

**MIDLAND CITY COUNCIL
MINUTES
September 11, 2012**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on September 11, 2012.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member Vicky Hailey (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, Assistant City Manager Jim Nichols, City Secretary Amy Turner, Police Chief Price Robinson, General Services Director Robert Patrick, Fire Chief Robert Patrick, Utilities Director Stuart Purvis, Administrative Services Director Catherine Clifton, Finance Director Bob McNaughton, Community Services Director Tina Jauz, Acting Engineering Director David Beard, Planning Division Manager Cameron Walker, Building Official Steve Thorpe, GIS Manager Bill Hodge, Public Information Officer Persephone Dakopolos, Multimedia Developer Ryan Stout, and Community Development Manager Sylvester Cantu.

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at ____ a.m., September 11, 2012.

Council Members present: Mayor W. Wesley Perry, Mayor Pro Tem Jerry Morales (At-Large), Council Member Scott Dufford (At-Large), Council Member Jeff Sparks (District 1), Council Member Vicky Hailey (District 2), Council Member John James (District 3), and Council Member Michael Trost (District 4).

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney Keith Stretcher, Deputy City Manager Tommy Hudson, and Assistant City Manager Jim Nichols.

The Agenda Items were heard in the following order:

OPENING ITEMS

Mayor called to order 10:03 a.m.

invocation outside.

1. Invocation - MPD Chaplain Sandra Fussell and 9-11 remembrance.
2. Pledge of Allegiance

PRESENTATIONS

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

PUBLIC COMMENT

Kim Henderson 4700 nBoulder drive, remind everyone of event to be held September thursday. night.

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

CONSENT AGENDA

Council Member Hailey moved to approve Consent Agenda items 5 - 44 excluding 14, 37, 41; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

5. Approved a motion approving the following minutes:
 - a. Regular Meeting of August 21, 2012.
 - b. Regular Meeting of August 27, 2012.
 - c. Regular Meeting of August 28, 2012.
6. Approved a resolution approving the purchase of 4,400 gallons of polymer for dewatering for treating the City's drinking water for the Utilities Department. 5291-13 (GENERAL SERVICES)

RESOLUTION NO. 2012 - 278

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF POLYMER FOR DEWATERING USED FOR TREATMENT OF CITY DRINKING WATER, FROM THE LOWEST BIDDER MEETING BID STANDARDS, ATLANTIC COAST POLYMERS, INCORPORATED, FOR A TOTAL PRICE OF \$44,000.00; AND ACCEPTING THE CITY MANAGER'S RECOMMENDATION THAT CERTAIN BIDDERS DID NOT MEET BID STANDARDS

7. Approved a resolution approving the purchase of 7,500 gallons of Earthtec for treating the City's drinking water for the Utilities Department. 5292-13. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 279

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF EARTHTEC FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE SOLE BIDDER, CHAMELEON INDUSTRIES, INCORPORATED, FOR A TOTAL PRICE OF \$120,000.00

8. Approved a resolution approving the purchase of 10,000 pounds of potassium permanganate for treating the City's drinking water for the Utilities Department. 5293-13. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 280

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF POTASSIUM PERMANGANATE FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE SOLE BIDDER, F2 INDUSTRIES, L.L.C., FOR A TOTAL PRICE OF \$21,400.00

9. Approved a resolution approving the purchase of 512,000 pounds of chlorine for the Water Purification Plant; 40 – 150 pound cylinders of chlorine; 7 – 1 ton cylinders of chlorine and 50,000 pounds of chlorine for the Paul Davis Well Field for treating the City's drinking water for the Utilities Department. 5295-13. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 281

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF CHLORINE FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE SOLE BIDDER, DPC INDUSTRIES, INCORPORATED, FOR A TOTAL COST OF \$213,904.00

10. Approved a resolution approving the purchase of 25 tons of powdered activated carbon for treating the City's drinking water for the Utilities Department. 5299-13. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 282

RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY-FIVE (25) TONS OF POWDERED ACTIVATED CARBON FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE SOLE BIDDER, F2 INDUSTRIES, L.L.C., FOR A TOTAL COST OF \$39,000.00

11. Approved a resolution approving the purchase of 20,000 gallons of polymer for treating the City's drinking water for the Utilities Department. 5298-13. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 283

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF POLYMER FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE SOLE BIDDER, POLYDYNE, INCORPORATED, FOR A TOTAL PRICE OF \$75,420.00

12. Approved a resolution approving the purchase of 200,000 pounds of liquid anhydrous ammonia for treating the City's drinking water for the Utilities Department. 5302-13

(GENERAL SERVICES)

RESOLUTION NO. 2012 - 284

RESOLUTION AUTHORIZING THE PURCHASE OF AN ANNUAL SUPPLY OF LIQUID ANHYDROUS AMMONIA FOR TREATING CITY OF MIDLAND DRINKING WATER FROM THE SOLE BIDDER, SHRIEVE CHEMICAL COMPANY, FOR A TOTAL PRICE OF \$158,000.00

13. Approved a resolution rejecting the single bid received from General Chemical Performance Products LLC for 2000 tons of aluminum sulfate for treating the City's drinking water for the Utilities Department and authorizing re-advertisement for bids. 5301-13 (GENERAL SERVICES)

RESOLUTION NO. 2012 - 285

RESOLUTION REJECTING THE SINGLE BID RECEIVED FOR BID NUMBER 5301-13 FOR AN ANNUAL SUPPLY OF ALUMINUM SULFATE FOR PURIFYING CITY OF MIDLAND DRINKING WATER

15. Approved a resolution reappointing members to the Board of Managers of the Midland Emergency Communication District. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2012 - 287

RESOLUTION REAPPOINTING PRICE ROBINSON AND JEFF MEINER TO THE BOARD OF MANAGERS OF THE MIDLAND EMERGENCY COMMUNICATION DISTRICT

16. Approved a resolution approving the budget of the Midland Emergency Communication District. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2012 - 288

RESOLUTION APPROVING THE BUDGET OF THE MIDLAND EMERGENCY COMMUNICATION DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013

17. Approved a motion to cast a vote for the four incumbent trustees in the Texas Municipal League-Intergovernmental Risk Pool Board election. (CITY MANAGER'S OFFICE)
18. Approved a resolution authorizing a contract with Keep Midland Beautiful in the amount of \$50,000 for litter reduction, education, and beautification programs in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 289

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH KEEP MIDLAND BEAUTIFUL, INCORPORATED, FOR LITTER REDUCTION, EDUCATION, AND BEAUTIFICATION PROGRAMS

19. Approved a resolution authorizing a contract with Permian Basin Community Centers in the amount of \$75,000 for mental health, mental retardation and substance abuse services. (CITY SECRETARY)

RESOLUTION NO. 2012 - 290

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PERMIAN BASIN COMMUNITY CENTERS FOR MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES

20. Approved a resolution authorizing a contract with Midland Teen Court, Inc. in the amount of \$27,500 for a Teen Court Program. (CITY SECRETARY)

RESOLUTION NO. 2012 - 291

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIDLAND TEEN COURT, INCORPORATED, FOR THE OPERATION OF A TEEN COURT PROGRAM

21. Approved a resolution authorizing a contract with Midland Hispanic Chamber of Commerce in the amount of \$60,000 to promote growth and development in the City. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 292

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND HISPANIC CHAMBER OF COMMERCE TO PROMOTE THE CITY'S GROWTH AND DEVELOPMENT

22. Approved a resolution authorizing a contract with Midland Community College District in the amount of \$60,000 to promote growth and development in the City. (CITY SECRETARY)

RESOLUTION NO. 2012 - 293

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND COMMUNITY COLLEGE DISTRICT TO PROMOTE ECONOMIC GROWTH AND DEVELOPMENT.

23. Approved a resolution authorizing a contract with the Arts Council of Midland in the amount of \$115,000 for encouragement, promotion, improvement, and education of arts in the City. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 294

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ARTS COUNCIL OF MIDLAND FOR THE ENCOURAGEMENT, PROMOTION, IMPROVEMENT AND APPLICATION OF THE ARTS IN THE CITY

24. Approved a resolution authorizing a contract with COM Aquatics in the amount of \$22,000 for advertising, promotion and solicitation of aquatic activities in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 295

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH COM AQUATICS, INCORPORATED, FOR ADVERTISING, PROMOTION AND SOLICITATION OF AQUATIC ACTIVITIES IN MIDLAND

25. Approved a resolution authorizing a contract with the Commemorative Air Force in the amount of \$50,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 296

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COMMEMORATIVE AIR FORCE, INCORPORATED, TO PROMOTE TOURISM AND THE HOTEL INDUSTRY IN THE CITY

26. Approved a resolution authorizing a contract with the Downtown Midland Management District in the amount of \$50,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 297

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN DOWNTOWN MIDLAND; CITY TO AWARD THE SUM OF \$50,000.00 FROM HOTEL/MOTEL FUNDS

27. Approved a resolution authorizing a contract with the George W. Bush Childhood Home, Inc. in the amount of \$7,500 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 298

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE GEORGE W. BUSH CHILDHOOD HOME, INCORPORATED, TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND

28. Approved a resolution authorizing a contract with the Midland Chamber of Commerce in the amount of \$1,332,069 to promote tourism, convention, and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 299

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND CHAMBER OF COMMERCE TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY

29. Approved a resolution authorizing a contract with the Midland Chamber of Commerce in the amount of \$605,581 to promote the management of the Midland Center and Centennial Plaza. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 300

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND CHAMBER OF COMMERCE FOR THE MANAGEMENT OF THE MIDLAND CENTER AND CENTENNIAL PLAZA

30. Approved a resolution authorizing a contract with the Midland Community Theatre in the amount of \$35,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 301

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE

MIDLAND COMMUNITY THEATRE, INCORPORATED FOR THE PROMOTION OF THE THEATRE ARTS IN THE CITY

31. Approved a resolution authorizing a contract with the Midland Soccer Association in the amount of \$20,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 302

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MIDLAND SOCCER ASSOCIATION FOR THE PROMOTION AND SOLICITATION OF SOCCER ACTIVITIES

32. Approved a resolution authorizing a contract with the Museum of the Southwest in the amount of \$20,000 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 303

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MUSEUM OF THE SOUTHWEST TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN THE CITY OF MIDLAND

33. Approved a resolution authorizing a contract with the Permian Basin Petroleum Museum in the amount of \$20,712 to promote tourism and the hotel industry in Midland. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2012 - 304

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE PERMIAN BASIN PETROLEUM MUSEUM, LIBRARY AND HALL OF FAME, INCORPORATED, FOR ADVERTISING, PROMOTION AND SOLICITATION OF OIL INDUSTRY ACTIVITIES IN THE CITY OF MIDLAND

34. Approved a resolution authorizing the acceptance and appropriation of \$138,260.00 in reimbursement funds from Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of Public Health Emergency Preparedness Services. (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 305

RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$138,260.00 IN REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF PUBLIC HEALTH EMERGENCY PREPAREDNESS SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

35. Approved a resolution authorizing the acceptance of \$55,815.00 in reimbursement funds from Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of Public Health Services. (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 306

RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$55,815.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF LOCAL PUBLIC HEALTH SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

36. Approved a resolution authorizing the acceptance of \$150,358.00 in reimbursement funds from Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of immunizations. (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 307

RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$150,358.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF IMMUNIZATIONS; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

38. Approved a resolution authorizing the execution of a Community Development Block Grant Contract with Casa de Amigos for a Home Cleaning Program in the amount of \$25,000.00; the purpose of this program is to provide home cleaning services to 200 indigent senior citizens and handicapped households; the program will begin on October 1, 2012 and end on September 30, 2013. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 309

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS FOR A HOME CLEANING PROGRAM IN THE AMOUNT OF \$25,000.00; THE PURPOSE OF THIS PROGRAM IS TO PROVIDE HOME CLEANING SERVICES TO 200 INDIGENT SENIOR CITIZENS AND HANDICAPPED HOUSEHOLDS; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2012 AND END ON SEPTEMBER 30, 2013

39. Approved a resolution authorizing the execution of a Community Development Block Grant contract with Community and Senior Services of Midland, Incorporated, for the Southeast Senior Center Nutrition Program in the amount of \$45,000.00; the program will be provided daily in coordination with other activities; the purpose of this program is to promote better mental and physical health for senior through nutritional means and socialization; the program will begin on October 1, 2012 and end on September 30, 2013. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 310

RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH COMMUNITY AND SENIOR SERVICES OF MIDLAND, INCORPORATED, FOR THE SOUTHEAST SENIOR CENTER NUTRITION PROGRAM IN THE AMOUNT OF \$45,000.00; THE PROGRAM WILL BE PROVIDED DAILY IN COORDINATION WITH OTHER ACTIVITIES; THE PURPOSE OF THIS PROGRAM IS TO PROMOTE BETTER MENTAL AND PHYSICAL HEALTH FOR SENIORS THROUGH NUTRITIOUS MEALS AND SOCIALIZATION; THE PROGRAM WILL BEGIN ON OCTOBER 1, 2012 AND END ON SEPTEMBER 30, 2013

40. Approved a resolution creating a project and appropriating funds for the completion of a zoning code update. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 311

RESOLUTION ALLOCATING \$125,000 FROM THE GENERAL FUND (001) NONDEPARTEMENTAL (150) INTERFUND TRANSFER (0199) GENERAL CONSTRUCTION FUND (6299) TO THE ZONING CODE UPDATE PROJECT (9009)

42. Approved a resolution authorizing the execution of a Public Improvement Development Agreement in the amount of \$609,614.00 with Real Property Resources, Inc. (Betenbough Homes) for the utility and pavement extensions to serve the Legends Park Addition. The site is generally located on the east side of the future Avalon Drive south of Deauville Boulevard, near the Scharbauer Sports Complex. Said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 313

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH REAL PROPERTY RESOURCES, INC. FOR DEVELOPMENT OF LEGENDS PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED WEST OF THE SCHARBAUER SPORTS COMPLEX AND SOUTH OF DEAUVILLE BOULEVARD); AND APPROPRIATING FUNDS IN THE AMOUNT OF \$609,614.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

43. Approved a resolution authorizing staff to advertise for bids the Sparks Park Paving Improvements project. The project is located in the vicinity of Sparks Park along East Hamby Avenue and East Jax Avenue. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 314

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SPARKS PARK IMPROVEMENTS PROJECT; SAID PROJECT WILL BE FOR IMPROVEMENTS TO CURRENTLY UNPAVED RIGHT-OF-WAY AND CONSTRUCTING CURB-AND-GUTTER

44. Approved a resolution authorizing staff to advertise for bids Douglas Avenue and "D" Street Water & Sewer Improvements Project. The project is located in along "D" Street between Douglas Avenue and Storey Avenue, and along Douglas Avenue between "B" Street and "D" Street. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 315

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE DOUGLAS AVENUE AND "D" STREET WATER AND SEWER IMPROVEMENTS PROJECT; SAID PROJECT WILL BE FOR THE INSTALLATION OF NEW WATER AND SEWER MAINS ALONG DOUGLAS AVENUE AND "D" STREET

14. Approved a resolution authorizing the City Manager to Negotiate the Transfer and Acceptance of Real Property with Midland County. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 286

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE OR EXCHANGE REAL PROPERTY DESCRIBED AS LOTS 1 THROUGH 6, BLOCK 38, ORIGINAL TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, TEXAS, AND PURCHASE OR EXCHANGE THE REAL PROPERTY IN BLOCK 39, ORIGINAL TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, WITH MIDLAND COUNTY, TEXAS AND PURCHASE OR EXCHANGE THE REAL PROPERTY BEING ALL OF BLOCK 55, ORIGINAL TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS WITH MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO SELL OR EXCHANGE THE REAL PROPERTY DESCRIBED AS LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 41, ORIGINAL TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SELL OR EXCHANGE THE REAL PROPERTY CONSISTING OF ALL OF BLOCK 50, ORIGINAL TOWN ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS WITH MIDLAND COUNTY, TEXAS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBLEASE ON REAL PROPERTY SITUATED IN SECTION 3, BLOCK 39, T-2-S, T&P RY.CO. SURVEY, MIDLAND COUNTY, TEXAS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT THIS RESOLUTION; AND DIRECTING THE CITY TREASURER TO PAY ALL CLOSING COSTS UPON RECEIPT OF PROPER INVOICE OR STATEMENT APPROVED BY THE CITY MANAGER

Sparks wanted to defer until after execut session.

Sparks Defer/Morales 6-0.

Robert Patrick properties discussed earlier to exchange prop with County for construction of new muni court.

Council Member Hailey moved to adopt Resolution No. 2012 - 286; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

adjourned meeting at 4:06 p.m.

37. Approved a resolution authorizing the City of Midland to accept \$31,649 as a donation from the Friends of the I-20 Wildlife Preserve and Jenna Welch Nature Study Center, and appropriating said funds to Proj No. 8998 (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 308

RESOLUTION AUTHORIZING THE CITY OF MIDLAND TO ACCEPT A DONATION IN THE AMOUNT OF \$31,649.00 FROM THE FRIENDS OF THE I-20 WILDLIFE PRESERVE AND JENNA WELCH NATURE STUDY CENTER IN ORDER TO ASSIST IN THE CONSTRUCTION OF THE I-20 WILDLIFE PRESERVE PAVILION AND RESTROOMS PROJECT, AND APPROPRIATING FUNDS

Council Member James moved to adopt Resolution No. 2012 - 308; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James,

Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

41. Approved a resolution authorizing a right-of-way crossing license with the City of Midland, Texas and DCP Midstream for the purpose of installing one 8" natural gas pipeline within a portion of Briarwood Avenue, within the City of Midland, Texas, Sections 22 and 27, Block 40, T-1-S, T & P RR. CO. Survey, City of Midland, Midland County Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2012 - 312

RESOLUTION AUTHORIZING A RIGHT-OF-WAY CROSSING LICENSE WITH THE CITY OF MIDLAND, TEXAS AND DCP MIDSTREAM, LP; SAID RIGHT-OF-WAY LICENSE IS FOR THE PURPOSE OF INSTALLING ONE (1) EIGHT INCH (8") NATURAL GAS PIPELINE; THE PIPELINE IS LOCATED WITHIN THE CITY OF MIDLAND RIGHT-OF-WAY, SECTION 22 AND 27, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS; THE LICENSE TERM IS FOR TWENTY (20) YEARS, COMMENCING WITH THE DATE OF THIS LICENSE AND MAY RENEW AT THE END OF THE TERM FOR ONE ADDITIONAL TWENTY (20) YEAR TERM UPON 90 DAYS WRITTEN REQUEST PRIOR TO EXPIRATION

Council Member Hailey moved to adopt Resolution No. 2012 - 312; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

SECOND READINGS

45. Consider an ordinance on second reading on a request by Danny Barker for a zone change from AE, Agriculture Estate District and from two PD, Planned Districts for a Transition District, all to a single C-3, Commercial District. (Generally located on the northwest corner of the intersection of East Business 20 and Lozoya Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9054

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 27.00-ACRE TRACT OF LAND OUT OF SECTION 41, BLOCK 38, T-1-S, T&P RR CO. SURVEY, AND LOT 4, BLOCK 1, FREELAND ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, IN PART, PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, AND AS A SEPARATE PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT, IN PART, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF EAST BUSINESS INTERSTATE 20 AND LOZOYA 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

City Secretary Turner read the caption of Ordinance No. 9054.

Council Member Hailey moved to approve the second and final reading of Ordinance No. 9054 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

46. Consider an ordinance on second reading for a zone change from IP-3, Industrial Park District, to a PDOC, Planned District for an Office Center. (Generally located near the southeast corner of the intersection of Sloan Field Boulevard and Windecker Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9055

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 3A, 4A AND 5A, BLOCK 3, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED IP-3, INDUSTRIAL PARK DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SLOAN FIELD BOULEVARD AND WINDECKER STREET); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT 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 Reyes read the caption of Ordinance No. 9055.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9055 in accordance with the Charter of the City of Midland; seconded by Council Member James.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

47. Consider an ordinance on second reading on a request by Fasken Land and Mineral, Ltd. for a zone change from FD, Future Development District to PD, Planned District for a Housing Development on Tract 1; and to LR-2, Local Retail District on Tract 2. (DEVELOPMENT SERVICES)

ORDINANCE NO. 9056

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 26.28-ACRE TRACT OF LAND ("TRACT 1") WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 12.11-ACRE TRACT OF LAND ("TRACT 2") WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; SAID TRACTS BEING LOCATED IN SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS; SAID TRACTS BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS MADE A PART HEREOF; SAID TRACTS

ARE GENERALLY LOCATED ON THE WEST SIDE OF HOLIDAY HILL ROAD AT ITS INTERSECTION WITH SHERWOOD DRIVE; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT 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 Reyes read the caption of Ordinance No. 9056.

Council Member Sparks moved to approve the second and final reading of Ordinance No. 9056 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

48. Consider an ordinance on second reading on a request by Ciprino & Francisca Garcia for the vacation of a 0.06-acre portion of the east/west 20 foot alley adjacent to the north side of Lot 6, Block 3, Edwards Addition, City and County of Midland, Texas. (Generally located on the east side of Edwards Street, approximately 140 feet south of Cuthbert Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9057

ORDINANCE VACATING AND ABANDONING A 0.06-ACRE PORTION OF THE EAST/WEST 20-FOOT ALLEY ADJACENT TO THE NORTH SIDE OF LOT 6, BLOCK 3, EDWARDS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF EDWARDS STREET, APPROXIMATELY 140 FEET SOUTH OF CUTHBERT STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$522.72; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Reyes read the caption of Ordinance No. 9057.

Council Member Morales moved to approve the second and final reading of Ordinance No. 9057 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

49. At approximately 10:30 a.m. hold a public hearing to consider a resolution of the City of Midland, Texas making a finding, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, that there is no feasible and prudent alternative to the change in the use of approximately .5 acres located on the southwest portion of Windlands Park from public use to a Water Reclamation Facility for the purpose of providing irrigation water to Midland College and Windlands Park. (COMMUNITY SERVICES)

RESOLUTION NO. 2012 - 334

RESOLUTION OF THE CITY COUNCIL OF MIDLAND, TEXAS MAKING A FINDING,

PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF APPROXIMATELY .5 ACRES LOCATED ON THE SOUTHWEST PORTION OF WINDLANDS PARK (APPROXIMATELY 1,800 FEET WEST OF "A" STREET AND 500 FEET NORTH OF VENTURA DRIVE) FROM PUBLIC PARK USE TO A WATER RECLAMATION FACILITY FOR THE PURPOSE OF PROVIDING IRRIGATION WATER TO MIDLAND COLLEGE AND WINDLANDS PARK

Tina Jauz final step in process to inform citizens of project at Windlands Park. Stuart Purvis will explain specifics of project.

James 72 second overview of item. Stuart Purvis, project started years ago when rules hanged at TCEQ to change waste water to take sewage otu of main line treat to drinking water and used as irrigation water at Midland College. Morales completion date. Stuart early June next year. James opportunity for few more systems like this. Stuart yes would liket o collect data on actual operating space first.

Mayor Perry opened the public hearing at 10:38 a.m.

Jan Artley 1011 Ventura Avenue, questioning procedure. As ventura resident in August as walking park saw temp fencing put up and wondered what was going on no signage. Toward en dof August tiny legal notice that said proposed City council consideration at Woodlands Park. What surprised us not only clearing and fnecing going on but end of August there was a huge mound of soil out there. Is this really a proposal or approved long before had chance to hear about detials.?

Courtney did do earth work prior to going through process. Went through same process with retention pond at Beal park for developer to capture water. This relatively new provision that requires cities go through process. Did not earth work and concurrence. Procedureally we are good. If residents opposed soil would b eput back. James no Mayor I think right there is should let citizens know as soon as possible in process.

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

Council Member James moved to adopt Resolution No. 2012 - 316; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

50. At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Outback Steakhouse for an Amended Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on Lot 3, Block 38, Plantation Hills, Section 15, City and County of Midland, Texas. (Generally located on the north side of W. Loop 250 North, approximately 300 feet west of Garfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9058

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 3, BLOCK 28, PLANTATION HILLS, SECTION 15, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH

SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 300 FEET WEST OF GARFIELD STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Planning Division Manager Walker gave an overview of the item noting request from Outback Steakhouse to amend existing use permit for sale of alcoholic bev. current allows seating up to 200 persons and mgmt asked for increase in seating of 268 seats. staff rec in favor as well as p & Z no letters of objection.

Mayor Perry opened the public hearing at 10:45 a.m.

Terry Stump 1105 Castlerock here on behalf of Outback asked to vote in favor.

There being no one else wishing to speak, the public hearing was closed at 10:46 a.m.

Deputy City Secretary Reyes read the caption of Ordinance No. 9065

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9058 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

51. At approximately 10:36 a.m. 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, (Bus Barn #2603D) located 690 feet from the north line and 1080 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 600 feet west of Roadrunner Trail.) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave an overview for 30 pub com period. 1 of 5 apps to be located on same site. O&G reviewed well site and app in detail with follow cond, address the type, if dust control and name emg contact. no variances being req. fencing will be wood type fence. during drill will use sound barrier on s/w side 16 feet tall. Tracts of land rsp owns surface and recently purchased the tracts of land to the east 4401 rr trail through 4509 rr trail. running flow line..... north to briarwood west out of town to their better location. Received 45 letters of objection. Items mentioned in truck traffic, affect growth of city, affect ground water. 15 letters of support also received.

Trost what is distance from wells no smoking no fire of any kind, bbq pits etc. Ron anywhere in fence location of site within fence location. outside ok.

Morales how big is acreage vs what they just purchased? They need to answer.

Mayor Perry opened the public hearing at 10:52 a.m.

RSP Permian - Steven Gray 4516 Bent Tree Trail, 5 applications and will be address all five applications. All are new applications in reality new plan of dev for bus barn lease. In January had 3 application 2 approved 1 deferred. In April 2603 denied. After meeting talked to each to understand concerns noise, safety, traffic, accuracy of surveys, biggest concern of lack of communication and perceived unwillingness to work with neighborhood. It was obvious tha tother staked wells caused great deal of concern. Wanted to be least disruptive to neighbors. What changed propose place 5 deviated wells on one pad and won't be pursuing any additional well sites in community. In stakeholder meetings asked by could drill on other sites. proposing to drill directionally from land own and forgoe other well sites. Previously ntod can't contact all zones with horizontal settings. Met with land owners and were turned down by landowners to drill directionally but are practical limits. Don't think cna drill well 1/2 mile 3/4 mile away and ffect preserves. changes include 1) lack of comm - hired a comm firm to reach out to comm. Spoke with each Council Member, sent letters and made phone calls and met with neighborhs on may 21 to prov info and ans questions. heard conc about future locjations. 2) concern about noise - engaged company to do noise study and will use sound walls during drilling, new application incorporates their recommendations. deisel electric rig that is much quieter. 3) concerns about surveys - resurveys have ligned survey sign none were ithin 500 feet of residence.. 4) concerns about dust - dust mitigation is not hard 5) traffic issues - revised plan does not call for any traffic on Coyote Trail, Tumbleweed or Roadrunner. All traffic on Briarwood. Studies indicate will have 30 vehicles a day coming in and out of location whil drilling and completing. Then a few vehicles a day. Traffic on Briarwood Avenue avgs 7000/vehicles a day. If 30 vehicels on road for a few months. temp inc traffic by 1/2 of 1% 6) fencing - wood privacy fence instead of chain link, plan to use landscaping over and bove required by City. 7) Safety - RSP has drilled 130 wells in last 2 years without incident and tkae extra precautions when in residential area. What is magic distance? everyone has different answer dep on type of well . Advisory committee that wrote ord said 500 feet. We believe app addressed all major concerns heard. On personal level there are several person in room not happy about app and emotions run high. Have been accused of lying , mkaing false statements, tresspassing, wanting to make life difficult, for record liv ein Midland and care just as much about Midland as next person. Midland built on back of oil industry and rights of surface owners don't always trump rights of mineral owners. Here rep rights of mineral owners that would like to see owners protected. Heard someone say is approve unprecedented. There is nothing unprecedented about apps. The final drilling ord was months of final effort by homeowners and others. Not here to rewrite ord simply apply to drill ont ract own that does not require variance and will be produce dinto tank battery outside of city limits. Going above min with sound walls, fencing and

Morales acquired property to east and is that same acreage as own curently. Gray own 20 acres total now. 10 previous. Morale sin thoughts discussion about moving wells to east to gie homeowners better quality of life. Gray already subdivided into 5 2 acre tracts. Plan to develop land into residences. Proposing 173 setbcaks to apartments with setbacks as well. The four new apps are as moved as far east as can. Wells will be about 400 feet from future houses. Minimum is 300 feet. Gray could we move wells to easat. Intend to sell home and wya proposing it will be 700 feet from existing home

and 120 feet from future homes. Pretty much say no more homes on 10 acres. Sparks how much displacement do you have on the downhole side from surface location. Gray bottom hole locations are different from surface hole. to move locations to surface would have to see the distance might not be able to move.

James remind of result of meetings in May. Gray contacted 30-40 people many of whom were outside the 860 foot radius. About half came to the meeting, presented info and talked about questions. Gave survey it was a mixed result some satisfied others weren't. Was there one big resounding message and it was not in my back yard.

Sparks do you also own property on east side of roadrunner. Gray no.

Trost why did you buy 10 acres? Gray - there was a builder who had construction he needed interim financing and was making process difficult. Bought it to build houses. Concerned he would have problem selling while in process of drilling easier to buy land and sell lots later.

Ron Jenkins clarification variance for less than 500 feet can be 130 feet. James 45 letters of opposition. how many in notification area? 26 within notification area. What is percentage. 9 from within that area.

Jim Sprandlin, 5806 Sterling Place # letters was 12 if multiply by five sounds like more. Other thing of those 12 had one that was 970 feet and all ballots came from 1100 feet to 4500 feet. Of original 24 purchased 12 came back within 860. Ron has 9 in 860. Ron 26 properties within 860 feet 9 came back

Dr. Steven Rea, MD, 4214 Coyota Trail, thanked Council for 9/11 service this morning. Thanked Council for having courage to think of citizens in Midland and systematic destruction going on in the area. If you go out and google what is happening in periphery of city and moving into established neighborhoods. Destroying parts of city that has been there a long time. Been door to door to all houses in neighborhood. All houses to wish stopped said they sent letters in day after received signed. Believe it is greater than you think. Drilling is inherently unsafe business. He is ER physician and sees things going wrong all of the time. Appreciates safety record but can't be happy at any time. There H2S Gas and radiation. It is less than 500 feet to Mr. Carrascos house. In that house is two little children and they are going to back their pits up to put radiation and toxic waste up to back of property. Please keep kids in mind. Brought up sign it is important. Can't sit in back yard because sign hanging on back fence. Can't BBQ and smoke a cigar in back yard. Last month spend \$600 trying to keep trees alive. Meeting was controlled, all questions were not answered. presented rainforest in Midland Texas as to how going to hide. How soon will this cover it. Mr. Carrasco next door is he owns lots and was going to live with his brother. He's going to build spec homes and try to sell it. Traffic all traffic off of hwy 60 into rig. At least 5000 trucks will be going in while drilling wells. All pass within 150 feet of home for 6 months while drilling and then forever while service wells. Other part of traffic when drilled well on back side, all traffic that went to that well came through feeder streets. Beer bottles and trash everywhere. Now that stopped drilling well all gone. When starts again problem will return. Magic distance, had lit sent to. Flower mound changed distance to 1000 feet and proposing do same thing in Midland.

Robert Simpson 4206 Coyote Trail, lived there 32 years. Issue is that City can protect

other members but not in the County. Have opportunity to stop something that is about to happen in Midland. First thing would like to address is that with 5 wells in subdivision have 228 or larger pumping units. With five wells there those things are going to have to have constant attention. They will have to have pulling units in there at least every other month. One problem is pulling strings with tubing and rods. Appreciate that will not drill any more if can get oil from one plot of land. However with RSP they will create a new company to hide their liability. They will sell off all of the acreage and will be looking at a whole new issue because changed ownership. In 10 years you will not be able to go back to find who is liable. Bought five lots with one house on it. They never brought up fact that they owned those lots and house. They don't want to move drilling to anywhere but where it is not. It used to be no one would ever drill within a city. Now with oil \$90 a barrel they want their oil.

James sum up in 72 second what you would like to see. Simpson reject drill site and if has to go through then push all the way over into the corner. James there is nothing that they have done that helps consider permit differently. Simpson correct.

Robert Thomas, 3808 Roadrunner Trail. Didn't see traffic. For this application they went above and beyond. Know there is radiation in oil they are not drilling for radiation.

Rosale Bohannon, 4316 Roadrunner Trail, who is going to protect them, they can see everything on their property from on top of the rig. It takes 20 minutes to get someone out there. Wants assurances for safety and property because 90% of people are ex cons or drug addicts. Appreciates a wood fence but would like to see a Cinderblock. Her house is going to be lit up 24/7. Rods are currently 40 mph should be 30 mph. James what would you like to see. Have no problem going up. Would like to see more patrolmen out there. When move rigs up there can't say those people aren't going to come back and break into homes and barns.

Kathy Jones 4101 Coyote Trail, realize as elected City council member supposed to support our health. You have already turned down one why would you consider five? They admitted to over 900 trucks amounts to 8M cars and trucks. They go down Coyote Trail and Road Runner. Reminded Council that first obligation is to citizen and asked them to be a citizen instead of . Flowlines are going to run through neighborhood and will be all around subdivision. The little trees that they plan won't grow when they can't even get their own trees to go. Worked a long time to have a retirement home because there will be trash, traffic, and a lot of things we don't want. Won't be able to take walks or ride bikes. Her 72 second are they can drill directionally and horizontal. can go to west and drill these properties. Beg Council to not allow and not set precedent for City of Midland.

Danny Armstrong 4200 Coyote Trail, one bore permeated 150 feet behind property 400 feet in front of property that are already permitted wells. His daughter is up and down streets on bicycles. They will be facing oilfield traffic. Know have obligation to constituency and citizens in general. Ask you to look at how benefits cities of Midland. How does this benefit COM as whole? Everybody moved out there for given reason, liked peace and serenity. Now have a well bore 150 feet behind house if well is ever developed big pump jack will be there. Cannot unring a big, if allow today will open door for future development. James? No drilling whatsoever? On this particular issue not at all in any way? Armstrong not at all.

Bob Schlagel 4304 Coyote Trail like to mention Mayor said people should develop minerals and then houses come in. If setting up there and turned down on 2603 and then came back with 5 that would be a slap in the face. John ask what can be different? He has RR Commisison report, those 3 wells with what turned in for oil run out at \$90 barrel over a \$1,700,000 a month. Trying to get across is since 2603 was turned down by this group, Kathy sent everybody out a package if had a chance to look at, there has been three epublicized instance in this area. They had buried line off in Ector County and shows spill. Will put 2 4" lines over by battery. If you check records that equals 500 barrels a well. Trying to put that down 2 4" lines to battery. The third thing was aman died over in Ector County weather it was H2S the main thing is people tha twent in to pick him they had to put protective clothing on. All 3 things could happen on this location. He filled out all of the forms because property within 800 foot circle. IMportant that realize this location where wanting to do 5 wells with kind of production received at 3. they can set their wells along County portion. James want to know solution - he would run directional wells off of line through roughly the middle and runit accross and pick up same thing going to do. The ordinance which are legally bound to the 500 foot circle. Number 8 says where there are alternate well sit elocations and there are alternate well site locations. There are 9 ordinances that would bear on this proposal to put five wells where one was turned down.

Jeff Streun 6609 Briarwood, live directly next to where road come off Briarwood, main concern is safety of daughter and traffic to property. Pretty sure road will be right next to fence. Flow lines will come close to property as well.

Bill Hartzole 4400 Tumbleweed, retired for Texas railroad commission. Concerned if approve wells will drill water wells will very adversely affect water in subdivision and water table will go down. Also concerned about pits and heard say going to use mineral pits. If approve wells will require to use contained system so don't dig earth in pits and if do require to hall off and not bury them. Adjacent to city there are drill wells and 30-40 foot pits and covered up. Adversely affect water quality in area.

Craig Tellinghuisen 4008 Coyote Trail, ideal would b eno drilling in my backyard. A good compromise would be better to have well site concentrated in one concentration rather than spread out. Proposal does utilize private proeprty. Drilling on own surface. Flow lines consolidated rather than scattered because wells are together. First wells would have required flow lines and traffic this does consolidate flow lines and should minimize traffic thru neighborhood. Had two concerns expressed by Mr. simpson tha this proposal with five wells will allow mineral owners to develop assets in northeast section and ther eare wells in west section whihc leaves south section as void. At meetin in May when met with RSP asked what becomes of the rest o the section and he said ha eno control over what future operators do in the section. Also concern about water during drilling. The water source was to be Santa Rosa formation which is below fresh water source and brackish water. Dont know how fare in future need to look to preserve water.

There being no one else wishing to speak, the public hearing was closed at 12:07 p.m. Will go to executive session and will come back at 1:15 p.m.

52. At approximately 10:39 a.m. 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, (Bus Barn #2611D) located 590 feet from the north line and 1040 feet

from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) (DEVELOPMENT SERVICES)

Mayor reconvened at 1:21 p.m.

Ron Jenkins, same cirm as other well. same attributes. obj letter total 43 and 860 7 have objected.

Mayor Perry opened the public hearing at 1:23 p.m.

David Hamm 4311 coyota Trail, they are drilling their wells first before trying to bring in homes, second couldn't sell any homes. If you ahve achoice, Midland County is big most people chose to live in quiet neighborhood and that's what he did. Covenants on deed prohibited commercial development, and houses had to be a certain size, no pigs. Oil wells don't fit into that picture. it is an established neighborhood. Love for them to get oil but not in our backyard. 72 seconds nimby. At meeting they talked about no water contamination but talked about other areas where there were problems. If defective flow line there is a mess in an established neighborhood. Noise - there is a well a half a mile away with trees between and especially at night you cna hear the well. The Ordinance made by City has a number of issues to consider such as water safety and noise. Asked council to please consider and keep a quiet neighborhood.

Bob Schlagel this is morning from this morning asked to read.

There being no one else wishing to speak, the public hearing was closed at 1:27 p.m.

53. At approximately 10:42 a.m. 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, (Bus Barn #2612D) located 640 feet from the north line and 1040 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) (DEVELOPMENT SERVICES)

Ron Jenkins same info as prior wells total 43 letters of objection and 7 in 860.

Mayor Perry opened the public hearing at 1:27 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

54. At approximately 10:45 a.m. 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, (Bus Barn #2613D) located 740 feet from the north line and 1040 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) (DEVELOPMENT SERVICES)

Ron Jenkins same info same as other wells total 44 obj letters 8 in 860.

Mayor Perry opened the public hearing at 1:28 p.m. There being no one present wishing to speak, the public hearing was immediately closed. objections apply to whole things.

55. At approximately 10:48 a.m. 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, (Bus Barn #2614D) located 790 feet from the north line and 1040 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) (DEVELOPMENT SERVICES)

Ron Jenkins same info 44 loj 8 in860

Mayor Perry opened the public hearing at 1:29 p.m.

Jim Chatterell 2514 Lockheed here to speak in favor of permits to Carrascos are going to be builders in area where built wells. In Texas been reminded that surface estate and mineral estate and both people have to have access to property. That has been rules for many many years. Those are facts and the law. Have done this in other areas closer to town with no problems. Like to remind everyone that this is not a new idea. There are over 165 producing oil wells in the COM. It has been done and done well. This is business that feeds us all. A lot of people odn't have work. Someone asked gov in Pennsylvania he said i like 135,000 new high paying jobs in state. Urge to approve these and appreciate time and consideration.

Martha Carrasco 4416 Coyote. Concerned about her children's health.

There being no one else wishing to speak, the public hearing was closed at 1:33 p.m.

Mayor will vote on it October 23. Appreciate professional attitude held by everyone and asked that treat everyone as neighbors. We are ALL Midlanders and need to realize that.

56. At approximately 10:51 a.m. hold a public hearing and consider an ordinance on a request by Pioneer Apartments for an Apartment Site Plan, Lot 3, Block 1, Cross Pointe Addition, City and County of Midland, Texas. (Generally located approximately 550 feet north of Briarwood Avenue on the west side of Holiday Hill Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9059

AN ORDINANCE ADOPTING A SITE PLAN FOR AN 7.37-ACRE TRACT OF LAND OUT OF LOT 3, BLOCK 1, CROSS POINTE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 550 FEET NORTH OF BRIARWOOD AVENUE ON THE WEST SIDE OF HOLIDAY HILL ROAD); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; 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

Planning Division Manager Walker provided an over of the item noting the land annexed into city this year. proposed multi fmaily dev with 96 units in 4 3 stroy buildings. 320 feet of seperation between HH Rd and the front of the first buidling. Opportunity since Pioneer owns another 12 acres to South and west that this is phase I. Any future development would be subject to Council review. One letter of objection from across

Holiday Hill Road. Staff rec in favor.

Morales entrance to apt complex off Holiday? yes. James for exclusive use of Pioneer? Cameron that is his understanding.

Mayor Perry opened the public hearing at 1:58 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9059 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

57. At approximately 10:54 a.m. hold a public hearing and consider an ordinance on a request by Betenbough Homes for a zone change from FD, Future Development to PD, Planned District for a Housing Development on 108.712-acres out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located west of Tradewinds Boulevard at the west end of Legends Boulevard.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9060

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 108.712-ACRE TRACT OUT OF SECTION 37, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED SOUTH OF STATE HIGHWAY 191 AND WEST OF THE SCHARBAUER SPORTS COMPLEX); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT 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

Planning division Manager Walker provided an overview of the item noting proposed expansion of Legends park Neighborhood built by Betenbough. Zoning applied was FD future development because property owners did not have dev plan. Part of discussion is to approve fencing design on western side of property and entryways into neighborhood. Including hike and bike trail to east of property. no let of obj and rec approval.

Mayor Perry opened the public hearing at 2:01 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

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

9060 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

58. At approximately 10:57 a.m. hold a public hearing and consider an ordinance on a request by Cuthbert Plaza, LLC. ON APPEAL for a zone change from LR-1, Local Retail District to PD, Planned District for a Shopping, on Lot 6.774-acres out of Tracts F & G, Johnson and Moran Addition, City and County of Midland, Texas. (Generally located on the south side of Cuthbert Avenue, approximately 300 feet west of Andrews Hwy.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9061

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 6.774-ACRE TRACT OF LAND OUT OF TRACTS F AND G, JOHNSON AND MORAN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE SOUTH SIDE OF CUTHBERT AVENUE, APPROXIMATELY 300 FEET WEST OF ANDREWS HIGHWAY); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT 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

Planning Division Manager Walker gave an overview of the item noting near Andrews Hwy and Cuthbert the old Gibsons Store. On appeal P&Z rec against one of the items that was applied for under the zoning. Site plan review by PC and contained in pkg 3 parts. First part is applicant would like to have expanded uses allowed within bldg itself. Would like lighter end of mfg/industrial type uses contained in building. to allow for candy mfg, awning mfg, drug mfg, hardware, mattress plumbing shops venetian shops listne. One are felt more comfortable with is that in connection with any of those uses there has to 20% of floor area allocated for retail sale. So making venetian blinds in back have to have store available in front. second part is allowance of more signage on property. 3 nonconforming signs that have been there for decades, would like to increase height to 30 feet. Part B of sign package owner is asking for electronic billboard up to 96 square feet in area. third part is to use this portion area labeled as area B for outdoor sales on periodic basis for non-profits. That is 3 parts requested. PC recommended against electronic billboard. They were uncomfortable with outdoor space and continuous maint associated with it. They did rec in favor of the outdoor space and the indoor portion of bldg being used for mixed industrial/retail uses. One letter of objection has been received.

James there are currently 3 nonconforming signs on property? Cameron pointed on 3 signs. part of request is to have one sign to replace 3 with electronic billboard. Cameron official request would be to increase the height up to 30 feet on all 3 signs and add a 4th sign electronic. Cameron if build today would have to be 15 feet in height and one sign.

James across street is ATC that was in last 10 years. Other shopping center is how old? that is at least 25 years if not 35 years. James Albertsons shopping center is a little bit newer than that? Cameron late 70's. James Albertsons has spent \$3m Midland College about \$2m all in last 10 years. What is value of development. James point perhaps redevelopment spurs redevelopment and so it's a good thing that making the investment now have to make it work for them.

Mayor asked about outdoor area. Cameron the proposal would be to use the space for and place structures similar like farmers market shade structures to allow periodic sales by non-profit groups. Shade structure and fence of concrete brick or wrought iron.

Mayor Perry opened the public hearing at 2:14 p.m.

Robert Rendall, 550 W Texas Suite 800, here on behalf of applicant, Tim Ernst principal of company is present. His company purchased property a little over year ago with intent of trying to do upgrades to exterior. As Cameron did good job of laying out what trying to do tried to come up with idea to repurpose. This was central purchasing area in Midland. Trying to do a mixed use to make building that is 50 years old still viable in the community and that is reason came up with uses. Felt no light industrial uses would be a detriment to area. The second idea was to provide an area for non profits. Suggesting that you drop that from the application. There was concern voiced from P&Z. Adjoining neighbor also voiced concern. His objection was if dropped with one other condition he would not be opposed to project. Propose dropping area B completely. Third aspect is signage of property. There are currently 3 signs located on property. First one being sign for Hastings facility and is a contractual situation. Proposing no change be made to sign. Second sign in middle, original proposal was to leave as is and do structural work. Third sign the one causing concern would be to replace sign with 30 foot tall sign but would make a better image for area on eastern end of property near Andrews Highway. Would propose if able to get largest sign approved with billboard aspect would eliminate the middle sign. So would have Hastings sign and then on other side would be Marquis sign to advertise center closer to busy Andrews Highway that would contain names of major tenants and digital sign. Want to do off site advertising that is particular an economic issue. Use revenue to redo sign and help fund facade changes to building. After purchased got news that rooms to go would be moving out. One third of building will have to be replaced with new tenants and have to meet new building codes. In order to make bldg more attractive this would be helpful. Reviewed pictures of signage in area. Asked to get New Cuthbert Plaza in place and help with signage.

Trost no problem with sign but question about outside sales. Rendall taking out outside sales and going down to 2 signs.

Morales elaborate on what trying to do with Billboard part. Rendall willing to be restrictions within Ordinance of electronic billboard. Done sign study it would only show 3 messages per minute. When looking at sign anticipate using 5% of message for community svc or non profit. Part of digital for existing business and specials. But extra ability to generate income for offsite advertise radio station or something of nature.

James isn't current ord 7-8 seconds / no 6 seconds. Is this first of kind? Courtney yes Mr. Rendall showed McDonalds sign. This borders on billboard because it advertizes off-premise advertising. If you allow be ready because would get others coming in for

off premises advertising. Rendall would slow down applicant for doing outside of building until a third tenant is secured. Trying to generate revenues to proceed with outside of building to attract more tenants. James issue is not the size of the sign its off premises advertising. James staff doesn't have issue with height of sign but with off premises component. Cameron code is real clear as to what a billboard. billboard is off premises advertising. If refer to as electronic sign for sale of items on property that is legitimate sign. If start advertising for brand X it becomes a billboard and that is delicate part of this application. James presents unique opportunity understand that in regentrification/redevelopment properties are going the way of K/mart of world or their going to go the other way. On Andrews Hwy and on what's happening on Cuthbert and Midkiff is burger King just knocked down building to build new one. What is starting to happen is cos realize they have to compete with loop and doing best to raise bar. James comfortable with sign, thinks this a vast improvement and hopes the other center that that is the next one because if it does we've done something to save the part of community.

There being no one else wishing to speak, the public hearing was closed at 2:39 p.m.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9061 in accordance with the Charter of the City of Midland; seconded by Council Member James.

Council Member James moved approval of the first of two readings of Ordinance No. 9061 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

Council Member James moved approval of the first of two readings of Ordinance No. 9061 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

James if don't approve replacement of billboard sign need to give developer ability to say just want to keep 3 signs.

Perry feel like have sign ordinance that need to follow and need to talk about for whole community and not just this area. need to identify all regentrification areas. James if not a planned district those comments okay.

Morales asked Rendall how many advertisements would you be running to different groups? is there a limit? Rendall the guidelines looking at is around 50% for off-site and remainder would be for on-site and public services.

James that is a good question. If concerned about them getting into Billboard business need to say don't need to be in that business or treat like a billboard company then treat like a billboard to tighten it up. Morales one other thing what if able to put in here trying to generate while having mfg going if it filled within one year but set limit of outside sales for 2 years only.

Tim Ernst, with development company. To answer earlier question about what to expect to invest in exterior and signage budget is \$900,000. Interior improvements much more. In Jan rooms to go is moving, they are half of square footag eof center. Need to have funds available to renovate center and attract viable tenant. If can use outside advertising or off premesis for portion fo small billboard sign will enable to borrow half of cost of renovating center and building sign. Prepared to invest up to .5M in sale. Have approval from Wells Fargo subject to getting billboard. Without it it doesn't work. For short time, problem is using income stream from thsi board in order to justify lona, if hcnage from permanent to two years, ti would pay for cost of sign. Frome conomic standpoint it is not a solution to enable to build the board. This is much more professional and modern looking sign. challenged are ofof of Andrews but not on it. The Planne dDistrict is a perfect solution. The plan that was deveoloped is going to work for us and the community. Trost we have an ordinance in plae and that should be that is the law. However the intent when passed we have notion of what billboard looks like. You picture things along hghway and when look at this, don't feel like it is a Billboard. Perhaps in perception of what is or is not a billboard.

Courtney staff is not objecting to sign only the off premesis sign. Trost understand what intent was go far away from here to buy product but its not presented in such a way as to be a permenent go to Joe's garage it is several different signs and can't see where that's objectionable.

Morales it is what does it do for the rest of the city are we prepared once we've opene dthe box? James we already have by virtue of approving planned districts. Do think the Mayor has a way to tighten it up slightly. This revenue stream makes the investment work and without it doesn't and that's the K-Mart syndrome and that scare him more. Trost this is predicated by doing a project for redevelopment.

Sparks what do you see as worst issue that comes out of this? Courtney go back to McDonalds and need to garner money because arches fell over come back to Council through PD that would allow for outdoor advertising to pay for new arches. Look at pictures of cuthbert and Midkidd. Those have been addressed in new sign ordinance and if redeveloped that would not happen.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, James, Sparks. NAY: Perry. ABSTAIN: None. ABSENT: Dufford.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

59. At approximately 11:00 a.m. hold a public hearing and consider a resolution on a request by Sears for a Temporary Land Use Permit for a Philanthropic Event on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Loop 250 North and N. Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 317

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PHILANTHROPIC EVENT ON LOT 1, BLOCK 17, SKYLINE TERRACE, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE

SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN.

Planning Division Manager Walker provided an overview of the item noting event to be held during month of October and period of time requested is longer than norm of what Council authorizes. He is only conducting the event Friday, Saturday, Sunday nights during 4 weekends in October. It's on Sears property behind Juimburito. Proposal to install 22,000 sq ft tent showing with various rooms that would show leading causes of death by teens and young adults. 7 p.m. to midnight. no letters of objection. staff rec in favor.

Mayor Perry opened the public hearing at 3:06 p.m.

Daneil Henshaw 2866? 99 is govt statistic 99 teenagers from unpreventable causes. is that in regard to occupy wall street and it is not. number of young people die drunk driving gang violence, drug overdose. Experience the realities of everyday choices. Show live car wreck scene show scene the depicts use of drugs, depicts use of gang violence, and suicide and depression because of bullying at school. Goal to bring to community is to raise awareness. Not to scare anyone but to present facts to them. 30 cities across America this will be 31st city. Choose cities carefully and looking forward to being here in October. See between 15-20,000 come through production.

James this is Sears sponsored event? Person - it is 99 looked for place and Sears is host on wall property but 99 production. Trost is it free? @ if it is hindrance will allow to come in. doors shut at 11:00 but will allow line to go through until midnight.

Council Member Trost moved to adopt Resolution No. 2012 - 317; seconded by Council Member James.

There being no one else wishing to speak, the public hearing was closed at 3:10 p.m.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

60. At approximately 11:03 a.m. hold a public hearing and consider an ordinance on a request by David Miller for a zone change from PD, Planned District for a Housing Development, to an Amended Planned District on 14.05-acres out of Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located at the south side of W. Wadley Avenue, approximately 450 feet east of Sunburst Drive.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9062

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 14.05-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED AT THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 450 FEET EAST OF SUNBURST DRIVE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL

CONDITIONS AND RESTRICTIONS AS SET OUT 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

Planning Division Manager Walker provided an overview a request by David Miller who is present to get site plan approval for apt dev on land slightly larger than 14 acres. Zoned multi family for more than 10 years but no site plan with intent to construct. New site plan is current and Mr. Miller intends to build. Proposal is for 290 units 20/units per acre 20.6. There are 3 story 15 buildings. Set back 160 feet from eastern property line and 20 foot alley between selves wnad property to east. There are garages and parking structures and buildings with parking spaces under the units. With number of units 620 parking spaes on property. Mixture of parking space sizes in that longer vehicelsare provided for in this development. Two entries to property both gates for security purpose and wrought iron fence with stone and brick columns. Five letter sof opposition. 4 letters came from property owners to East along Whittle Way and one across Wdley to north. P&Z rec in favor. 20.6 units/acre proposed are consistent with development that Council approved in recent hstory for multi family.

Perry height. 3 story all 3 story. The one story are parking structures. hailey, possibility of looking into backyards ; cameron there aren't backyards it is garages. Discussion ensued about setbacks.

Morales at Blue Ridge there were angled parking garages. Will that be included here? James areyou concerned about site line? Discussion about need for site line study. 4 letters of objection one one is on west side whittle way at dentcrest and whittle way.

Cameron 20% does not come into play.

Mayor Perry opened the public hearing at 1:49 p.m.

David Miller Magdugal Company, 8505 Trenton, Lubbock, Have a meeting in Austin need to get to. 290 unit complex very similar to one built in 2008 the Palms off of Briarwood. The buildings that run east and west along property lines there ar eno patios they face east and west. the garages will have a pitched roof.Excited about project will be class a property.

There being no one else wishing to speak, the public hearing was closed at 1:51 p.m.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9062 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

Hailey like to look at possibility of doing site line study to ensure not impeding privacy. David Miller will do it and get it forwarded to Cameron. mayor especially on patiors.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

DEVELOPMENT SERVICES

61. Approved a resolution to grant a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance) to allow building permits for commercial buildings, to be issued in the future, where the proposed building, either in whole or part is no closer than 260 feet of an existing oil and gas well. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2012 - 318

RESOLUTION GRANTING A VARIANCE FOR LOTS 3A, 3B AND 3C, BLOCK 1, WEST 1788 INDUSTRIAL PARK, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE 11700 AND 11800 BLOCKS OF ONYX DRIVE), BY PERMITTING CONSTRUCTION OF COMMERCIAL BUILDINGS WHERE NO PORTION OF ANY BUILDING IS CLOSER THAN TWO HUNDRED SIXTY (260) FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF A BUILDING PERMITS

Building Official Steve Thorpe request from owners of properties requesting a variance to previously permitted oil well to allow building construction within 260 feet of well for construction of industrial buildings.

Council Member James moved to adopt Resolution No. 2012 - 318; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

Discussion about location.

MISCELLANEOUS

62. Consider an ordinance prohibiting parking on the west side of Boulder Drive from the centerline of Fargo Avenue continuing north 370 feet, from the centerline of Fargo Avenue continuing south 583 feet and on the north and south side of Fargo Avenue from the centerline of Boulder Drive continuing west 158 feet to the north south alley. (ENGINEERING SERVICES)

ORDINANCE NO. 9063

AN ORDINANCE PROHIBITING PARKING ON THE WEST SIDE OF BOULDER DRIVE FROM THE SOUTH CURB LINE OF LOOP 250 SERVICE ROAD CONTINUING SOUTH A DISTANCE OF 369 FEET TO THE NORTH CURB LINE OF FARGO AVENUE, AND FROM THE SOUTH CURB LINE OF FARGO AVENUE CONTINUING SOUTH A DISTANCE OF 561 FEET, ALSO ON THE NORTH AND SOUTH SIDE OF FARGO AVENUE FROM THE WEST CURB LINE OF BOULDER DRIVE CONTINUING WEST A DISTANCE OF 139 FEET TO THE NORTH SOUTH ALLEY EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SUCH STREET AND HAVE OBTAINED A VALID PARKING PERMIT; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; 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

Gary Saunders gave an overview of the item noting basic request parking by permit only. Have a petition representing all property owners.

Trost who requested? Gary requested by citizens because apartments are taking up parking.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9063 in accordance with the Charter of the City of Midland; seconded by Council Member James.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

63. Consider an ordinance amending existing Ordinance No. 8019 establishing a 45 mph speed limit on a portion of Briarwood Avenue west of Holiday Hill Road. (ENGINEERING SERVICES)

ORDINANCE NO. 9064

AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); REPEALING PORTIONS OF ORDINANCE 8384; AND ORDERING PUBLICATION

Gary Saunders cleans up Ordinances. A portion of Briarwood that has been annexed received request that 60 mph rather high and brought speed in front of tennis center 45 one mile west just past residential road.

from Holiday Hill road west for one mile to west of Avalon 45 mph.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9064 in accordance with the Charter of the City of Midland; seconded by Council Member James.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

64. Consider an ordinance amending Title III, Chapter 1, Section 9 of the City Code. (SOLID WASTE)

ORDINANCE NO. NUMBER>

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT" SECTION 9 "OPTIONAL LITTER ABATEMENT AND

BEAUTIFICATION FEE,” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO MAKE SAID LITTER ABATEMENT AND BEAUTIFICATION FEE MANDATORY AND TO INCREASE THE FEE FROM FIFTY CENTS (\$0.50) TO ONE DOLLAR (\$1.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Solid Waste Director Morris Williams, spoke during briefing.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9065 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

James prefer broader program voting against.

The motion carried by the following vote: AYE: Morales, Hailey, Perry, Sparks. NAY: Trost, James. ABSTAIN: None. ABSENT: Dufford.

65. Consider an ordinance amending Title VIII, Chapter 6, Section 9 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9066

AN ORDINANCE OF THE CITY OF MIDLAND AMENDING TITLE VIII, “FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION,” CHAPTER 6, “GARBAGE, TRASH AND RUBBISH,” SECTION 9, “COLLECTION FROM COMMERCIAL CUSTOMERS,” SUBSECTION (A) OF THE MIDLAND CITY CODE SO AS TO INCREASE THE RATES CHARGED TO COMMERCIAL CUSTOMERS FOR THE COLLECTION AND DISPOSAL OF GARBAGE, TRASH AND RUBBISH; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2012; AND ORDERING PUBLICATION

Morris this is to raise commercial rates does not affect residential rates. \$51 as base to \$62.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9066 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

66. Consider an ordinance amending Title VIII, Chapter 6, Section 12 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9067

AN ORDINANCE AMENDING TITLE VIII, “FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION,” CHAPTER 6, “GARBAGE, TRASH AND RUBBISH,”

SECTION 12 "REMOVAL OF GARBAGE, TRASH OR WASTE OTHER THAN BY THE CITY," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CLARIFY RULES RELATED TO GARBAGE HAULER'S PERMITS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Morris this to clear up garbage haulers permit.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Hailey moved approval of the first of two readings of Ordinance No. 9067 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

67. Consider an ordinance amending Title VIII, Chapter 6, Section 23 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9068

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 23 "PLACEMENT OF REFUSE CONTAINERS ON APARTMENT AND OTHER COMMERCIAL ESTABLISHMENT PREMISES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE VERBIAGE CONTAINING DIRECTOR OF UTILITIES TO DIRECTOR OF SOLID WASTE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Morris clearing up language.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9068 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

68. Consider an ordinance amending Title VIII, Chapter 6, Section 24 of the City Code. (SOLID WASTE)

ORDINANCE NO. 9069

AN ORDINANCE AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBBISH," SECTION 24 "CHARGES FOR DUMPING OR UNLOADING AT SANITARY LANDFILL OPERATED BY THE CITY OF MIDLAND", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO INCREASE THE RATES CHARGED FOR DUMPING OR UNLOADING AT THE SANITARY LANDFILL FACILITY OPERATED BY THE CITY OF

MIDLAND AND TO INCORPORATE A TWENTY-FIVE DOLLAR (\$25.00) LANDFILL ACCESS FEE; CONTAINING AN ESCALATION CLAUSE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Morris taking landfill fee from \$28.25 tipping to \$31.00 and instituting landfill access fee of \$25 to encourage Citizen Collection Station.

Trost need to be clear because citizens will be surprised will have to pay \$25 access fee and pay to have dumped. Needs to be very clear and very well presented to public.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member James moved approval of the first of two readings of Ordinance No. 9069 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

69. Consider an Ordinance Amending Title III. "Departments", Chapter 1, "Water Department", Section 2, "Rates", Subsection (A), "Customers Inside of City Limits", of the City Code of Midland, Texas, so as to Change the Rates Charged for Water and Sewer Services; Containing a Cumulative Clause; Containing a Savings and Severability Clause; and Ordering Publication; and the City Manager Shall Notify All Customers Outside the City Limits as Required by State Law. (UTILITIES)

ORDINANCE NO. 9070

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT", SECTION 2, "RATES," SUBSECTION (A), "CUSTOMERS INSIDE OF CITY LIMITS," SUB-SUBSECTION 1., "WATER RATES," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO INCREASE THE RATES CHARGED TO CUSTOMERS INSIDE THE CITY LIMITS FOR WATER; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION; AND THE CITY MANAGER SHALL NOTIFY ALL CUSTOMERS OUTSIDE THE CITY LIMITS AS REQUIRED BY STATE LAW

Utilities Director Stuart Purvis any questions?

Nancy Warren 2014 Coleman Court. only ones that live in household but on daily basis have done everything to cut water usage spent \$45,000 in yard and had trees that were bigger about trees. With only two don't know how people are doing 10,000 a month. fortunate to have lake home and do laundry there. Absolutely absurd that we do everything we can and no don't have revenue and being penalized for water. We live in desert and this should of been addressed a long time ago. Being punished and not happy about it. What if water issue goes away are rates going to go down? Water usage was 20,000 gallons. Until first of June around 10-11,000. Mayor it has to do with supplies and investments made. Water fund is zero sum game. Not doing it to make money.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

Council Member Sparks moved approval of the first of two readings of Ordinance No. 9070 in accordance with the Charter of the City of Midland; seconded by Council Member Morales.

Trost curious have paper that simplifies it. CRMWD 44.5% increase is that correct? stuart yes. When is contrac tup with them? Stuart 2029 at a minimum.

Trost we pay for Big Spring, stuart yes water going into supply. James the frustration experiencing is same frustration. 50 years ago city fathers bought rights to water at t-bar. Not accessed water because didn't need to we had other sources of water. Three-Five years ago to not be in conservation could have started building a pipeline but would have been constructually obligated to buy water from them so rates would have sky rocketed if done five years ago? Stuart yes. James would of had enough water but would of had choice as to what we did with conservation but not what we do with rates because have to pay for CRMWD and still ahve to pay for pipeline that built five years ago so would of been paying double rates for period of time when water wasn't needed. Stuart correct. James the reason this feels yucky is becasue all of a sudden mother nature created this drought we had to put in fast forward plans that were going to do all along and same with CRMWD. Those two things happen to be laid on top of one another an dlaid on top of a drought. Stuart that is correct. If drought didn't happen would of been paying terrible rate for water we didn't need. It is happening to all cities in region.

Morales thinking why didn't city leaders from past think about this. Prior felt Council didn't deal with flooding. and now it is a reverse of what is taking place today.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

70. Consider an Ordinance Amending Title III. "Departments", Chapter 1, "Water Department", to Include Section 27 "Septage Waste Hauler Discharges and Fees", of the City Code of Midland, Texas, so as to Incorporate a Twenty-Five (\$25.00) Septage Haulers Discharge Fee; Containing a Cumulative Clause; Containing a Savings and Severability Clause; and Ordering Publication. (UTILITIES)

ORDINANCE NO. 9071

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS", CHAPTER 1, "WATER DEPARTMENT" TO INCLUDE SECTION 27 "SEPTAGE WASTE HAULER DISCHARGES AND FEES", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REGULATE THE DISCHARGE OF SEPTAGE MATERIALS AT THE CITY'S WATER POLLUTION CONTROL PLANT AND INCORPORATE A TWENTY-FIVE DOLLAR (\$25.00) SEPTAGE HAULER'S DISCHARGE FEE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Stuart fee was \$10 raising to \$25.

Deputy City Secretary Reyes read the caption of Ordinance No. NUMBER>.

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

9071 in accordance with the Charter of the City of Midland; seconded by Council Member Hailey.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

71. Approved a motion authorizing the City Manager and City Attorney to enter into settlement negotiations with Cajun Constructors, Incorporated on all claims related to the City of Midland Water Purification Plant Improvements Project (CITY ATTORNEY'S OFFICE)

Council Member Sparks moved to approve a motion authorizing the City Manager and City Attorney to enter into settlement negotiations with Cajun Constructors, Incorporated on all claims related to the City of Midland Water Purification Plant Improvements Project and authorize City Manager and City Attorney to negotiate and execute a settlement with Cajun Constructors, Inc.; seconded by Council Member Morales.

The motion carried by the following vote: AYE: Morales, Trost, Hailey, Perry, James, Sparks. NAY: None. ABSTAIN: None. ABSENT: Dufford.

72. Approved a resolution authorizing the City Manager to negotiate and execute a letter development agreement between the City of Midland, Wall Street Lofts, LLC, the Midland Development Corporation ("MDC") and the Midland Tax Increment Reinvestment Zone No. 1 ("TIRZ") regarding the development of a mixed-use multi-family residential and retail building and parking garage and related infrastructure, all to be located on the property currently described as Lots 1-8 and Lots 13-23, Block 53, Original Town Addition, Midland, Midland County, Texas. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2012 - 319

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LETTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, WALL STREET LOFTS, LLC, THE MIDLAND DEVELOPMENT CORPORATION ("MDC") AND THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 ("TIRZ") REGARDING THE DEVELOPMENT OF A MIXED-USE MULTI-FAMILY RESIDENTIAL AND RETAIL BUILDING AND PARKING GARAGE AND RELATED INFRASTRUCTURE, ALL TO BE LOCATED ON THE PROPERTY CURRENTLY DESCRIBED AS LOTS 1-8 AND LOTS 13-23, BLOCK 53, ORIGINAL TOWN ADDITION, MIDLAND, MIDLAND COUNTY, TEXAS

Lisa Johnson 2003 W Louisiana woner wall street bar and grill concern for parking during construction what happens to customers and employees. When building garage will ti be for big vehicles like most people drive? Will they do garage first before how many spaces. Also if downtown starts doing well are there other planned areas for parking? More suburban than urban not sure will work downtown.

Mayor will keep you engaged in conversation an important part of community and don't want to negatively imapct you.

Council Member James moved to adopt Resolution No. 2012 - 319; seconded by Council Member Morales.

Trost would like to say has been topic of conversation and understand your issues. Trying to make it as clear as possible and ofr positive development of downtown. The short term inconvenienc should pay off in the long run.

James had preliminary meeting to discuss the concerns of Wall Street Bar and Grill and a couple of other business owners. Mayors words dead on. Do everything we can to mitigate any impact to businesses in area as much as possible including conversations about changing Baird Street and making parking diagonal. In addition Genora has great ideas about marketing what's happening downtown to help businesses during construction.

Moaresl trnsparency is important in this one.

The motion carried by the following vote: AYE: Morales, Trost, Perry, James. NAY: Sparks. ABSTAIN: Hailey. ABSENT: Dufford.

73. Consider making appointments to various Boards and Commissions.

James appoint Rebecca Bell toMOUTD and Lance Friday to O&G / Morales 6-0

EXECUTIVE SESSION

74. 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 551.071, Consultation with the City Attorney and Attorney(s) with the law firmof Cotton, Bledsoe, Tighe and Dawson
 - a.1. Discuss contemplated litigation with Cajun Constructors, Incorporated regarding its claims under the construction contract for the City of Midland Water Purification Plant Improvement Project and Progress Pay Application, and the change order requests to said contract.
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations
 - b.1. Discuss business prospects that the City of Midland and/or the Midland Development Corporation seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- c. Section 551.072 Deliberation Regarding Real Property.
 - c.1. Deliberate the purchase, exchange and value of real property described as Lots 1 through 6, Block 38, Original Town Addition, an addition to the City of Midland, Texas.
 - c.2. Deliberate the sale, exchange and value of real property consisting of all of Block 50, Original Town Addition, an addition to the City of Midland, Midland County, Texas.

- c.3. Deliberate the purchase, exchange and value of real property in Block 39, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- c.4. Deliberate the purchase, exchange and value of real property being all of Block 55, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- c.5. Deliberate the sale, exchange and value of real property described as Lots 1, 2, 3, 4, 5, and 6, block 41, Original Town Addition, an addition to the City of Midland, Midland County, Texas.

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

PASSED AND APPROVED the ____ day of _____, _____.

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary