

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



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., December 14, 2021.

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

Council Members absent: None

Staff members present: City Manager Robert Patrick, City Attorney John Ohnemiller, Deputy City Manager Morris Williams Jr, Assistant City Manager Tina Jauz

The meeting was called to order at 10:01 a.m.

OPENING ITEMS

1. Invocation – Minister Chase Gilbert, Stonegate Fellowship
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Presentation of the 2021 Texas Downtown Association President's Award for Best Public Improvement to Centennial Park
 - 3b. Presentation of Proclamation proclaiming December 14, 2021 as "Greg Moore Day"

CONSENT AGENDA

Spencer Robnett moved to approve Consent Agenda items 4-30, excluding item(s) 11, 14, 19, 20, 22, 23, 24; 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

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. SPECIAL SESSION OF NOVEMBER 15, 2021
 - 4b. BRIEFING SESSION OF NOVEMBER 16, 2021
 - 4c. REGULAR SESSION OF NOVEMBER 16, 2021
5. 2021-167 – RESOLUTION CASTING THE CITY OF MIDLAND’S VOTES FOR DIRECTORS OF THE MIDLAND CENTRAL APPRAISAL DISTRICT FOR ROBERT MCNAUGHTON; AND DIRECTING THE CITY MANAGER TO FILE THE APPROPRIATE DOCUMENTS (DISTRICT: ALL) (FINANCE)
6. 2021-168 – RESOLUTION AUTHORIZING THE PURCHASE OF AN M2106 JET SEWER TRUCK FROM AUSTIN TRUCK & EQUIPMENT LTD DBA FREIGHTLINER OF AUSTIN THROUGH THE INTERLOCAL PURCHASING SYSTEM FOR A TOTAL COST OF \$232,748.00 (DISTRICT: NONE) (GENERAL SERVICES)
7. 2021-169 – RESOLUTION APPROVING THE PURCHASE OF TWO (2) AUTOMATED REFUSE TRUCKS FROM CHASTANG ENTERPRISES, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$718,576.00 (DISTRICT: NONE) (GENERAL SERVICES)
8. 2021-170 – RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2022 STREET SWEEPING PROJECT TO MISTER SWEEPER LP OF DALLAS, TEXAS, AT A TOTAL COST NOT TO EXCEED \$108,997.68; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
9. 2021-171 – RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF READY-MIX CONCRETE AND CALICHE FOR THE TRANSPORTATION DIVISION TO THE SOLE BIDDER, HUNTER READY MIX OF MIDLAND, TEXAS, AT A TOTAL COST OF \$655,215.00; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
10. 2021-172 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PICTOMETRY INTERNATIONAL CORP., OF ROCHESTER, NEW YORK, FOR AERIAL IMAGERY AND RELATED SERVICES FOR THE GEOGRAPHIC INFORMATION SYSTEMS DIVISION AT A TOTAL COST OF \$208,020.00; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
12. 2021-174 – RESOLUTION AWARDING A CONTRACT FOR THE THOMASON DRIVE ROUNDABOUT IMPROVEMENTS PROJECT TO THE SOLE BIDDER, ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF \$189,701.04; AND AUTHORIZING PAYMENT (DISTRICT 4) (GENERAL SERVICES)

13. 2021-175 – RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2022 MIDLAND CITYWIDE CONCRETE PROGRAM TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,500,000.00; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
15. 2021-177 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FIRST SERVICE AIR CONDITIONING CONTRACTORS, INC., FOR HEATING, VENTILATION AND AIR CONDITIONING SERVICES FOR VARIOUS CITY BUILDINGS AT A TOTAL COST OF \$1,227,790.20 (DISTRICT: ALL) (GENERAL SERVICES)
16. 2021-178 – RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES TO RANDALL SCOTT ARCHITECTS, INC., TO DEVELOP A MASTER PLAN FOR THE MIDLAND PUBLIC SAFETY TRAINING FACILITY FOR A COST OF \$126,850.00; APPROVING \$53,000.00 FOR SITE PLANNING; APPROVING \$20,150.00 FOR PROJECT RELATED COSTS; AND TRANSFERRING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)
17. 2021-179 – RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2022 DRAINAGE SYSTEM MOWING, MEDIAN MAINTENANCE AND TREE TRIMMING PROJECT TO VAULT MOBILE STORAGE, LLC OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,000,000.00; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
18. 2021-180 – RESOLUTION APPROVING THE TRANSFER FROM CALLON PETROLEUM OPERATING COMPANY (“OPERATOR”) TO SPIRIT O&G OPERATING, LLC (“TRANSFeree”) OF ALL OF OPERATOR’S OIL AND GAS WELL PERMITS AND ROAD REPAIR AGREEMENTS ASSOCIATED WITH OPERATIONS LOCATED IN SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 4) (DEVELOPMENT SERVICES)
21. 157-2021 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF MDC BUSINESS PARK, SECTION 2, BEING A PLAT OF A 58.18-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF INTERSTATE 20, APPROXIMATELY 2,972-FEET EAST OF SOUTH COUNTY ROAD 1250 (DISTRICT 2) (DEVELOPMENT SERVICES)
25. 2021-181 – RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH SUMMIT CENTER, LLC FOR DEVELOPMENT OF MAYFIELD PLACE ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BROMLEY PLACE AND MAYFIELD PLACE); APPROPRIATING FUNDS IN THE AMOUNT OF \$62,882.64; AND AUTHORIZING PAYMENT; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 212, SUBCHAPTER C OF THE TEXAS LOCAL GOVERNMENT CODE (DISTRICT 1) (ENGINEERING SERVICES)

26. 2021-182 – RESOLUTION AUTHORIZING MIDLAND COUNTY, TEXAS TO PERFORM PAVING SERVICES ON INDUSTRIAL AVENUE, FROM LOOP 250 TO MIDKIFF ROAD, IN ACCORDANCE WITH THE CITY - COUNTY INTERLOCAL COOPERATION CONTRACT AUTHORIZED BY RESOLUTION NO. 2013-401; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$1,340,662.00 OR FIFTY PERCENT OF THE TOTAL COST OF SAID PAVING SERVICES, WHICHEVER IS LESS (DISTRICT 2) (ENGINEERING SERVICES)
27. 2021-183 – RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE A DEVELOPMENT AGREEMENT AND LEASE AGREEMENT WITH THE PERMIAN BASIN QUALITY OF PLACE CONSERVANCY FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF CERTAIN PROPOSED IMPROVEMENTS TO HOGAN PARK; PROVIDING THAT SAID DEVELOPMENT AGREEMENT AND LEASE AGREEMENT SHALL HAVE CONCURRENT TERMS; AND PROVIDING THAT SAID DEVELOPMENT AGREEMENT AND LEASE AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT 2) (LEGAL)
28. 161-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
29. 162-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-044) WITH ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13 AND 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
30. 163-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-045) WITH ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 12, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

11. 2021-173 – RESOLUTION AWARDING A CONTRACT FOR THE BENTON STREET PEDESTRIAN BRIDGE AND LEE STREET PEDESTRIAN BRIDGE PROJECT TO AMSTAR, INC. OF SAN ANTONIO, TEXAS, THROUGH SOURCEWELL AT A TOTAL COST OF \$599,998.33; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 2) (GENERAL SERVICES)

Council Member Norman requested more information on the significance of the bridge. Transportation Manager, Gabe McClellan, reported that when the draw has water in it, it's hard to get to the school unless you cross the bridges that lead to Pease Elementary and De Zavala Elementary. Both bridges are outdated and show signs of distress.

John Norman moved to approve Resolution No. 2021-173; 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

14. 2021-176 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR TURF AND LANDSCAPE MAINTENANCE SERVICES WITH ALLDREGE GARDENS, L.P., FOR THE CITY OF MIDLAND PARKS, ATHLETIC FIELDS, AND OTHER CITY PROPERTIES MAINTAINED WITHIN THE PARKS AND RECREATION DIVISION IN THE AMOUNT OF \$2,800,000.00 PER YEAR (DISTRICT: ALL) (GENERAL SERVICES)

Brent Drummond, 1702 Bedford, spoke on behalf of Mike Small and his landscape company. They submitted a bid. He shared pictures of weeds and grass spurs at the park on opening day of soccer. They had a lot of complaints from other teams.

Community Services Director, Cristina Odenborg, reported the evaluation team comprised of eight members including two Council Members, two parks and recreation members and four staff members. The previous speaker's bid, Lawn and Tree Tech, is a new company and even though their costs were lower, the committee had concerns about staffing and equipment. She added that the first round of bids were for a one year contract and they put it out to rebid for three years in hopes of generating more bidders. They would like the contract to mow to begin in February.

Discussion ensued about the City taking away money from Parks for grounds maintenance and the ending result being the condition that our parks are currently in. The current Council's priority is parks and that should be reflected in the contract. The need for performance clauses was discussed with staff responding that they were included in the contract. Assistant Community Services Director, Laurie Williams added that a new position of Construction Inspector has been added and they will oversee this contract.

Discussion ensued about Council's concern of implementing a three year contract.

Mike Small, 3612 Humble Avenue, reported he heard one of the reasons why Lawn and Tree Tech was not put in for consideration was because of lack of experience. He has 38 years of experience in landscape maintenance and he knows what he is doing. He has an awesome team that takes pride in their work. Council Member Norman asked if he currently has a team and the necessary equipment to take care of everything to do with parks. Mr. Small reported he has about 75% of the equipment. He will have to get a couple of bigger mowers and has already been in contact with his supplier. If he is awarded the contract, they can get the big mowers they need to fulfill the contract by the start date of February 1, 2022.

Dan Corrales, 5701 Sabine, thought the contract should go to the lowest bidder. City Attorney John Ohnemiller corrected that it was an RFP and that an RFP is awarded to the most advantageous bidder, noting they look at performance and other items.

City Manager Robert Patrick reported that it is not fair to hold a contractor to standards that were removed from a contract. He has full confidence in the committee and their

recommendation. Deputy City Manager Morris Williams reported that he spoke with several members of the evaluation team and feels confident that they can hold whoever is selected to the expected standards.

Discussion ensued about the possibility of splitting the contract or other alternatives. Mayor Payton added that any quick fixes will likely cause more problems.

Jack Ladd moved to defer Resolution No. 2021-176; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: Dufford

ABSTAIN: None

ABSENT: None

19. 155-2021 – MOTION REJECTING THE SOLE BID RECEIVED FOR THE PURCHASE OF CERTAIN AUTOMOBILES AND LIGHT TRUCKS FOR THE GENERAL SERVICES DEPARTMENT; AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO REISSUE AN ADVERTISEMENT FOR COMPETITIVE BIDS FOR THE PURCHASE OF SAID AUTOMOBILES AND LIGHT TRUCKS PURSUANT TO THE STATUTES OF THE STATE OF TEXAS (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Trost asked how many local firms bid. General Services Director, Regina Stephenson, reported they only received one bid from Grapevine. They are asking to reject the bid and put it back out to rebid.

Michael Trost moved to approve Motion No. 155-2021; 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

20. 156-2021 – MOTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN SPONSORSHIP LICENSE AGREEMENT FOR THE BASEBALL STADIUM AT THE SCHARBAUER SPORTS COMPLEX WITH AMERICAN MOMENTUM BANK (DISTRICT 4) (CITY MANAGER)

Council Member Norman asked for more information. Assistant City Manager Tina Jauz reported they negotiated with American Momentum Bank because there were no games held in 2020 at the RockHounds due to COVID. American Momentum Bank requested a refund for their naming rights. Per the contract, we are required to host a certain number of events which we did not meet. They initially requested a full refund but staff negotiated to half of the payment to be spread out over five years. They will continue the naming rights agreement but it will be reduced by \$11,500.00 for five years.

John Norman moved to approve Motion No. 156-2021; 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

22. 158-2021 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF WESTRIDGE PARK ADDITION, SECTION 49, BEING A PLAT OF 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 ON THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON DRIVE) (DISTRICT 4) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a request on behalf of Sewell GMC for the development of a site south of FM 191. This is their preliminary plat for a 30-acre tract of land. Staff has reviewed the item and the ordinance contains a list of conditions if this is approved by Council.

Michael Trost moved to approve Motion No. 158-2021; 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

23. 159-2021 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF LONE STAR TRAILS II, SECTION 13, BEING A PLAT OF A 25.20-ACRE TRACT OF LAND LOCATED IN SECTION 7, BLOCK 38, T-1-S, T&P, RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF OCCIDENTAL PARKWAY, APPROXIMATELY 1,335 - FEET EAST OF CARRIAGE ROAD) (DISTRICT 1) (DEVELOPMENT SERVICES)

Council Member Ladd asked how close this development is to their other development and if it is congruent with it. Development Services Director Chuck Harrington shared a map showing that they all abut each other. Council Member Ladd noted that this is their third or forth tract which was originally “experimental” and asked how many amenities are included in this area. Mr. Harrington reported there are two open spaces included as part of this plat. Staff has been working with the developer and they have revised their overall planned development to include more open spaces, walking trails and other amenities.

Council Member Blong reported that in a previous development there were concerns about the turn radius for trash trucks. Mr. Harrington noted no departments addressed any concerns in this development.

Jack Ladd moved to approve Motion No. 159-2021; 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

24. 160-2021 – MOTION APPROVING THE RECEIPT AND FILING OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2020/2021 (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Council Member Norman asked for an explanation. CDBG Manager Isaac Garnett reported this report is a demonstration of their overall accomplishments over last year. Council Member Norman asked if we reached the goals. Mr. Garnett reported some goals have been reached.

John Norman moved to approve Motion No. 160-2021; 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

SECOND READINGS

31. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10251.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10251; 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

32. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10257.

Lori Blong moved to approve the second and final reading of Ordinance No. 10257; 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

33. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10258.

Michael Trost moved to approve the second and final reading of Ordinance No. 10258; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

34. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10259.

Michael Trost moved to approve the second and final reading of Ordinance No. 10259; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

35. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10261.

Michael Trost moved to approve the second and final reading 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

36. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10262.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10262; 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

37. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10263.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10263; 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

38. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10265.

Michael Trost moved to approve the second and final reading of Ordinance No. 10265; 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

39. 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) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10266.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10266; 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

40. 10267 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; AND ORDERING PUBLICATION (DISTRICT: ALL) (FINANCE) (FIRST READING HELD NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10267.

Michael Trost moved to approve the second and final reading 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

PUBLIC HEARINGS

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

41. 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) (DEFERRED FROM NOVEMBER 16, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10260.

Development Services Director Chuck Harrington gave a brief overview of the item noting this item was previously brought before Council. Council asked for the applicant to be present. The applicant is requesting to reduce the side yard setback from 5 feet to 3 feet and is also requesting to reduce the rear yard setback from 10 feet to zero. Staff finds no hardship as the applicant has other land available to relocate the building. Staff recommends denial. He added that the applicant is available on the phone.

Mayor Payton opened the public hearing at 12:07 p.m. Benny Fehr was called on Zoom and asked to unmute but was not able to connect. There being no one else wishing to speak, the public hearing was closed at 12:09 p.m.

Lori Blong moved to defer the first of two readings of Ordinance No. 10260; 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

Michael Trost moved to reconsider agenda item number 41; 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

Mayor Payton re-opened the public hearing at 12:26 p.m.

Benny Fehr, 4307 Country Club Drive, reported he is the contractor. He is new to this special exception permit process. His customer wants the building on his property line and he would love to get it done. He asked what is needed to get the permit to go through.

Development Services Director Chuck Harrington reported that from a staff standpoint what needs to happen is to comply with regulations and requirements for setbacks. No hardship has been exhibited. He suggested relocating the building and reducing the size. Mr. Fehr reported there is very limited space to move the building and making it smaller would make it not worth building. This is the whole reason for applying for a special exception. They are already close to the house. The current storage building will be removed and the new 20 x 20 building will replace it.

Council Member Norman reported the problem is the building is only 3 feet from the side yard and it needs to be 5 feet. Discussion ensued about the building having alley access and the need to create access to that building.

There being no one else wishing to speak, the public hearing was closed at 12:33 p.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10260 with the amendment to change the side yard setback to 5 feet; 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

42. 10268 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,000-SQUARE FOOT PORTION OF LOT 31, BLOCK 10, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF THOMASON DRIVE AND WEST WALL STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A NIGHTCLUB FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10268.

Development Services Director Chuck Harrington gave a brief overview of the item noting the application is for an alcoholic beverage permit for a night club. The site does not meet the full parking requirements but they have entered into a shared parking agreement with an adjoining lot to make up the difference. Their hours of operation will be from 6:00 p.m to 2:00 a.m. Tuesday – Friday and from 12:00 p.m. to 2:00 a.m. Saturday - Sunday. There are no schools or churches within 300 feet. Staff recommends approval. This item meets all requirements.

Mayor Payton opened the public hearing at 12:12 p.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. 10268; 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

43. 10269 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1-28 AND THE WEST 28 FEET OF LOT 29, BLOCK 168, WILSHIRE PARK ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-2, OFFICE DISTRICT TO C, COMMERCIAL DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 AND GRACELAND 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 Jan Hamilton read the caption of Ordinance No. 10269.

Development Services Director Chuck Harrington gave a brief overview of this item noting it is for the development of a self storage facility. This item has been rezoned three times before and now they are asking for a C (commercial) district which would be considered spot zoning. Commercial zoning is an intense district and there is no guarantee it would remain a storage facility. The issue is that C district is required for self storage. Council Member Dufford asked if it could be changed to a PD (planned development). Mr. Harrington reported it could but it would have to go back through the process first. The application fee is about \$300.00.

Mayor Payton opened the public hearing at 12:17 p.m.

Andrew Mellen, Maverick Engineering, 1909 W. Wall, reported they are not spot zoning. The previous owner, Mike Patel, no longer owns the property. The new owner is trying to put in self storage. All the engineering and architecture is done. A delay would be detrimental. They have developed a new plat turning the many properties into one. Council Member Dufford asked if they had a problem bringing this item back as a planned district. Mr. Mellen noted that the problem is time.

Mr. Harrington added the meetings could be made concurrent and back to back to lessen the time.

There being no one else wishing to speak, the public hearing was closed at 12:33 p.m.

Lori Blong moved to bring back the item as a planned development and to waive the fee; 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

44. 10270 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM HI, HEAVY INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MADISON STREET, APPROXIMATELY 100 FEET SOUTH OF ORCHARD LANE); 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. 10270.

Mayor Payton opened the public hearing at 12:35 p.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. 10270; 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

45. 10271 – AN ORDINANCE VACATING AND ABANDONING A 0.41-ACRE PORTION OF SOUTH CARRIZO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCK 60 AND LOTS 7-12, BLOCK 61, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON SOUTH CARRIZO STREET, BETWEEN WEST WALL STREET AND WEST MISSOURI AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$36,094.00; 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10271.

Development Services Director Chuck Harrington gave a brief overview of the item noting a request has been received to vacate a portion of Carrizo. This item came before Council six months ago but due to problems with that submission it never came back for the second reading. They are requesting to vacate a portion of the street, not the entire street, for the future development of their property. Staff received four letters of objection. Staff

recommends approval once all owners are in agreement. He clarified that Council cannot vacate just half of the street. The entire right-of-way needs to be vacated with half going to each of the adjoining property owners.

City Attorney John Ohnemiller clarified that the entire street must be vacated between Missouri and Wall and that it must go to the adjoining property owners. If someone else wants the property, they would have to deal with the adjoining property owners. He added that in the past Council never approved a vacation when one of the property owners did not want the vacation. Council Member Blong noted this would be functionally forcing the person on the other half to receive something they do not want. Mr. Harrington clarified that if this property is vacated, the street would be closed.

Mayor Payton opened the public hearing.

George Sosa, 1206 Story, reported he bought the building a while back but the refurbishment was delayed due to COVID-19. They are not trying to block the street in any way. They are trying to use half of the street while maintaining the easement for water. Council Member Robnett asked what the applicant wants to do with the other half of the street. Mr. Sosa reported they plan to build a patio and to make a path for people to walk through. Council Member Robnett asked if they had enough parking for their needs. Mr. Sosa confirmed they did. Council Member Ladd asked if any attempts have been made with the neighbors to try to work this out. Mr. Sosa reported that the neighbors are already parking on his property and he does not want to get in a ruckus with other people. Discussion ensued regarding parking in the area.

Council Member Norman asked if they have to pay for the land. City Manager Robert Patrick noted that when land is abandoned each adjoining property owner pays their portion using Midland Central Appraisal District (MCAD) values. Fees have only been waived when the applicant is a non-profit. The fair market value of this property is \$36,000.00. Council Member Trost suggested the fee should be waived because this would remove the cost to the tax payers to keep up the property. Council Member Blong added that instead it would be forcing maintenance cost on the adjoining property owners and would increase their property tax.

Judy Farris, 4701 Centennial Parkway, reported she was representing businesses who own three of the four properties on the block. They all oppose this vacation for obvious reasons. She provided a history of the property and how traffic operates. She emphasized the closure of Carrizo would eliminate the drive through of Wall Street Cocina, and eliminate the parking in front of the Lone Star Bar. It would also affect the parking of all of the businesses in the area. The downtown entertainment boundary line ends at Carrizo so this property is not included in the entertainment district. They want Mr. Sosa to be successful but not at the expense of the surrounding businesses.

Trey Fuqua, 104 S. Pecos, reported he is with BTA Oil Producers. They see this vacation as all negative. He explained all of the negative consequences they have experienced throughout the years from patrons of their neighbors who illegally park in their parking lot.

Josh Box, 4725 Woodbar Court, reported he is also with BTA Oil Producers. They have a

multitude of cameras set up on the property. He explained what he has seen on his cameras and the damages that have been inflicted on their property. Shutting down this crucial street would cause more traffic issues in the area.

Council Member Robnett asked if a portion of the right-of-way could be vacated while maintaining two-way access. Engineering Services Director Jose Ortiz reported they considered making this a one-way street but there is physically not enough room to keep it. If any portion is vacated, it all has to be vacated. They can not function with the remaining portion.

Michael Trost moved to approve the first of two readings of Ordinance No. 10271; seconded by John Norman.

The motion failed by the following vote:

AYE: Trost

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

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

46. 164-2021 – MOTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH DEPALMA HOTELS AND RESORTS REGARDING A POTENTIAL HOTEL IN DOWNTOWN MIDLAND (DISTRICT 2) (CITY MANAGER)

Brian DePalma, Grapevine, reported they did a briefing session last month and the only thing that has changed is their incentive package request. They are now only asking for sales tax rebates for construction items. He briefly reviewed their brand and program.

Mark Dabney, Ft. Worth, reported he is with the architecture design firm and reviewed the types of materials they will use in the building and interior.

Larry Goodwin, Odessa, reported he has been with DePalma Resorts for 15 years and is excited to be a part of this project as well.

Shafik Tejanía, owner of the downtown Double Tree, reported their business has been down about 80 points over the last two years. A lot of downtown businesses are suffering and if the City is handing out incentives, he would also like to request incentives for his building.

Spencer Robnett moved to approve Motion No. 164-2021; 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

Council Member Ladd asked if the agreement will come back to Council for approval. It was reported it would.

PUBLIC COMMENT

47. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

There were no citizens present wishing to speak.

All the business at hand having been completed, the meeting adjourned at 12:37 p.m.

PASSED AND APPROVED January 11, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary