

**MIDLAND CITY COUNCIL
MINUTES
September 14, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 14, 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 10:00 a.m.

OPENING ITEMS

1. Invocation – Pastor Jason Atchley, Greenwood Baptist 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 “DESK & DERRICK INDUSTRY APPRECIATION WEEK”
 - 3b. Presentation of Proclamation for “THE AMERICAN LEGION DAY”

BUDGET AND TAX RATE

4. 10225 – 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 reported this is the second reading and vote for the budget ordinance. The next item is a ratification of the tax levy required by state law. The final budget item is the second reading of the tax levy ordinance adopting a tax rate of \$0.367189 per \$100 of valuation.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10225; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

5. 2021-107 – RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2021-2022 BUDGET (DISTRICT: NONE) (FINANCE)

Jack Ladd moved to approve Resolution No. 2021-107; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

6. 10226 – 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.

Council Member Trost felt there should be no new taxes and asked how that would affect the budget. Ms. Radcliff reported that \$1.1 million would need to be cut.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10226; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Robnett, Dufford, Norman, Ladd, Blong

NAY: Payton, Trost

ABSTAIN: None

ABSENT: None

CONSENT AGENDA

Lori Blong moved to approve the Consent Agenda items 7-26, excluding item(s) 19, 26; 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

7. MOTION APPROVING THE FOLLOWING MINUTES:

7a. BRIEFING SESSION OF AUGUST 24, 2021

7b. REGULAR SESSION OF AUGUST 24, 2021

8. 122-2021 – MOTION ALLOCATING \$9,500,000 RECEIVED FROM THE U.S. DEPARTMENT OF THE TREASURY UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 TO CONSTRUCTION PROJECTS (DISTRICT: NONE) (FINANCE)

9. 2021-108 – RESOLUTION APPROVING A SOLE-SOURCE MASTER AGREEMENT FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT FROM CORE & MAIN, LP, AT A TOTAL COST OF \$2,939,325.20 (DISTRICT: ALL) (GENERAL SERVICES)

Doug Page, 611 West Estes, reported that the meters are not as reliable as the City would have the customers believe. He reported that at 605 Estes, the normal usage is 2,000 gallons per month, but in May they used 84,000 gallons. He has turned in a claim for damage due to extensive flooding of the residential property following the zero degree weather. He believes he turned off the water to the property. There was a pipe burst and the property flooded and it would not have flooded if the valve worked correctly. The water valve allowed pressurized water inside the pipes inside the house which would not have occurred if the valve closed. The pipe still would have broke, but there would not have been continuous flow for three weeks. He is still waiting for the status of that claim.

10. 2021-109 – RESOLUTION AWARDING A CONTRACT FOR THE FLORIDA AVENUE AND COTTON FLAT ROAD WATER MAIN IMPROVEMENTS PROJECT TO TEC EXCAVATION, INC., FOR A TOTAL COST NOT TO EXCEED \$483,444.00; APPROVING \$96,688.80 FOR CONTINGENCIES; AND TRANSFERRING FUNDS (DISTRICT 2) (GENERAL SERVICES)

11. 123-2021 – MOTION AUTHORIZING THE EXECUTION OF A 2022 ROUTINE AIRPORT MAINTENANCE PROGRAM AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS IN THE AMOUNT OF \$25,000.00 FOR AUTOMATED WEATHER OBSERVING SYSTEM MAINTENANCE AND CERTAIN OTHER MAINTENANCE ITEMS AT MIDLAND AIRPARK; AND APPROPRIATING SAID FUNDS FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE TO THE 2022 TXDOT RAMP AGREEMENT PROJECT (700317) (DISTRICT

4) (AIRPORTS)

12. 2021-110 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ONYX GENERAL CONSTRUCTION, LLC, IN THE AMOUNT OF \$1,641,882.53 FOR THE SV1A AND SV1B AND ASSOCIATED ROADWAY AND CARGO ROAD RECONSTRUCTION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (AIRPORTS)
13. 2021-111 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH RURAL ELECTRIC, INC., IN THE AMOUNT OF \$1,502,264.00 FOR THE AIRFIELD LIGHTING REHABILITATION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (AIRPORTS)
14. 2021-112 – RESOLUTION REQUESTING THE RESALE OF PROPERTY ACQUIRED BY MIDLAND CENTRAL APPRAISAL DISTRICT AT A DELINQUENT TAX SALE (DISTRICT 2) (CITY MANAGER)
15. 124-2021 – MOTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE FOLLOWING AMOUNTS AND FOR THE FOLLOWING PURPOSES: \$150,358.00 TO ASSIST THE CITY OF MIDLAND HEALTH SERVICES DIVISION (THE “CITY”) WITH THE DELIVERY OF IMMUNIZATION SERVICES; \$57,521.00 TO ASSIST THE CITY WITH THE FUNDING AND DELIVERY OF IMMUNIZATION/COVID-19 SERVICES; \$105,462.00 TO ASSIST THE CITY WITH THE FUNDING AND DELIVERY OF PUBLIC HEALTH EMERGENCY PREPAREDNESS SERVICES; \$111,630.00 TO ASSIST THE CITY WITH THE FUNDING AND DELIVERY OF LOCAL PUBLIC HEALTH SERVICES; \$350,000.00 TO ASSIST THE CITY WITH THE FUNDING AND DELIVERY OF PUBLIC HEALTH WORKFORCE SERVICES; \$97,801.00 TO ASSIST THE CITY WITH THE FUNDING OF AN INFECTIOUS DISEASE CONTROL UNIT AND/OR RELATED COVID-19 SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY ACCEPTANCE DOCUMENTS; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO DEPOSIT SAID GRANT FUNDS INTO THE GENERAL FUND (DISTRICT: ALL) (COMMUNITY SERVICES)
16. 125-2021 – MOTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS IN THE AMOUNT OF \$31,617.00 TO ASSIST THE CITY OF MIDLAND HEALTH SERVICES DIVISION WITH THE FUNDING AND DELIVERY OF REFUGEE IMMUNIZATION SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY ACCEPTANCE DOCUMENTS; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO DEPOSIT SAID GRANT FUNDS INTO THE GENERAL FUND (DISTRICT: ALL) (COMMUNITY SERVICES)
17. 2021-113 – RESOLUTION APPROVING THE TRANSFER FROM DE3 OPERATING LLC (“OPERATOR”) TO PIONEER NATURAL RESOURCES USA, INC. (“TRANSFeree”) OF ALL OF OPERATOR’S OIL AND GAS WELL PERMITS AND ROAD REPAIR AGREEMENTS ASSOCIATED WITH OPERATIONS LOCATED IN SECTION 23, BLOCK

40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 4) (DEVELOPMENT SERVICES)

18. 2021-114 – RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,080 FEET WEST OF RANKIN HIGHWAY AND 520 FEET SOUTH OF WEST INTERSTATE 20) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 333 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
20. 127-2021 – MOTION AUTHORIZING THE APPROPRIATION OF \$1,267,679 TO THE 2021-2022 CDBG BLOCK GRANT PROJECT (700316) (DISTRICT:NONE) (DEVELOPMENT SERVICES)
21. 2021-115 – RESOLUTION AUTHORIZING THE EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INCORPORATED, MIDLAND VISIONS 2000, AND MISSION HEALTH CARE, INC.; AND AUTHORIZING THE FUNDING OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS, FOR A TOTAL COST OF \$1,267,679.00 (DISTRICT: ALL) (DEVELOPMENT SERVICES)
22. 2021-116 – RESOLUTION PARTIALLY RELEASING A UTILITY EASEMENT THAT WAS GRANTED TO THE CITY OF MIDLAND BY LOS CONCHOS VENTURES, LLC; AUTHORIZING THE EXECUTION OF AN INSTRUMENT MEMORIALIZING THE PARTIAL RELEASE OF THE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 4) (ENGINEERING SERVICES)
23. 2021-117 – RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE, AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH IN THE PORTION OF THE CITY THAT IS NORTH OF BUSINESS INTERSTATE 20, EAST OF FAIRGROUNDS ROAD, SOUTH OF THE NORTHERN BOUNDARY OF MIDLAND COUNTY, AND WEST OF ELKINS ROAD; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE, AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES, AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES, AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE (DISTRICT 1 AND DISTRICT 2) (ENGINEERING SERVICES)

24. 2021-118 – RESOLUTION AUTHORIZING THE ISSUANCE OF AN OPERATING CERTIFICATE FOR JOHN LEWALLEN D/B/A BIG JOHN'S LIMO SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)
25. 2021-119 – RESOLUTION APPROVING THE TRANSFER OF A RIGHT-OF-WAY LICENSE FROM DE3 OPERATING LLC ("LICENSEE") TO PIONEER NATURAL RESOURCES USA, INC. ("TRANSFEREE"); SAID RIGHT-OF-WAY LICENSE BEING LOCATED IN SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (UTILITIES)

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

19. 126-2021 – MOTION APPROVING A PROPOSED PRELIMINARY PLAT OF NORTHWEST PASSAGE ADDITION, BEING A PLAT OF A 117.035-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 1,001 FEET NORTH OF STATE HIGHWAY 191 – EXTRATERRITORIAL JURISDICTION) (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Council Member Trost asked if this development was mostly SF-3. Development Services Director Chuck Harrington reported it was all SF-3 except for the commercial properties. The plat matches the zone change that was presented at the last meeting. A lot of the lots are larger than SF-3.

Michael Trost moved to approve Motion No. 126-2021; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

26. 2021-120 – RESOLUTION AMENDING THE WATER CONSERVATION PLAN FOR THE CITY OF MIDLAND, TEXAS (DISTRICT: ALL) (UTILITIES)

Council Member Blong asked for an explanation. Utilities Director Carl Craig reported that the new plant can outfall water to the draw and we want to keep the water rights. To do that we have to put in wholesale language that was not previously there.

Lori Blong moved to approve Resolution No. 2021-120; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

SECOND READINGS

27. 10203 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, 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 (GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 1,001 FEET NORTH OF STATE HIGHWAY 191); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10203.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10203; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

28. 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.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10204; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

29. 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) (FIRST READING HELD AUGUST 24, 2021)

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

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10227; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

30. 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) (FIRST READING HELD AUGUST 24, 2021)

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

Lori Blong moved to approve the second and final reading of Ordinance No. 10228; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

31. 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) (FIRST READING HELD AUGUST 24, 2021)

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

Jack Ladd moved to approve the second and final reading of Ordinance No. 10229; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

32. 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) (FIRST READING HELD AUGUST 24, 2021)

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

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10230; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

33. 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) (FIRST READING HELD AUGUST 24, 2021)

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

Lori Blong moved to approve the second and final reading of Ordinance No. 10231; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

34. 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) (FIRST READING HELD AUGUST 24, 2021)

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

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10232; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Ladd, Blong

NAY: None

ABSTAIN: Dufford

ABSENT: Norman

35. 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) (FIRST READING HELD AUGUST 24, 2021)

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

Jack Ladd moved to approve the second and final reading of Ordinance No. 10233; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Ladd, Blong

NAY: None

ABSTAIN: Dufford

ABSENT: Norman

36. 10234 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION (FINANCE) (FIRST READING HELD AUGUST 24, 2021)

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

Jack Ladd moved to approve the second and final reading of Ordinance No. 10234; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

PUBLIC HEARINGS

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

37. 128-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: CHAPARRAL H110UH AND KNIGHT H140UH; SAID WELLS BEING GENERALLY LOCATED BETWEEN 717 FEET AND 703 FEET EAST OF NORTH A STREET EXTENSION AND BETWEEN 1,922 FEET AND 1,909 FEET SOUTH OF WEST LOOP 250 NORTH (DISTRICT 3) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

38. 129-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MUSTANG 145 MIPA UNIT H145LS; MUSTANG 155 MIPA UNIT H155WA; MUSTANG 160 MIPA UNIT H160LS; AND MUSTANG 160 MIPA UNIT H160WB; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1,181 FEET AND 892 FEET

WEST OF RANKIN HIGHWAY AND BETWEEN 627 FEET AND 600 FEET SOUTH OF WEST I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

39. 10235 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 5, BLOCK 8, GREENWOOD ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 90 FEET NORTH OF KENTUCKY 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. 10235.

Mayor Payton opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10235; seconded by Jack Ladd.

The motion by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

40. 10236 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,774-SQUARE FOOT PORTION OF LOT 1, BLOCK 1, MESA VERDE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NEELY AVENUE AND NORTH MIDLAND DRIVE), 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 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10236.

Mayor Payton opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10236; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

41. 10237 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,081-SQUARE FOOT PORTION OF BLOCK 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST WALL STREET AND SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A COCKTAIL LOUNGE 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. 10237.

Mayor Payton opened the public hearing at 10:32 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. 10237; seconded by Scott Dufford.

The motion by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

42. 10238 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 1, RUCKUS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT, IN PART, SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF FAIRGROUNDS ROAD, APPROXIMATELY 1,899 FEET SOUTH OF EAST LOOP 250 NORTH); 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. 10238.

Development Services Director Chuck Harrington gave a brief overview of the item noting this was a request made by Lone Star Animal Sanctuary. To make it work they went with Regional Retail zoning with a Specific Use Designation. The property has been there for years. This cleans up the zoning so they can expand with new office space.

Council Member Blong heard from a concerned citizen about the drainage in the area. Mr. Harrington reported that drainage would be addressed in the development process.

Mayor Payton opened the public hearing at 10:34 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. 10238; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

43. 10239 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 5, BLOCK 39, GREENWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH BENTON STREET, APPROXIMATELY 162 FEET NORTH OF EAST CALIFORNIA 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. 10239.

Mayor Payton opened the public hearing at 10:35 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. 10239; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

MISCELLANEOUS

44. 2021-121 – RESOLUTION CONSENTING TO THE ISSUANCE OF MIDLAND COUNTY

FRESH WATER SUPPLY DISTRICT NO. 1 REVENUE REFUNDING BONDS (CITY OF MIDLAND PROJECT), TAXABLE SERIES 2021; AUTHORIZING THE MAYOR, THE CITY ATTORNEY AND THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH; AND RESOLVING OTHER MATTERS RELATED THERETO (DISTRICT: NONE) (FINANCE)

Interim Finance Director Christy Weakland introduced George Wolford of Hilltop Securities. She noted this is a refunding of a bond for Midland Freshwater District that will extend it for five years and bring in a total of \$1.5 million in savings. City Attorney John Ohnemiller clarified that this is the district's bond that needs Council approval.

George Wolford gave a brief overview of the issue.

Jack Ladd moved to approve Resolution No. 2021-121; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

45. 10240 – AN ORDINANCE AMENDING THE CITY OF MIDLAND'S DROUGHT CONTINGENCY PLAN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); AND ORDERING PUBLICATION (DISTRICT: ALL) (UTILITIES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10240.

Utilities Director Carl Craig reported this item was similar to item 26. The City is wanting to reserve their water rights and had to add a wholesale agreement to the drought contingency plan. When we hit the next drought and go to stage 3 and 4 it automatically increases the water rates.

Lori Blong moved to approve the first of two readings of Ordinance No. 10240; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

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

Council delayed making appointment to the following boards to the next meeting: Airport Planning & Development Board, Animal Services Advisory Commission, and Oil & Gas Advisory Committee (Real Estate position).

Lori Blong moved to reappoint Ellen Ramsey to the Citizens Development & Hotel/Motel Tax Advisory Board; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

Scott Dufford moved to appoint Vicky Hailey to replace David Blackketter on the Citizens Development & Hotel/Motel Advisory Board; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

Jack Ladd moved to reappoint Joseph Sanchez to the Midland-Odessa Urban Transit District Board; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

Spencer Robnett moved to appoint Rhett Bullock to replace Stephen Brumley as Petroleum Engineer on the Oil & Gas Advisory Committee; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

Spencer Robnett moved to reappoint Shirley Howard to the Parks & Recreation Commission; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

Jack Ladd moved to move Adrian Carrasco from Alternate Member to Regular Member on the Planning and Zoning Commission; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: Norman

Lori Blong moved to appoint Beverly Dillow as alternate member to the Planning and Zoning Commission; seconded by Jack Ladd.

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

Spencer Robnett moved to reappoint Derek Whiting and E.J. Baldridge to the Zoning Board of Adjustments; seconded by Lori Blong.

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

PUBLIC COMMENT

47. 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.)

There were no citizens present wishing to speak.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 10:49 a.m.

48. 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 551.071, Consultation with the City Attorney
 - a.1. Discuss matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code

All the business at hand having been completed, the meeting adjourned at 11:30 a.m.

PASSED AND APPROVED September 28, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary