

**MIDLAND CITY COUNCIL
MINUTES
November 16, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 16, 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 10:02 A.M.

OPENING ITEMS

1. Invocation – Pastor Jon Slayden, Hope Community Church
2. Pledge of Allegiance

CONSENT AGENDA

Lori Blong moved to approve Consent Agenda items 3-25, excluding item(s) 6, 7, 9, 12, 14, 17, 18; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - a. REGULAR CITY COUNCIL MEETING OF OCTOBER 26, 2021
4. 2021-149 – RESOLUTION SUPPORTING THE ADOPTION AND APPROVAL OF THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS

NECESSARY AND APPROPRIATE TO EFFECTUATE THE CITY OF MIDLAND'S PARTICIPATION IN THE STATE OF TEXAS'S SETTLEMENT OF OPIOID-RELATED LEGAL CLAIMS (DISTRICT: ALL) (FINANCE)

5. 2021-150 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF DURO-LAST DURO-FLEECE 50-MIL ROOFING AT THE POLICE DEPARTMENT FOR A TOTAL COST OF \$272,350.00; APPROVING \$27,650.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID CONTRACT (DISTRICT 2) (GENERAL SERVICES)
8. 2021-153 – RESOLUTION APPROVING THE PURCHASE OF AN INTERNATIONAL HV607 6X4 CHASSIS FROM ROBERTS TRUCK CENTER OF TEXAS LLC DBA SUMMIT TRUCK GROUP THROUGH SOURCEWELL FOR THE GARAGE DIVISION AT A TOTAL COST OF \$114,007.43 (DISTRICT: NONE) (GENERAL SERVICES)
10. 2021-155 – RESOLUTION AWARDING A CONTRACT FOR THE GARFIELD STREET WATER MAIN IMPROVEMENTS PROJECT TO TEC EXCAVATION, INC., IN THE AMOUNT OF \$524,090.00; APPROVING \$52,409.00 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS (DISTRICT 3) (GENERAL SERVICES)
11. 2021-156 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR EMERGENCY REPAIR SERVICES OF THE WALL STREET SEWER MAIN BY BOLER EQUIPMENT SERVICE, INC., FOR A TOTAL COST OF \$174,125.00 (DISTRICT 3) (GENERAL SERVICES)
13. 145-2021 – MOTION AUTHORIZING THE EXECUTION OF A PLANETARIUM COOPERATIVE AGREEMENT WITH THE MUSEUM OF THE SOUTHWEST REGARDING CERTAIN CITY-OWNED PROPERTY DESCRIBED AS A 2.617-ACRE TRACT OF LAND OUT OF BLOCK 104, WEST END, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 3) (GENERAL SERVICES)
15. 2021-158 – RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, GT DISTRIBUTORS, INC., AND KIESLER POLICE SUPPLY, AT A TOTAL COST OF \$197,997.44 (DISTRICT: NONE) (GENERAL SERVICES)
16. 2021-159 – RESOLUTION APPROVING THE PURCHASE OF SIX HUNDRED (600) THREE (3) CUBIC YARD RESIDENTIAL CONTAINERS, THREE HUNDRED (300) THREE AND A HALF (3.5) CUBIC YARD COMMERCIAL CONTAINERS AND ONE HUNDRED (100) ONE AND A HALF (1.5) CUBIC YARD RESIDENTIAL CONTAINERS FROM ROLL-OFFS USA, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$862,640.00 (DISTRICT: NONE) (GENERAL SERVICES)
19. 2021-161 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR

ENERGY RESOURCES, L.P. (“OPERATOR”) TO DRILL SEVEN OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 205 FEET SOUTH OF WEST INTERSTATE 20 SERVICE ROAD AND BETWEEN 873 FEET AND 994 FEET EAST OF SOUTH COUNTY ROAD 1220 EXTENSION) (DISTRICT 2) (DEVELOPMENT SERVICES)

20. 2021-162 – RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, L.P. REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 8, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 2) (DEVELOPMENT SERVICES)
21. 148-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH ENDEAVOR ENERGY RESOURCES, L.P. (21-329-038) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
22. 149-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH ENDEAVOR ENERGY RESOURCES, L.P. (21-329-039) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
23. 150-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH ENDEAVOR ENERGY RESOURCES, L.P. (21-329-040) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
24. 151-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
25. 152-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-317-043) WITH WTG NORTH PERMIAN MIDSTREAM LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, AND SECTIONS 33 AND 34, BLOCK 38 TOWNSHIP 1 NORTH, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

6. 2021-151 – RESOLUTION APPROVING THE PURCHASE OF SIX (6) REFUSE SIDE-LOADER TRUCKS FROM ROBERTS TRUCK CENTER OF TEXAS LLC DBA SUMMIT TRUCK GROUP THROUGH SOURCEWELL FOR THE GARAGE DIVISION AT A TOTAL COST OF \$1,234,026.06 (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Trost felt that we were losing revenue by not having front loaders to pick up

from commercial businesses. Solid Waste Director, Jeffery Ahrlett, reported that side loaders are able to pick up residential and most commercial. The area they are missing out on are some restaurants due to not having front loaders. He said he can look into it.

Michael Trost moved to approve Resolution No. 2021-151; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

7. 2021-152 – RESOLUTION AWARDED A CONTRACT FOR THE PARK AVENUE HEIGHTS 2 PAVING PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,455,032.00; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 2) (GENERAL SERVICES)

Council Member Norman asked if the paving project includes curb and gutter or is it just paving. Engineering Services Director Jose Ortiz reported it includes curb, gutter and paving but does not include sidewalks.

John Norman moved to approve Resolution No. 2021-152; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

9. 2021-154 – RESOLUTION AWARDED A CONTRACT FOR THE GARFIELD STREET UTILITY BOND PROJECT-BREAK OUT SET 01 TO CD KING CONSTRUCTION, LLC, DBA JD KING, IN THE AMOUNT OF \$1,509,689.40; APPROVING \$150,968.94 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS (DISTRICT 3) (GENERAL SERVICES)

Council Member Dufford asked for a report on the Garfield and A Street projects including how long until they are finished. Engineering Services Director Jose Ortiz reported there are a host of different issues with contractors including weather. A Street is expected to be completed in January of 2022. Garfield has been bid out but they are waiting for the pre-construction meeting with the contractor to determine the timeline; they anticipate it will take 12 months to complete. Council Member Trost reported he heard that A Street from Wall down to Missouri was recently shut down to put in a button at the crosswalk. Engineering Services Director Jose Ortiz clarified the work includes traffic signal upgrades and reconstruction of the asphalt.

Scott Dufford moved to approve Resolution No. 2021-154; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: None

12. 2021-157 – RESOLUTION AWARDED A CONTRACT FOR THE NORTH A STREET PAVING BOND PROJECT TO CD KING CONSTRUCTION, LLC, DOING BUSINESS AS JD KING, OF SEMINOLE, TEXAS, AT A TOTAL COST OF \$3,040,064.39; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 3) (GENERAL SERVICES)

Jack Ladd moved to approve Resolution No. 2021-157; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

14. 146-2021 – MOTION AUTHORIZING THE EXECUTION OF A PARKING LEASE AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, LP, REGARDING CERTAIN CITY-OWNED PROPERTY DESCRIBED AS LOTS 7 AND 8, BLOCK 35, ORIGINAL TOWN, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 3) (GENERAL SERVICES)

Council Member Ladd is curious to know how much parking there will be once the project is complete. General Services Director Regina Stephenson reported it looks like 25 spaces. Council Member Ladd asked if there would eventually be a parking garage and Ms. Stephenson reported no, just paving.

Jack Ladd moved to approve Motion No. 146-2021; 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

17. 147-2021 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE AEGIS GROUP, LTD., FOR FEDERAL LOBBYING SERVICES FOR AN ANNUAL COST OF \$99,996.00 (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Blong reported that she intends to support keeping a lobbying service for municipal services. However, when it comes to state lobbying, she's not sure she's on board with keeping one on retainer.

Council Member Trost countered that with the passage of the new infrastructure bill there is so much information in it and that city staff does not have enough people to address every part of the bill. If we pay hourly he fears the cost would be exorbitantly high. City Manager Robert Patrick reported that a lobbyist for the airport relocation will be about \$350/hour

and would probably not exceed \$50,000 per year. Since there is no planned session, the State lobbyist is not needed. We have time to look into it if a session is called.

Michael Trost moved to approve Motion No. 147-2021; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Robnett, Trost, Dufford, Norman

NAY: Payton, Ladd, Blong

ABSTAIN: None

ABSENT: None

18. 2021-160 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL EIGHT OIL AND GAS WELLS LOCATED IN SECTION 11, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,575 FEET AND 1,697 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 510 FEET AND 625 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

Council Member Blong asked for further clarity of the letter of objection. Oil & Gas Compliance Officer Ron Jenkins received one letter prior to the public meeting noting there are no structures within 500 feet.

Council Member Norman asked about waving the road repair agreement. Mr. Jenkins reported they are not using any city roads.

Lori Blong moved to approve Resolution No. 2021-160; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

26. 10250 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,494-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 496 FEET NORTH OF WEST WADLEY AVENUE), 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 1) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 26,

2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10250.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10250; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Robnett

27. 10252 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY FRONTAGE ROAD, APPROXIMATELY 197 FEET EAST OF 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) (FIRST READING HELD OCTOBER 26, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10252.

Michael Trost moved to approve the second and final reading of Ordinance No. 10252; 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

28. 10253 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 26, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10253.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10253; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

29. 10254 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY; 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) (FIRST READING HELD OCTOBER 26, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10254.

Lori Blong moved to approve the second and final reading of Ordinance No. 10254; 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

30. 10255 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 10, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 140 FEET NORTH OF EAST WASHINGTON 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 OCTOBER 26, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10255.

Lori Blong moved to approve the second and final reading of Ordinance No. 10255; 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

31. 10256 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.72-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, AMARON ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TP, TECHNOLOGY PARK DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WOLCOTT AVENUE, APPROXIMATELY 465 FEET WEST OF RANKIN HIGHWAY); 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 26, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10256.

Lori Blong moved to approve the second and final reading of Ordinance No. 10256; 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

PUBLIC HEARINGS

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

32. 10251 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 7, BLOCK 5, FANNIN TERRACE, SECTION TWO, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FANNIN AVENUE AND MABERRY STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST SIDE OF THE LOT; 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) (DEFERRED FROM OCTOBER 26, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10251.

Development Services Director Chuck Harrington gave a brief overview of the item noting it was deferred from the October meeting. Staff took additional photos. The applicant currently parks in the right-of-way and wants to build an extension of their garage in line with their house. Staff feels there is no reason for eliminating the required setback and recommends denial. Council Member Robnett asked if their access from the street is existing or new. Mr. Harrington responded that it is existing. Council Member Blong asked if any letters of objection were received and Mr. Harrington said there were none as of November 10th.

Mayor Payton opened the public hearing at 10:54 a.m.

Brad Burgeson, 1611 West Dengar, General Contractor, reported that behind the cinder block fence there is already a concrete pad which makes the most sense to have a garage there. There are several homes around the area that look exactly like this proposal. The garage follows the line of the house.

There being no one else wishing to speak, the public hearing was closed at 10:56 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10251; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

33. 153-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO MCM OPERATING, LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MB-8H; MB-9H; MB-10H; MB-11H; AND MB-12H; SAID WELLS BEING GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND BETWEEN 1,450 FEET AND 1,530 FEET EAST OF HOLIDAY HILL ROAD (DISTRICT 1) (DEVELOPMENT SERVICES)

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

Chris Hamilton, Fort Worth, reported there are already approved wells on this particular site. The drilling is scheduled to take place in March of next year and there will be a masonry wall for screening. He is just here to answer any questions.

Council Member Norman asked if the wall will surround the entire pad. Mr. Hamilton reported it will span the whole length of property on the south side and around the pad on the other three sides. Council Member Blong asked if there was a variance for the distance to a structure. Mr. Hamilton reported there will be structures built in the future and that will be handled between the operator and developer. Council Member Norman asked if there is a variance for 24-hour operating. Mr. Hamilton reported yes there is a variance for 24-hour fracing. He added they will be using quiet frac to reduce noise. The tank battery will be located outside of the city limits and the frac ponds are offsite.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m. This was a public hearing only. No action was taken.

34. 10257 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 12, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH TYLER STREET AND ORCHARD LANE), 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. 10257.

Mayor Payton opened the public hearing at 11:02 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. 10257; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

35. 10258 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 24, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MH, MANUFACTURED HOUSING DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FRANCIS AVENUE AND SOUTH MAIN 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10258.

Mayor Payton opened the public hearing at 11:03 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. 10258; 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

36. 10259 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 6, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MADISON STREET AND SOUTH 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. 10259.

Mayor Payton opened the public hearing at 11:04 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. 10259; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

37. 10260 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 2, BECKLAND TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTRY CLUB DRIVE, APPROXIMATELY 312 FEET WEST OF DELMAR STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST SIDE OF THE LOT AND A REDUCED MINIMUM REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10260.

Development Services Director Chuck Harrington reported the applicant would like to build a metal building on the property line. The yard is open and there are other options for the placement of the building. There is no hardship. There is a requirement for a 10-foot separation between buildings and if the neighbor would like to build in that area, the neighbor would have to accommodate the separation. The building also requires a 5-foot setback from the alley to account for vehicle swing. There were no comments or letters received from neighbors. Council Member Norman asked if the property owner could move over 5 more feet and Mr. Harrington noted that is the point staff was trying to make to the individual. Council Member Dufford asked if this would affect trash collection and Mr. Harrington reported this will not impact trash pickup. It was suggested to defer this item until the property owner could be available to answer questions.

Mayor Payton opened the public hearing at 11:07 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to defer the first of two readings of Ordinance No. 10260; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Norman, Ladd, Blong

NAY: Trost, Dufford

ABSTAIN: None

ABSENT: None

38. 10261 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON 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 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10261.

Mayor Payton opened the public hearing at 11:09 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. 10261; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

39. 10262 – AN ORDINANCE VACATING AND ABANDONING AN APPROXIMATE 0.61-ACRE PORTION OF MOCKINGBIRD LANE / WEST COUNTY ROAD 50 RIGHT-OF-WAY LOCATED IN SECTION 10, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH HALF OF MOCKINGBIRD LANE, APPROXIMATELY 3,300 FEET WEST OF NORTH A STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$18,300.00; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A QUITCLAIM DEED CONVEYING THE AFOREMENTIONED RIGHT-OF-WAY TO THE OWNER OF THE ABUTTING PROPERTY, FROM WHICH THE CITY RESERVES AND EXCEPTS A NON-EXCLUSIVE UTILITY EASEMENT UNTIL EACH EXISTING EASEMENT USER ABANDONS ITS USE OF SAID EASEMENT; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS NECESSARY OR

APPROPRIATE TO EFFECTUATE SAID CONVEYANCE; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10262.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting to vacate a portion of a right-of-way and this will clean up the property lines on the north side of Mockingbird. The value of the right-of-way is \$30,000.00 per acre. This plot is .61 acres and the value is \$18,000.00. City Attorney John Ohnemiller clarified that this is a “paper street”, noting it only exists on paper. Staff has no objections to vacating this property.

Mayor Payton opened the public hearing at 11:15 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. 10262; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

40. 10263 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 57.55-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, OFFICE CENTER, AND SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, OFFICE CENTER, AND SHOPPING CENTER (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 530 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10263.

Development Services Director Chuck Harrington reported this is the area where we recently approved a Planned Development for the Oasis development. They now have amendments and want to adopt the overall plan rather than individual sections.

Mayor Payton opened the public hearing at 11:16 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. 10263; 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

41. 10264 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 21, GRASSLAND ESTATES ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT AND A SHOPPING CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND CALLAWAY DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10264.

Discussion ensued with Council thanking everyone for their hard work. Autumn Winkles was thanked for the project she has put forward.

Mayor Payton opened the public hearing at 10:11 a.m.

Kevin Hammit, 3000 Calloway Drive, reported he watched the development of this land as it was turned into a golf course. He recognized that change can take place and would welcome it if it were the right change. They would like to see the land stay the way it is, or give the residents who live around golf course the opportunity to present a plan.

Amy Burkes, 6408 Homestead, reported this has been a long 9 months and every point has been made. She thanked Council Member Trost for standing with them since the beginning. This item stresses the importance of zoning.

Dan Corrales, 5712 Sabine, applauded the efforts of the residents, noting they saw something that merited attention and created opposition.

Eric West, Parkhill, representing the property owner, reported that drainage wise he looked at the drainage master plan that was approved in 2014 to evaluate how much storage was needed for watershed. They know what that number is and have proposed a plan. Density is a bigger picture issue for the City and not specifically for this site but rather understanding how we choose to approach density and the amount of revenue it generates from property tax which allows the City to do infrastructure. The City has gotten less and less dense and that strains our budget as a City so that we are not able to accomplish what we want to accomplish. Finally everything proposed in this area are things that we see all throughout town. Garden homes have been done in at least three areas. This will provide townhomes that are in high demand. This creates a unique area and provides 80 acres of green space. That is his proposal; he understands it is not popular to replace the golf course, noting that golf courses are closing at a rate of 200 per year in the United States.

There being no one else wishing to speak, the public hearing was closed at 10:23 a.m.

Michael Trost moved to approve the first of two readings of Ordinance No. 10264; seconded by Spencer Robnett.

The motion failed by the following vote:

AYE: None

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

ABSTAIN: None

ABSENT: None

Council Member Dufford asked when the developer can come back. City Attorney John Ohnemiller reported they can bring it back in 12 months, or if a material change is made, they can bring it back in six months.

MISCELLANEOUS

42. 154-2021 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF GRASSLAND ESTATES ADDITION, SECTION 25, BEING A RE-PLAT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND CALLAWAY DRIVE) (DISTRICT 4) (DEVELOPMENT SERVICES)

Michael Trost moved to approve Motion No. 154-2021; seconded by John Norman.

The motion failed by the following vote:

AYE: None

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

ABSTAIN: None

ABSENT: None

43. 10265 – AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2020-2021 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS (DISTRICT: NONE) (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10265.

Budget Manager Jamie Radcliff reported that the 2021 budget is finished, however, there are amendments that need to be done to finalize it. She explained the amendments needed.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10265; 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

44. 10266 – AN ORDINANCE AMENDING TITLE XIII, “AIRPORTS”, CHAPTER 2, “AIRPORT REGULATIONS”, OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 21, “CUSTOMER FACILITY CHARGE”, SO AS TO AUTHORIZE THE IMPOSITION OF A CUSTOMER FACILITY CHARGE TO BE PAID BY EACH PERSON RENTING A MOTOR VEHICLE FROM AN ON-SITE VEHICLE RENTAL CONCESSIONAIRE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE OF FEBRUARY 1, 2022 (DISTRICT 4) (AIRPORTS)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10266.

Airports Director Justine Ruff reported that the rental car companies support the fee noting that it gives them a pot of money that can go toward maintenance of their facilities.

Michael Trost moved to approve the first of two readings of Ordinance No. 10266; 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

45. 10267 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION (DISTRICT: ALL) (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10267.

Finance Director Christy Weakland gave a brief overview of the item noting this is updating the fee schedule and explained the changes being made.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10267; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

46. 2021-163 – RESOLUTION GRANTING VARIANCES FOR FIVE OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; AND APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. (“OPERATOR”) TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 204 FEET SOUTH OF WEST INTERSTATE 20 SERVICE ROAD AND BETWEEN 415 FEET AND 495 FEET EAST OF SOUTH COUNTY ROAD 1220 EXTENSION) (DISTRICT 2) (DEVELOPMENT

SERVICES)

Oil & Gas Compliance Officer Ron Jenkins reported that all issues have been resolved and there are no remaining objections.

John Norman moved to approve Resolution No. 2021-163; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

47. 2021-164 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN OIL AND GAS LEASE TO MIDLAND-PETRO D.C. PARTNERS, LLC COVERING THE CITY-OWNED MINERALS LOCATED IN PORTIONS OF SECTIONS 14, 15, 22, 23, AND 26, ALL OUT OF BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AS MORE PARTICULARLY DESCRIBED IN SAID OIL AND GAS LEASE (SAID ACREAGE INCLUDING ACREAGE LOCATED AT MIDLAND AIRPARK AIRPORT AND ADJACENT CITY-OWNED TRACTS OF LAND AND BEING GENERALLY LOCATED SOUTH OF EAST LOOP 250 NORTH, EAST OF NORTH GARFIELD STREET, NORTH OF ILLINOIS AVENUE, AND WEST OF NORTH LAMESA ROAD), SAID LEASE TO REQUIRE COMPLIANCE WITH ALL APPLICABLE ORDINANCES, LAWS, RULES AND REGULATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE A SURFACE USE AGREEMENT PROVIDING FOR DRILLING AND PRODUCTION OPERATIONS LOCATED ON TWO TRACTS OF LAND TOTALING APPROXIMATELY 607 ACRES OUT OF SECTIONS 14 AND 15, BOTH IN BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AS MORE PARTICULARLY DESCRIBED IN SAID SURFACE USE AGREEMENT; AND CONSENTING TO MIDLAND-PETRO D.C. PARTNERS, LLC'S ASSIGNMENT OF OPERATORSHIP OF SAID OIL AND GAS LEASE TO PERMIAN DEEP ROCK OIL COMPANY, LLC (DISTRICT 3) (DEVELOPMENT SERVICES)

Keith Bucy, 500 West Wall, representing Midland Petro, reported on the significant earthquakes that have been happening in the region noting that they have been isolated to a few wells who were using salt water injection. That practice has been reduced in those areas. This particular region is more tectonically quiet and not expected to be an issue.

Dan Corrales, 5712 Sabine, reported that when he spoke to Airports Director Justine Ruff, she made it clear the needs of the airport. He reviewed how this would benefit the City noting we need to be responsible and not add noise pollution.

Michael Trost moved to approve Resolution No. 2021-164; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

48. 2021-165 – RESOLUTION GRANTING VARIANCES FOR TWO OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; AND APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 703 FEET AND 717 FEET EAST OF NORTH A STREET EXTENSION AND BETWEEN 1,909 FEET AND 1,922 FEET SOUTH OF WEST LOOP 250 NORTH) (DISTRICT 3) (DEVELOPMENT SERVICES)

City Attorney John Ohnemiller reported that this and the next items are companion items.

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting there will be 24-foot sound walls all the way around. They will use a quiet-frac system. Access will be off of Big Spring so there will be no traffic issues on Smith Road or Veterans Parkway. They are asking for five variances. No objections were received.

Jack Ladd moved to approve Resolution No. 2021-165; 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

49. 2021-166 – RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PERMIAN DEEP ROCK OIL CO., LLC REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 3) (DEVELOPMENT SERVICES)

Lori Blong moved to approve Resolution No. 2021-166; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

50. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (CITY SECRETARY’S OFFICE)

Lori Blong moved to defer; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC COMMENT

51. 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.)

Sharon Bobcock, 3501 Apache Drive, reported on an incident where she hired a constable to help her with an eviction, asked for a ride to the senior center and spoke about the high cost of funerals.

Shirley Howard, 405 Magnolia, thanked Council Members Trost and Robnett for jobs well done and noted she was looking forward to working with the new Council Members. She noted she has dates for upcoming events to get on everyone's calendar.

All the business at hand having been completed, the meeting adjourned at 11:53 A.M.

PASSED AND APPROVED December 14, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary