

**MIDLAND CITY COUNCIL  
MINUTES  
July 12, 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 July 12, 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 Frank Salvato, City Secretary Amy Turner, Utilities Director Laura Wilson, Finance Director Pam Simecka, Development Services Director Charles Harrington, Engineering Services Director Jose Ortiz, City Engineer Matt Carr, Assistant Utilities Director Carl Craigo, Assistant City Engineer Jeff Cohen, Right-of-Way Manager Ryan Farmer, Assistant Transportation Manager Gabe McClelland, and Public Information Officer Sara Bustilloz.

Mayor Morales called the Briefing Session to order at 8:31 a.m.

1. Receive a presentation from Engineering Services regarding drainage issues and potential storm water fee options that may be implemented in 2017.

Engineering Services Director Jose Ortiz introduced the subject noting what topics they would be discussing.

Assistant City Engineer Jeff Cohen reviewed a PowerPoint presentation noting the current drainage system has 1,754 inlet manholes, 60 miles of storm drain pipe, 17.5 miles of channels and draws and 613 miles of paved street. They have some multi-purpose recreational areas that double as drainage and flood plains. Their operations and maintenance budget is \$1,500 per year noting they actually spend \$50,000 - \$100,000 per year with money that is diverted from street maintenance. Some of the challenges with Midland's drainage include short intense storms, over 360 miles of watershed that flows through Midland and an aged system with reduced capacity due to silt build-up.

City Engineer Matt Carr reviewed the goals regarding drainage that including improving the existing infrastructure, constructing new improvements and implementing programs including safety and reducing flood plain areas. The short term goals include increasing the O&M Budget to \$500,000. He shared a few of the projects including Cowden Park pond, Hill Park and Wadley Barron Park pumps, and stabilizing the eroded banks in some of the draws. They expect the cost of all short-term projects to be about \$6.5 million over the next five years. Their long terms goals include addressing the drainage on Garfield between the hospital and Golf Course Road, implementing the remainder of the Master Drainage Plan,

acquisition of right-of-way and constructing regional ponds. The cost of all long-term goals is expected to be \$50–\$75 million.

In order to fund the projects, staff would like to implement storm water fees to offset the cost of managing and maintaining the drainage system. The fees could be implemented as soon as 2017. Residential customers can expect to pay between \$1.50 and \$3.00 per month and commercial customers can expect to pay between \$5.00 and \$25.00 per month. These fees would bring in about \$1.26 million annually or \$6.3 million in five years.

Mr. Ortiz reviewed other potential funding strategies including bonds, participation agreements, impact fees and grants. Staff will work on the fee schedule and bring it back to Council for consideration. They would like the fees to go into effect beginning 2017.

2. At approximately 9:30 a.m. in the Council Chamber Lobby recognize Occidental Petroleum, USA dedication of right-of-way for future public improvements.

A reception was held in the front of the Council Chamber Lobby recognizing Occidental Petroleum USA.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at 9:50 a.m.

## **REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 12, 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, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 7, 15, 18, 19, 20, 21, 30, 31, 32, 33, 34, 35, 36.

Mayor Morales called the meeting to order at 10:00 a.m.

## **OPENING ITEMS**

1. Invocation - Pastor Jon Slayden, Second Baptist Church
2. Pledge of Allegiance

## **PRESENTATIONS**

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

- a. Finance Director Pam Simecka presented the Distinguished Budget Award to the City Council.
- b. Mayor Morales presented a proclamation recognizing Occidental Petroleum for their donation of right-of-way for six linear miles of future roadways in North Midland.

## **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.)

Ramona Thomas, 3007 Goddard, of Permian Basin Community Center for Mental Health and Mental Retardation noted it was time to reappoint the City's appointee to the Board and introduced Janet Pritchett.

Don Sparks, 2701 Hummingbird, voiced his disappointment to see that the City is asking to spend more money, some of which will be borrowed, for a new convention center without going to the public for a vote. He especially did not like the idea of knocking down a building that still provides income.

## **CONSENT AGENDA**

Council Member Robnett moved to approve Consent Agenda items 5 - 29 excluding 7, 15, 18, 19, 20, 21; 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.

5. Approved a motion approving the following minutes:
  - a. Regular City Council meeting of June 28, 2016.
6. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Diamondback O&G LLC; said minerals being generally located north of West Loop 250 and east of North Midland Drive and south of Mockingbird Lane and west of North Midkiff Road; for the Development Services Department. (PURCHASING)

### **RESOLUTION NO. 2016 - 196**

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH DIAMONDBACK O&G LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF WEST LOOP 250, EAST OF NORTH MIDLAND DRIVE, SOUTH OF MOCKINGBIRD LANE, AND WEST OF NORTH MIDKIFF ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

8. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with D.E. Operating LLC; said minerals being generally located north of East Golf Course Road and east of North Lamesa Road and south of East Wadley Avenue and west of North Fairgrounds Road; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 198

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH D.E. OPERATING LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 24, BLOCK 39, T-1-S T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST GOLF COURSE ROAD, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST WADLEY AVENUE, AND WEST OF NORTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

9. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with D.E. Operating LLC; said minerals being generally located north of East Wadley Avenue and east of Lamesa Road and south of East Loop 250 North and west of North Fairgrounds Road; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 199

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH D.E. OPERATING LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 13, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST WADLEY AVENUE, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST LOOP 250 NORTH, AND WEST OF NORTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

10. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with D.E. Operating LLC; said minerals being generally located north of South Street and east of North Lamesa Road and south of East Golf Course Road and west of North Fairgrounds Road; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 200

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH D.E. OPERATING LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 25, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF SOUTH STREET, EAST OF NORTH LAMESA ROAD, SOUTH OF EAST GOLF COURSE ROAD, AND WEST OF NORTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

11. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being generally located north of East Interstate 20 and east of Rankin Hwy and south of East New Jersey Avenue and west of South Lamesa Road; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 201

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF INTERSTATE HIGHWAY 20, EAST OF RANKIN HIGHWAY, SOUTH OF EAST NEW JERSEY AVENUE, AND WEST OF SOUTH LAMESA ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

12. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being generally located north of West Interstate 20 and east of Cotton Flat Road and south of Carter Avenue and west of Rankin Highway; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 202

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF INTERSTATE HIGHWAY 20, EAST OF COTTON FLAT ROAD, SOUTH OF CARTER AVENUE, AND WEST OF RANKIN HIGHWAY), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

13. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being generally located north of Carter Avenue and east of Cotton Flat Road and south of West Illinois Avenue and west of South A Street; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 203

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 34, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CARTER AVENUE, EAST OF COTTON FLAT ROAD, SOUTH OF WEST ILLINOIS AVENUE, AND WEST OF SOUTH A STREET), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

14. Approved a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being generally located north of East New Jersey Avenue and east of South A Street and south of West Michigan Avenue and west of South Lamesa Road; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 204

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 35, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED

NORTH OF EAST NEW JERSEY AVENUE, EAST OF SOUTH A STREET, SOUTH OF WEST MICHIGAN AVENUE, AND WEST OF SOUTH LAMESA ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

16. Approved a resolution authorizing the City Manager to negotiate and execute a contract for Primary Depository/Banking Services for the Finance Department. (PURCHASING)

RESOLUTION NO. 2016 - 206

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH WELLS FARGO BANK, N.A. TO PROVIDE PRIMARY DEPOSITORY AND COMMERCIAL BANKING SERVICES FOR THE CITY OF MIDLAND

17. Approved a resolution awarding a contract to Daktronics, Inc. through Buyboard contract 423-13 for the purchase and installation of a new sound system at Grande Communications Stadium at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 207

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A SOUND SYSTEM FOR GRANDE COMMUNICATIONS STADIUM AT THE SCHARBAUER SPORTS COMPLEX WITH DAKTRONICS, INC., THROUGH BUYBOARD IN THE AMOUNT OF \$153,947.00; AND APPROVING \$15,394.70 FOR CONTINGENCIES

22. Approved a resolution authorizing the execution of a Professional Services Agreement Amendment for the construction, administration and resident project representative services for the rehabilitation of the two (2) existing concrete ground storage tanks located at the Edgewood Booster Pump Station with Parkhill, Smith & Cooper for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2016 - 212

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR THE EDGEWOOD GROUND STORAGE TANKS REHABILITATION PROJECT; SAID AMENDMENT WILL AUTHORIZE A FEE INCREASE OF \$27,500.00

23. Approved a resolution authorizing the execution of Amendment #2 to Parkhill, Smith & Cooper's Professional Services Agreement covering the following project: Design Phase of Commemorative Air Force (CAF) Ramp and Taxilane and appropriating funds. (AIRPORTS)

RESOLUTION NO. 2016 - 213

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER TWO TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO PROVIDE FOR DESIGN AND BID SERVICES FOR THE COMMEMORATIVE AIR FORCE RAMP AND TAXILANE PROJECT; AND APPROPRIATING NECESSARY FUNDS

24. Approved a resolution approving the specifications and authorizing the advertisement for bids for a project described as Rehabilitate Runway 10/28, 16R/34L and Taxiways at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2016 - 214

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE REHABILITATE RUNWAY 10/28, 16R/34L AND TAXIWAYS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID PROJECT WILL REDUCE THE CREATION OF FOREIGN OBJECT DEBRIS ON THE RUNWAY SURFACES AND WILL PRESERVE THE SURFACES AND REDUCE THE RATE OF PAVEMENT OXIDATION TO THE TAXIWAYS AND RUNWAYS

25. Approved a resolution authorizing the Mayor, City Manager and City Attorney to attest and execute FAA Grant #56, upon receipt of said grant, covering various projects at Midland International Air & Space Port. (AIRPORTS)

RESOLUTION NO. 2016 - 215

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE FEDERAL AVIATION ADMINISTRATION ("FAA") GRANT NUMBER 56 IN THE AMOUNT OF \$4,865,401.00 UPON RECEIPT FROM THE FAA; SAID GRANT WILL FUND NINETY PERCENT (90%) OF THE FAA-ELIGIBLE PORTIONS OF THE TAXIWAY AND GA APRON AREAS A & B CONSTRUCTION PROJECT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID GRANT FUNDS ARE TO BE DEPOSITED IN THE AIRPORT FUND UPON RECEIPT

26. Approved a motion on request by Midland County, Texas, authorizing and giving consent for the Commissioners Court of Midland County, Texas, (i) to design and construct an extension of County Road 140 westerly from County Road 1210 for a distance of approximately 2.05 miles at a width of sixty (60) feet, (ii) to extend County Road 1230 southerly from the I-20 Service Road to connect with County Road 140 at a width of sixty (60) feet, and (iii) to exercise its rights of eminent domain, if necessary, in order to acquire property in connection with said extensions of County Road 140 and County Road 1230. (CITY MANAGER'S OFFICE)

27. Approved a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests necessary or appropriate in tracts of land, each having an area not to exceed 0.25 acres, 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. (ENGINEERING SERVICES)

RESOLUTION NO. 2016 - 216

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE IN TRACTS OF LAND EACH HAVING AN AREA NOT TO EXCEED 0.25 ACRES, 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; 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

28. Approved a motion on request by West Company to defer public improvements for Northview Addition, Section 14, and to waive the corresponding financial security guarantee valued at \$15,853.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of Bluebird Lane, approximately 620-feet east of North Midkiff Road located within the City of Midland corporate limits. (ENGINEERING SERVICES)
29. Approved a resolution authorizing the renewal of an Operating Certificate for Permian Basin Taxi. (POLICE)

RESOLUTION NO. 2016 - 217

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR PERMIAN BASIN TAXI TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

Ray Kirk, 3012 SCR 1213, reported that drivers from Permian Basin Taxi have been placing bad reviews on his company and asked Council to work something into the ordinance preventing other companies from trying to hurt their competitors.

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

7. Consider a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Endeavor Energy Resources, L.P.; said minerals being generally located north of Carter Avenue and east of South Midkiff Road and south of West Illinois Avenue and west of South Garfield Street; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 197

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, L.P. FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CARTER AVENUE, EAST OF SOUTH MIDKIFF ROAD, SOUTH OF WEST ILLINOIS AVENUE, AND WEST OF SOUTH GARFIELD STREET), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

Council Member Lacy moved to adopt Resolution No. 2016 - 197; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Lacy, Robnett. NAY: None. ABSTAIN: Sparks, Dufford. ABSENT: None.

15. Consider a resolution authorizing the City Manager to negotiate and execute a lease of City-owned minerals with Midland-Petro D.C. Partners, LLC; said minerals being generally located north of Cloverdale Road and east of South Lamesa Road and south

of South Street and west of South Fairgrounds Road; for the Development Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 205

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MIDLAND PETRO D.C. PARTNERS, LLC FOR THE LEASE OF CITY-OWNED MINERALS LOCATED IN SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF CLOVERDALE ROAD, EAST OF SOUTH LAMESA ROAD, SOUTH OF SOUTH STREET, AND WEST OF SOUTH FAIRGROUNDS ROAD), SAID AGREEMENT TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 205; 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.

18. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the City of Midland Cured-In-Place Sewer Manhole Rehabilitation Project - Phase III for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 208

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CURED-IN-PLACE SEWER MANHOLE REHABILITATION PROJECT - PHASE THREE; SAID PROJECT TO PROVIDE FOR THE REHABILITATION OF 54 MANHOLES

Council Member Love reported he has received complaints about manholes not being flush with the roadway which can throw off alignment in people's cars and asked that the City do everything possible to ensure the manholes are level with the roadway. Utility Director Laura Wilson reported this is the third phase of the manholes for sanitary sewers and are located in the draws, not in the roadways. She noted they will make a note for future manhole projects that are located in roadways.

Council Member Sparks moved to adopt Resolution No. 2016 - 208; 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.

19. Consider a resolution authorizing the City Manager to negotiate a guaranteed maximum price with Lee Lewis Construction for the construction of the Midland Convention Center with a contract amount not to exceed \$33,139,259.00. The total project cost for all work will not exceed \$42,839,259.00. (PURCHASING)

RESOLUTION NO. 2016 - 209

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH LEE LEWIS CONSTRUCTION, INC., WITH A GUARANTEED MAXIMUM PRICE NOT TO EXCEED \$33,139,259.00 FOR CONSTRUCTION OF THE MIDLAND CONVENTION CENTER BUILDING; AND PROVIDING THAT THE TOTAL PROJECT COST FOR SAID CONSTRUCTION AND ALL ASSOCIATED WORK SHALL NOT EXCEED \$42,839,259.00

Council Member Sparks reported his comments were to be applied to this item as well as Agenda Items 20 and 21. By the time the City takes a 25-year bond, they are looking at adding \$9-10 million for a 6,000 square foot building. There are 13 years left on the Chamber lease and he suggested waiting to move forward on that portion until the lease is expired noting he didn't feel the additional exhibit space was needed right now. He understands the message that it will cost more in the future but he is not sure if the interest they will be paying makes up for added cost in the future.

Mayor Morales noted that every year the population continues to grow even in down economies which is also shown in the ISD's increased school enrollment each year. The Midland Center has not been able to handle the capacity. They, and other surrounding venues are fully booked. The Midland Center also has a challenge recruiting larger events due to their lack of capacity. The facility is outdated, experiences floods, has outdated technology and outdated restrooms. From a financial standpoint, the City continues to maintain its AAA bond rating and they will likely be able to pay off this debt sooner than anticipated. There are too many positives to not move forward.

Council Member Robnett noted that Midland Center improvements have been discussed for well over 10 years.

Council Member Love thanked staff, Rhotenberry Wellen, Lee Lewis and the Chamber Staff for their time and effort in meticulously going over every detail to make this project work.

Mayor Morales added that no additional money will be coming from taxpayers noting this will be paid with hotel/motel taxes.

Council Member Robnett moved to adopt Resolution No. 2016 - 209; 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.

20. Consider a resolution awarding a contract for Asbestos Abatement for the Midland Center and the Midland Chamber of Commerce for the General Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 210

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RON OSBORN, INCORPORATED, DBA ADVANCED ENVIRONMENTAL SERVICES, FOR ASBESTOS ABATEMENT AT THE MIDLAND CENTER AND THE MIDLAND CHAMBER OF COMMERCE; AND AUTHORIZING THE APPROPRIATION OF \$57,200.00 FOR SAID CONTRACT

Council Member Love moved to adopt Resolution No. 2016 - 210; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

21. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the demolition of the Midland Center and the Midland Chamber of Commerce for the General Services Department. (PURCHASING)

RESOLUTION NO. 2016 - 211  
RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
ADVERTISEMENT FOR BIDS FOR THE DEMOLITION OF THE MIDLAND CENTER  
AND CHAMBER OF COMMERCE BUILDINGS

Council Member Love moved to adopt Resolution No. 2016 - 211; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Morales, Dufford, Lacy, Robnett. NAY: Sparks. ABSTAIN: None. ABSENT: None.

**SECOND READINGS**

30. Consider an ordinance on second reading adopting the Tall City Tomorrow Comprehensive Plan, as authorized by Chapter 213 of the Texas Local Government Code, said comprehensive plan illustrating the future development of the City. (DEVELOPMENT SERVICES) (First reading held June 28, 2016)

ORDINANCE NO. 9578

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, ADOPTING THE TALL CITY TOMORROW COMPREHENSIVE PLAN AS AUTHORIZED BY CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE; SAID COMPREHENSIVE PLAN ILLUSTRATING THE FUTURE DEVELOPMENT OF THE CITY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF AUGUST 1, 2016

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9578.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9578 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.

31. Consider an ordinance on second reading on a request by Mis Amigas Restaurant for a Specific Use Permit with Term for the sale of alcoholic beverages, for on-premises consumption, in a restaurant generally located on North Big Spring Street, approximately 300 feet north of Scharbauer Drive. (DEVELOPMENT SERVICES) (First reading held June 28, 2016)

ORDINANCE NO. 9579

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS TRACT 9, MORNINGSIDE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE ON NORTH BIG SPRING STREET, APPROXIMATELY 300 FEET NORTH OF SCHARBAUER 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. 9579.

Council Member Love moved to approve the second and final reading of Ordinance No. 9579 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

32. Consider an ordinance on second reading on a request by Rene Robles to vacate the 0.09-acre portion of the street right-of-way, generally located on the south side of East Hicks Avenue, approximately 580 feet west of South Terrell Street. (DEVELOPMENT SERVICES) (First reading held June 28, 2016)

**RESOLUTION NO. 9580**

AN ORDINANCE VACATING AND ABANDONING A 0.09-ACRE PORTION OF SOUTH FORT WORTH STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 44, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST HICKS AVENUE, APPROXIMATELY 580 FEET WEST OF SOUTH TERRELL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$7,646.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9580.

Council Member Love moved to approve the second and final reading of Ordinance No. 9580 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.

**PUBLIC HEARINGS**

33. Hold a public hearing and consider a request for a Temporary Land Use for a Festival generally located on the south side of West Missouri Avenue, between South 'J' and South 'L' Streets. (DEVELOPMENT SERVICES)

**RESOLUTION NO. 2016 - 218**

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL ON LOTS 10-12, BLOCK 93, ALL OF BLOCK 94, A 0.6-ACRE PORTION OF BLOCK 104, LOTS 1-5, BLOCK 105, THE PORTION OF SOUTH K STREET ADJACENT TO BLOCKS 93 AND 94, AND THE PORTION OF WEST INDIANA AVENUE ADJACENT TO BLOCKS 93 AND 96, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST MISSOURI AVENUE, BETWEEN SOUTH "J" STREET AND SOUTH "L" STREET); 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 item was for the annual Museum of the Southwest festival. They are requesting closure of streets on Thursday from 8:00 a.m. to 6:00 p.m. for set up and will operate Friday from 8:00 a.m. to 12:00 midnight, Saturday from 9:00 a.m. to 7:00 p.m. and Sunday from 10:00 a.m. to 6:00 p.m. There will be artist booths, food vendors, live

music, alcoholic beverages for sale, ample restrooms and 12 security guards. Staff recommends approval subject to the conditions contained in the resolution.

Mayor Morales opened the public hearing at 10:39 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love noted that no one wishing to speak during the public hearing is a testament of how well the Museum handled last year's event.

Council Member Hotchkiss moved to adopt Resolution No. 2016 - 218; 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.

34. Hold a public hearing and consider a resolution expressing the intent of the Midland City Council to continue in effect Title VI, "Police Regulations", Chapter 9, "Curfew Hours for Minors", of the Midland City Code pursuant to Texas Local Government Code Section 370.002. (POLICE)

RESOLUTION NO. 2016 - 219

RESOLUTION EXPRESSING THE INTENT OF THE MIDLAND CITY COUNCIL TO CONTINUE IN EFFECT TITLE VI, "POLICE REGULATIONS", CHAPTER 9, "CURFEW HOURS FOR MINORS", OF THE MIDLAND CITY CODE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 370.002

Police Chief Price Robinson gave a brief overview of the item noting staff is requesting Council to continue the juvenile curfew for another three years. The curfew was first enacted in 1995. Since that time, 2,400 curfew violation citations have been issued, which averages about 114 per year. He noted this is a great tool for the police department to use. The curfew will be from 12:01 a.m. to 6:00 a.m. for those 17 years of age and younger. In the last three years there have been 1,302 juvenile arrests.

Council Member Lacy thanked Chief Robinson and his staff for all of their hard. The sentiment was echoed by Council Member Love along with sympathy and prayers for the Dallas Police Department.

Mayor Morales opened the public hearing at 10:43 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2016 - 219; 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.

## MISCELLANEOUS

35. Consider a motion making an appointment to the Permian Basin Community Center for Mental Health and Mental Retardation Board.

Council Member Hotchkiss moved to reappoint Janet Pritchett to the Permian Basin Community Center for Mental Health and Mental Retardation Board; 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.

**EXECUTIVE SESSION**

36. 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.

Mayor Morales recessed the meeting to Executive Session at 10:44 a.m.

All of the business at hand having been completed, the meeting adjourned at 11:20 a.m.

PASSED AND APPROVED the 26th day of July, 2016.

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Jerry F. Morales, Mayor

ATTEST:

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Amy M. Turner, City Secretary