

**MIDLAND CITY COUNCIL
MINUTES
January 12, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 12, 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 Attorney John Ohnemiller, Interim City Manager Robert Patrick, Assistant City Manager Morris Williams

The meeting was called to order at 10:02 a.m.

OPENING ITEMS

1. Invocation – Pastor Bob Pase, Grace Lutheran Church
2. Pledge of Allegiance

CONSENT AGENDA

Lori Blong moved to approve the Consent Agenda items 3-16, excluding item 7; 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

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. REGULAR CITY COUNCIL MEETING OF DECEMBER 15, 2020
4. 2021-001 – RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2021 INVESTMENT POLICY (FINANCE)

5. 2021-002 – RESOLUTION AWARDING A CONTRACT FOR THE MARIENFELD TRAFFIC SIGNAL IMPROVEMENTS PROJECT TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF \$815,643.92; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
6. 2021-003 – RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS VEHICLES FOR THE GENERAL SERVICES DEPARTMENT FOR A TOTAL COST OF \$497,883.00 (GENERAL SERVICES)
8. 2021-005 – RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2021 MICRO-SURFACING AND SLURRY SEAL PROJECT TO INTERMOUNTAIN SLURRY SEAL, INC. OF LEWISVILLE, TEXAS, AT A TOTAL COST OF \$2,922,726.96; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
9. 2021-006 – RESOLUTION AWARDING A CONTRACT FOR THE ANETTA DRIVE MILL AND INLAY BOND PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$1,415,493.50; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
10. 2021-007 – RESOLUTION AWARDING A CONTRACT FOR THE “A” STREET STORM DRAIN AND UTILITIES PROJECT TO BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,862,799.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
11. 2021-008 – RESOLUTION APPROVING THE PURCHASE OF TWO (2) ROLL-OFF REFUSE TRUCK BODIES ON INTERNATIONAL CAB AND CHASSIS AND FIVE (5) KANN REFUSE TRUCK BODIES ON INTERNATIONAL CAB AND CHASSIS FROM ROBERTS TRUCK CENTER OF TEXAS LLC DBA SUMMIT TRUCK GROUP THROUGH SOURCEWELL FOR THE GARAGE DIVISION AT A TOTAL COST OF \$1,303,038.99 (GENERAL SERVICES)
12. 2021-009 – RESOLUTION AWARDING A CONTRACT TO TEC EXCAVATION, INC., FOR THE WATER AND SEWER SYSTEM IMPROVEMENTS - BRIARWOOD AVENUE UTILITY IMPROVEMENTS PROJECT FOR A COST OF \$273,979.00; AND APPROVING CONTINGENCIES IN THE AMOUNT OF \$68,494.00 (GENERAL SERVICES)
13. 2021-010 – RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2021 MISCELLANEOUS CONCRETE PROGRAM TO DESERT PAVING, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,250,000.00; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
14. 2021-011 – RESOLUTION AWARDING A CONTRACT FOR THE CITYWIDE PAVEMENT MARKING PROJECT TO WEST TEXAS BARRICADES, LLC, DOING BUSINESS AS BARRICADES UNLIMITED, OF LUBBOCK, TEXAS, AT A TOTAL COST NOT TO EXCEED \$174,070.00; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
15. 001-2021 – MOTION ACCEPTING A GRANT AWARD OF \$95,632.00 FROM THE

FISCAL YEAR 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AND AUTHORIZING THE APPROPRIATION OF SAID FUNDS TO THE POLICE JUSTICE GRANT FUND (074) (POLICE)

16. 002-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5, 8, 9 AND 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY TEXAS (UTILITIES)

The following items were pulled from consent agenda and considered individually.

7. 2021-004 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC, DBA MAVERICK ENGINEERING, INC., FOR THE ANALYSIS AND DESIGN FOR THE REPLACEMENT/REHABILITATION OF THREE WASTEWATER LINES UNDER LOOP 250 FOR THE UTILITIES DEPARTMENT FOR A COST OF \$140,300.00; AND APPROVING \$35,075.00 FOR CONTINGENCIES (GENERAL SERVICES)

Council Member Blong asked if we know the estimated cost. Utilities Director Carl Craigo reported that we do not know at this time, but will by the end of this project. When asked what percentage of the pipes are clay, Mr. Craigo reported approximately 40% and they are normally the larger pipes and can be in major thoroughfares.

Lori Blong moved to approve Resolution No. 2021-004; 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

SECOND READINGS

17. 10129 – 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 383 FEET WEST OF THOMASON DRIVE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A MOBILE FOOD VENDOR PARK; 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 (DEVELOPMENT SERVICES) (FIRST READING HELD NOVEMBER 17, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10129.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10129; 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

18. 10138 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 15A, BLOCK 133, SOUTHERN ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT, IN PART, AND SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WEATHERFORD DRIVE, APPROXIMATELY 75 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 (DEVELOPMENT SERVICES) (FIRST READING HELD DECEMBER 15, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10138.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10138; 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

PUBLIC HEARINGS

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

19. 003-2021 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PARSLEY ENERGY OPERATIONS, LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELL: HOGAN 1-24-H-2415HZ; SAID WELL BEING GENERALLY LOCATED 1,840 FEET NORTH OF EAST LOOP 250 NORTH AND 1,381 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:09 a.m.

Council Member Dufford asked if quiet frac was being used. Chris Hamilton, Parsley Energy, reported he needs to confirm that.

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

20. 10139 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 42.30-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK

38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE EAST SIDE OF CARRIAGE ROAD, APPROXIMATELY 1,740 FEET SOUTH OF OCCIDENTAL PARKWAY); 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 (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a zone change to place additional smaller sized lots within the subdivision. There are a total of 231 sites and there are two common areas. This will allow a minimum of 45-foot wide lots. It has been reviewed by all departments with no objections. It went to Planning & Zoning on December 7 and was approved. No letters of objection were received. Council Member Trost asked if this is an extension of what is currently in place. Mr. Harrington confirmed it was.

Council Member Dufford asked how many additional homes this would add to the subdivision. Mr. Harrington reported that in terms of the total subdivision it would add 4-5 lots, similar to the last section.

Council Member Ladd noted that the last section was being called an experiment. Mr. Harrington noted it had never been done in Midland before and this offers the opportunity to visit it to see the impact. Council Member Ladd asked if this was a similar request to the last one and now they want another one? Mr. Harrington confirmed it was.

Mayor Payton opened the public hearing at 10:14 a.m.

Chris Berry, Betenbough Homes, thanked Council for hearing their request. They are excited to get the previous zoning passed that will provide an opportunity for more affordable homes in Midland. The new request will allow for additional home sites. He heard a concern about the proximity of amenities and added that this will be near the walking trail which will soon be fully complete. By reducing the lot width to 45 feet it allows for \$3,000 per home site in savings which makes a bigger impact in affordability. In the two phases there will be around 230 homes. By allowing the smaller lot width about 11 additional homes can be added in the two phases.

Council Member Ladd expressed concern about lack of amenities and that it would make it a worse neighborhood. He asked how many more homes would be built in future phases. Mr. Berry noted in all three phases there would be around 300-350 homes. Council Member Ladd added that if there are four people per home there could be 1,800 people for a one acre park and asked Mr. Berry if he could see his concern. Mr. Berry added that the park will be maintained by a homeowners association and he felt there were plenty of amenities for the community to enjoy.

Council Member Dufford asked if going to 45-foot wide lots saved \$3,000.00, why not go to 40-foot wide lots and save \$6,000.00. Mr. Berry felt that there would not be staff support for that and they did not have a product that worked on a 40-foot wide lot. Their core product is for a 45-foot wide lot. Council Member Dufford noted he would prefer to see things mixed up instead of all the same size lots together. Mr. Berry noted they work very hard at keeping

their fronts because they do not want it to feel like they are all the same house.

Council Member Blong asked how many people were on the waiting list. Mr. Berry wasn't sure noting in the past year it was around 100 but he felt it might be around 20. Council Member Blong asked questions about the walking trail. Mr. Berry noted it will be about one mile in length when it is built out. Council Member Blong noted that hike and bike trails are an amenity that a lot of people want.

Council Member Trost felt this reminded him of the veterans homes that were built following the war of neighborhoods that looked exactly alike for miles. Twenty to thirty years later they were not such nice neighborhoods. He asked if Staff has heard from the surrounding community. Mr. Harrington had not and did not believe Staff had either. Council Member Blong reported she spoke with people who have lived in these communities noting Council would benefit from having conversations and interacting with the people who have benefitted from living in these communities.

Dustin Eggleston, Lubbock TX, noted that they have homes in the development with larger home sites. They are building a product that is both acceptable to the consumer and also addresses affordability. They are reducing costs in order to pass on the savings to the consumer. \$3,000.00 may not seem like a lot of money but for some people it makes the difference in qualifying or not. They do not sell to investors or companies. They are not doubling their lot count. This is an extension of prior phases in a different portion of the community. Council has publicly supported a more efficient home site to address affordability and this is what it looks like. Smaller cost savings in aggregate adds up to make a difference. Their lot widths go from 45 feet up to 85-feet wide throughout the community. In this development, the home site lot widths are interspersed and when you are driving down the street, unless you are really paying attention, you can't tell the difference. There is no compromise on aesthetics.

There being no one else wishing to speak, the public hearing was closed at 10:40 a.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10139; seconded by John Norman.

The motion passed by the following vote:

AYE: Payton, Trost, Norman, Blong

NAY: Robnett, Dufford, Ladd

ABSTAIN: None

ABSENT: None

21. 10140 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 14 AND 15, BLOCK 1, WADLEY HEIGHTS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF MOGFORD STREET AND WEST WADLEY 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10140.

Mayor Payton opened the public hearing at 10:41 a.m.

Council Member Ladd asked to hear from the owner. Sierra Strickland reported she was not the owner, but the tenant and was available to answer questions. Council Member Ladd asked if she was able to reach out to the gentleman who expressed concerns. Ms. Strickland reported his concern was for traffic and he doesn't want anybody parking adjacent to his house. Mr. Ladd asked if he was comfortable. Ms. Strickland noted he wasn't extremely comfortable, but if the owner doesn't rent to them, they would rent to another business that would occupy the property.

There being no one else wishing to speak, the public hearing was closed at 10:43 a.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10140; 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

22. 10141 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 15-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 40, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM BP, I-20 BUSINESS PARK DISTRICT, IN PART, RR, REGIONAL RETAIL DISTRICT, IN PART, AND LI, LIGHT INDUSTRIAL DISTRICT, IN PART, TO BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LOTE BUSH DRIVE AND WEST INTERSTATE 20); 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10141.

Mayor Payton opened the public hearing at 10:44 a.m.

Roman Cabello, 1403 Marshall, reported he was available for questions.

There being no one else wishing to speak, the public hearing was closed at 10:45 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10141; 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

23. 10142 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,295-SQUARE FOOT PORTION OF LOT 3, LESS THE EAST 2.14 ACRES, BLOCK 15A, OXFORD HEIGHTS, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 800 FEET EAST 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10142.

Development Services Director Chuck Harrington gave a brief overview of item noting the applicant is looking to serve alcoholic beverages in a restaurant. Council Member Norman added that this is a soul food restaurant and the food is very good.

Mayor Payton opened the public hearing at 10:47 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. 10142; 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

24. 10143 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 9,357-SQUARE FOOT PORTION OF LOT 2A, BLOCK 1A, MIDKIFF PLAZA ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST 250 LOOP NORTH, APPROXIMATELY 1,036 FEET EAST OF NORTH MIDKIFF ROAD), 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10143.

Mayor Payton opened the public hearing at 10:49 a.m.

Garret Haley, Lubbock, was available for questions.

There being no one else wishing to speak, the public hearing was closed at 10:49 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10143; 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

25. 10144 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 194, SOUTHERN ADDITION, AND LOT 3, BLOCK 2, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH JEFFERSON STREET, APPROXIMATELY 150 FEET SOUTH OF EAST FLORIDA 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 (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10144.

Council Member Robnett asked if these lots are rezoned and then replatted together. Development Services Director Chuck Harrington reported the developer is wanting to rezone to SF-3 which are smaller lots even though in the area it is SF-2.

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.

Council Member Norman asked what is the major difference between SF-2 and SF-3. Mr. Harrington reported that SF-3 allows for smaller lots. The applicant's lots do not meet the requirements of SF-2. He added that all lots in the neighborhood are having the same issue. When asked if they have to pay a fee, Mr. Harrington reported they have to pay an application fee.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10144; 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

26. 2021-012 – RESOLUTION AMENDING THE CITY OF MIDLAND CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR FISCAL YEARS 2020 THROUGH 2024 (OCTOBER 2020 TO SEPTEMBER 2024) AND THE 2020-2021 ACTION PLAN TO SAID CONSOLIDATED PLAN; AND AUTHORIZING THE

ALLOCATION OF FUNDS (DEVELOPMENT SERVICES)

CDBG Manager Isaac Garnett gave a brief overview of the item noting this is the action plan for the 2021 Fiscal Year that has been amended. It was published in the newspaper, sent out for comment for 14 days, and is now here for a public hearing. The proposal is to use \$1.4 million of COVID funds for specific projects related to the health department including \$600,000.00 for vaccinations, \$600,000.00 for other COVID items, and \$200,000.00 for the homeless network. He added that the City has a responsibility from HUD to address homelessness. An email was received from an individual in the community and a project was devised to possibly link and contract with local motels/hotels for homeless people that have been exposed to COVID. By staying in a hotel they will not further expose other individuals. The project will pay for hotel rooms and sterilizing the room after use. If the money is not spent, it will go back to the CDBG budget.

Mayor Payton opened the public hearing at 10:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve Resolution No. 2021-012; 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

MISCELLANEOUS

27. 004-2021 – DISCUSS THE EXPENDITURE OF CORONA VIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS OR OTHER SUCH GRANT FUNDS IN RELATION TO VACCINATIONS, INCLUDING FACILITIES, AND OTHER MATTERS INCIDENT AND RELATED THERETO. THE CITY COUNCIL MAY TAKE ACTION ON THIS MATTER (CITY MANAGER)

Mayor Payton noted no action would be taken on this item.

28. 005-2021 – MOTION APPROVING A CITY COUNCIL RETREAT CURRENTLY SCHEDULED FOR MARCH 18TH, 2021 (CITY MANAGER)

Council Member Trost asked why the retreat was changing from a 2-3 day retreat to only one day. Council Member Dufford reported that at first there were a lot of staff reviews that took a lot of time. They also did some team building exercises and personnel reviews. He thinks they have gotten shorter because everyone seems to be on the same page for the direction of the City. Another reason is that with more technology Council now has a lot more information at their fingertips than ever before.

Council Member Trost felt that an unbiased outside facilitator would still be helpful which will give everybody the opportunity to express their opinions and create a sense of comradery. He asked staff if they feel like they get enough direction in a one-day retreat.

Assistant City Manager Morris Williams felt that staff got the same information in one day

as two days adding that the second day did not guarantee anything. The second day allows more time for staff to give reports and have more team building exercises, but the meat and potatoes of the retreat could be obtained in one day, in his opinion.

Interim City Manager Robert Patrick added that in the past, retreats have been successful and the upcoming year was created with a common goal. Oftentimes those priorities have to be reevaluated in a couple of months because of the dynamics of a rapidly growing City. It was noted that the Mayor has been meeting with Council Members for priorities and he believes that those will all come up at the retreat. Mr. Williams added that Staff will provide their vision and Council will set the priorities. They expect Staff to give reports the first part of the day and Council to set priorities in the second part.

Mayor Payton noted he was offering his services as a facilitator, but had no objection to hiring an outside person.

Staff was directed to see if a facilitator could be found for this event. No action was taken on this item.

29. 006-2021 – MOTION AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT AND ANY OTHER DOCUMENT NECESSARY AND APPROPRIATE FOR THE PURCHASE OF LOTS 1-12, BLOCK 66, ORIGINAL TOWN, MIDLAND, MIDLAND COUNTY TEXAS (CITY MANAGER)

Mayor Payton noted no action would be taken on this item.

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

Mayor Payton noted no action would be taken on this item.

EXECUTIVE SESSION

Mayor Payton recessed the meeting at 11:00 a.m. to go to Executive Session noting that items 27-30 would be heard following Executive Session.

31. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:
- a. Section 551.071, Consultation with the City Attorney
 - a.1. Discuss matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code
 - b. Section 551.087, Deliberate Economic Development Negotiations
 - b.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives

Council met in Executive Session until 12:10 p.m. Mayor Payton reconvened the meeting in Regular Session at 12:15 p.m. with Council Members present except Council Member Ladd.

All the business at hand having been completed, the meeting adjourned at 12:28 p.m.

PASSED AND APPROVED January 26, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary