

**MIDLAND CITY COUNCIL
MINUTES
September 13, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 13, 2022.

Council Members present: Dan Corrales, Robin Poole, Lori Blong, Patrick Payton, Jack Ladd, John Norman

Council Members absent: Scott Dufford

Staff members present: City Manager Robert Patrick, Assistant City Manager Tina Jauz, First Assistant City Attorney Stephen Gates

The meeting was called to order at 10:00 a.m.

OPENING ITEMS

1. Invocation – Pastor Mabio Gomes, Seventh-Day Adventist 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 a Proclamation for “National Literacy Month”
 - 3b. Presentation of a Proclamation for “Hunger Action Month”
 - 3c. Presentation of Proclamations for “The American Legion Day”
Tall City Post 119 and Woods Lynch Post 19

BUDGET AND TAX RATE

4. 10335 – AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, 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 (DISTRICT: NONE) (FINANCE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10335.

Finance Director Christy Weakland gave a brief overview of the item noting that she would explain items, four, five and six since they are related. Item four is approving the budget for fiscal year 2022-2023 which includes \$148,600,000.00 of expenditures for the general fund. All other funds combined are \$230,400,000.00 which equals a total of \$370,000,000.00 in operating expenditures. Ms. Weakland went on to provide more details regarding the breakdown of the budget.

Ms. Weakland gave a brief overview of item five noting it is required by the state to be ratified and the last item, six, it to set the tax rate.

Ms. Weakland noted that it is possible to do an amendment to certain parts of the budget within the year if needed.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10335; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Ladd, Norman, Payton

NAY: None

ABSTAIN: None

ABSENT: Dufford

5. 2022-107 – RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2022-2023 BUDGET (DISTRICT: NONE) (FINANCE)

Dan Corrales moved to approve Resolution No. 2022-107; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

6. 10336 – AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023 (DISTRICT: NONE) (FINANCE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10336.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10336; seconded by John Norman.

The motion passed by the following vote:
AYE: Corrales, Poole, Blong, Payton, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: Dufford

CONSENT AGENDA

Dan Corrales moved to approve Consent Agenda items 7 – 21, excluding item 8; seconded by John Norman.

The motion passed by the following vote:
AYE: Corrales, Poole, Blong, Payton, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: Dufford

7. MOTION APPROVING THE FOLLOWING MINUTES:

7a. REGULAR SESSION OF AUGUST 23, 2022

9. 096-2022 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER 1 WITH ONYX GENERAL CONTRACTORS, LLC REGARDING THE MARIENFELD TRAFFIC SIGNAL IMPROVEMENTS PROJECT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF \$156,079.50 AND TO PROVIDE FOR THE REPLACEMENT OF A STORM DRAIN PIPE AND THE REPLACEMENT OF TRAFFIC AND PEDESTRIAN IMPROVEMENTS THAT MUST BE REMOVED TO REPLACE THE STORM DRAIN PIPE; AND APPROPRIATING FUNDS FROM THE DRAINAGE FUND FOR SAID PROJECT (DISTRICT 3) (GENERAL SERVICES)
10. 2022-109 – RESOLUTION APPROVING A CONTRACT WITH AMSTAR, INC., THROUGH BUYBOARD FOR THE REPAIR OF FIVE (5) PARKING LOTS LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT FOR A TOTAL COST OF \$176,477.01; APPROVING \$44,119.25 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)
11. 2022-110 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 405 FEET FROM THE NORTH LINE AND 1,362 FEET FROM THE EAST LINE, SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND 1,362 FEET WEST OF ELKINS ROAD) (DISTRICT 1) (DEVELOPMENT SERVICES)
12. 2022-111 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL 10 OIL AND GAS WELLS LOCATED IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF

ARAPAHOE ROAD AND BETWEEN 1,040 AND 1,220 FEET EAST OF TODD DRIVE EXTENSION) (DISTRICT 1) (DEVELOPMENT SERVICES)

13. 2022-112 – RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 1) (DEVELOPMENT SERVICES)
14. 2022-113 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. (“OPERATOR”) TO DRILL SIX OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 500 FEET AND 501 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,096 FEET AND 1,221 FEET WEST OF TODD DRIVE); 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)
15. 2022-114 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. (“OPERATOR”) TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 359 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,803 FEET AND 1,903 FEET WEST OF TODD DRIVE); 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)
16. 2022-115 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 11, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,575 FEET AND 1,697 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 500 FEET AND 590 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
17. 2022-116 – RESOLUTION GRANTING VARIANCES FOR TWO OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 952 FEET AND 1,121 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 433 FEET AND 460 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
18. 2022-117 – 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 183 FEET FROM THE NORTH LINE AND 380 FEET FROM THE WEST LINE, SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF INTERSTATE 20); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

19. 2022-118 – 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 90 FEET FROM THE SOUTH LINE AND 271 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 271 FEET WEST OF SOUTH LAMESA ROAD AND 205 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
20. 2022-119 – 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 110 FEET FROM THE SOUTH LINE AND 1,142 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,142 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
21. 097-2022 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF CARROLLWOOD ADDITION, BEING A 31.29-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 24, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ANTELOPE TRAIL, APPROXIMATELY 3,000 FEET NORTH OF WEST COUNTY ROAD 140 (DISTRICT: NONE) (DEVELOPMENT SERVICES)

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

8. 2022-108 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2023 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$3,140,910.30 (DISTRICT: ALL) (GENERAL SERVICES)

Utilities Director Carl Craigo gave a brief overview of the item noting chemicals purchased for the Water Treatment Plant have been increasing over the last two years. The budgeted amount is only if the plant has to run at max for the entire year.

Council Member Corrales suggested looking at the budget even closer for next year for

funding.

John Norman moved to approve Resolution No. 2022-108; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

SECOND READINGS

22. 10337 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.7-ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TODD DRIVE AND MARIE DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10337.

Lori Blong moved to approve the second and final reading of Ordinance No. 10337; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

23. 10338 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.77-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WAYSIDE DRIVE, APPROXIMATELY 57 FEET NORTH OF EAST GIST 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) (FIRST READING HELD AUGUST 23, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10338.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10338; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

24. 10339 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH C STREET), WHICH IS PRESENTLY ZONED O-1, OFFICE 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 3) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10339.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10339; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

25. 10340 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE TRACT OF LAND DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 93, A 0.263-ACRE PORTION OF BLOCK 96, THE NORTH 40 FEET OF THE WEST 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF THE BRUNSON STREET RIGHT-OF-WAY, A 14,408-SQUARE FOOT PORTION OF WEST INDIANA STREET RIGHT-OF-WAY, AND A 2,650-SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE RIGHT-OF-WAY, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, AND SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A CIVIC CENTER AND COMMUNITY CENTER (GENERALLY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF SOUTH L STREET AND WEST INDIANA 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 3) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10340.

Lori Blong moved to approve the second and final reading of Ordinance No. 10340; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

26. 10341 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 36,700-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 FEET NORTH OF 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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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 1) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10341.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10341; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

PUBLIC HEARINGS

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

27. 10342 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 7,592-SQUARE FOOT PORTION OF THE TRACT OF LAND DESCRIBED AS THE WEST FIVE FEET OF LOT 5, LOTS 6 THROUGH 13, AND LOTS 19 THROUGH 21, BLOCK A, GARRETT PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLTON STREET AND WEST WALL STREET), 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 Jan Hamilton read the caption of Ordinance No. 10342.

Mayor Payton opened the public hearing at 10:38 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. 10342; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

28. 098-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL REBEL 115 MIPA UNIT #H120LS; SAID WELL BEING GENERALLY LOCATED 410 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

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

29. 099-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL REBEL 140 MIPA UNIT #H140LS; SAID WELL BEING GENERALLY LOCATED 1,172 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

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

30. 100-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PIONEER NATURAL RESOURCES, USA, INC. (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: STIMSON E17B 102H; STIMSON E17C 103H; STIMSON E17D 104H; STIMSON E17E 105H; STIMSON E17F 106H; STIMSON E17G 107H; STIMSON E17H 108H; STIMSON E17I 109H; AND STIMSON E17J 110H; SAID WELLS BEING GENERALLY LOCATED BETWEEN 405 FEET AND 406 SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,182 FEET AND 1,342 WEST OF ELKINS ROAD; PUBLIC HEARING ONLY (DISTRICT 1) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

31. 10343 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 4, FANNIN TERRACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CAMARIE AVENUE, APPROXIMATELY 180 FEET WEST FROM NORTH GARFIELD STREET), BY PERMITTING 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10343.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to build a garage adjacent to his rear property line and is asking Council to grant an exception. Whenever there is access to the alley, an additional five feet is required, therefore, staff recommends denial.

Mayor Payton opened the public hearing at 10:43 a.m.

William Hughes, 2305 Camarie Ave, the owner of the property, reported that the only reason he would like to build it in that area is because building anywhere else would require him to cut down 60 year old oak trees.

Ricky Schmitt, Seminole, Texas, agreed they could move the location of the shop door. Placing the door in a location not leading into the alley would be fine according to Development Services Director Chuck Harrington.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10343 with the amendment to add a condition that the access door not be on the alley side; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

32. 10344 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 317.56-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT, IN PART, 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, MF-16, MULTIPLE-FAMILY DWELLING

DISTRICT, IN PART, AND RR, REGIONAL RETAIL DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH FAIRGROUNDS AND EAST MOCKINGBIRD 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)

This item was pulled by the applicant.

MISCELLANEOUS

33. 101-2022 – MOTION GRANTING FAST SIGNS' APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR A 36,700 SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 FEET NORTH OF WEST LOOP 250 NORTH) (DISTRICT 1) (DEVELOPMENT SERVICES)

Robin Poole moved to approve Motion No. 101-2022; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

34. 10345 – 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. 10222; 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: NONE) (ENGINEERING SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10345.

Transportation Manager Gabe McClelland gave a brief overview of the item noting the ordinance needs to be amended to reflect a change to encompass a new area for school drop off at the YWLA campus.

Discussion ensued about adding flashing lights at all crosswalk locations. Staff noted that it could be done if a funding source were found.

Council Member Poole suggested meeting with the school board to collaborate and

possibly assist with funding issues.

Lori Blong moved to approve the first of two readings of Ordinance No. 10345; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

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

Dan Corrales moved to appoint Beth Meeks to replace Dr. Laura Erickson on the Animal Services Advisory Commission; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Payton, Ladd, Norman

NAY: Poole, Blong

ABSTAIN: None

ABSENT: Dufford

John Norman moved to appoint Ankur Bhakta to replace Alex Singh on the Citizen Development Hotel/Motel Tax Advisory Board; seconded by Dan Corrales.

The motion failed by the following vote:

AYE: Corrales, Norman

NAY: Poole, Blong, Payton, Ladd

ABSTAIN: None

ABSENT: Dufford

It was noted by Council that their "no" vote was not against Mr. Bhakta but because more time was needed to review all applications.

Lori Blong moved to defer remaining appointments to the next meeting; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

PUBLIC COMMENT

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

Council Member Corrales suggested moving the Hotel/Motel application deadline up a couple of weeks to give Council Members more time to review the applications. Council Member Corrales also provided upcoming events within the community.

Mrs. Shirley Howard, Midland, questioned why there is a deadline for Hotel/Motel application review if it's not being upheld and suggested Council honor the deadline set.

Mayor Payton noted they need more time to review applications in order to pick the right person and that Council Member Corrales's comments about moving the deadline will help the process.

Ross Schumann, 4003 Gleneagles Ct, noted he applied for two boards but is willing to serve on any board that the Council has an opening.

All the business at hand having been completed, the meeting adjourned at 11:05 a.m.

PASSED AND APPROVED September 27, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary