

**MIDLAND CITY COUNCIL
MINUTES
September 12, 2017**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on September 12, 2017.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Sharla Hotchkiss (District 3), Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love III (District 2), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

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

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

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 12, 2017.

Council Members present: Mayor Jerry F. Morales, Mayor Pro Tem Sharla Hotchkiss (District 3), Council Member Scott Dufford (At-Large), Council Member Spencer Robnett (At-Large), Council Member Jeff Sparks (District 1), Council Member John B. Love III (District 2), and Council Member J.Ross Lacy (District 4).

Council Members absent: None.

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Frank Salvato, and Assistant City Manager Robert Patrick.

The Agenda Items were heard in the following order:

Mayor Morales called the meeting to order at __ a.m.

OPENING ITEMS

cto 10:01 a.m.

1. Invocation - Rev. Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

Mayor presented American Legion.

Jim Silvers USMC 47 years of continuous service post presented plaque to Mr. Silvers.

Hotchkiss presented West Texaas Food Bank.

Craig Stoker marketing for food bank sseptember # of items.

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation to American Legion for American Legion Day
 - b. Presentation to West Texas Food Bank for Hunger Action Month

BUDGET AND TAX RATE ITEMS

4. Consider an ordinance on second reading providing funds for the fiscal year beginning October 1, 2017 and ending September 30, 2018. (FINANCE) (First reading held August 29, 2017)

ORDINANCE NO. 9699

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9699.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9699 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

Sparks also approving the budget for hotel/motel also other things approving. If want minor changes to items specific we can amek changes later on agenda. Pam amend budget any time during year.

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

5. Consider an ordinance on second reading fixing the tax levy for the City of Midland, Texas for the Fiscal Year 2017-2018. (FINANCE) (First reading held August 29, 2017)

ORDINANCE NO. 9700

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2017 AND ENDING ON SEPTEMBER 30, 2018

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9700.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9700 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

with wording

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

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 6 - 64 excluding 12, 14, 16, 24, 39, 57; seconded by Council Member Lacy.

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

6. Approved a motion approving the following minutes:
 - a. Regular Council meeting of August 22, 2017
 - b. Regular Council meeting of August 29, 2017
7. Approved a resolution approving the Fiscal Year 2017-2018 budget of the Space Port Development Corporation. (FINANCE)

RESOLUTION NO. 2017 - 242

RESOLUTION APPROVING THE FISCAL YEAR 2017-2018 BUDGET FOR THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION, AS AUTHORIZED BY CHAPTER 507 OF THE TEXAS LOCAL GOVERNMENT CODE

8. Approved a resolution awarding an agreement for temporary traffic control services for Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 243

RESOLUTION AWARDDING A CONTRACT FOR TEMPORARY TRAFFIC CONTROL SERVICES TO THE SOLE BIDDER, WEST TEXAS BARRICADES LLC, DOING BUSINESS AS BARRICADES UNLIMITED, OF LUBBOCK, TEXAS, AT A TOTAL COST NOT TO EXCEED \$250,000.00; AND AUTHORIZING PAYMENT THEREFOR

9. Approved a resolution authorizing the City Manager to negotiate and execute a professional services agreement with BKD, LLP for audit services for the City of Midland; for the Finance Department. (PURCHASING)

RESOLUTION NO. 2017 - 244

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BKD, LLP FOR AUDIT SERVICES FOR THE CITY OF MIDLAND, TEXAS

10. Approved a resolution approving the purchase of a Fire Pumper for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 245

RESOLUTION AUTHORIZING THE PURCHASE OF A SPARTAN CAFS PUMPER FOR THE FIRE DEPARTMENT FROM METRO FIRE APPARATUS SPECIALISTS, INC., OF SOUTH HOUSTON, TEXAS, AT A TOTAL COST OF \$703,795.00

11. Approved a resolution ratifying the repair of an ambulance and authorizing payment to Frazer Ltd in the amount of \$132,350.00 for repairs for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 246

RESOLUTION RATIFYING THE PAYMENT OF \$132,350.00 TO FRAZER, LTD., FOR THE REPAIR OF AN AMBULANCE FOR THE GARAGE DIVISION

13. Approved a resolution awarding an agreement for a new Health Department Electronic Medical Records System for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2017 - 248

RESOLUTION AWARDDING A CONTRACT FOR A NEW ELECTRONIC MEDICAL RECORDS SYSTEM FOR THE CITY'S HEALTH DEPARTMENT TO QUALITY SYSTEMS, INC., DOING BUSINESS AS NEXTGEN HEALTHCARE, OF HORSHAM, PENNSYLVANIA, AT A TOTAL COST NOT TO EXCEED \$80,589.68; AND AUTHORIZING PAYMENT THEREFOR

15. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the Conversion to Liquid Ammonium Sulfate Project at the Water Purification Plant for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 250

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE CONVERSION LIQUID AMMONIUM

SULFATE PROJECT AT THE WATER PURIFICATION PLANT FOR THE UTILITIES DEPARTMENT

17. Approved a resolution approving plans and specifications and authorizing advertisement for bids for the manhole adjustment between the Westridge and Gateway subdivisions for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 252

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WESTRIDGE AND GATEWAY SUBDIVISION MANHOLE ADJUSTMENT PROJECT FOR THE UTILITIES DEPARTMENT

18. Approved a resolution ratifying a change order to the contract for the Fiscal Year 2016 Mill/Inlay Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 253

RESOLUTION RATIFYING THE EXECUTION OF CHANGE ORDER NUMBER ONE WITH JONES BROS. DIRT & PAVING CONTRACTORS, INC. REGARDING THE FISCAL YEAR 2016 MILL AND INLAY PROJECT; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK; AND AUTHORIZING PAYMENT THEREFOR IN THE AMOUNT OF \$97,396.23

19. Approved a resolution ratifying an amendment to Enprotec/Hibbs & Todd, Inc.'s professional services agreement for Boundary Surveying for the Spraberry property for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2017 - 254

RESOLUTION RATIFYING AND APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., TO PROVIDE FOR ADDITIONAL BOUNDARY SURVEYING OF THE SPRABERRY PROPERTY FOR THE UTILITIES DEPARTMENT; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$25,000.00 OVER AND ABOVE THE ORIGINAL NOT-TO-EXCEED AMOUNT OF \$45,000.00 FOR THE PERFORMANCE OF ADDITIONAL PROFESSIONAL SERVICES

20. Approved a resolution authorizing the execution of Amendment #6 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2017 - 255

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER SIX TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR PROFESSIONAL ENGINEERING SERVICES AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID AMENDMENT TO INCLUDE THE FOLLOWING PROJECTS: AIRFIELD STORM SEWER SYSTEM PROJECT, MAF TERMINAL BUILDING RAMP SIDE EXIT STAIRS PROJECT, AND MAF CONSTRUCT TAXIWAY AND REHABILITATE APRON PROJECT; AND APPROPRIATING NECESSARY FUNDS

21. Approved a resolution awarding the project described as MAF Terminal Building

Improvements - Security Checkpoint (7145) to Mid-Tex of Midland, Inc. of Midland, Texas, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2017 - 256

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MID-TEX OF MIDLAND, INC., FOR THE MAF SECURITY CHECKPOINT EXPANSION PROJECT (7145) AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT

22. Approved a resolution awarding the projects described as MAF Construct Runway Incursion Mitigation (Runway 10 End) (700213-505), and Construct Taxiway and Rehabilitate Apron (700206-505) to Jones Bros Dirt & Paving Contractors, Inc. of Odessa, Texas, and appropriate necessary funds. (AIRPORTS)

RESOLUTION NO. 2017 - 257

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JONES BROS DIRT & PAVING CONTRACTORS, INC., FOR THE CONSTRUCT RUNWAY INCURSION MITIGATION RUNWAY 10 END PROJECT (700213-505) AND THE CONSTRUCT TAXIWAY AND REHABILITATE APRON PROJECT (700206-505) AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECTS

23. Approved a resolution authorizing the execution of a 2018 Routine Airport Maintenance Program (RAMP) Agreement between the City of Midland, Texas and Texas Department of Transportation (TXDOT). (AIRPORTS)

RESOLUTION NO. 2017 - 258

RESOLUTION AUTHORIZING THE EXECUTION OF A 2018 ROUTINE AIRPORT MAINTENANCE PROGRAM AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE AN AUTOMATED WEATHER OBSERVING SYSTEM AT MIDLAND AIRPARK

25. Approved a motion approving a contract with Midland Crime Stoppers, Inc., in the amount of \$40,000 for the operation of a Crime Stoppers Program from funds available and as approved in the Fiscal Year 2017-2018 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
26. Approved a motion approving a contract with Keep Midland Beautiful, Inc., in the amount of \$100,000 for litter reduction, education, and beautification programs in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Sanitation/Litter Abatement). (CITY SECRETARY'S OFFICE)
27. Approved a motion approving a contract with Midland Teen Court, Inc., in the amount of \$27,500 for a Teen Court program in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
28. Approved a motion approving a contract with Permian Basin Community Centers in the amount of \$75,000 for mental health, mental retardation and substance abuse service in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

29. Approved a motion approving a contract with Midland College Business and Economic Development Center (BEDC) in the amount of \$95,000 to promote growth and development in the City of Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
30. Approved a motion approving a contract with University of Texas Permian Basin Small Business Development Center (UTPB SBDC) in the amount of \$27,500 to promote growth and development in the City of Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (General Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
31. Approved a motion approving a contract with 3:23 Ministries, Inc. in the amount of \$38,000 for advertising, promotion, and solicitation of volleyball activities in the City of Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
32. Approved a motion approving a contract with Arts Council of Midland in the amount of \$160,000 for the encouragement, promotion, improvement, and education of arts in the City of Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
33. Approved a motion approving a contract with Midland Tennis Center DBA Bush Tennis Center in the amount of \$30,000 to promote tennis activities in the City of Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
34. Approved a motion approving a contract with COM Aquatics in the amount of \$44,000 for advertising, promotion and solicitation of aquatic activities in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
35. Approved a motion approving a contract with the High Sky Wing of the Commemorative Air Force in the amount of \$50,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
36. Approved a motion approving a contract with George W. Bush Childhood Home, Inc. in the amount of \$15,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
37. Approved a motion approving a contract with I-20 Wildlife Preserve in the amount of \$15,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
38. Approved a motion approving a contract with Midland Chamber of Commerce for the management of the Midland Center in the amount of \$325,967 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year

2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

40. Approved a motion approving a contract with Midland Community Theatre in the amount of \$30,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
41. Approved a motion approving a contract with Midland County Public Library Foundation in the amount of \$30,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
42. Approved a motion approving a contract with Midland High Basketball Boosters (Byron Johnston Holiday Classic) in the amount of \$12,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
43. Approved a motion approving a contract with Midland Hispanic Chamber of Commerce in the amount of \$30,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
44. Approved a motion approving a contract with Midland Softball Association in the amount of \$125,800 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
45. Approved a motion approving a contract with Midland Storytelling Festival in the amount of \$15,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
46. Approved a motion approving a contract with Midland United Girls Softball in the amount of \$46,199 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
47. Approved a motion approving a contract with Museum of the Southwest in the amount of \$50,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
48. Approved a motion approving a contract with Permian Basin Opera in the amount of \$15,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
49. Approved a motion approving a contract with Permian Basin Petroleum Museum in the amount of \$30,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Departmental). (CITY SECRETARY'S OFFICE)

50. Approved a motion approving a contract with Sibley Environmental Learning Center Foundation, Inc. DBA Sibley Nature Center in the amount of \$1,800 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
51. Approved a motion approving a contract with Promising Projects, Inc. (Tall Cities Blues Fest) in the amount of \$15,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
52. Approved a motion approving a contract with Tall City Oilman's Basketball Tournament Association in the amount of \$15,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
53. Approved a motion approving a contract with Wayne Needham DBA Ultimate Calf Roping in the amount of \$14,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
54. Approved a motion approving a contract with University of Texas of the Permian Basin (Intercollegiate Athletics) in the amount of \$20,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
55. Approved a motion approving a contract with West Texas Classic Softball in the amount of \$15,000 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)
56. Approved a resolution to amend Resolution No. 2014-354 on a request from Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (D Evans A 2) located 490 feet from the north line and 990 feet from the east line located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, approximately 500 feet south of the extension of Green Tree Boulevard). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 260

RESOLUTION APPROVING AN AMENDMENT TO THE PERMIT ISSUED TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 490 FEET FROM THE NORTH LINE AND 990 FEET FROM THE EAST LINE, SECTION 8, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 500 FEET SOUTH OF THE EXTENSION OF GREEN TREE BOULEVARD); SAID AMENDMENT AUTHORIZES THE ADDITION OF A LACT UNIT AND WATER TRANSFER PUMP TO THE EXISTING EVANS TANK BATTERY

58. Approved a motion for approval of a proposed Preliminary Plat of Fernando Heights Addition, being a 30.0-acre tract of land out of W.S. Everett Survey, Block 38, T-2-S, Midland County, Texas (Generally located on the south side of East County Road 140 and approximately 1270 feet west of South County Road 1160, Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)
59. Approved a resolution authorizing and executing a Right-of-Way License between the City of Midland and Reliance Gathering, LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing an oil transportation pipeline, not to exceed five (5) inches in diameter, and to have the right to ingress and egress at convenient points for such purpose; the pipeline is located within City of Midland property, Section 08, Block X, T1S H.P. Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 262

RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND RELIANCE GATHERING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK X, TOWNSHIP 1 SOUTH, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

60. Approved a resolution granting a 0.072-acre Utility Easement, located in Section 5, Block 38, T-2-S, T&P R.R. Co. Survey, Midland County, Texas, located approximately 500 feet south of the intersection of FM 307 and I-20, for the purpose of allowing Oncor Electric Delivery Company LLC., to construct and maintain electric lines and any associated facilities for the Water Pollution Control Plant; authorizing the execution of said Utility Easement; and ordering recordation by the City Secretary (City of Midland, Midland County). (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 263

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A 0.072-ACRE UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN SECTION 5, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF INTERSTATE 20, APPROXIMATELY 500 FEET SOUTHWEST OF THE INTERSECTION OF INTERSTATE 20 AND FARM TO MARKET 307), TO ONCOR ELECTRIC DELIVERY COMPANY LLC

61. Approved a resolution authorizing and executing a Surface Use Agreement between the City of Midland and CrownQuest Operating, LLC, while in the same motion rescinding that Right-of-Way License Agreement executed on June 23, 2015 between the City of Midland and CrownQuest Operating, LLC, said Surface Use Agreement is for entering the City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining and removing multiple oil and gas pipelines, and relate facilities; to have the right to ingress and egress at convenient points for such purpose; all facilities are located on City of Midland property, Section 09 Block 37, T3S, T&P R.R. Co. Survey, Midland County, Texas. (ENGINEERING SERVICES)

RESOLUTION NO. 2017 - 264

RESOLUTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS

62. Approved a resolution to accept grant funding awarded by TXDOT to the Midland Police Department to conduct a Fiscal Year 2018 Comprehensive STEP Enforcement Project. (POLICE)

RESOLUTION NO. 2017 - 265

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$18,800.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN ORDER TO CONDUCT A FISCAL YEAR 2017-2018 COMPREHENSIVE SPECIAL TRAFFIC ENFORCEMENT PROGRAM FOR DISTRACTED DRIVING ENFORCEMENT AND SPEED ENFORCEMENT; PROVIDING THAT THE GRANT FUNDS SHALL BE USED TO PAY OVERTIME TO POLICE OFFICERS WORKING ON SAID PROGRAM; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

63. Approved a resolution to accept the modification to the FY2017 grant award in the amount of \$1,000 from the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program and appropriate funds. (POLICE)

RESOLUTION NO. 2017 - 266

RESOLUTION ACCEPTING A MODIFICATION TO THE FISCAL YEAR 2017 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$1,000.00; THESE FUNDS WILL BE DIRECTED TO THE FISCAL YEAR 2017 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT PROJECT 700224-005; AND APPROPRIATING FUNDS

64. Approved a resolution to accept and appropriate funds awarded through the FY2018 Edward Byrne Memorial Justice Assistance Grant Program by the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2017 - 267

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$123,000.00 FROM THE FISCAL YEAR 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE GOVERNOR'S OFFICE; SAID GRANT FUNDS WILL BE USED TO PURCHASE A DRIVING SIMULATOR FOR THE TRAINING OF OFFICERS AND RECRUITS TO THE POLICE DEPARTMENT

12. Approved a resolution approving specifications and authorizing advertisement for bids for the renovation of two (2) elevators at City Hall for the General Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 247

RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE RENOVATION OF TWO (2) ELEVATORS AT CITY HALL FOR THE GENERAL SERVICES DEPARTMENT

Lacy pulled probably cost. Fred half million. MOrales what ential Fred proposing currenty have system based on generator. Extremely old sturggling parts. Whenver

generator goes out out for at least month or two at a time. Folks tha tservice elevators. Cant keep going for a year or two at tiem. Something similar to Loraine center. Al guts comee out. Love mechanics and gear or cab also. Fred, Regiina one year warranty at least but will see when bids come in. When reading through specs rpetty mcuh total change out of all pieces and parts of elevator. Fred new gear macchiens. its generator that provide power to elevators.

Council Member Lacy moved to adopt Resolution No. 2017 - 247; seconded by Council Member Sparks.

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

14. Approved a resolution awarding a contract for Concession Services at the Scharbauer Sports Complex Football/Soccer Stadium for the Community Services Department. (PURCHASING)

RESOLUTION NO. 2017 - 249

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SOLE PROPOSER, MIDLAND CONCESSIONS, INC., OF MIDLAND, TEXAS, FOR CONCESSION SERVICES AT THE SCHARBAUER SPORTS COMPLEX FOOTBALL STADIUM; UNDER SAID CONTRACT, THE CITY WILL RECEIVE ANNUAL RECEIPTS IN THE AMOUNT OF FIFTEEN PERCENT (15%) OF GROSS SALES UP TO \$249,999.00, TWENTY PERCENT (20%) OF GROSS SALES FROM \$250,000.00 TO \$349,999.00, TWENTY-FIVE PERCENT (25%) OF GROSS SALES FROM \$350,000.00 TO \$449,999.00, THIRTY PERCENT (30%) OF GROSS SALES FROM \$450,000.00 TO \$549,999.00, AND THIRTY-FIVE PERCENT (35%) OF GROSS SALES OVER \$550,000.00

Lacy current contract under 1/4 m concern split misd proceeds when ehck of a deal. Lacy 3months ago of dollar fee ticket still ahvent' seen that number half to make up. Courtney finalizing you will see it come through proposing out sometimes this week brief next meeting to review. Morales if turn facility upside down they are responsibility not us. Lacy responsible for maintnence of equipment really need to take close look at with go away of sales tax dont want burden on property tax.

Council Member Lacy moved to adopt Resolution No. 2017 - 249; seconded by Council Member Love.

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

16. Approved a resolution awarding a contract to Sports Field Solutions LLC for Outfield Sod for the Security Bank Ball Park through Buyboard contracts 529-17 and 476-15 for the Community Services Department; and appropriating funds therefore. (PURCHASING)

RESOLUTION NO. 2017 - 251

RESOLUTION APPROVING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF OUTFIELD SOD FOR THE SECURITY BANK BALL PARK FOR

THE COMMUNITY SERVICES DIVISION FROM SPORTS FIELD SOLUTIONS, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$108,775.00; AND PROVIDING FOR AN AMOUNT OF \$10,800.00 IN CONTINGENCIES THEREFOR; AND APPROPRIATING FUNDS THEREFOR

Saprks talka bout user fee on ticke that hand't seen and this is example of thigns that city is responsible to take care of of and odnt' et any income from tickets. this is just one of examples.

Lacy what doing with old grass? Laurie grass in very poor condition so not slavagable. Sparks only 8 years old. Laura about how old. Rye grass gets in over seeded hasn't died back.

Council Member Sparks moved to adopt Resolution No. 2017 - 251; seconded by Council Member Love.

Morales BMX bike would like it. Laurie so sparse not salvagable.

4b intact? disolved who does this. Saprks certain dollar value in 4b if going to earmark strictly for complex so whose going to be reviewing? Staff and Coucnil. Morales do comparison with other facilities. Courtney rpetty much completed all inclusive should be otu this week.

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

24. Approved a resolution authorizing the execution of an Economic Development Agreement and a Purchase and Sale Agreement between the Midland Development Corporation and S.M.P. Flow Control, Inc. and Seaboard International, Inc. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2017 - 259

RESOLUTION APPROVING (1) AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND S.P.M. FLOW CONTROL, INC., AND SEABOARD INTERNATIONAL, INC., AND (2) A PURCHASE AND SALE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND S.P.M. FLOW CONTROL, INC., FOR THE SALE OF TWENTY (20) ACRES OUT OF AN APPROXIMATE 73.62 ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK 40, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AUTHORIZED BY CHAPTERS 501 AND 504 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED

Lacy congratualtiona dn commend mdc on frtitute ring global leader ot com thank hilliard, stretcher, ohnemiller nicholas didd in 3 moths when opportunity came up formal announcent friday. love echo \$20 M of facility ont ax rolls and another \$10 M equipment. it hs anchor tenant and will build out.

Council Member Lacy moved to adopt Resolution No. 2017 - 259; seconded by Council Member Love.

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

39. Approved a motion approving a contract with Midland Chamber of Commerce in the amount of \$1,697,992 to promote tourism, convention, and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE)

Saprks pulled because like to amend to gie what had last year \$1,638,668.00 enough leeway in budget can accomplish wiith same budget s last eyar.

Dufford that is roughly increase for rent and just paid \$1.7 million for getting out of a lease they ahve excess to take care of increase for rent. Hotchkiss did ask dollar difference betweenr ent paid and Mr. Burns told him always under charged them for space because owned it building. Thiss actually reflects going rate in Midland. What are they actually paying compared to what ws paid in past.

Council Member Sparks moved to approve Approved a motion approving a contract with Midland Chamber of Commerce in the amount of \$1,697,992 to promote tourism, convention, and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2017-2018 Budget (Hotel-Motel Fund/Non Departmental). with amendment to change contract to \$1,638,668.; seconded by Council Member Dufford.

Morales lets talka bout specifics take away form last event keepign community together for busienss but overall social and communit aspect.

Advertising, marketing, services of \$70,000, \$20,000 for bid fees but don't have convention center. There are some others. Love poitn out thatmajority of what mentioned with amarketing items which this is a marketing institution and needs funds to do job. Dufford dont' disagree but his point is different think that we did pay \$1.7 M to find space andit would behoove to find space or build building but if pay increased rent every year they dont ahve wherewithall to move forward on building something. Love once convention center build will go look for place and hope city council pays rent. conventioon center hasnt' been built. HOtchkiss want to go back to commeents about what things are purchased with money. This is hotel/motel tax highly restricted in use of i throughs tate law. any money they spend has been checked by staff have to turn inr eceipts. Last year they.

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

Council Member Lacy moved to adopt Resolution No. NUMBER>; seconded by Council Member Love.

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

57. Approved a resolution extending the repayment deadline of the Economic Development

Agreement by and between Reinvestment Zone No. 1, City of Midland, Texas (TIRZ), and Permian Basin Public Telecommunications, Incorporated, DBA Basin PBS (Ritz Theater). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 261

RESOLUTION GRANTING PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INCORPORATED, DOING BUSINESS AS BASIN PBS ("PBS"), A SIX-MONTH EXTENSION OF TIME TO COMPLETE CERTAIN IMPROVEMENTS TO THE PROPERTY KNOWN AS RITZ THEATER; SAID IMPROVEMENTS BEING REQUIRED UNDER THE ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE MIDLAND TAX INCREMENT REINVESTMENT ZONE NO. 1 AND PBS AND APPROVED BY THE CITY OF MIDLAND

What is going on. Chrisitne bsin cannot meet original deadline wont be finished until June 6 month ext new deadline of July 2018. Morales someone reviewed. Chritine all money to finish renov have not reviewed construction they have finished first phase mechanical electircal plumbing. second build out of inside. Mayor and noather council member will review to see where at. Love quesiton for applicant. Want to make sure Karla Holeva 4 stutz court, basin PBS. want to ensure 6 months is neough. Love if can give 9months then lets do. Architect think 6 mohths is plenty of time. Carla all council to look at building.

Council Member Love moved to adopt Resolution No. 2017 - 261; seconded by Council Member Hotchkiss.

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

SECOND READINGS

65. Consider an ordinance on second reading upon a request by John K. Sanderlin for a Zone Change from LR-2, Local Retail District, to LI, Light Industrial District on a 10-acre tract of land , Block 41, Section 37, T-1-S, T&P, RR Co. Survey, City and County of Midland (Generally located at the northeast intersection of State Highway 191 and Candice Road). (DEVELOPMENT SERVICES) (First reading held August 22, 2017)

ORDINANCE NO. 9696

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 10.07-ACRE TRACT OF LAND OUT OF SECTION 37, BLOCK 41, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS AN LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF STATE HIGHWAY 191 AND CANDICE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9696.

Council Member Hotchkiss moved to approve the second and final reading of Ordinance No. 9696 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

66. Consider an ordinance on second reading on a request by Pristine Organic Cleaners for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District, on Lots 6-B and 6-C, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas. (Generally located on the west side of North Loop 250 West, approximately 290-feet north of Deauville Boulevard). (DEVELOPMENT SERVICES) (First reading held August 22, 2017)

ORDINANCE NO. 9697

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 6B AND 6C, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 290 FEET NORTH OF DEAUVILLE BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9697.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9697 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

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

67. Consider an ordinance on second reading on a request by Graciela Magana dba Dos Soles Mexican Restaurant, for a Specific Use Permit with Term for sale of all alcohol beverages, for on-premises consumption, in a restaurant, on Lots 20, 21, and 22, Block 26, Crestview Heights Addition, City and County of Midland, Texas (Generally located southeast of the intersection of North Midkiff Road and West Illinois Street). (DEVELOPMENT SERVICES) (First reading held August 22, 2017)

ORDINANCE NO. 9698

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 20, 21, AND 22, BLOCK 26, CRESTVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND WEST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED LR-1, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT

SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Karla Mata read the caption of Ordinance No. 9698.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9698 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

PUBLIC HEARINGS

68. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Butte Unit 805WB) located 306 feet from the south line and 2,528 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,528 feet east of North Midland Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting 4 pad site been to o7g ccomm. app askign same variance in past landscape irrigation tos urface agreement, to peremeter fence, larger frac site, 24 hours fracing larger frac site. This locaiton. explained. Lacy they reference long terms use agrement put something up to shild. Ron agrement with surace owneer is iminimum or better but dont' know time frame possible develoment ina rea. Morales 4 in location? yes. Howw tall, Ronno sound wlals during drilling but onlyd uriing fracing 16 foot. They know problems with sound looking at improving the situation higher walls have used 24 in other areas with no complaints should get sound consultant out there. Also bins are richeting sounds those are his ideas. some close neighborhoods and not had this problem.

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

Rob Conchran 6928 Sunrise hear inside hosue at night. he has decible meter and stopped by on 10 difrferent ocassions ran dicables in excess of ocea recommendations for osha employees. Rod Cochran, 6928 Sunrise. Person in P7Z not a person he suggested ocntacting diamondback. if see someone rob bank clal police and not robber. He did call TCEQ railroad commission and osha. railroad comm and tceqhave not reg for sound they say left to local city council. Osha does have major problem with but oil and gas person self but don't want to file complaint. here to ask at very least thecom or dimaondback or independent labratory monitor the amoubnt of noise based on osha recommendations for employees only goerning body here to see if damaging hearing of people. It is a safety concern not about nusiance, yes noisy. espeially above 85 decibals. If for or aainst for oil and gs explorjation but in this case unless study done that someone has leash. Diamondback great community member and very hesitant to speak but at same stanndpoint.

Rod birds dying in trees and first contact GreenTree went through COM this guy is industry advocate, not involved with politics serious safety concern. H2s monitor no longer goes off in pocket in Greentree north. sued to have small levels and no one would address it. Finally because of safety concerns decided to seek it out. Handled eventually hated that it had to be railroad commission going out and making them close hatches and clean up oil spills. prefer industry regulate themselves instead of govt but when won't have to do what have to do. Lacy HB 40 took away rights to regulate. noise due to fracking is no longer in city's jurisdiction. Sparks don't agree think HB 40 does not take that away he talked to Diamondback and they want to solve problem.

Marie Mead, ?? re-read email for those not received. respect prog of oil company drilling noise has become unbearable, constant irritated throat and wonder if from dust sand and rock from fracking, moved out of Greentree because peaceful and quiet, nightly noise hear continuously inside house, 2 blocks away no longer enjoy relaxing outdoors. extreme noise at bedtime and unusual number of rattlesnakes, driving into neighborhoods. now company requesting to drill number of wells in city limits. signs hidden behind weeds. Asked if be put off for a while until everyone can be aware of it. Consider those who live in Greentree put up with long enough. affecting health, properties and difficult to sell house.

Bud Warren 5494 Cypress Court, opposed to wells, past president of Greentree HOA and 36 resident of Greentree 3rd person move there. biggest concern played sound from telephone demonstrating noise. Reviewed some pictures of site showing where his home was in conjunction to his home and to Greentree. valuation of property will go down see 4 t-story pump jacks staring in face. Asked if alternative site further away from population center such as Midland and Midkiff. Showed picture of sign hidden in weeds. GreenTree is 800 homes if notice was well known would have hundreds here. swipe of people from table cloth contains oil from drill site coming through air to properties. Suggest going to lower pump jacks close in to neighborhoods. played recording of what sounds like at entrance to Greentree boulevard.

Jim Houston 4808 Custer Trail, quarter mile from Midland Drive reiterate same concerns others have had and say noise isn't just during day time, but also in evening and night. Also light pollution from stacking towers, not directed at towers as around and in people's windows when trying to sleep. Also petroleum pollution that previous people commented on and had analyzed. See if backyard, furniture think its affecting local animals. His request is Diamondback collect concerns, give City Council assurance that will be noise pollution and light pollution a batement before approve next project.

Marc Dinger, 4505 BenTree Trail, spoke with neighbors, not here to to rewrite ordinance. did expect to complete operations this week hopefully by Thursday, been going on 40 days. with regard to light, if recall in beginning of operation light on top of sand silos, they are now turned off. There are lights operating 24 hours a day. Not always directed down try to address on regular basis. Have 2 good news. operations should end this week as far as fracking and quickly move in and do drill out but near as noisy. Wells are another 2000 feet to east close to 2900 feet from nearest home. Just did operation in north GreenTree only 2300 feet from nearest home no compliant. Same crews and same equipment not sure how much was weather and wind. Everyone heard pump equipment it did seem louder about 2 weeks ago. No explanation other than weather and wind but not changing equipment no reason. his observation. No tank battery on this location in case outside of city limits a mile away from Midland Drive.

Love can you hear noise from his residence. Dingle yes never gotten anything over 75 just an app not technical equipment. Sparks all aware of noise problem that is taking place so residents really want to know are ya'll going to address noise problem going forward. Mark looking at ways to address and mitigate sound. If blame he accepts on height of sound walls failed to communicate with staff to say not 16 foot but minimum of 16 foot could of put up higher help with light and sound. Looking at appropriate height, these further out east and looking at height of sound walls and other technology to help. Sparks there has been 24-hour fracturing that didn't have as many complaints as this one and know that been talking with Ron also. recommend look at what has worked and why other wells didn't have a problem. Find out why its different. Mayor taking current case and doing comparisons, silos will be used on new location? Mark yes. Is that what was throwing oil and gas dust. Morales throwing dust and oil. Mr. JDingler will talk with customers. Morales personally witnessed sand and dust coming out of silos. Lighting this is distance away should be issued. Asked to go with at least 24 foot sound walls. Dingle considering how much higher they come in 8 foot sections consider 24 and 32. Morales higher wall should face Greentree and other walls can be lower. Lacy his recommendation is to go above and beyond to alleviate this.

sound guy Ron Cochran he heard same noise pretty close to what he heard before on other projects. don't know why didn't have complaints noise level was same on other. Lacy 30 days between now and when well started.

Gordon Warren Barnett shell doesn't have these complaints sound walls higher and thickness of insulating materials look at what they do. Morales not seen a problem to this point something happening this actual occasion.

Ray Tobias, 4401 Verde Glen Court yard back up to Midland Drive. grandkids haven't been able to use swimming pool. he would like to, all for development he lives in 2-story house light shine in back windows every night. he would like to make sure that before approved that sound walls are of sufficient height to where could mitigate sound and light. If in 2-story home those lights are coming over the top of the walls. 2 issues sound being bigger issue.

Ed Stark, 6202 Oriole Drive, problem here is magnitude other operations 2 or 3 days this is 40 days. Why 24 hours operation can't do 7-7. Are these fracs that magnitude that can't do in 122 hour period. If can spend 98-10 M per well additional money to stage should be minor. Sparks quick technical version they are staged, what happens is while doing frac and pressuring up when shut down reservoir starts closing back up and fracturing one well and next to try to mitigate to keep fluids going where need to go, technically can't shut down and accomplish frac which is why going 24 hours. When during day only fracturing vertical sections. That would also close but going to different formation technically not able to shut down. Ed could be staged in a better way to alleviate.

Mayor Morales There being no one else wishing to speak, the public hearing was closed at 11:31 a.m.

Mayor asked Ron when visiting with Diamondback let council know about lighting fencing and anything else heard to day.

69. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P

LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Butte Unit 815MS) located 306 feet from the south line and 2,498 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,498 feet east of North Midland Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ssecond well on same pad sam situaiton.

Mayor Morales opened the public hearing at 11:32 a.m.

Rob Cochran, for record same objections on naoise abatement and apply to all wells. on this site.

Bud Wren 5494 cypress ame comments as first and through 71.

Marie mead 6707 West Wind court same objectsiions on all wells.

Mark Dingler, to try to address Mr. Lacy's comment can put 24 foot walls up but lights not higher then 24 feet. dont' know if can see over walls light penls less than 24 feet. canmake west wall. may not be magic number. lacy plan within 30 days. mitigate direct light with higher walls.

There being no one else wishing to speak, the public hearing was closed at 11:34 a.m.

70. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (MISSOULA UNIT 805WA) located 306 feet from the south line and 2,558 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,558 feet east of North Midland Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting tthird well on same pad everything same.

Mayor Morales opened the public hearing at 11:35 a.m. same objections There being no one else wishing to speak, the public hearing was closed.

71. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (MISSOULA UNIT 806WB) located 306 feet from the south line and 2,588 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,588 feet east of North Midland Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting fourth well with same information.

Mayor Morales opened the public hearing at 11:36 a.m. with same objections. There being no one else wishing to speak, the public hearing was closed.

72. Hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Elkins Atrelle 31-42 #141) located 1,656 feet from the north line and 2,291 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 339 feet south of East Cynthia Drive extension and 2,291 feet west of Todd Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting located in Cynthia extension on noon paved road. Endeavor 2 well padsite 86 notices sent out been to oil no log received. require 24-hour frac, landscape irrigation in open pasture land used for ranching operations. No future for growth in future? They own property are equestrian structure no house residential or commercial within 500 feet in 860. tearing down equestrian. Love comp plan intends for continuation of wadley to Cynthia road is that correct. Jose yes. in light of mpo and might develop sooner then think. Lacy need to be careful when grant variances for landscaping projecting 30,000 new residents need to go somewhere.

Mayor Morales opened the public hearing at 11:40 a.m.

Josh Harrison 4986 Rustic Trail here to answer questions. Lacy endeavor open to idea of landscape. Josh think would they do have horses and ranching due to ongoing obligation informed he didn't want trees around it. More off livestock deal if plant trees cows or horses would tear up. Lacy something to think about in next 30 days. Council encourage to do that.

There being no one else wishing to speak, the public hearing was closed at 11:41 a.m.

73. Hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Elkins Atrelle 31-42 #242) located 1,655 feet from the north line and 2,266 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 340 feet south of East Cynthia Drive extension and 2,266 feet west of Todd Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting second pad on same site everything else the same.

Mayor Morales opened the public hearing at 11:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

74. Hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Harvard McClintic 31-30 #151) located 2,398 feet from the north line and 2,284 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 1,082 feet south of East Cynthia Drive extension and 2,284 feet west of Todd Drive). This is a public hearing

only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting location another 2 pad site south of location looking at on same 140 acres same access same various and same facing and landscape variance no lot.

Mayor Morales opened the public hearing at 11:43 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

75. Hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Harvard McClintic 31-30 #252) located 2,398 feet from the north line and 2,309 feet from the east line located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 1,082 feet south of East Cynthia Drive extension and 2,309 feet west of Todd Drive). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting second well on same pad with same information as previous item.

Mayor Morales opened the public hearing at 11:44 a.m.

Josh ?? one comment may be reducing size of frac pond in operations. been studying and trying to make lesser impact on neighborhood. Not getting bigger trying to get smaller. Harrison

There being no one else wishing to speak, the public hearing was closed at 11:45 a.m.

76. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (MCC HZ Unit No. 1114H) located 285 feet from the north line and 2,588 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 2,588 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting well location right of midland country club been to city approved 24 hour frac, road repair variance. not using any city roads come from city property in county. and sh 349.

Mayor Morales opened the public hearing at 11:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

cph

77. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (MCC HZ Unit No. 1115H) located 285 feet from the north line and 2,628 feet from the east line located in Section 11, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 2,628 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane). This is a public hearing only. (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting ditto

Mayor Morales opened the public hearing at 11:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

78. Hold a public hearing and consider a resolution on a request by Senior Link Midland for for a Temporary Land Use Permit for a Philanthropic Event (Garage Sale) on the west 51.5-feet of Lot 5, all of Lots 6-10, and the east 22-feet of Lot 11, Block 8, Loma Linda Replat, City and County of Midland, Texas (Generally located on the north side of Scharbauer Drive, approximately 160-feet east of Barber Street.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 268

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PHILANTHROPIC EVENT ON THE WEST 51.5 FEET OF LOT 5, ALL OF LOTS 6-10, AND THE EAST 22 FEET OF LOT 11, BLOCK 8, LOMA LINDA REPLAT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SCHARBAUER DRIVE, APPROXIMATELY 250 FEET WEST OF LAMESA ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Deveopmeent SErVICES Director Chuck Harrington gave a brief overview of the item noting Senior Link Midland for annual garage sales 470 scarbwer drive fri oct 13 10-3 sat oct 14 8:30-3 sunoct 15 2-5 no st closure no outdoor music no alco bev. 7 off duty police officers, after last eyars event no iincidences reported clean ooperation. Make note is that in order to rprevent any kind of aprking asking psot tempp no aprring signs to keep row clear.

Mayor Morales opened the public hearing at 11:48 a.m.

Kathleeen Kerney Haney exec direction senior link 2303 shadnon, Tracy Renton brand new development director, 2306 S Shandon. 28th annual reallye xcited ffunds 1/3 of all meals for meal son wheels for entire eyar. wouldn't be able to do withotu community say thnak you to everybody in community and all volunteers. 75 volutneers work all eyar and all donations and all midland gatehrs things all year to make this work. thank sparkss and his family honorary chairs this eyar. way of lifeof sparks fmaily. make this possible all eyar long. Tracy also liek to add that being park of senior link giving opporutnity to be paar tof culture of midland and hleping nseniors gain acess otn utrititious meals. by council grnating permission this is part o city's endeavors as well and appreciate help for event. kathleen oct 13-15.

There being no one else wishing to speak, the public hearing was closed at 11:51 a.m.

Council Member Love moved to adopt Resolution No. 2017 - 268; seconded by Council Member Hotchkiss.

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

79. Hold a public hearing and consider a resolution on a request by Robert Ahola-Magic Enterprises Inc. for a tent sale on Lot 1A, Block 17, Skyline Terrace Addition, Unit 7, City

and County of Midland, Texas (Generally located on the southside of West Loop 250 North, approximately 220-feet west of North Midkiff Road.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2017 - 269

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A TENT SALE ON LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 FEET WEST OF NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview of the item noting request for tent on parking lot in midland park mall thru this year tent sale oct 20 thru nov 6 sundays 12-6 mon-sat 10-9 p.m. no incidences no deviation from what done in past no staff rec approval.

Mayor Morales opened the public hearing at 11:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved to adopt Resolution No. 2017 - 269; seconded by Council Member Sparks.

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

80. Hold a public hearing and consider an ordinance for approval of a City-initiated Zone Change from 1F-1, One-Family Dwelling District, to O-1, Office District, to allow Food Trucks on Block 10, Sunset Acres, City and County of Midland, Texas (Generally located northwest of the West Golf Course Road Andrews Highway.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9701

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING BLOCK 10, SUNSET ACRES, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST GOLF COURSE ROAD AND TARLETON STREET); 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

Mayor Morales read the caption of Ordinance No. 9701.

Development Services Director Chuck Harrington gave a brief overview of the item noting recall from one month ago originally proposed a total project that included lot owned by church but now reduced to lot where building is contained. amended and bringing back today. church of christ has ministry to lee high school provide coupons can eat food trucks on property. A lot of neighbors and people traveling down Andrews started stopping but illegal. Trying to make it a legal to make it a legal activity

clean up for church to continue ministry without concerns about neighbors stopping by. This takes care of concerns with neighborhood issues. ORig rec 2 loj although sue conform to o-1 rec approval. Love were loj within 500 feet. yes. All apt of orig. Sparks want to know why think better doing this way than a special use permit? Chales flaw is in vendorr ordinance not zoning ord. vendor ord says can't do unless oo-1. if we hve special use then doing a special use if we chane and that cchurch moves tit is sitll o-1. Chuck surrounding area to south is all o-1. Lacy agree seems like bureacracy of got as longa s have mission going just renew every eyar their special use and everything weill be the same. Spakr s do it annually this makes it permanent. Realize that that will end up being an ooffice if teh church moves. Can go either way prefeerence would be sup. Lacy can too butt don't want to delay if in agreement. Love how would an sup, if granted how would that affect actual oordinance he says flaw iis iin ordinance. Ohnemiller can issues tand crat that works with ordianncee. Don't think it sspot zoning but eliminate any appearaance dont' think it is.

Mayor Morales opened the public hearing at 12:00 p.m.

Valerie Tinker 2809 Sentinel drive director of community outreach at golf course road not moving any ttime soon. program initially hosted food trucks to strengthen relations with students provide tuoring. members donated moneey sso staff and students can eat free. also began ot do onn wed before services and love for otther people form community to join. Llke to do it with special events too always as outreach. Wills et schedule to food trucks they sut have permission and in compliance with city ord and iinsurance. no complliants from neighbors do not request payment from food truck to park on campu. trash iss not an issue they clean up. Do what need to do to respect laws and rega dn enighbors.

There being no one else wishing to speak, the public hearing was closed at 12:02 p.m.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9701 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

MISCELLANEOUS

81. Consider an ordinance altering prima facie speed limits along certain streets in the city; authorizing installation of appropriate signs and markings; repealing Ordinance No. 9623; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 9702

AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9623; 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

Mayor MORAles read the caption of Ordinance No. 9702.

Miek pacelli changing 2 loations on Tradewinds over entire length and small peice of thomason west of loop 250 had requests form police dept for additional sigining and realized 30 mph seemed low through area 5 lane roadway expect higher speeds but a lot of activity. 35 mph and assuming approvedd beef up siging and more easisly enforceable. Lacy thinks it should be 40. Miek concerns about number of driveways and side street and added development. Love Big Sprring and Scharbauer. Mike main event enue more traffic epdestrians on major roadway.

Council Member Lacy moved approval of the first of two readings of Ordinance No. 9702 in accordance with the Charter of the City of Midland; seconded by Council Member Love.

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

82. Consider an ordinance on a request by Goodwill Industries for a zone change from a PD, Planned District for a Shopping Center, to an Amended PD, Planned District for a Shopping Center, to allow a Goodwill Industries Store on Lot 1-A, Block 6, Crestgate Addition, Section 28, City and County of Midland, Texas (Generally located northwest of the intersection of West Loop 250 North and Crestfield Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 9703

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1-A, BLOCK 6, CRESTGATE ADDITION, SECTION 28, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF WEST LOOP 250 NORTH AND CRESTFIELD STREET); 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

Mayor Morales read the caption of ORdinance No. 9703.

chuck harrington ph held aug 8 by good will to go tto second site. vocaalize public opporsition deferred ot this mtg. special neighborhood meet held aug 22 heard what should be done to make palatable to properties to north. biggest discussion was 8f oot fence sepperate adn along east side of crestview. Goodwill will build a brrick wall onn crestview and carry fence to edgeof parking lot down to crestview. depts reviewed and discussed neighbbors concerns feel what they are willing to do is reasonable and reccocommend approval. will completely close the property off to the back maybe haverties might be willing to close their poriton off. To do that wold need Council to amend and put in as requirement. Spaarks would recommend think their plan is to have aesthetically pleaseing fence not suree aesthetically pleassing. Would allow them opportunity to do fence with brrick and wood to blend in with rest of enighborhood. At least allow that to happen. espeilly if 8 foot.

Love not here for public hearing but want to comment. Shock and appalled at some of comments on social media. really unfortunate that people don't understand what Goodwill does. Have searched advisory board for 2 years and biggest thing is goodwill provides employment opportunity for mentally challenged and down syndrome. always taken care of property and don't doubt will do here.

Justin Nolan 4103 Crestview, his house faces building, regarding proposed fence line would like confirmation that it will cover his home. property line issue and now fence line doesn't cover what we think it covers. Hate to build and still have a gap. Sparks that is not an issue that Council or Goodwill can address. That is a property line and can't build on someone else's property. Council will ensure fence is to property line. Someone will talk with Haverty's and believe it will get resolved but can't ensure. chuck we will identify and have sure so know where it is. Frank will have to see exactly what fence looks like and where it stands because a PD>

Justin other neighbors have petition against want to reiterate when voted on by city as a whole majority of people voted against this. Lacy that is facebook poll not neighborhood pole.

Council Member Love moved approval of the first of two readings of Ordinance No. 9703 in accordance with the Charter of the City of Midland; seconded by Council Member Sparks.

Jim Tredennick, vp of goodwill operations here to answer any questions. Building congruent with building and neighborhood themselves but will listen to neighborhood. Mayor lighting, security, fencing all utmost importance.

Council Member Sparks moved to require site plan to include an 8-foot fence; seconded by Council Member Love.

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

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

83. Approved a motion making appointments to various boards and commissions.

PUBLIC COMMENT

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

Randy Henson 4500 Mockingbird builder and have dumpster in contact with Mr. Morris a lot of long lines been trying to settle. sometimes you do things that you think are going to help. sitting in line for 1 1/2 his production has been cut in half. he is trying to ease them up and offering fast passes with bigger companies it increases their production.

Mr. morris is trying to do everything whoever designed that has created a big bottle neck. when trucks come around some are driving too fast. Hiss whole issue is about saety, aand production cut in half. When you get in line if back there wouldn't like if tey kept shooving people in front of his. Hee doesn't have help if have trucks come by have to have someone address issuses.

recess to downstairs for b/c appointments 12:24 jp.m.

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

PASSED AND APPROVED the __ day of ____, 2017.

Jerry F. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary