

**MIDLAND CITY COUNCIL
MINUTES
February 8, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 08, 2022.

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

Council Members absent: Lori Blong

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 10:08 a.m.

OPENING ITEMS

1. Invocation – Pastor Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

CONSENT AGENDA

John Norman moved to approve Consent Agenda items 3-10, excluding item(s) 5, 7 and 8; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. REGULAR SESSION OF JANUARY 25, 2022
 - 3b. SPECIAL CITY COUNCIL MEETING OF JANUARY 26, 2022

3c. SPECIAL CITY COUNCIL MEETING OF JANUARY 27, 2022

4. 2022-017 – RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS VEHICLES FOR THE GENERAL SERVICES DEPARTMENT FOR A TOTAL COST OF \$800,160.00 (DISTRICT: NONE) (GENERAL SERVICES)
6. 2022-019 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., FOR VARIOUS DESIGN, BIDDING AND CONSTRUCTION PHASE SERVICES FOR WATER AND WASTEWATER PROJECTS FOR THE UTILITIES DEPARTMENT FOR AN ANNUAL COST OF \$90,000.00 (DISTRICT: ALL) (GENERAL SERVICES)
9. 015-2022 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING FOR THE RECONSTRUCT ASPHALT AIR CARRIER APRON PAVEMENT WITH CONCRETE PROJECT, THE AIRFIELD WILDLIFE FENCE IMPROVEMENTS PROJECT, AND THE SPACEPORT BUSINESS PARK ENVIRONMENTAL PROJECT; AUTHORIZING THE APPROPRIATION OF \$265,000.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO THE RECONSTRUCT ASPHALT AIR CARRIER APRON PAVEMENT WITH CONCRETE PROJECT IN FUND 505; AUTHORIZING THE APPROPRIATION OF \$290,000.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO PROJECT 900345, MAF AIRFIELD WILDLIFE FENCE IMPROVEMENTS PROJECT IN FUND 506; AND AUTHORIZING THE APPROPRIATION OF \$180,650.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO PROJECT 900111, DEVELOPMENT PARK PROGRAMMATIC EA (DISTRICT 4) (AIRPORTS)
10. 2022-021 – RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS FOR TRAFFIC MANAGEMENT-RELATED DONATIONS TO THE CITY OF MIDLAND; AND AUTHORIZING THE CITY MANAGER TO ACCEPT SAID DONATIONS ON BEHALF OF THE CITY (DISTRICT: NONE) (ENGINEERING SERVICES)

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

5. 2022-018 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE CONTRACT WITH HUBER TECHNOLOGY INC. FOR THE LABOR, MATERIALS, EQUIPMENT AND SUPERVISION NECESSARY FOR THE REPAIR OF SCREENS AT THE WATER RECLAMATION FACILITY FOR THE UTILITIES DEPARTMENT AT A TOTAL COST OF \$238,881.31 AND APPROVING \$23,894.69 FOR CONTINGENCIES (DISTRICT: ALL) (GENERAL SERVICES)

Utilities Director Carl Craigo reported the screens are about ten years old and need to be replaced to stop solids from getting into the plant. Ten years is about the average time for replacement. Council Member Corrales suggested that we can get the word out through the PIO team regarding items that should not be flushed.

Dan Corrales moved to approve Resolution No. 2022-018; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

7. 014-2022 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE MIDLAND UTILITIES SERVICE CENTER PROJECT, SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE AND REFERENCED BY THE DATE AND NUMBER OF THIS MOTION, AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS (DISTRICT 2) (GENERAL SERVICES)

Council Member Norman wanted to know if this item is for the center and the vehicles or is it just the center. General Services Director Regina Stephenson reported that it includes Water & Wastewater, Vehicle Services and Solid Waste.

John Norman moved to approve Motion No. 014-2022; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

8. 2022-020 – RESOLUTION AUTHORIZING THE EXECUTION OF THE SIXTH AMENDMENT TO THE INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; SAID AMENDMENT ADJUSTING THE ANNUAL FEE AND PROVIDING FOR THE HOSTING OF INFLUENZA CLINICS; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (ADMINISTRATIVE SERVICES)

Administrative Services Director Mark Widman reported the City of Midland is self-insured and has a contract with the clinic and hospital to provide general diagnostic services. The clinic is operated 5 days a week during normal business hours and served just over 3,000 clients last year.

Dan Corrales moved to approve Resolution No. 2022-020; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

SECOND READINGS

11. 10284 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, 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 AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TYLER STREET AND 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 2) (DEVELOPMENT SERVICES) (FIRST READING HELD JANUARY 25, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10284.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10284; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

12. 10285 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 8, BLOCK 6, ELMWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF STOREY AVENUE AND PECOS 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 JANUARY 25, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10285.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10285; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

13. 10286 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,627-SQUARE FOOT PORTION OF LOT 1, BLOCK 6, BANKHEAD ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FRONT STREET AND

BANKHEAD HIGHWAY), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN AN AXE BAR 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) (FIRST READING HELD JANUARY 25, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10286.

John Norman moved to approve the second and final reading of Ordinance No. 10286; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

14. 10287 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,011-SQUARE FOOT PORTION OF LOT 6A, BLOCK 62, BELMONT ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 615 FEET NORTH OF WEST TERRELL STREET), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK 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 2) (DEVELOPMENT SERVICES) (FIRST READING HELD JANUARY 25, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10287.

John Norman moved to approve the second and final reading of Ordinance No. 10287; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

PUBLIC HEARINGS

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

15. 016-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE OIL AND GAS WELL MUSTANG 110 MIPA UNIT #H110WA; SAID WELL BEING GENERALLY LOCATED 2,395 FEET EAST OF RANKIN HIGHWAY AND 170 FEET SOUTH OF I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:19 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

16. 017-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PIONEER NATURAL RESOURCES, USA, INC. FOR THE DRILLING OF THE OIL AND GAS WELL NAIL C 3; SAID WELL BEING GENERALLY LOCATED 4,098 FEET NORTH OF OCCIDENTAL PARKWAY AND 7,385 FEET EAST OF NORTH STATE HIGHWAY 349 (DISTRICT 1) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:20 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

17. 018-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PIONEER NATURAL RESOURCES, USA, INC. FOR THE DRILLING OF THE OIL AND GAS WELL NAIL E 4; SAID WELL BEING GENERALLY LOCATED 3,172 FEET NORTH OF OCCIDENTAL PARKWAY AND 2,135 FEET EAST OF NORTH STATE HIGHWAY 349 (DISTRICT 1) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

18. 019-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PIONEER NATURAL RESOURCES, USA, INC. FOR THE DRILLING OF THE OIL AND GAS WELL STIMSON BURLEY D 5; SAID WELL BEING GENERALLY LOCATED 2,220 FEET NORTH OF OCCIDENTAL PARKWAY EXTENSION AND 5,945 FEET WEST OF NORTH ELKINS ROAD (DISTRICT 1) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

19. 10288 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, 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 AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MADISON STREET AND SOUTH 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. 10288.

John Norman moved to approve the first of two readings of Ordinance No. 10288; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

20. 10289 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 4.97-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 2, GREEN HILL TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF PIMLICO DRIVE, APPROXIMATELY 170 FEET EAST OF HOLIDAY HILL ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10289.

Development Services Director Chuck Harrington reported the request is being made on behalf of the applicant with a 4.978 acre tract of land off of Pimlico Lane. He is proposing to rezone this in order to develop four lots on his property which would be in compliance with CE zoning. This area is currently zoned AE, however, 50% of lots out there do not meet AE standards. We are trying to get them to the point they all have similar lot sizes. A hearing was held and Planning and Zoning recommends approval. No one came with any opposition and there were no letters of objection. One person did express concerns about the community. Mr. Harrington answered questions regarding Fire Department access at this location.

Mr. Harrington clarified this item will not come before Council again.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10289; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

21. 10290 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 43, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF THOMASON DRIVE AND RUBY DRIVE), BY PERMITTING A REDUCED MINIMUM FRONT YARD SETBACK AND A REDUCED MINIMUM SIDE YARD SETBACK ON THE NORTH 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 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10290.

Development Services Director Chuck Harrington gave a brief overview of the item noting the home owner built a carport on their property that does not meet City requirements. The home owner hired a contractor who did not get a permit to do the work. There have been no objections from neighbors regarding this carport. Mr. Harrington answered questions about holding contractors accountable when a permit is not obtained.

Elisa Padilla, 616 Ruby, is the homeowner. Ms. Padilla apologized for not being aware of needing permits. She stated she is willing to take down the carport if this is what Council wants her to do. She explained that she found the Contractor on Facebook, had him do the work and found out it should not have been done after receiving a letter and picture from the City.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10290; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

PUBLIC COMMENT

22. 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.)

Caitlin Egan, 1601 W. Pine Ave., Fix West Texas, thanked the City for continuing the spay and neuter voucher program, as well as Council Members Ladd and Corrales for continuing to advocate for the animals of this community. She asked the Mayor questions about the last meeting. Mayor Payton stated they could have a private meeting to discuss.

All the business at hand having been completed, the meeting adjourned at 10:46 a.m.

PASSED AND APPROVED February 22, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary