

**MIDLAND CITY COUNCIL
MINUTES
October 25, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 25, 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, 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 Anthony Paredes, 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 “Chiropractic Health Month”
 - 3b. Presentation of Proclamation for “Monarch Day”
 - 3c. Presentation of Proclamation for “Municipal Court Week”

Mayor Payton jumped to item number 31 for Public Comment.

CONSENT AGENDA

Lori Blong moved to approve Consent Agenda items 4-19, excluding items 8, 10, & 18; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. BRIEFING SESSION OF OCTOBER 11, 2022

4b. REGULAR SESSION OF OCTOBER 11, 2022

5. 2022-139 – RESOLUTION AUTHORIZING PURCHASE OF A JOHN DEERE UTILITY TRACTOR AND DIAMOND MOWER FROM DEERE & COMPANY THROUGH BUYBOARD FOR A TOTAL COST OF \$148,362.23 (DISTRICT: NONE) (GENERAL SERVICES)
6. 2022-140 – RESOLUTION APPROVING THE PURCHASE OF A GLOBAL H4HSD STREET SWEEPER FROM GLOBAL ENVIRONMENTAL PRODUCTS THROUGH SOURCEWELL FOR A TOTAL COST OF \$334,241.00 (DISTRICT: NONE) (GENERAL SERVICES)
7. 2022-141 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF A Lenco BEARCAT ARMORED RESPONSE VEHICLE FROM Lenco Industries, Inc., for a total cost of \$378,675.00 (DISTRICT: ALL) (GENERAL SERVICES)
9. 2022-142 – RESOLUTION AUTHORIZING THE PURCHASE OF TWO HUNDRED EIGHT (208) GETAC LAPTOPS AND ACCESSORIES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES FROM SHI-Government Solutions, Inc., at a total cost of \$609,625.05 for the Police Department (DISTRICT: NONE) (GENERAL SERVICES)
11. 2022-144 – RESOLUTION AWARDING A CONTRACT FOR THE UTILITY EXTENSION PROGRAM 05 PROJECT TO ENTRENCH INC. AT A TOTAL COST NOT TO EXCEED \$2,500,000.00 PER CONTRACTUAL TERM; AND APPROPRIATING AND TRANSFERRING FUNDS (DISTRICT: ALL) (GENERAL SERVICES)
12. 2022-145 – RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2023 (DISTRICT: NONE) (CITY SECRETARY'S OFFICE)
13. 2022-146 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PIONEER NATURAL RESOURCES, USA, INC. ("OPERATOR") TO DRILL NINE OIL AND GAS WELLS LOCATED IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 405 FEET AND 406 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,182 FEET AND

1,342 FEET WEST OF ELKINS ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 1) (DEVELOPMENT SERVICES)

14. 2022-147 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 410 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF INTERSTATE 20); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
15. 2022-148 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,172 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
16. 2022-149 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUBSURFACE USE AGREEMENT GRANTING TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) A SUBSURFACE EASEMENT LOCATED ON A CITY-OWNED TRACT OF LAND DESCRIBED AS THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, COMPLETING, PRODUCING, TRANSPORTING PRODUCTION THROUGH, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID TRACT OF LAND TO BENEFIT OIL AND GAS PRODUCTION FROM WELLS DRILLED OR TO BE DRILLED BY OPERATOR, ITS SUCCESSORS OR ASSIGNS ON LANDS LOCATED IN SECTIONS 17 AND 20, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 1) (DEVELOPMENT SERVICES)
17. 2022-150 – RESOLUTION AUTHORIZING THE EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INCORPORATED, THE MIDLAND COUNTY HOSPITAL DISTRICT, MIDLAND PARKER PLACE, INC., MISSION HEALTH CARE, INC., THE SALVATION ARMY OF MIDLAND, AND SENIOR LIFE MIDLAND, INC.; AUTHORIZING THE FUNDING OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS, FOR A TOTAL COST OF \$1,268,782.00; AND APPROPRIATING AND ALLOCATING FUNDS (DISTRICT: ALL) (DEVELOPMENT SERVICES)
19. 2022-151 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR THE FISCAL YEAR 2023 EDWARD BYRNE JUSTICE

ASSISTANCE GRANT PROGRAM; AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$81,079.12 FOR THE PURCHASE OF TWO EXPLOSIVE ORDNANCE DISPOSAL SUITS AND ACCOMPANYING EQUIPMENT; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF SAID GRANT FUNDS; 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.

8. 124-2022 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE MICHIGAN AVENUE UTILITY IMPROVEMENTS PROJECT, SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS MOTION, AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS (DISTRICT: ALL) (GENERAL SERVICES)

Council Member Blong inquired of the timeline for this project.

Assistant City Engineer Josh Ferguson reported they would like to get ahead of TXDot and are competing with material supply and weather issues.

Engineering Services Director Jose Ortiz reported the utility work will begin in the winter and they would like to time it so that as soon as it is done, the Midland Inlay project can begin, hopefully around mid-winter.

Lori Blong moved to approve Motion No. 124-2022; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

10. 2022-143 – RESOLUTION APPROVING A CONTRACT WITH MID-TEX OF MIDLAND, INC., THROUGH THE PURCHASING ASSOCIATION OF COOPERATIVE ENTITIES, FOR THE REPAIR AND REPLACEMENT OF EXPANSION JOINT SEALANT AT ASTOUND BROADBAND STADIUM FOR A TOTAL COST OF \$228,323.00; APPROVING \$23,000.00 FOR PROJECT-RELATED EXPENSES; AND APPROPRIATING FUNDS FOR SAID CONTRACT (DISTRICT 4) (GENERAL SERVICES)

Council Member Corrales inquired about rain that comes into the bathrooms.

Community Services Director Cristina Burns reported that the material around the joint, which is about 20 years old, has deteriorated over time and needs to be replaced.

Dan Corrales moved to approve Resolution No. 2022-143; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

18. 125-2022 – MOTION AUTHORIZING THE RESEARCH, DEVELOPMENT AND SUBMISSION OF GRANT APPLICATIONS TO FEDERAL, STATE, AND LOCAL AGENCIES FOR THE EXPRESS PURPOSE OF PREVENTING AND ENDING HOMELESSNESS IN MIDLAND COUNTY (DISTRICT: ALL) (DEVELOPMENT SERVICES)

Community Services Manager, Isaac Garnett, gave a brief overview of the item noting the City of Midland has seen an increase in homelessness since COVID began. The Community Services Department together with the Homeless Network would like to seek out Federal, State and Local grants to assist with addressing the issues.

Robin Poole moved to approve Motion No. 125-2022; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

SECOND READINGS

20. 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) (FIRST READING HELD OCTOBER 11, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10344.

Cade Labolt, 1307 Daybreak, a Landman for Pioneer Natural Resources, provided an update after seeing an article written after the last P&Z meeting. Mr. Labolt reported they have been working with Betenbough and wanted the Council to know everything has been going smooth and that they do have existing infrastructure in place.

Chris Berry, Betenbough, reported they have been working well with Pioneer and will keep the City Council updated as the project progresses.

Robin Poole moved to approve the second and final reading of Ordinance No. 10344; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

21. 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) (FIRST READING HELD OCTOBER 11, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10347

John Norman moved to approve the second and final reading of Ordinance No. 10347; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

22. 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) (FIRST READING HELD OCTOBER 11, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10348.

John Norman moved to approve the second and final reading of Ordinance No. 10348; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

23. 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) (FIRST READING HELD OCTOBER 11, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10349.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10349; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

24. 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) (FIRST READING HELD OCTOBER 11, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10350.

John Norman moved to approve the second and final reading of Ordinance No. 10350; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

25. 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) (FIRST READING HELD OCTOBER 11, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10351.

Lori Blong moved to approve the second and final reading of Ordinance No. 10351; seconded by John Norman.

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:

26. 10352 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 3G, BLOCK 6, SCOTSDALE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 535 FEET WEST OF 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. 10352.

Mayor Payton opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10352; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

27. 10353 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 7, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH STREET AND TYLER STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM HI, HEAVY INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10353.

Mayor Payton opened the public hearing at 10:48 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. 10353; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

28. 10354 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 26, WEDGWOOD PARK ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-1, OFFICE DISTRICT, TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 510 FEET NORTH OF NEELY 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 Vanessa White read the caption of Ordinance No. 10354.

Mayor Payton opened the public hearing at 10:50 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. 10354; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

29. 10355 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 40 FEET OF LOT 4 AND THE EAST 25 FEET OF LOT 5, BLOCK J, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 80 FEET EAST OF CARLTON STREET), BY PERMITTING A REDUCED MINIMUM LOT DEPTH; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10355.

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.

John Norman moved to approve the first of two readings of Ordinance No. 10355; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

30. 10356 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 22 AND THE WEST 97.3 FEET OF LOT 23, BLOCK 81, PERMIAN ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 438 FEET WEST OF THOMASON DRIVE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; 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. 10356.

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.

John Norman moved to approve the first of two readings of Ordinance No. 10356; 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 COMMENT

31. 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.)

Carol Henson, 5600 Camden, spoke on behalf of the residents of Grandridge Park who are concerned over a crosswalk at Abell at the exit of their subdivision. Ms. Henson reported this crosswalk negatively affects residents everyday lives going to and from home by blocking their exits. Ms. Henson also reported on the issues that will happen if future development of this area takes place.

Engineering Services Director Jose Ortiz provided a clarifying statement as to why the construction was done the way it was.

Council Member Ladd would like to see this item on the next agenda for further discussion and moved to make a motion to do so.

Jack Ladd moved to put the Grandridge Park discussion of a crosswalk in reference to the median on the agenda for the November 15, 2022 Council meeting; 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

Bob Crites, 606 E. Broadway Street, would like to know why the Hogan Park monetary discussion has not taken place before the voters of Midland.

Shirley Howard, 405 Magnolia, requested that Community Services Manager, Isaac Garnett, read the questions and comments for her regarding concerns about Hogan Park,

citizens being priced out of the parks in the future and concerns regarding Boards and Commissions.

EXECUTIVE SESSION

32. 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:

Mayor Payton recessed the meeting to go into Executive Session at 10:55 a.m.

- a. Section 551.074, Personnel Matters
 - a.1. Deliberate the employment, evaluation, and duties of the City Manager

All the business at hand having been completed, the meeting adjourned at 11:13 a.m.

PASSED AND APPROVED November 15, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary