

**MIDLAND CITY COUNCIL  
MINUTES  
August 24, 2021**



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The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 24, 2021.

**Council Members present:** Patrick Payton, Spencer Robnett, Michael Trost, Scott Dufford, John Norman, Jack Ladd, Lori Blong

**Council Members absent:** None

**Staff members present:** City Manager Robert Patrick, City Attorney John Ohnemiller, Deputy City Manager Morris Williams Jr, Assistant City Manager Tina Jauz

The meeting was called to order at 10:04 a.m.

**OPENING ITEMS**

1. Invocation – Father Timothy Hayter, St. Ann’s Catholic Church
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - 3a. Presentation of Proclamation for Daniel Kirwan Day

**CONSENT AGENDA**

Lori Blong moved to approve the Consent Agenda Items 4-26, excluding item(s) 5, 6, 8, 11, 12, 13, 14, 15; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

4. MOTION APPROVING THE FOLLOWING MINUTES:
- 4a. REGULAR MEETING OF AUGUST 10, 2021
7. 103-2021 – MOTION ALLOCATING CARES GRANT PROJECT FUNDS IN THE SUM OF \$1,900,000.00 TO PROVIDE A 3% ONE-TIME MERIT PAYMENT TO CRITICAL SERVICE PERSONNEL WHO PROVIDED SERVICES DURING THE COVID PANDEMIC. (DISTRICT: ALL) (ADMINISTRATIVE SERVICES)
9. 105-2021 – MOTION RATIFYING THE MAYOR’S AND CITY ATTORNEY’S EXECUTION OF THE FEDERAL AVIATION ADMINISTRATION’S CORONA VIRUS AID, RELIEF AND ECONOMIC SECURITY ACT DEVELOPMENT ADDENDUM FOR TERMINAL BUILDING GRANT FOR THE AIRPORT MULTIFACILITY PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)
10. 106-2021 – MOTION AUTHORIZING THE EXECUTION OF AN ENGAGEMENT AGREEMENT WITH THE LAW FIRM OF BICKERSTAFF HEATH DELGADO ACOSTA LLP FOR LEGAL SERVICES RELATED TO THE REDISTRICTING OF COUNCIL MEMBER DISTRICTS BASED ON A REVIEW OF THE 2020 CENSUS DATA (CITY ATTORNEY)
16. 112-2021 – MOTION AUTHORIZING THE EXECUTION OF A FISCAL SPONSORSHIP AGREEMENT WITH THE PERMIAN BASIN AREA FOUNDATION TO PROVIDE FOR CERTAIN FACILITY IMPROVEMENTS AND ENHANCEMENTS LOCATED AT HOGAN PARK (DISTRICT 2) (CITY MANAGER)
17. 2021-102 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 2,373 FEET EAST OF SOUTH GARFIELD STREET AND 320 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
18. 2021-103 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. (“OPERATOR”) TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 4, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 580 FEET NORTH OF THE WEST INTERSTATE 20 SERVICE ROAD AND BETWEEN 1,157 FEET AND 1,207 FEET EAST OF SOUTH MIDKIFF ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
19. 113-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-031) WITH CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY,

MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)

20. 114-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-029) WITH CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 & 10, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
21. 115-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-030) WITH CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
22. 116-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-032) WITH CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
23. 117-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-033) WITH CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
24. 118-2021 – MOTION AUTHORIZING AND EXECUTING A RIGHT-OF-WAY LICENSE (21-217-035) BETWEEN THE CITY OF MIDLAND AND OXY USA INC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, TOWNSHIP 1 NORTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
25. 119-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-034) WITH CENTURION PIPELINE L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4 AND 9, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
26. 120-2021 – MOTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH AMERICAN TOWERS LLC, A DELAWARE LIMITED LIABILITY COMPANY REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 1) (UTILITIES)

**The following item(s) were pulled from consent agenda and considered individually.**

5. 2021-100 – RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$24,988,224.00 FROM THE U.S. DEPARTMENT OF THE TREASURY CORONAVIRUS STATE FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT OF 2021; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING THE FUNDS (DISTRICT: NONE) (FINANCE)

Council Member Ladd noted that broadband is one of the things this money can be used for and asked if there was a plan to use it for that purpose. City Manager Robert Patrick

reported we could realign it for that purpose, if Council chooses.

Regan Hignojos, 516 N Loop 250, noted that today was deemed Daniel Kirwan Day which is appropriate because he would like to see the ARPA funds used to help underserved clients, those with special needs. With another wave of COVID infections it will impact them as well as non-profits as they cannot gather to raise funds as they have in the past. Texas ranks last in serving special-needs citizens. He asked that some of the ARPA funds be set aside for that purpose.

Jack Ladd moved to approve Resolution No. 2021-100; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

6. 2021-101 – RESOLUTION APPROVING A GRANT OF FUNDS TO THE MIDLAND COUNTY HOSPITAL DISTRICT (“MIDLAND HEALTH”) IN THE AMOUNT OF \$2,388,000.00 FOR THE PURPOSE OF FUNDING PROJECTS RELATED TO MIDLAND HEALTH’S RESPONSE TO THE COVID-19 PANDEMIC; AUTHORIZING THE MAYOR AND THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND APPROPRIATE TO EFFECTUATE THE ADMINISTRATION OF SAID FUNDS; AND AUTHORIZING PAYMENT OF SAID FUNDS (DISTRICT: NONE) (FINANCE)

Council Member Blong noted that there have been conversations with County Commissioners and she thinks they can cover half of this and the City can cover the other half.

Russell Myers, Midland Memorial Hospital, discussed how the funds would be used including premium pay for essential workers, a 3% bonus for the workforce below the level of department directors, an hourly differential and shift bonus for those who work in COVID units and finally for the incremental cost of contract staff. They currently have 150 COVID patients in the hospital which is one short of their highest number since the beginning of the pandemic. He answered questions about how previous money was spent and about the booster shot.

Lori Blong moved to approve Resolution No. 2021-101 with the amendment to change the amount to \$2,388,000.00; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

8. 104-2021 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMEMORATIVE AIR FORCE, INC., PROVIDING FOR THE 2021 AIRSHO AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)

Council Member Trost asked if this event was moving forward. Airports Director Justine Ruff reported this is an outdoor event and she believed it to be moving forward.

Michael Trost moved to approve Motion No. 104-2021; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

11. 107-2021 – MOTION APPROVING A CONSULTING SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KIMLEY-HORN AND ASSOCIATES, INC., FOR AIRSPACE MODELING SERVICES RELATED TO THE INTEGRATION OF A ROUNDTRIP, POINT-TO-POINT FLIGHT OF A REUSABLE LAUNCH VEHICLE BETWEEN MIDLAND INTERNATIONAL AIR & SPACE PORT AND SPACEPORT AMERICA (DISTRICT: NONE) (CITY MANAGER)

Council Member Trost asked what this means going forward. Sara Harris, MDC Executive Director, reported this will provide a feasibility study for point to point travel in the high speed space corridor between Midland International Air and Space Port and Spaceport America in Las Cruces, New Mexico.

Michael Trost moved to approve Motion No. 107-2021; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

12. 108-2021 – MOTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MOTRAN ALLIANCE, INC. (DISTRICT: NONE) (CITY MANAGER)

Council Member Blong reported she would abstain on this item.

Spencer Robnett moved to approve Motion No. 108-2021; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman

NAY: None

ABSTAIN: Ladd, Blong

ABSENT: None

13. 109-2021 – MOTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS PERMIAN BASIN TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

(DISTRICT: NONE) (CITY MANAGER)

Council Member Robnett reported this program is being brought back and asked where the \$500,000.00 is coming from. Sara Harris, MDC Executive Director, reported this funding was roughly commensurate with the previous years. The purpose is to encourage entrepreneurs and show that Midland is a friendly place and open for business. This is paid for out of their promotional budget. She added that the business must be inside the City limits of Midland.

Lori Blong moved to approve Motion No. 109-2021; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Trost, Dufford, Norman, Ladd, Blong

NAY: Robnett

ABSTAIN: None

ABSENT: None

14. 110-2021 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND HIGHER ORBITS, INC. TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT: NONE) (CITY MANAGER)

Council Member Trost reported he had no more questions on this item.

Michael Trost moved to approve Motion No. 110-2021; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

15. 111-2021 – MOTION APPROVING A SECOND AMENDMENT TO THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SUSIE'S SOUTH FORTY CONFECTIONS, INC. (DISTRICT 2) (CITY MANAGER)

Council Member Norman asked for more information. Sara Harris, MDC Executive Director, reported this is a second amendment to the initial economic development agreement reducing their annual payroll requirements. She provided a brief history of the changes made.

Michael Trost moved to approve Motion No. 111-2021; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

## **SECOND READINGS**

27. 10219 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.70-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF OCCIDENTAL PARKWAY AND FAIRGROUNDS 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 (DISTRICT 1) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 10, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10219.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10219; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

28. 10220 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 15, TRACT B, GARDEN HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOUISIANA AVENUE, APPROXIMATELY 315 FEET EAST OF NORTH CRESTVIEW ROAD), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS, (2) AN INCREASED MAXIMUM SQUARE FOOTAGE OF ALL ACCESSORY BUILDINGS, (3) A REDUCED MINIMUM SIDE YARD SETBACK, AND (4) A REDUCED MINIMUM REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 10, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10220.

Charles Francis, 3110 W. Louisiana, reported he was asked to get consent authorization from his offset neighbor which he has turned in, confirming it was from the neighbor immediately adjacent to the new shed. He also clarified that he has never had a business fixing tractors in the past and he has no plan to operate a business fixing tractors in the future.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10220;

seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

29. 10221 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,790-SQUARE FOOT PORTION OF A 0.4-ACRE TRACT OF LAND OUT OF THE SOUTHWEST QUARTER OF SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WALL STREET AND BANKHEAD HIGHWAY), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A VENDOR MARKET FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 10, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10221.

Discussion ensued regarding if Council wanted to continue handling specific use designations or revert back to TABC requirements. City Attorney John Ohnemiller reported that it would require a change to the zoning code and that neighbors should be entitled to notice of changes and a hearing.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10221; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

30. 10222 – AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10114; 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 (DISTRICT: ALL) (ENGINEERING

SERVICES) (FIRST READING HELD AUGUST 10, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10222.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10222 with the following two amendments: Change Section 10-4-11(BC), Sam Houston Elementary School, to end the afternoon school zone time at 4:00 p.m.; and change Section 10-4-11 (BD), Sam Houston Elementary School, to end the afternoon school zone time at 5:30 p.m.; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

31. 10223 – AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9945; 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 (DISTRICT: ALL) (ENGINEERING SERVICES) (FIRST READING HELD AUGUST 10, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10223.

Lori Blong moved to approve the second and final reading of Ordinance No. 10223; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

32. 10224 – AN ORDINANCE AMENDING TITLE VI, "POLICE REGULATIONS", CHAPTER 10, "DANGEROUS DOGS", OF THE CITY CODE OF MIDLAND, TEXAS; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (LEGAL) (FIRST READING HELD AUGUST 10, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10224.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10224; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None  
ABSTAIN: None  
ABSENT: None

## **PUBLIC HEARINGS**

The City Council will hold public hearings on the following items:

33. 10204 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATIONS OF THE AREA INDICATED AS BEING A 131.190-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR, LOCAL RETAIL DISTRICT, IN PART, AND AN SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART; SAID TRACT BEING GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 1,001 FEET NORTH OF STATE HIGHWAY 191; 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 (DISTRICT: NONE) (DEVELOPMENT SERVICES) (DEFERRED FROM JULY 13, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10204.

Development Services Director Chuck Harrington gave a brief overview of the item noting not all of the lots are SF-3 in terms of size. Some have larger lots and they are disbursed throughout the development. Staff recommends approval of the request. Two letters of objection were received and are in the packet.

Mayor Payton opened the public hearing at 11:16 a.m.

Eric West, Parkhill, 1700 W. Wall, reported there are two different zonings. The first is retail along Wadley and SF-3. D.R. Horton has mixed developments in all of their developments. This one is more unusual. About 10 percent of the lots would fully qualify for SF-3.

There being no one else wishing to speak, the public hearing was closed at 11:20 a.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10204; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

34. 10225 – GATHER PUBLIC INPUT ON THE PROPOSED 2021-2022 BUDGET; AND CONSIDER AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, 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 (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10225.

Budget Manager Jamie Radcliff gave a brief overview of the item noting the next two items are for the budget and the tax rate. This is for citizen input on the items followed by a record vote. The rate is just below the voter approval rate established on August 10<sup>th</sup>.

Mayor Payton opened the public hearing at 11:25 a.m.

Regan Hignojo, 516 N. Loop 250, reported there is a need for promoting service in the community and a need for leadership in the public and private sector. We need to start thinking bigger with little or no pay becoming the norm. He asked that all employees be given two hours a month of PTO to be used for volunteering at their local PTA.

There being no one else wishing to speak, the public hearing was closed at 11:29 a.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10225; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

35. 10226 – TAX RATE INCREASE FOR FISCAL YEAR 2021-2022; AND CONSIDER AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021, AND ENDING ON SEPTEMBER 30, 2022 (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10226.

Mayor Payton opened the public hearing at 11:37 a.m.

Ross Schumann, 4003 Gleneagles Court, reported that the property tax rate has been raised 2 percent from last year and property values have increased one percent. From 2016 to 2020 there has been a 29% increase in valuations of property that has far outpaced the rate of inflation. When taxes go up, investments go down. Lowering the tax rate will increase revenue.

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

Council Member Robnett noted that at some point, property taxes need to fully fund police and fire.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10226 and moved that the property tax rate be increased by the adoption of a tax rate of \$0.367189, which is effectively a 2.07 percent increase in the tax rate; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Robnett, Dufford, Norman, Ladd, Blong

NAY: Payton, Trost

ABSTAIN: None

ABSENT: None

36. 10227 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 3, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MADISON STREET, APPROXIMATELY 146 FEET SOUTH OF SOUTH 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10227.

Mayor Payton opened the public hearing at 11:44 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10227; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

37. 10228 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WALLACE HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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 (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10228.

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

Jack Ladd moved to approve the first of two readings of Ordinance No. 10228; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

38. 10229 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 2, BLOCK 2, WALLACE HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10229.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for Manor Park to change their zoning for alcohol available in a restaurant for their residents.

Mayor Payton opened the public hearing at 11:47 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Michael Trost moved to approve the first of two readings of Ordinance No. 10229; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

39. 10230 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 16, BLOCK 2, EASTOVER ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF JESSE STREET AND EAST ILLINOIS AVENUE); 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10230.

Mayor Payton opened the public hearing at 11:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10230; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

40. 10231 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,977-SQUARE FOOT PORTION OF LOT 1, BLOCK 11, WESTRIDGE PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE ROAD AND TRADEWINDS BOULEVARD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10231.

Development Services Director Chuck Harrington gave a brief overview of the item noting this used to be Tilted Kilt. They have proposed service hours from 9:00 a.m. to 2:00 a.m. seven days a week.

Mayor Payton opened the public hearing at 11:50 a.m.

Christina Cooper, 4718 Dengar, reported they are not going to operate those hours but want to have them just in case. With the new TABC rules, their Sunday service hours will be able to start at 10:00 a.m. instead of noon.

There being no one else wishing to speak, the public hearing was closed at 11:53 a.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10231; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

41. 10232 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A MOBILE FOOD VENDOR PARK; MAKING SAID DESIGNATION 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 (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10232.

Mayor Payton opened the public hearing at 11:54 a.m.

Tammy Alvin, 109 Blackberry Court, tried calling Planning & Zoning about the old rusty storage containers. Council Member Dufford noted it will look very nice when it is fixed up. He clarified that alcohol sales will come from one vendor and the alcohol will be confined to the site. Ms. Alvin wants the people to be held responsible and ensure they cannot bring their own alcohol. Council Member Dufford added that the concept is like what is being seen in bigger cities, it is a tailgate concept. Ms. Alvin concluded that they can hear the train when the wind is right. Across the street in Mission Square they get a lot of drugs in the parking lot and they do not want to see a party cross the street to their parking lot after 2 a.m.

There being no one else wishing to speak, the public hearing was closed at 12:01 p.m.

John Norman moved to approve the first of two readings of Ordinance No. 10232; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Dufford, Norman, Ladd, Blong

NAY: Trost

ABSTAIN: None

ABSENT: None

42. 10233 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A MOBILE FOOD VENDOR PARK FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10233.

Mayor Payton opened the public hearing at 12:02 p.m.

Council Member Blong asked about public drunkenness and asked if that will become a police enforcement concern. Development Services Director Chuck Harrington reported that the alcohol beverages must be contained to the site. Ms. Blong noted this is like any other restaurant, but in an open-air facility.

Police Chief Herman was asked about intoxicated drivers. He reported that as the populace increases, we will see an increase in DWI. During the pandemic they saw a considerable decrease followed by a exponential increase in DWIs.

There being no one else wishing to speak, the public hearing was closed at 12:04 p.m.

Council Member Blong confirmed there will only be one vendor there providing alcohol and that vendor is accountable for the entire property. Council Member Dufford confirmed that statement and added that there is no BYOB.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10233; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Dufford, Norman, Ladd, Blong

NAY: Trost

ABSTAIN: None

ABSENT: None

43. 2021-104 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A VENDOR MARKET AND CONCERT ON LOT 1A, BLOCK 54, ALL OF BLOCK 55, A 0.57-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY, A 0.57-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY, AND A 0.57-ACRE PORTION OF THE WEST TEXAS AVENUE RIGHT-OF-WAY, ALL ADJACENT TO BLOCK 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST TEXAS AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting that the Lo Street Market was brought as a concept with Council approving the first three dates. Now the applicant is requesting the remaining dates to be expanded. The roads closed for this event include Texas, Colorado and Wall.

Mayor Payton opened the public hearing at 12:07 p.m.

Lauren Johnston, 3406 Sinclair, reported that the three month trial date is through September but at the June meeting decided to re-evaluate after the August market. They need to get their vendors in place and need the additional dates. They are hoping to expand the market and they have received numerous requests for December dates. They want to have three days in a row in December. The park holds 38 tents but they can add additional tents and food vendors in the surrounding streets. Access to the dates is vital to the growth of the market. No vendors have ever sold alcohol. There was a free wine tasting outside of Lost Books on their patio. Council Member Robnett noted that their patio is actually a public right-of-way and requires a permit to use. Development Services Director Chuck Harrington reported that would require a right-of-use agreement similar to what was used for the valet parking. Lauren noted that there was some conversation with planning but does not know why it was not done.

Dan Corrales, 1600 N. Weatherford, thanked Council for approving the previous markets noting the word used was joyous. His wife had a booth for her cleaners and he saw it as an opportunity for entrepreneurs. It promotes downtown and is a safe place to take children.

Scott Kidwell, 3105 Humble, president of Midland Downtown Park Conservancy agrees that this is a great event for Midland and downtown. The agreement between the parties was to do a trial in June, August and September and after September to form a plan as to how to approach this in the best way for the future. This is an ever evolving concept. They have already agreed to offer the October date while concerns are being addressed. The demand on the park has been overwhelming at times. There are issues that the conservancy needs to figure out including how the parties deal with each other. He thinks they can resolve the issues by September and suggested to allow the TLU go through October.

When asked about the December dates, Scott Kidwell noted they were not aware they wanted 3 days in December and there is a potential conflict on bookings. The parties still need to come together to develop a plan to move forward.

Seth Streun, 721 W. Dengar, reported that their Temporary Land Use is for the streets and does not have anything to do with the park. If the park is not available they have established an agreement with another parking lot in case there is something going on at the park. The TLU is essential to be able to provide future events.

There being no one else wishing to speak, the public hearing was closed at 12:42 p.m.

Council Member Robnett cautioned the applicant to take care of their right-of-way issue.

Spencer Robnett moved to approve Resolution No. 2021-104 for October 2 and November 6, 2021 only; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

44. 2021-105 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A STAIR CLIMB AND CONCERT EVENT ON LOT 1A, BLOCK 54, ALL OF BLOCK 55, AND A 0.57-ACRE PORTION OF THE NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCK 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST TEXAS AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this group is hosting a stair climbing event with a concert that evening in the park. Staff is in support of the item.

Mayor Payton opened the public hearing at 12:46 p.m.

Bryce Pruitt, 1501 SCR 1072, reported this is a memorial event for 9/11 that honors all first responders who died. There will be a stair climb in the morning in the Wilco building which is 22 stories. Each participant will climb the stairs five times. Most of the spectators will be family members of those climbing. They get participation from all over the state. In the evening there will be a concert which is a fundraiser for the professional firefighters benevolence fund. They have been selling sponsorships all year. The concert is a ticketed event.

There being no one else wishing to speak, the public hearing was closed at 12:50 p.m.

Michael Trost moved to approve Resolution No. 2021-105; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

## **MISCELLANEOUS**

45. 10234 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10234.

Interim Finance Director Christy Weakland reported that three departments have requested amendments to the fee schedule and reviewed the proposed changes.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10234; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None  
ABSTAIN: None  
ABSENT: None

46. 121-2021 – MOTION GRANTING AMANDA AND DANIEL ARCHER’S APPEAL AND REVERSING THE CITY TRAFFIC ENGINEER’S DENIAL OF A DRIVEWAY PERMIT FOR LOT 31, BLOCK 31, LONE STAR TRAILS ADDITION, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF BURNETT LANE, APPROXIMATELY 288 FEET NORTH OF BRUSH DRIVE) (DISTRICT 1) (ENGINEERING SERVICES)

Engineering Services Director Jose Ortiz reported they received a complaint from a concerned citizen about curb and gutter being removed from the right-of-way. The investigator found they were putting in a second driveway without a permit and the driveway does not meet the spacing requirements. The applicant is appealing the denial of a driveway permit.

Amanda Archer, 6911 Burnett Lane, reported they have 16 feet between their property line and their home and wanted to place their camper there for storage. They can keep their camper in the back yard without being a violation to the HOA or the City as long as no one lives in it. They hired a contractor to install the driveway without understanding that a permit was required. Daniel Archer reported there are several properties he looked at throughout the City similar to theirs and does not understand why it is not allowed at their house.

Spencer Robnett moved to approve Motion No. 121-2021; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

47. 2021-106 – RESOLUTION CREATING A DOWNTOWN ENTERTAINMENT DISTRICT ADVISORY COMMITTEE AND ESTABLISHING DUTIES, QUALIFICATIONS, TERMS OF OFFICE, METHODS FOR FILLING VACANCIES, AND RELATED ORGANIZATIONAL MATTERS (DISTRICT 2) (CITY MANAGER)

City Manager Robert Patrick reported this is an attempt to get ahead of issues with the proposed entertainment district downtown. This will involve all of the community partners in the discussion. This group will dissolve in 90 days.

Lori Blong moved to approve Resolution No. 2021-106; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

48. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS  
(CITY SECRETARY'S OFFICE)

Lori Blong moved to defer to September 14, 2021; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

**PUBLIC COMMENT**

49. 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.)

Council Member Trost recognized Deputy City Secretary SueAnn Reyes noting today is her last day with Midland and congratulating her on her new appointment.

Everyone wished Council Member Trost a happy birthday.

**EXECUTIVE SESSION**

Mayor Payton recessed the meeting to go to Executive Session at 1:10 p.m.

50. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

a. Section 551.087, Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

All the business at hand having been completed, the meeting adjourned at 1:40 p.m.

PASSED AND APPROVED September 14, 2021.

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Patrick Payton, Mayor

ATTEST:

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Amy M. Turner, City Secretary