

**MIDLAND CITY COUNCIL
MINUTES
October 11, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 11, 2022.

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

Council Members absent: None

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

The meeting was called to order at 10:06 a.m.

OPENING ITEMS

1. Invocation – Pastor Philip Teaney, Homeline 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 “National Business Women’s Week”
 - 3b. Presentation of Proclamation for “Desk & Derrick Industry Appreciation Week”

CONSENT AGENDA

Dan Corrales moved to approve consent agenda Items 4-20, excluding items 13, 16, 18, 19 & 20; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR SESSION OF SEPTEMBER 27, 2022

5. 2022-128 – RESOLUTION AUTHORIZING PURCHASE OF A MOWERMAX BOOM TRACTOR FROM ATMAX EQUIPMENT CO. THROUGH BUYBOARD FOR A TOTAL COST OF \$321,835.50 (DISTRICT: NONE) (GENERAL SERVICES)
6. 2022-129 – RESOLUTION APPROVING A SOLE-SOURCE CONTRACT WITH ROSSMAN ENTERPRISES, INC., DBA MAGNEGRIP FOR THE PURCHASE AND INSTALLATION OF MAGNEGRIP TAILPIPE ADAPTERS AND ASSOCIATED COMPONENTS FOR A TOTAL COST OF \$106,245.00 (DISTRICT: ALL) (GENERAL SERVICES)
7. 2022-130 – RESOLUTION AWARDED A CONTRACT FOR THE MOMENTUM BANK BALLPARK PEDESTRIAN BRIDGE REHABILITATION PROJECT TO MID-TEX OF MIDLAND, INC., IN THE AMOUNT OF \$184,250.00; APPROVING \$18,425.00 FOR PROJECT-RELATED EXPENSES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)
8. 2022-131 – RESOLUTION ACCEPTING THE PROPOSAL SUBMITTED BY STANDARD INSURANCE COMPANY OF PORTLAND, OREGON FOR BASIC LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, VOLUNTARY LONG-TERM DISABILITY, VOLUNTARY SHORT-TERM DISABILITY, AND VOLUNTARY TERM LIFE INSURANCE COVERAGES; AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL CONTRACTS AND DOCUMENTS NECESSARY TO EFFECT THE CITY'S ACCEPTANCE OF SAID PROPOSAL; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
9. 2022-132 – RESOLUTION APPROVING THE PURCHASE OF REPLACEMENT PALO ALTO FIREWALL DEVICES AND RENEWAL OF MAINTENANCE FOR THE EXISTING FIREWALLS AND ANTIVIRUS SOFTWARE FOR THE COMMUNICATIONS AND INFORMATION SYSTEMS DEPARTMENT FROM CDW GOVERNMENT LLC, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$741,199.44 (DISTRICT: NONE) (GENERAL SERVICES)
10. 2022-133 – RESOLUTION APPROVING THE PURCHASE OF FIFTY-ONE (51) BUNKER COATS AND FIFTY (50) BUNKER PANTS FROM DOOLEY TACKABERRY, INC., AT A TOTAL COST OF \$184,051.65 THROUGH THE HOUSTON GALVESTON AREA COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)
11. 2022-134 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH GTS TECHNOLOGY SOLUTIONS, INC., FOR THE PURCHASE AND INSTALLATION OF FIFTY-SIX (56) TOUGHBOOK LAPTOPS AND ACCESSORIES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$278,021.45

FOR THE FIRE DEPARTMENT (DISTRICT: NONE) (GENERAL SERVICES)

12. 2022-135 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS FOR THE WATER RECLAMATION FACILITY FOR FISCAL YEAR 2023 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$286,321.20 (DISTRICT: NONE) (GENERAL SERVICES)
14. 115-2022 – MOTION APPROVING A CONSULTING SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND VANDERGRIF GROUP ARCHITECTS, LLC, FOR SERVICES RELATED TO THE DEMOLITION OF STRUCTURES LOCATED AT CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A, 5, 6, AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)
15. 116-2022 – MOTION APPROVING A DEMOLITION CONTRACT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDWEST WRECKING CO. OF TEXAS, INC., FOR THE DEMOLITION OF STRUCTURES LOCATED ON CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A, 5, 6, AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)
17. 2022-136 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, FOR THE FISCAL YEAR 2023 OPERATION LONE STAR GRANT PROGRAM; AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM SAID PROGRAM FOR THE PURPOSE OF PURCHASING A PERATON/REMOTEC ANDROS FX EXPLOSIVE ORDNANCE DISPOSAL DRONE AND RELATED ACCESSORIES; AND PROVIDING FOR THE APPROPRIATION OF SAID GRANT FUNDS UPON RECEIPT (DISTRICT: ALL) (POLICE)

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

13. 114-2022 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 5 TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING SCOPE OF WORK CHANGES TO THE FOLLOWING PROJECTS: (I) MAF AIRFIELD WILDLIFE FENCE IMPROVEMENTS PROJECT; (II) MAF WILDLIFE MANAGEMENT IMPROVEMENTS - SOUTH DRAINAGE CHANNEL PROJECT; (III) MAF PASSENGER FACILITY CHARGE APPLICATIONS AND AMENDMENTS PROJECT; AND (IV) CONSOLIDATED RENTAL CAR FACILITY PROJECT; AND AUTHORIZING THE APPROPRIATION OF THE FOLLOWING FUNDS TO THE FOLLOWING PROJECTS: (I) \$251,000.00 FROM THE PFC FUND UNAPPROPRIATED FUND BALANCE TO THE MAF AIRFIELD WILDLIFE FENCE IMPROVEMENTS PROJECT (900345); (II) \$94,350.00 FROM THE PFC FUND UNAPPROPRIATED FUND BALANCE TO THE MAF WILDLIFE MANAGEMENT IMPROVEMENTS - SOUTH DRAINAGE CHANNEL PROJECT (900347); (III) \$50,000.00 FROM THE PFC FUND UNAPPROPRIATED FUND BALANCE TO THE MAF PASSENGER FACILITY CHARGE APPLICATIONS AND AMENDMENTS PROJECT

(900346); AND (IV) \$41,068.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO THE CONSOLIDATED RENTAL CAR FACILITY PROJECT (900331) (DISTRICT 4) (AIRPORTS)

Justine Ruff, Director of Airports, gave a brief overview of the item noting there have been some changes in the scope of some of the projects along with cost increases. They would like to add money to the projects to get through to the next phase.

Dan Corrales moved to approve Motion No. 114-2022; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

16. 117-2022 – MOTION APPROVING THE ADVERTISEMENT OF A REQUEST FOR PROPOSALS FOR THE DEVELOPMENT OF CERTAIN CITY-OWNED REAL PROPERTY DESCRIBED AS LOTS 7 AND 8, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, TOGETHER WITH CERTAIN MIDLAND DEVELOPMENT CORPORATION-OWNED REAL PROPERTY DESCRIBED AS LOTS 1A, 5, 6, AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)

Council Member Dufford pulled this item and voiced his wish to sit on the committee that is formed to review proposals. Council Member Corrales also voiced his desire to sit on the committee.

Scott Dufford moved to approve Motion No. 117-2022; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

18. 2022-137 – RESOLUTION ACCEPTING A FISCAL YEAR 2022 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$124,052.00; SAID GRANT SHALL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING SAID GRANT FUNDS (DISTRICT: ALL) (POLICE)

Seth Herman, Police Chief, gave a brief overview of the item noting this allows the City to assign someone to the Federal task force to assist in taking care of this issue. Chief Herman also gave an overview of the seriousness of the Fentanyl drug sweeping the United States, including the Permian Basin.

Dan Corrales moved to approve Resolution No. 2022-137; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

19. 118-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-031) WITH MIDLAND-PERMIAN PIPELINE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9 AND 16, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

This item was considered immediately after item number 32.

Dan Corrales moved to approve Motion No. 118-2022 with the amendment to include the changes to the fees from item #32's fee schedule; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 119-2022 – MOTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH ALLTELL CORPORATION DBA VERIZON WIRELESS REGARDING CITY-OWNED PROPERTY LOCATED AT 4203 SHELL AVENUE (DISTRICT 3) (UTILITIES)

Utilities Director Carl Craig gave a brief overview of the item noting a couple of cell phone providers have existing equipment that will be upgraded; which will replace the old lease.

Dan Corrales moved to approve Motion No. 119-2022; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

Mayor Payton jumped to item number 32.

SECOND READINGS

21. 10346 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 17, BLOCK 59, PARK AVENUE HEIGHTS 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 NORTH SIDE OF EAST CALIFORNIA AVENUE, APPROXIMATELY 480 FEET EAST OF SOUTH LAMESA 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 2) (DEVELOPMENT SERVICES) (FIRST READING HELD SEPTEMBER 27, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10346.

Lori Blong moved to approve the second and final reading of Ordinance No. 10346; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

PUBLIC HEARINGS

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

22. 120-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: KNIGHT 110 MIPA UNIT H110SS; KNIGHT 110 MIPA UNIT H110UH; KNIGHT 110 MIPA UNIT H110WB; KNIGHT 115 MIPA UNIT H115LS; KNIGHT 115 MIPA UNIT H115WA; KNIGHT 120 MIPA UNIT H120MS; KNIGHT 120 MIPA UNIT H120WB; KNIGHT 125 MIPA UNIT H125WA; KNIGHT 130 MIPA UNIT H130LS; KNIGHT 130 MIPA UNIT H130SS; KNIGHT 130 MIPA UNIT H130WB; AND KNIGHT 135 MIPA UNIT H135WA; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1,638 FEET AND 1,998 FEET EAST OF NORTH A STREET EXTENSION AND BETWEEN 1,832 FEET AND 2,020 FEET SOUTH OF W LOOP 250 N; PUBLIC HEARING ONLY (DISTRICT 3) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:51 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

This was a public hearing only; no action was taken.

23. 121-2022 – 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-NAIL E17K 111H; STIMSON-NAIL E17L 112H; STIMSON-NAIL E17M 113H; STIMSON-NAIL E17N 114H; STIMSON-NAIL E17O 116H; STIMSON-NAIL E17P 116H; STIMSON-NAIL E17Q 117H; STIMSON-NAIL E17R 118H; STIMSON-NAIL E17S 119H; AND STIMSON-NAIL E17T 120H; SAID WELLS BEING GENERALLY LOCATED BETWEEN 435 FEET AND 4,366 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,182 FEET AND 1,362 FEET WEST OF ELKINS ROAD; PUBLIC HEARING ONLY (DISTRICT 1) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

This was a public hearing only; no action was taken.

24. 10347 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 AND 6, BLOCK 2, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST SCHARBAUER DRIVE AND NORTH MARIENFELD 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10347.

Mayor Payton opened the public hearing at 10:52 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10347; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

25. 10348 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 4 THROUGH 6, BLOCK 24, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST PARKER AVENUE), WHICH IS PRESENTLY ZONED LR, LOCAL 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10348.

Mayor Payton opened the public hearing at 10:54 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10348; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

26. 10349 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 1 AND 2, BLOCK J, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 241 FEET EAST OF CARLTON STREET), 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. 10349.

Development Services Director Chuck Harrington gave a brief overview of the item noting the request is being made to place a kennel on site for up to 49 small dogs. Staff has serious concerns and recommends denial.

Mayor Payton opened the public hearing at 10:57 a.m.

Elisa Matheson, 3517 W. Michigan Avenue, owner of Stars Hollow Dog Grooming and Resort reported on how she got involved with taking care of dogs and her passion for the work. Mrs. Matheson also reported on the services offered and the structure of the building.

Allen Matheson, 3517 W. Michigan Avenue, spouse of Elisa Matheson and partial owner spoke in his support of this item.

Molly Keffer, 6105 Moroni Street, met the owner and is in support of this item.

There being no one else wishing to speak, the public hearing was closed at 11:08 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10349; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

27. 10350 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,085-SQUARE FOOT PORTION OF LOT 6A, BLOCK 27, WYDEWOOD ESTATES, SECTION

26, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 800 FEET SOUTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, 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 Jan Hamilton read the caption of Ordinance No. 10350.

Development Services Director Chuck Harrington gave a brief overview of the item noting a joint hearing on TABC will possibly take place in November.

Mayor Payton opened the public hearing at 11:11 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. 10350; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

28. 2022-138 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A VENDOR MARKET AND CONCERT ON (1) A 0.86-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1A, BLOCK 54, AND LOT 1A, BLOCK 55, ORIGINAL TOWN ADDITION, SECTION 14, AND LOTS 1 THROUGH 12, BLOCK 65, ORIGINAL TOWN ADDITION, AND (2) A 0.24-ACRE PORTION OF SOUTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1 AND LOTS 19 THROUGH 24, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF WEST WALL STREET AND LORAIN STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the requirements of the event.

Council noted that not all of the requirements of the temporary land use were being met and added that this permit could be revoked at Council's discretion.

Mayor Payton opened the public hearing at 11:17 a.m.

Seth Streun, 2303 W. Cuthbert, reported they are asking for an extension on their current market and gave an overview of the event being planned. Mr. Streun reported he feels like they are adhering to the rules of the agreement.

Grant Billingsly, 901 Pine Court, Vice President of the Midland Downtown Park Conservancy reported the fence is really not needed unless they are serving alcohol.

The Conservancy came to an agreement with the Micromarket that they would erect a fence between the market and the park and that the market would pay \$35/hour for cleaning the park's restrooms during the Micromarket. He concluded that the Micromarket has been billed for the restrooms but they have not paid the invoice.

Lauren Johnston, 3406 Sinclair Avenue, doesn't see a need to pay for both porta potties and restroom cleaning. Ms. Johnston also reported that the food vendors go through health inspections which check for fire extinguishers. Council instructed Ms. Johnston that they need to adhere to all of their requirements.

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

Jack Ladd moved to approve Resolution No. 2022-138; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

29. 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10344.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the next phase of Betenbough homes which will include amenities. They are proposing a mixed use Planned Development (PD).

Mayor Payton opened the public hearing at 11:38 a.m.

Ronnie Wallace and Chris Berry of Betenbough Homes provided a detailed presentation of their development plan.

There being no one else wishing to speak, the public hearing was closed at 11:50 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10344; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

30. 122-2022 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF MOCKINGBIRD RIDGE, BEING A RESIDENTIAL PLAT OF 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 (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH FAIRGROUNDS AND EAST MOCKINGBIRD ROAD) (DISTRICT 1) (DEVELOPMENT SERVICES)

Dan Corrales moved to approve Motion No. 122-2022; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

31. 123-2022 – MOTION APPROVING A REQUEST BY S.W. HOWELL, INC. TO DEFER PAVING, WASTEWATER AND WATER IMPROVEMENTS FOR WESTCLIFF ADDITION, SECTION 5, AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT \$219,060.00, AN AMOUNT EQUAL TO THE ESTIMATED COST TO CONSTRUCT THE PUBLIC INFRASTRUCTURE. THE SUBJECT PROPERTY IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WESTCLIFF DRIVE AND PRINCETON AVENUE. THE PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND (DISTRICT 3) (ENGINEERING SERVICES)

Jose Ortiz, Engineering Services Director, gave a brief overview of the item noting S.W. Howell, a survey company, is replatting some property which triggers improvements for roadways, water and sewer due to the Codes of Midland. Mr. Ortiz explained in detail what this entails for the church and is recommending denial to defer certain parts of this item.

Ademolu Ocubajo, 2509 Castle Wood Drive, Pastor of the church reported their need for

deferring some or all of this item so they may have time to come up with funding.

John Norman moved to approve Motion No. 123-2022 with the amendment to require sewer improvements; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

32. 10351 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; ESTABLISHING AN EFFECTIVE DATE OF NOVEMBER 1, 2022; AND ORDERING PUBLICATION (DISTRICT: NONE) (FINANCE)

Utilities Director Carl Craigo gave a brief overview and history of the item noting this is adding fees for oil industry right-of-way licenses for City of Midland owned properties. Mr. Craigo reported on the two fee schedule options and what the structure of each option would entail. He added, these fees have been in practice but because there was no formal action taken to adopt them some companies try to negotiate the fees.

Lori Blong moved to approve the first of two readings of Ordinance No. 10351 with the amendment to charge 200% of University Lands rates; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

Mayor Payton jumped back to item #19.

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

Dan Corrales moved to appoint Robert Crites to the Midland-Odessa Urban Transit District Board; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

John Norman moved to reappoint Lynn Rogers to the Parks and Recreation Commission; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: None

Jack Ladd moved to appoint Sarah Judge to the Parks and Recreation Commission; seconded by Dan Corrales.

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

It was noted that Mr. Gerety had been previously removed for lack of attendance but it was later discovered that staff had an incorrect email address.

Robin Poole moved to appoint Jim Gerety to the Zoning Board of Adjustment and Airport Zoning Board of Adjustment; seconded by Lori Blong.

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

PUBLIC COMMENT

34. 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.)

Community Services Manager, Issac Garnett, thanked council for item 21, implementing housing and development.

EXECUTIVE SESSION

Mayor Payton recessed the meeting at 12:07 p.m. to go into Executive Session.

35. 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.
 - b. Section 551.071, Consultation with Attorney
 - b.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 1:00 p.m.

PASSED AND APPROVED October 25, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary