

**MIDLAND CITY COUNCIL
MINUTES
February 28, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 28, 2017.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Sharla Hotchkiss (District 3), 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 J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Deputy City Manager Tommy Hudson, Assistant City Manager Frank Salvato, Assistant City Manager Robert Patrick, City Secretary Amy Turner, Police Chief Price Robinson, Interim Fire Chief Chip Balzer, Utilities Director Laura Wilson, Administrative Services Director Catherine Clifton, Finance Director Pam Simecka, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Fred Reyes, Chief Information Officer Willie Resto, Solid Waste Director Morris Williams, Planning Division Manager Jessica Carpenter, Building Official Steve Thorpe, and Public Information Officer Sara Bustilloz.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 28, 2017.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Sharla Hotchkiss (District 3), 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 J.Ross Lacy (District 4).

Council Members absent: None.

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:

Mayor Morales called the meeting to order at __ 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:

CONSENT AGENDA

Council Member Lacy moved to approve Consent Agenda items 4 - 13 excluding 11; seconded by Council Member Dufford.

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

4. Approved a motion approving the following minutes:
 - a. Special City Council meeting of February 13, 2017
 - b. Regular City Council meeting of February 14, 2017
5. Approved a resolution approving a professional services agreement with Parkhill, Smith & Cooper, Inc. for the design phase of the Briarwood Paving and Drainage Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 054

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR ENGINEERING SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT WITH THE DESIGN PHASE OF THE BRIARWOOD PAVING AND DRAINAGE PROJECT (PHASE 2), INCLUDING THE PREPARATION OF CONSTRUCTION PLANS AND BID DOCUMENTS; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$474,207.79

6. Approved a resolution approving the purchase of ammunition for the Police Department. (PURCHASING)

RESOLUTION NO. 2017 - 055

RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, GT DISTRIBUTORS, INC., KIESLER POLICE SUPPLY, AND ALTERED WHEEL, LLC, D/B/A STONE FLOWER ARMORY, AT A TOTAL COST OF \$108,164.42

7. Approved a resolution awarding a contract to the sole bidder, JFA Construction, L.L.C., for the replacement of existing railings with aluminum railings along the walkways and stairs above various treatment units within the Water Pollution Control Plant for a cost of \$126,258.08 for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 056

RESOLUTION AWARDING A CONTRACT FOR THE REPLACEMENT OF CERTAIN EXISTING WALKWAY AND STAIR RAILINGS WITHIN THE WATER POLLUTION CONTROL PLANT TO THE SOLE BIDDER, JFA CONSTRUCTION, LLC, OF MIDLAND, TEXAS, IN THE AMOUNT OF \$126,258.08

8. Approved a motion approving the ratification of a contract for the removal and replacement of expansion joints between bleacher sections on the home and visitor sides of the football stadium at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING)
9. Approved a resolution amending the agreement for Clinic Services with Midland Memorial Hospital. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2017 - 057

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; SAID AMENDMENT TO PROVIDE FOR A REDUCTION OF FEES, THE ADDITION OF SERVICES, AND PRICING FOR ADDITIONAL TESTING; AND AUTHORIZING PAYMENT THEREFOR

10. Approved a motion on request by Maverick Engineering, LLC to defer public water and wastewater improvements for Blackbird Estates, and to waive the corresponding financial security guarantee valued at \$238,339.00, an amount equal to the estimated cost of construction. The subject property is generally located at 4000 & 4002 Bluebird Lane in the City of Midland. (ENGINEERING SERVICES)
12. Approved a resolution authorizing the City of Midland to submit a grant application for the FY2018 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2017 - 059

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE TWO (2) DRIVING SIMULATORS FOR THE POLICE DEPARTMENT

13. Approved a resolution to accept a FY2017 grant award in the amount of \$88,700 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2017 - 060

RESOLUTION ACCEPTING A FISCAL YEAR 2017 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$88,700.00; SAID GRANT WILL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING FUNDS

11. Approved a resolution to authorize execution of a Public Improvement Development Agreement with Graham Oil and Gas LP in the amount of \$173,078 for future design and construction of public paving improvements on Bluebird Lane to serve Blackbird Estates; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. The subject property is located at 4000 & 4002 Bluebird Lane in the City of Midland. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 058

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH GRAHAM OIL AND GAS LP FOR PAVING IMPROVEMENTS TO BLUEBIRD LANE ADJACENT TO BLACKBIRD ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BLUEBIRD LANE, APPROXIMATELY 520 FEET EAST OF NORTH MIDLAND DRIVE); AND APPROPRIATING FUNDS THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

Council Member Lacy moved to adopt Resolution No. 2017 - 058; seconded by Council Member Sparks.

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

SECOND READINGS

14. Consider an ordinance on second reading on a request by Francisco Gomez for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 1,140-square for portion of Lots 11(N/2) and 12, Block 187, Southern Addition, City and County of Midland, Texas (Generally located on the southeast corner of South Baird Street and East Florida Avenue.) (DEVELOPMENT SERVICES) (First reading held on February 14, 2017.)

ORDINANCE NO. 9637

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 1,140-SQUARE FOOT PORTION OF THE NORTH HALF OF LOT 11 AND LOT 12, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH BAIRD STREET AND EAST FLORIDA 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 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. 9637.

Council Member Love moved to approve the second and final reading of Ordinance No. 9637 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, Dufford. NAY: Lacy. ABSTAIN: None. ABSENT: Morales, Robnett.

15. Consider an ordinance on second reading on a request by Mac's BBQ & Catering for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in restaurant, on a 8,319 -square foot portion, Lots 16-18, Block A, Garrett Place Addition, City and County of Midland, Texas (Generally located on the north side of West Indiana Avenue, approximately 160-feet east of Carlton Street.) (DEVELOPMENT SERVICES) (First reading held on February 14, 2017.)

ORDINANCE NO. 9638

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS AN 8,319-SQUARE FOOT PORTION OF LOTS 16-18, BLOCK A, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 160 FEET EAST OF CARLTON STREET), 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. 9638.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9638 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. NAY: None. ABSTAIN: None. ABSENT: Morales, Robnett.

16. Consider an ordinance on second reading on a request by Goudeau Realty Holdings for a Special Exception to the Zoning Ordinance concerning Parking Regulations on Lot 12A, Block 2, Kelview Heights, Section 10, City and County of Midland, Texas (Generally located southeast of the intersection of North Pecos Street and West Wadley Avenue.) (DEVELOPMENT SERVICES) (First reading held on February 14, 2017.)

ORDINANCE NO. 9639

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 12A, BLOCK 2,

KELVIEW HEIGHTS, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH PECOS STREET AND WEST WADLEY AVENUE), BY PERMITTING A REDUCED NUMBER OF PARKING SPACES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9639.

Council Member Love moved to approve the second and final reading of Ordinance No. 9639 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, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Morales, Robnett.

17. Consider an ordinance on second reading on a request by BRR Architecture for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on Lot 1C, Block 33, Northgate Addition, Section 26, City and County of Midland, Texas (Generally located northeast of the intersection of Northgate Avenue and Northcrest Drive.) (DEVELOPMENT SERVICES) (First reading held on February 14, 2017.)

ORDINANCE NO. 9640

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1C, BLOCK 33, NORTHGATE ADDITION, SECTION 26, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTHGATE AVENUE AND NORTHCREST 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. 9640.

Council Member Love moved to approve the second and final reading of Ordinance No. 9640 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, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Morales, Robnett.

18. Consider an ordinance on second reading on a request by Hutton Team, LLC for a vacation of the 0.046 -acre portion of the alley right-of-way, located between Lots 1-2 and Lot 18, Tract 6, of the Replat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas (Generally located on the north side of Marlin Avenue,

approximately 190-feet west of Rankin Highway.) (DEVELOPMENT SERVICES) (First reading held on February 14, 2017.)

ORDINANCE NO. 9641

AN ORDINANCE VACATING AND ABANDONING A 0.046-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1, 2 AND 18, TRACT 6, REPLAT OF TRACTS 5 & 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF MARLIN AVENUE, APPROXIMATELY 190 FEET WEST OF RANKIN HIGHWAY); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$4,007.52; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9641.

Council Member Love moved to approve the second and final reading of Ordinance No. 9641 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, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Morales, Robnett.

19. Consider an ordinance on second reading on a request by Hutton Team, LLC for a Special Exception from the Zoning Code concerning the side yard setback and parking regulations on Lots 1, 2, and 18, and a 0.046-acre portion of alley right-of-way, out of Tract 6, of the Re-plat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas (Generally located northwest of the intersection of Rankin Highway and Marlin Avenue.) (DEVELOPMENT SERVICES) (First reading held on February 14, 2017.)

ORDINANCE NO. 9642

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1, 2 AND 18, AND A 0.046-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, TRACT 6, REPLAT OF TRACTS 5 AND 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF RANKIN HIGHWAY AND MARLIN AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK AND A REDUCED NUMBER OF PARKING SPACES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9642.

Council Member Love moved to approve the second and final reading of Ordinance No. 9642 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, Dufford, Lacy. NAY: None. ABSTAIN: None. ABSENT: Morales, Robnett.

20. Consider an ordinance on second reading amending Title III "Departments", Chapter 1, Water Department. (UTILITIES) (First reading held on February 14, 2017.)

ORDINANCE NO. 9643

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO AMEND THE REQUIREMENT THAT NON-RESIDENTIAL CUSTOMERS THAT USE WATER FOR OUTSIDE LANDSCAPE IRRIGATION PURPOSES HAVE A SEPARATE WATER METER FOR SUCH PURPOSES AND SO AS TO LIST CURRENT WATER AND SEWER RATES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND DIRECTING NOTIFICATION TO CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9643.

Council Member Love moved to approve the second and final reading of Ordinance No. 9643 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy.

LOve the necessary time limit amendment included. joahn yes inserted.

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

PUBLIC HEARINGS

21. Hold a public hearing and consider an annexation of a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the west side of Arlington Road, approximately 1,800-feet south of State Highway 191.) This annexation item is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Chuck harrington annexation of 120 acres to west of existing legacy.I allow expansion of legacy to west and more homesites in area. been circulated to all depts for rev and rec approval. no loj.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:12 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

22. Hold a public hearing and consider an annexation of a 36.36-acre tract of land out of Section 35, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas (Generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158. This annexation item is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting extention to alolw additional grasslands estates west to expand. rev by staff rec approval. no loj.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:13 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

23. Hold a public hearing and consider an ordinance on a request by University Food Services Inc. for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a theater, on a 109,130-square foot portion on the south 1/2 of the northwest 1/4 of Section 42, Block 40, T-1-S, City and County of Midland, Texas (Generally located on the southside of State Highway 191, approximately 1,300-feet east of North FM 1788.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9644

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS A 109,130-SQUARE FOOT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 1,300 FEET EAST OF NORTH FM 1788), 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 THEATER 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. 9644.

Development Services Director Chuck Harrington gave a brief overview of the item noting foralco bev for wagner noel. orig had beforee p7z had conditions a through f. made mistake need to take item f off it is not a restaurant. would like ot make aware. in addition some discussiona bout hours of operation. staff has no object if council wants to make adjustments to that line. heard wanted to make it go to 11 p.m. There might be other times for special saturday performances earlier matinees. weren't aware of entire schedule.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9644 in accordance with the Charter of the City of Midland with amendment to remove item F and change hours from 12 p.m. to 12 a.m.; seconded by Council Member Love.

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

24. Hold a public hearing and consider a resolution on a request by Westlake Hardware for a Temporary Land Use Permit for Outdoor Retail Sales on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas (Generally located on the north side of Andrews Highway, approximately 390-feet east of Whitney Drive.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 061

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR RETAIL SALES ON LOT 1, BLOCK 5, PARK PLACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 390 FEET EAST OF WHITNEY DRIVE); 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 for annual outdoor retail sales of plant material sales through June 30th. more than adequate parking to accomodate loss of spaces staff rec approval.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:18 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Lacy moved to adopt Resolution No. 2017 - 061; seconded by Council Member Love.

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

25. Hold a public hearing regarding a proposed oil and gas permit to Fasken Oil and Ranch, Ltd (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Fee "CK" No. 1H) located 463 feet from the north line and 285 feet from the west line located in Section 30, Block 39, T-1-S, T&P RR CO. Survey, City of Midland and County of Midland, Texas (Generally located 453 feet south of Andrews Highway and 248 feet east of North Loop 250 West.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting first of two wells in this area. been to o&g met rec of committee. points of int no tank battery in city 3.6 miles west off of 391. additional safety measure for frac pond will be using closed loop drilling no big its. will be using 32 foot acoustical barrier walls on south and east sides open on north and west. surface owned by sister company of faskin. there is 500 foot variance some commercial buildings cloest 316 feet. received loj from second third building that is 461 feet away.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:22 a.m.

Steve Herseburger, oppose Patterson homes commercial and nelson residential property where relative lives. three basis. first quite frankly whether use of ground water would be affected and in terms of quality of it being wasted to point not use of water wells. second part significant portions of land could be taken away for normal sue and enjoy ment of property. dont' have sfufficient info as to what is there if pump jacks or asociated structures or batter a distance away. finally concerned about frac pit and whether will pose pollution source to ground water. We oppose this move and Mr. Patterson would. Doug Patterson 4509 Cardinal lane. In past 5-6 hyears notices going to drill oil wells form oriole to holiday hill rd didn't respond didn't know anything about oil drilling. This past eyar got \$12,000 bill toh ave swimming pool chipped out and redone forced into 2000 connection to city water because lost water well and have couple of

samples in coat pocket. inside pool looked like full of diamonds. had companies come and chip it out . don't need any extra help spending money. water wells at both locations and daughter lives is 5000 1/2 Andrews highway behind Toms tree house. daughter and two grand sons live there. \$20,000 ro water concerned about losing 2 more water wells and no access. When alid original water lines paid for water meters and everything and have none of that at those two locations. Love what business? Pakring lot maintenance. how many employees. 4. Love number two was significant use being taken away. hershberger under tx law mineral estate has preference to surface. In this case can only use reasonable amount. since situation inside city and business and residence using too much would make it to point that can't use business or residence. When drill well if place pump jack take up 2 acres, associated vessels storage or collection units road itself electric lines and infrastructure into producing a lease can take 4-5 acres of land. It will encroach over and start using additional property and get noise pollution. Other part is have people access will use their property to access their property. Sparks disagree. Dont' own property that drilling on? hershberger yes,. sparks not sure how going to use yoru prooperty since you don't own roads and they use roads to access it. Dufford have rep from Fasken come up. Hershberger had meeting with them in December.

Tommy Taylor Fasken Oil and Gas. these two wells set stage for us to devleop minerals for section tonorth owned by Manor Park. Approached by 4.5 years ago to dev minerals for their benefit. This particulaar spot have acquired along other property. 60 acres from sister company. Met with Mr. Patterson and MR. Hershberger in December. number on complaint was water brought in idea of scale of swimming pool. He feels like scaling is direct result of drilling wells to west of him. Scale looks like because water table depleted inar ea. Faskin owns water well that are dry. A lot of people dirllled during drought to cut down water bills and water very poor. They will put in a pond in caliche pit double lined and method to determine if leak in pit. tank batter will be 3.5 miles west and .5 mile north of hwy 191. only thing on site is actual wells, seperate device and pumping unit. road will come in form south side off service road and won't be interfering with turning in front of his business. Sparks what do you put in a frac pit. Taylor normally fresh water or cleaned up brackish water. committed not to use any fresh water in this area. know mr patterson depends ont hat water. all water come form outside city limits to pit but produced water and may drill a santa rosa wellin pit and clean it up and maek fresh water out of it. do own a couple of fresh water wells along that pit and if he has trouble with well they will supply them with water. He has inmind that these wells will pollute his water. In ordinance they have to test well every year if he asks. Lacy won't use fresh water tank? Taylor not on ranch and not here.

Royce Salazar, opposition dont' know much aobut business cna dirll form 3 miles out wthey do they need to drill in city. as soon as get permission will come under city. should be just for residences. why do they ahve to come in here.

There being no one else wishing to speak, the public hearing was closed at 10:37 a.m.

26. Hold a public hearing regarding a proposed oil and gas permit to Fasken Oil and Ranch, Ltd (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Fee "CK" No. 2H) located 556 feet from the north line and 734 feet from the west line located in Section 30, Block 39, T-1-S, T&P RR CO. Survey, City of Midland and County of Midland, Texas (Generally located 403 feet south of Andrews Highway and 823 feet east of North Loop 250 West.) This is a public hearing only. No further action will be

taken. (DEVELOPMENT SERVICES)

Ron Jenkins, second well to east. this needs variance within 500 feet. 24 hour fracing closest location bird election 436 feet they have letter of support only location within 500 feet. same loj from mr. patterson.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:39 a.m.

hershberger same objection as before.

John Boswell 4610 N. Garfield last time Camerson Walker spoke aobut roadways to help ease traffic idea to have cloverleaf right over this traffic lane and don't know how that would impact tha tpossibility.

Love. A cloverleaf costs 40-50 M. prev app absolutely expensive but if possibility need to consider should thinka bout that now. Love looking at area and looking at ways to alleviate traffic.

There being no one else wishing to speak, the public hearing was closed.

27. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask HZ Unit No 1009H) located 230 feet from the north line and 1,730 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,664 feet east of North Garfield Street Extension and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting north side of city limits no houses or commercial structures within 500 or 860. requesting no rrA coming from Oxy proeprty to get to their property. requesting 24 hour frac. been to o7g com with rec no loj received.

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

28. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit No 1108H) located 285 feet from the north line and 1,978 feet from the east line located in Section 11, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,978 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this well east to rprevious well on midland country club property. no occupeid houses or commercial structure. surface use agreement with midland country club. Same variances requested no city streets will be used and same for frac. no loj.

MPT Hotchkiss oph 10:45 a.m. cph

29. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit No 1109H) located 285 feet from the north line and 2,018 feet from the east line located in Section 11, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 2,018 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto same well same pad same area.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

30. Hold a public hearing and consider a resolution on a request by Robert Cory for a Temporary Land Use Permit for a Carnival on Lot 1A, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located south of West Loop 250 North, approximately 200-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 062

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 200 FEET WEST OF NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; AND PROVIDING THAT THE CHIEF OF POLICE SHALL ENSURE THAT ALL PARTICIPANTS ARE LICENSED PURSUANT TO TITLE V, CHAPTER 9 OF THE MIDLAND CITY CODE

Development Services Director Chuck Harrington gave a brief overview of the item noting for annual carnival in north parking lot of Midland Park Mall proposed loc will not interfere with traffic and should not cause noise may 11 to may 21 hours 5-11 m-f and 1-11 sat and suns. music will be required to be reduced and no alcohol restrooms, two certified peace officer in afternoon and night minimum of four. reviewed thoroughly by all departments no concerns. received no objection and received approval.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:48 a.m.

Rick Feintzman property in support of similar properties

There being no one else wishing to speak, the public hearing was closed at 10:48 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 062; seconded by Council Member Sparks.

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

31. Hold a public hearing and consider a resolution on a request by Robert Ahola-Magic Enterprises Inc. for a tent sale on Lot 1A, Block 17, Skyline Terrace Addition, Unit 7, City and County of Midland, Texas (Generally located on the southside of West Loop 250

North, approximately 220-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 063

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TENT SALE ON LOT 1A, BLOCK 17, SKYLINE TERRACE, 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 gave a brief overview of the item noting seen several occasions for semi annual tent sales for rugs and artwork. review by other depts staff rec approval. no loj.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:50 a.m.

Rick Teneber same as before to support.

cph 10:51 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 063; seconded by Council Member Dufford.

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

32. Hold a public hearing and consider a resolution on a request by VIVID for approval of a Temporary Land Use Permit for a Performance on Lots 2, 3, and 4; and a 0.30-acre portion of North Marienfeld Street right-of-way, located adjacent to Lots 2, 3, and 4; all out of Block 29, Original Town Addition, City and County of Midland, Texas (Generally located north of the intersection of North Marienfeld Street and West Illinois Avenue.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 064

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PERFORMANCE ON LOTS 2, 3, AND 4, AND A 0.30-ACRE PORTION OF NORTH MARIENFELD STREET RIGHT-OF-WAY LOCATED ADJACENT TO SAID LOTS, ALL OUT OF BLOCK 29, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH MARIENFELD STREET AND WEST ILLINOIS AVENUE); 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 VIVID event proposing to inverted dance performance perform choreography dance and live music from side of band with form MOSC april 28 two shows 5:30 and 8:30 p.m. Will have cons of alco bev and min of 4 restrooms and 2 security guards. staff rec approval tlup.

Mayor Pro Tem Hotchkiss opened the public hearing at 10:53 a.m.

Elizabeth McCLllan, 1402 Casteford, shared video Bandaloop that performans vertical performance ons die of building. will share dnace techniques and while during rehearsal anyone can stop by and see. VIP setas and section. afternoon eprformances can be seen by anybody. Cost?

There being no one else wishing to speak, the public hearing was closed at 10:56 a.m.

Council Member Lacy moved to adopt Resolution No. 2017 - 064; seconded by Council Member Love.

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

33. Hold a public hearing regarding the cost and impact of (1) land, buildings, facilities, and improvements for use for sports and athletic purposes, including stadiums, ball parks, parks, and related infrastructure, and (2) the Scharbauer Sports Complex football/soccer stadium and baseball stadium, and related infrastructure. This public hearing is being held in accordance with the applicable provisions of Texas Local Government Code Chapter 505 as required for the May 6, 2017 special election regarding the City of Midland's Type B sales and use tax, which was ordered by City of Midland Ordinance No. 9636. This is a public hearing only. No further action will be taken. (COMMUNITY SERVICES)

Community Services Director Tina Jauz gave a brief overview of the item noting this is next step of 4b sales tax in may required ot hold ph to speak aobut any funding of sports event used as attachment in agenda. discussed a couple of mJOR project hogan park 22.4 M construction. another project beal park est at 29.7 M. Reyes mashburn park est at 25.3 M also the ongoing maintenance of sports complex is included as well.

Mayor Pro Te, Hotchkiss opened the public hearing at 10:59 a.m.

Thomas Flournoy, 3302 N. Kansas Avenue, asked if anyone received 5 page letter. was sent via email. no substitute for honesty last time called everyone attention if dishonest and try to improve on dishonesty if all ahve read know that what doing wrong can be corrected and gave ways to correct but see noc hange in attitude toward 4b tax. determined to force this on Midland people and not right. YOu ahve no auth for a tax because it is dishonest. Please stop this ridiculous drive for a 4b tax. It was illegal because it forced him to pay a tax for osomething hewill enver use and that is not fair. No authority to force tax on any midland to spend on free enterprise. Keep in mind none of us are able to be returned to heavily fathers presence because not clean and honesty is something you ahve to have to return to pres of heavenly father.

Buddy Sypes 902 Ciation, according to public hear this is about cost and impact of 4b. He is not in favor of 4b as propsoed by Council. He thinks it is interesting that not looked at future enough. If the facility sports fac that built or do build future by time 15 years up most of the revenue will be eaten up with maintennce cost. Seen that with sports complex and odn't think reasonable thing for city to do. It is obvious from plan for future use of 4b will be field of drams by mayor and city council dont' believe it represents will of people. This is jsut a little tax and it wont be missed. Mayor says just 25 cents out of j\$100 sales pitch like car salesmen. When add up it is a lot of money out

of pocket of midlanders. there was a time when all parks were in city limits. we have things that need direct attention now that are much more serious then building addiitonal sports compl and make sure remember more maintnence. dont' think good use of citizens money. if do it guarantee 4b will be ine xistence forever.

Derick Parsley, don't see 4b tax going away anytime soon sue it for something practical like fix up roads because in desperate need of it can't drive without hitting pothole. Use money for it if not get rid of tax. Lacy can't use for existing infrastructure can only be used for new roads. Sparks if using for new roads wouldn't have to be using.

Kinsey Holder 4702 Graceland Drive, live close to Beal hits close to home. Dont think its necessary as ayoung adult the rich stay rich and poor stay poor increase int axmakes it hard to stay in middle class family. single parent household as young adult trying to establish her own roots increasingly hard with txes. Previous speakers its just 10 cents here or \$10 here hard to establish savings account with Midland high cost of living hard ot imagine future of midland when can onoy focus on present. feel trapped still.

Wayne Miseral 6007 SCR 1185. heard mayor speak several times about us being fiscally responsible but how much in debt? how spending money. Sparks \$130 M in debt. Been in debt then and now in oil field. when pay tax for sports stadium but supposed to go away trying to keep it let it go away and bring something else to vote on. He has 5 children don't use parks bt people do and pay taxes for roads don't use moneyf or roads as is.

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

Sparks have four projects on phase 1 and phase 2. Under 4b that are going out for a vote do all have to be constructed? John O no. Sparks do have to come from 4b committee. John yes have to come through committee first. Sparks these are basically potential projects. John O transparent and cost of potential projects. Sparks wanted to bring up because haven't een entire presentaitons of proejcts and feel some are going to do what Mr. Sypes has said increase need of 4b to maintain. The other thing with Tina in maintnenace start up and maintenance annual. what is maint start up. Tina costs associated when internally take on maintaining sports venues like employee equipment.

Lacy this council should vote first meeting in april to pay off debt so no uncertainty to voters will be paid off and done if not approved. Sparks already in works.

MISCELLANEOUS

34. Consider 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. (ENGINEERING SERVICES)

ORDINANCE NO. 9645

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. 9645.

Mike Pacelli gave a brief overview of the item noting first of two traffic items on agenda standard stop sign ord beena bout 9 months. two type of stops signs 40 new stops on new streets and few stragglers. draw attent to ward/neeley stop contorlled and north and ward all way stop recommendation. similar to last at neeley and I. 90 stops that would be created out of yeild signs within local neighborhoods. if continue on pace 3-4 over next couple of years before finished with yeild sign conversions. Mike not analyzing each individual itnersection bigger benefit to consistency have issues with site distance, parked vehicles feel stops generally more approp stil yield certain places for non traditional angles wont eliminate all yheileds don't want ot have mix in neighborhoods.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9645 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. NAY: None. ABSTAIN: None. ABSENT: Morales, Robnett.

35. Consider an ordinance establishing yield right-of-way signs 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. (ENGINEERING SERVICES)

ORDINANCE NO. 9646

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. 9646.

Mike Pacelli companion item to remove from yeild int that were added to stops.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9646 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. NAY: None. ABSTAIN: None. ABSENT: Morales, Robnett.

PUBLIC COMMENT

36. 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.)

Bridget Hyde 4th generation Texas, have background geology and petroleum gologist. Deep concerns about new leg propsoed by mike conoway itnerim consolidated storage act passed congress not senate. allow up to 40 tons of high level radioactive waste to be stored in andrews 40 year license and has 8 phases. deep concern elec is but fleeting by product of nuclear reactor the true product is every radioactive nuclear waste. don't understand why in best interest to take on high level nuclear waste. transport is also dangerous. Midland is one of those cities. the half life is 75,000 years. even heard a M years. many examples of private companies taking over high level radioactive waste andmany are epa . tx will be saddled with billions of dollars of debt. all know tha railway accidents happened. promised people completely safe in carlsbad is safe they had fire can be up to 2B dollars. concerned know national issues bu talso state and city issue. San Antonio has proposed leg.

David Rosen 5002 Thames Ct. degre geologist. want ot speak to item of highly dangerous radioactive waste coming through midland tx if senate approves bill. officed 2 blocks from railroad. Its through no fault of the employees but thigns break. should remember have been earthquakes in midland in 1992 4.7 earthquakes in adrews. concern is that theres no reason for this interim storage coming through Midland because need permanent storage. Spoke of half life which is deadly. the nuclear commision said stuff won't even decay by amillion years. The cast will be left out in open to be moved to another site, iif think will be moved have bridge to sell. will be visible on google earth maps. as it comes through midland also a target as well. go thorough 3 city council districts that railroads goes through all should be very concerned and hope that you will pas resolution similar to baer county saying dont' want coming through midland tx and hope consider having public hearing on issues. while at state line poison coming thorough on our railroad tracks.

EXECUTIVE SESSION

recess to executive session at 11:26 a.m.

37. 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 §551.071, Consultation with Attorney
 - b.1. Discuss with the city attorney pending or contemplated litigation involving

the City of Midland.

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

PASSED AND APPROVED the __ day of _____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary