

**MIDLAND CITY COUNCIL
MINUTES
September 28, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 28, 2021.

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

Council Members absent: Patrick Payton

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 Bob Pase, Grace Lutheran 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 to Saint Ann's Catholic Church for the "125th Anniversary of the Parish Founding"
 - 3b. Presentation of Proclamation for "National Recovery Month"

CONSENT AGENDA

Spencer Robnett moved to approve the Consent Agenda items 4-17, excluding item(s) 5, 12, 14; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: Payton

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR CITY COUNCIL MEETING OF SEPTEMBER 14, 2021.

6. 2021-123 – RESOLUTION AWARDING A CONTRACT FOR THE LABORATORY INFORMATION MANAGEMENT SYSTEM TO PROMIUM, LLC, IN THE AMOUNT OF \$145,367.00; AND APPROVING \$20,000.00 FOR CONTINGENCIES (DISTRICT: NONE) (GENERAL SERVICES)
7. 2021-124 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2022 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$2,195,113.50 (DISTRICT: NONE) (GENERAL SERVICES)
8. 2021-125 – RESOLUTION APPROVING THE SELECTION OF DUNAWAY ASSOCIATES, LLC, FREESE AND NICHOLS, INC., HALFF ASSOCIATES, INC., KIMLEY-HORN AND ASSOCIATES, INC., MAVERICK ENGINEERING, PARKHILL SMITH & COOPER, INC., DOING BUSINESS AS PARKHILL, STANTEC CONSULTING SERVICES, INC., AND WESTWOOD PROFESSIONAL SERVICES, INC. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT BY PROVIDING PROFESSIONAL ENGINEERING SERVICES AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER EXECUTED IN ACCORDANCE WITH SUCH AN AGREEMENT SHALL NOT EXCEED \$200,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH EACH AGREEMENT SHALL NOT EXCEED \$500,000.00 PER AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
9. 2021-126 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JUSTICE BENEFITS, INC., TO PROVIDE FEDERAL REIMBURSEMENT OPPORTUNITIES AND CONSULTANT SERVICES FOR THE HEALTH AND SENIOR SERVICES DIVISION OF THE COMMUNITY SERVICES DEPARTMENT (DISTRICT: NONE) (GENERAL SERVICES)
10. 2021-127 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS FOR THE WATER RECLAMATION FACILITY FOR FISCAL YEAR 2022 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$168,964.00 (DISTRICT: NONE) (GENERAL SERVICES)

11. 2021-128 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF STANDING SEAM METAL ROOFING AT FIRE STATION 6 FOR A TOTAL COST OF \$195,049.25; APPROVING \$4,950.75 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID CONTRACT (DISTRICT 4) (GENERAL SERVICES)
13. 131-2021 – MOTION REJECTING THE SOLE BID FOR TURF AND LANDSCAPE MAINTENANCE SERVICES; AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO: (I) REISSUE OF A REQUEST FOR PROPOSALS FOR TURF AND LANDSCAPE MAINTENANCE SERVICES PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN THE REQUEST FOR PROPOSALS, AND (II) NEGOTIATE A CONTRACT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)
15. 2021-130 – RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2022 (DISTRICT: NONE) (CITY MANAGER)
16. 132-2021 – MOTION AUTHORIZING AND EXECUTING A RIGHT-OF-WAY LICENSE (21-329-036) BETWEEN THE CITY OF MIDLAND AND DCP OPERATING COMPANY, LP., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
17. 133-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-037) WITH ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 11, 12, 13 AND 14, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

5. 2021-122 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH AXON ENTERPRISE, INC., FOR THE BODY WORN CAMERA SYSTEMS FOR THE POLICE DEPARTMENT THROUGH BUYBOARD AT A TOTAL COST OF \$822,963.38 (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Norman asked if this is an upgrade to the system. Chief Information Officer Jennifer Fresca reported it increases the number of body cameras. The price for the first five-year term is over.

Michael Trost moved to approve Resolution No. 2021-122; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

12. 130-2021 – MOTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN TURF AND LANDSCAPE MAINTENANCE SERVICES CONTRACT FOR CITY PARKS AND OTHER MUNICIPAL SITES WITH ALLDREDGE GARDENS, LP; SAID AMENDMENT PROVIDING FOR THE EXTENSION OF THE CONTRACT TERM THROUGH OCTOBER 31, 2021 (DISTRICT: ALL) (GENERAL SERVICES)

Council Member Norman asked if this was to extend the contract. Community Services Director Cristina Odenborg reported this will extend the contract by one month. She clarified this may be broken into several contracts in the future. When asked what could happen if they are not properly doing their job, Ms. Odenborg clarified that per the contract, it can be terminated with 60 days notice.

Michael Trost moved to approve Motion No. 130-2021; seconded by John Norman.

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

14. 2021-129 – RESOLUTION APPROVING THE PURCHASE OF TWO (2) AMBULANCES FROM STERLING MCCALL FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$567,262.00 (DISTRICT: NONE) (GENERAL SERVICES)

Fire Chief Chuck Bluemenauer reported they have been purchasing the standard ambulance box from Sterling McCall in Houston Texas for the last 15 years. Sterling McCall bids on the state contract each year and is able to do so in bulk. He added that no local company has ever bid on the ambulances.

John Norman moved to approve Resolution No. 2021-129; seconded by Spencer Robnett.

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

SECOND READINGS

18. 10218 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 3.093-ACRE TRACT OF LAND OUT OF LOT 3, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 31, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-2, OFFICE DISTRICT TO RR, REGIONAL RETAIL DISTRICT

(GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHAMPIONS DRIVE AND 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 10, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10218.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the second reading for a zone change to allow for the future development of a shopping center.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10218; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

19. 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) (FIRST READING HELD SEPTEMBER 14, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10235.

John Norman moved to approve the second and final reading of Ordinance No. 10235; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

20. 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) (FIRST READING HELD SEPTEMBER 14, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10236.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10236; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

21. 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) (FIRST READING HELD SEPTEMBER 14, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10237.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10237; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

22. 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) (FIRST READING HELD SEPTEMBER 14, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10238.

John Norman moved to approve the second and final reading of Ordinance No. 10238; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

23. 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) (FIRST READING HELD SEPTEMBER 14, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10239.

John Norman moved to approve the second and final reading of Ordinance No. 10239; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

24. 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) (FIRST READING HELD SEPTEMBER 14, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10240.

Michael Trost moved to approve the second and final reading of Ordinance No. 10240; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

PUBLIC HEARINGS

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

25. 10241 – 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, RUCKUS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF FAIRGROUNDS ROAD, APPROXIMATELY 1,899 FEET SOUTH OF EAST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A KENNEL; 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. 10241.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is for the expansion of their kennels and requires a specific use designation. No letters of opposition have been received.

Mayor Pro Tem Blong opened the public hearing at 10:33 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. 10241; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

26. 134-2021 – 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 115 MIPA UNIT H115LS; MUSTANG 115 MIPA UNIT H115WA; MUSTANG 120 MIPA UNIT H120WB; MUSTANG 125 MIPA UNIT H125WA; MUSTANG 130 MIPA UNIT H130LS; MUSTANG 130 MIPA UNIT H130WB; MUSTANG 135 MIPA UNIT H135WA; AND MUSTANG 140 MIPA UNIT H140WB; SAID WELLS BEING

GENERALLY LOCATED BETWEEN 1,575 FEET AND 1,697 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 510 FEET AND 625 FEET SOUTH OF I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting that one letter of objection was received on this item. There is already one well on this location and the tank battery is to the south. No variance is needed because it is outside of the 500-foot radius but the objection is inside the 860-foot notification radius.

Mayor Pro Tem Blong opened the public hearing at 10:38 a.m.

Brian Ball was called to speak but was only present if there were questions.

There being no one else wishing to speak, the public hearing was closed at 10:38 a.m. This was a public hearing only.

27. 135-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: INTERSTATE 5-32 UNIT 2 #153; INTERSTATE 5-32 UNIT 2 #154; INTERSTATE 5-32 UNIT 2 #162; INTERSTATE 5-32 UNIT 2 #163; INTERSTATE 5-32 UNIT 2 #172; INTERSTATE 5-32 UNIT 2 #173; INTERSTATE 5-32 UNIT 2 #174; INTERSTATE 5-32 UNIT 2 #182; INTERSTATE 5-32 UNIT 2 #183; INTERSTATE 5-32 UNIT 2 #252; INTERSTATE 5-32 UNIT 2 #261; AND INTERSTATE 5-32 UNIT 2 #281; SAID WELLS BEING GENERALLY LOCATED BETWEEN 204 FEET AND 205 FEET SOUTH OF WEST I-20 SERVICE ROAD AND BETWEEN 415 FEET AND 994 FEET EAST OF SOUTH COUNTY ROAD 1220 EXTENSION (DISTRICT 2) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the applicant is asking for variances on five of the wells for spacing with the closest being 344 feet from a residence. One notice of objection has been received for all twelve wells from the same resident for property valuations, safety and noise concerns. This is the first time that an oil company is asking for a variance for being inside the 500-foot radius of an existing house. They have completed a sound study and will be putting in sound walls. The tank battery is in the county to the south. There will be two groups of wells. Only one of the groups needs the variance. Today is only a public hearing.

Mayor Pro Tem Blong opened the public hearing at 10:46 a.m.

Gloria Salazar, 2504 Candle Tree Cove, who owns the property located at 2701 Jasmine Drive, read a statement about Endeavor Energy noting they plan to drill 50 feet north of her property. Endeavor is willing to finance a stay in a hotel for six weeks. She feels this is a blatant unjust proposal. She addressed concerns to increased heavy commercial traffic, detrimental affects on Jasmine Drive, health and safety concerns as well as interruption of the peaceful use of her property for years to come. She fears this will devalue her property up to 75% and expressed concern of the imbalance of a multi-million dollar company versus a private property owner. She is not opposed to finding a solution. The compensation they are offering is not adequate. She asked Council to vote no on granting Endeavor a variance.

Robert Rendall, 6 Desta Drive, reported they have had considerable discussion and negotiations trying to find a compromise on a financial payment to Ms. Salazar. All other owners have settled with reasonable payments. He pointed out that Ms. Salazar does not live at the location. There are 12 wells and only five need the variance for about 120 feet. They cannot move to the north because there is a pipeline located there. To access the minerals, this is about the only location they can drill. They are willing to continue to work with Ms. Salazar as they have been trying for several months. There has been a lot of precedent for drilling in this area and there have been no accidents.

There being no one else wishing to speak, the public hearing was closed at 11:09 a.m.

28. 10242 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 25, GREENWOOD ADDITION, THIRD, FOURTH & FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WEBSTER STREET, APPROXIMATELY 192 FEET SOUTH OF EAST WASHINGTON AVE); 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. 10242.

Mayor Pro Tem Blong opened the public hearing at 11:10 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. 10242; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Robnett, Trost, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: Payton, Dufford

29. 10243 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 2.273-ACRE TRACT OF LAND OUT OF SECTION 20, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND SINCLAIR 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10243.

Development Services Director Chuck Harrington gave a brief overview of the item noting this will provide services to senior citizens. Planning and Zoning approved this on September 7 and staff recommends approval.

Mayor Pro Tem Blong opened the public hearing at 11:13 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. 10243; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

30. 10244 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.742-ACRE TRACT OF LAND OUT OF LOT 1 AND ALL OF LOT 3, BLOCK 1, WEST 191 INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 2,205 FEET WEST OF WESTLAKE 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 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10244.

Mayor Pro Tem Blong opened the public hearing at 11:14 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. 10244; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

31. 10245 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 11, BLOCK 3, GATEWAY PLAZA, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 612 FEET EAST OF SOUTH TRADEWINDS BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND

ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10245.

Development Services Director Chuck Harrington gave a brief overview of the item noting this location was originally set for residential and now it will be new development for trampoline entertainment.

Mayor Pro Tem Blong opened the public hearing at 11:16 a.m.

Andrew Mellen, Maverick Engineering, reported this is not the same builder or owner as the trampoline park in Odessa. In his opinion, this one will be better. The secondary purpose of this facility is for Olympic training purposes.

There being no one else wishing to speak, the public hearing was closed at 11:18 a.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10245; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

32. 2021-131 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A VENDOR MARKET AND CONCERT ON LOTS 1-12, BLOCK 56, A 0.57-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY ADJACENT TO SAID LOTS, AND A 0.57-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY ADJACENT TO BLOCK 55, ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTH 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 is the final step. A solution was found by using the nearby parking lot. Council Member Robnett asked what is the recourse if the applicant does not carry out his duties. City Attorney John Ohnemiller reported that the Temporary Land Use is quite clear; Council has the ability to revoke. Mr. Harrington concluded that their issues about trash pick up and restroom facility use have been addressed and both parties are in agreement. Council Member Robnett asked about use of the sidewalk in front of the book store. Mr. Harrington reported that it is a separate matter and they are working with the applicant on that item.

Mayor Pro Tem Blong opened the public hearing at 11:24 a.m.

Lauren Johnston, 3406 Sinclair, reported that Texas Street is no longer on the application which will not barricade in the park. They have agreed to share the custodial costs as that is a legitimate concern of the park. Although Council previously approved October and

November, they will be implementing the agreed items now. Discussion ensued about how they will handle vehicles left in the parking lot prior to their events.

Scott Kidwell thanked Council for their patience and help noting he appreciated the partnership.

There being no one else wishing to speak, the public hearing was closed at 11:30 a.m

Spencer Robnett moved to approve Resolution No. 2021-131; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

MISCELLANEOUS

33. 136-2021 – MOTION GRANTING CACTUS SIGN COMPANY'S APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR LOT 4, BLOCK 7, HIGHLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 72 FEET NORTH OF WEST COWDEN AVENUE (DISTRICT 2) (DEVELOPMENT SERVICES)

Council Member Robnett asked what is allowed and what is being requested on this sign. Development Services Director Chuck Harrington reported that electronic message board sizes are allowed up to 15% of the total area allowed for signage. In this case it is 42 square feet. This just exceeds that limit. He noted that the sign ordinance should be addressed for electronic message boards.

Mike Galbraith, owner of Cactus Sign, reported they can use 3 X 6 and they are asking for a 3 X 7 electronic message board.

Spencer Robnett moved to approve Motion No. 136-2021; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

34. 137-2021 – MOTION GRANTING CACTUS SIGN COMPANY'S APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST LOOP 250 NORTH FRONTAGE ROAD) (DISTRICT 3) (DEVELOPMENT SERVICES)

Neil Dufford, 1901 Brunson Avenue, reported they have asked for a variance. It will be

painted blue which goes with their overall tailgate theme for the venue. Cities all over the state of Texas are using shipping containers as they will be using for this facility. They just had their soft opening and had about 500 people in attendance. As far as requesting this variance, this Council has granted a lot of variances over the past few years. He reviewed several of those variances. He is not asking Council to change the Ordinance or the codes, but is asking for a variance. Council Member Robnett asked if it was fair to say, this is more temporary in nature. Mr. Dufford confirmed that statement was correct.

There being no one else wishing to speak, the public hearing was closed at 11:43 a.m.

Michael Trost moved to approve Motion No. 137-2021; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Robnett, Trost, Norman, Ladd, Blong

NAY: None

ABSTAIN: Dufford

ABSENT: Payton

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

Michael Trost moved to defer making appointments until the next meeting; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Robnett, Trost, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: Payton, 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.)

Ross Schumann, 4003 Gleneagles Court, recently discovered there were generators installed at a majority of the fire stations but they have not been connected. He has been informed that the installation is quickly approaching after one year but they are not connected to the buildings. Two of the fire stations went without power while the new generators sat there not being used. At least one has been installed incorrectly as it should be connected to the other side of the building. He has placed a few calls but has not received a response. It seems when the generators were installed they were missing a funding source for connecting them to the buildings. He would like to know what are the next steps that will be taken to ensure that our emergency services are intact. Mayor Pro Tem Blong noted that because of the nature of public comment they cannot respond but City staff will follow up.

EXECUTIVE SESSION

Mayor Pro Tem Blong recessed the meeting to go to Executive Session at 11:49 a.m.

37. 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 551.072, Deliberation Regarding Real Property

a.1. Discuss the purchase, exchange, lease or value of real property.

All the business at hand having been completed, the meeting adjourned at 12:40 p.m

PASSED AND APPROVED October 12, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary