY SERVICES)

ORDINANCE NO. 9544

AN ORDINANCE ESTABLISHING OR AMENDING CERTAIN FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, PARKS AND RECREATION DIVISION; AND REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH SUCH FEES AND CHARGES SET FORTH HEREIN

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9544.

Parks & Recreation Manager Laurie Williams reported this item was for setting fees and rates for various items.

Council Member Love moved approval of the first of two readings of Ordinance No. 9544 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.

38. Consider a resolution authorizing the adoption of a letter of support and revitalization by the City Council to DDC Merritt Monument, Ltd for TDHCA tax credit application. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED MERRITT MONUMENT HOUSING DEVELOPMENT; THE APPLICANT IS DDC MERRITT MONUMENT, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT LEISURE DRIVE AND ROCKY LANE; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Development Services Director Chuck Harrington gave a brief overview of the item noting this request is related to the next item. The applicant is seeking tax abatement credits for construction of affordable housing.

Council Member Lacy moved to adopt Resolution No. 2016 - 065; seconded by Council Member Robnett.

Colby Denison, Austin, conveyed his appreciation for Council's support for the last two years noting they were awarded the tax credits last year for senior housing. The new project is right next door and is affordable workforce housing for families. Due to density issues they will build 104 units and they anticipate the entire project to be affordable. They provide a high-quality product of which the City can be proud. Council Member Lacy thanked them for their participation with the City of Midland on Beal Parkway.

Mr. Denison noted that they are in competition with another applicant that is proposing rehabilitation of units and he believes both will have the same number of points. In the event their points are tied, tax credits are awarded to rehab units. If Council prefers new units to be constructed over rehab units they should decide which support resolution they will adopt.

Council Member Love asked that the applicant for Agenda Item 40 be allowed to speak now since these items are all connected. He noted that Midland is in need of more affordable housing units and although he supports rehabilitation of existing units, he felt it was more important to increase the number of affordable units in Midland.

Amay Inamdar, Sugarland TX, reported he was the regional vice president for the Michaels Organization which is the largest privately held housing company. They

purchased 4201 N. Garfield 20 years ago and feel that it is a prime candidate for tax credits at no cost to the City. Their pre-application scored the highest points because it is in a high opportunity area. They intend to replace windows and door and upgrade kitchens, bathrooms, stairwells, and balconies as well as make improvements to their lighting, landscaping, siding and paint. He suggested that Council should support all types of housing projects equally otherwise they may both drop below San Angelo and the money may not come to Midland at all. They intend to still submit their application even if the City does not support it.

Council Member Love asked what their occupancy rate was. It was noted that they have 2-3 units vacant but already have leases signed for the vacant units.

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

39. Consider a resolution of the City Council of the City of Midland, Texas recognizing prior adoption of the Midland Airport Corridor Community Revitalization Plan; supporting Merritt Monument Housing Development; identifying the proposed Merritt Monument Housing Development as the Development in the 2016 tax credit application pool that contributes most significantly to the concerted revitalization efforts. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS RECOGNIZING PRIOR ADOPTION OF THE MIDLAND AIRPORT CORRIDOR COMMUNITY REVITALIZATION PLAN; SUPPORTING THE PROPOSED MERRITT MONUMENT HOUSING DEVELOPMENT; IDENTIFYING THE PROPOSED MERRITT MONUMENT HOUSING DEVELOPMENT AS THE DEVELOPMENT IN THE 2016 TAX CREDIT APPLICATION POOL THAT CONTRIBUTES MOST SIGNIFICANTLY TO THE CONCERTED REVITALIZATION EFFORTS OF THE CITY OF MIDLAND, TEXAS; THE APPLICANT IS DDC MERRITT MONUMENT, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT LEISURE DRIVE AND ROCKY LANE; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Council Member Lacy moved to adopt Resolution No. 2016 - 066; 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.

40. Consider a resolution authorizing the adoption of a letter of support by the City Council to the Midland Chaparral Associates, LP tax credit application. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2016 - 067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED CHAPARRAL APARTMENTS; THE APPLICANT IS MIDLAND CHAPARRAL ASSOCIATES, LP, AN ENTITY OF THE MICHAELS ORGANIZATION; THE PROPOSED DEVELOPMENT IS LOCATED AT 4201 NORTH GARFIELD STREET; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 067; seconded by Council Member Sparks.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is seeking a tax credit to rehab an existing development and is requesting Council to approve the resolution supporting their development.

Council Member Hotchkiss noted that it was okay for Council to vote for both support resolutions. This apartment unit is the gateway to her district and people in her district would like to see it improved. Council Member Sparks agreed.

Council Member Love remembered that Tom from Family Promise was previously at a Council meeting speaking about a woman whose rent was going from \$800 to \$1,600 a month which caused her to be homeless. He agreed that Chaparral needed to be improved but felt it was more important to have more units first.

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

41. Consider a motion making appointments to various Boards and Commissions.

Council Member Lacy moved to appoint Earl Erdman to replace Dallas Smith on the Airport Planning and Development Board for a full term, reappoint Perry Taylor to the Oil & Gas Advisory Committee, appoint Joey Hopkins to the Hotel/Motel Tax Advisory Board, reappoint Brad Bullock and Reggie Lawrence to the Planning & Zoning Commission, and appoint Kevin Wilton as an alternate on the Planning and Zoning Commission; 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.

All of the business at hand having been completed, the meeting adjourned at 11:46 a.m.

PASSED AND APPROVED the 22nd day of March, 2016.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary