

**MIDLAND CITY COUNCIL
MINUTES
March 22, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 22, 2022.

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

Council Members absent: None

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

The meeting was called to order at 9:59 a.m.

OPENING ITEMS

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

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Presentation of Proclamation for “American Red Cross Month”
 - 3b. Presentation of Proclamation for “Women’s History Month”

CONSENT AGENDA

Lori Blong moved to approve consent agenda items 4-20, excluding item(s) 6 and 16; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF FEBRUARY 22, 2022
 - 4b. SPECIAL SESSION OF FEBRUARY 22, 2022 AT 7:00 PM
5. 2022-029 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF NIGHT VISION EQUIPMENT FOR THE POLICE DEPARTMENT FROM EMERGING TACTICAL SOLUTIONS, LLC, FOR A TOTAL COST OF \$287,748.00 (DISTRICT: ALL) (GENERAL SERVICES)
7. 2022-031 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC, FOR DESIGN SERVICES FOR THE BIG SPRING WATER REPLACEMENT PROJECT FOR THE UTILITIES DEPARTMENT FOR A COST NOT TO EXCEED \$130,000.00; AND APPROVING \$26,000.00 FOR CONTINGENCIES (DISTRICT 2) (GENERAL SERVICES)
8. 2022-032 – RESOLUTION AWARDED A CONTRACT FOR THE ILLINOIS AVENUE UTILITY BOND PROJECT TO BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$4,270,720.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 3) (GENERAL SERVICES)
9. 026-2022 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR GENERATOR CONTINGENCY BACK-UP POWER PLAN FOR THE UTILITIES DEPARTMENT AND TO NEGOTIATE A CONTRACT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)
10. 2022-033 – RESOLUTION APPROVING A CONTRACT WITH GAME COURT SERVICES THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF BASEBALL SYSTEM PADDING AT MOMENTUM BANK BALLPARK FOR A TOTAL COST OF \$123,380.00; APPROVING \$6,620.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID CONTRACT (DISTRICT 4) (GENERAL SERVICES)
11. 2022-034 – RESOLUTION APPROVING THE PURCHASE OF REPLACEMENT SERVERS FOR THE MUNICIPAL COURT FROM PRESIDIO NETWORKED SOLUTIONS GROUP, LLC, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$159,141.79 (DISTRICT: NONE) (GENERAL SERVICES)
12. 027-2022 – MOTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE MIDLAND DEVELOPMENT CORPORATION PROVIDING FOR THE MARKETING OF CERTAIN CITY-OWNED REAL PROPERTY LOCATED AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (CITY MANAGER)

13. 028-2022 – MOTION AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT WITH THE MIDLAND DEVELOPMENT CORPORATION AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE; SAID AGREEMENT PROVIDING FOR THE CITY OF MIDLAND DEPARTMENT OF AIRPORT'S PURCHASE OF CERTAIN REAL PROPERTY DESCRIBED AS AN APPROXIMATE 327.67-ACRE TRACT OF LAND LOCATED IN SECTIONS 4 AND 9, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (CITY MANAGER)
14. 2022-035 – RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE AN APPROXIMATE 327.67-ACRE TRACT OF LAND OUT OF SECTIONS 4 AND 9, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF CHALLENGER DRIVE, APPROXIMATELY 2,300 FEET NORTH OF BUSINESS INTERSTATE 20); AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO PURCHASE SAID TRACT, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE (DISTRICT 4) (ENGINEERING SERVICES)
15. 2022-036 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,395 FEET EAST OF RANKIN HIGHWAY AND 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
17. 2022-038 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PIONEER NATURAL RESOURCES, USA, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 1, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MARTIN COUNTY, TEXAS (GENERALLY LOCATED 3,172 FEET NORTH OF OCCIDENTAL PARKWAY AND 2,135 FEET EAST OF NORTH STATE HIGHWAY 349); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 1) (DEVELOPMENT SERVICES)
18. 2022-039 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PIONEER NATURAL RESOURCES, USA, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 6, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MARTIN COUNTY, TEXAS (GENERALLY LOCATED 4,098 FEET NORTH OF OCCIDENTAL PARKWAY AND 7,385 FEET EAST OF NORTH STATE HIGHWAY 349); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 1) (DEVELOPMENT SERVICES)
19. 029-2022 – MOTION AUTHORIZING THE EXECUTION OF A 2.56-ACRE PIPELINE EASEMENT AGREEMENT LOCATED IN SECTIONS 31, BLOCK 38, T-1-S, T&P RR CO.

SURVEY, MIDLAND COUNTY, TEXAS, FROM GEORGE V. ANDERSON, JR. AND DIANN H. ANDERSON; AND ORDERING THE CITY SECRETARY TO RECORD SAID INSTRUMENT IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)

20. 030-2022 – MOTION AUTHORIZING THE EXECUTION OF A 3.588-ACRE PIPELINE EASEMENT AGREEMENT LOCATED IN SECTIONS 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FROM CURTIS SCHMID; AND ORDERING THE CITY SECRETARY TO RECORD SAID INSTRUMENT IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS (DISTRICT: ALL) (UTILITIES)

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

6. 2022-030 – RESOLUTION AWARDED A CONTRACT FOR THE WADLEY AVENUE AND SCHARBAUER DRAW MANHOLE PROJECT TO TEC EXCAVATION, INC., FOR AN AMOUNT OF \$1,094,470.00; APPROVING \$109,447.00 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS (DISTRICT 3) (GENERAL SERVICES)

Josh Ferguson, Engineering Manager, reported that this is a series of manhole replacements as each job will be a mini-project. We will have to complete the work on each one before we move to another project. At least one lane of Wadley will remain open so it will not be closed down during this project.

Lori Blong moved to approve Resolution No. 2022-030; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

16. 2022-037 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PIONEER NATURAL RESOURCES, USA, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MARTIN COUNTY, TEXAS (GENERALLY LOCATED 2,220 FEET NORTH OF OCCIDENTAL PARKWAY EXTENSION AND 5,945 FEET WEST OF NORTH ELKINS ROAD); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 1) (DEVELOPMENT SERVICES)

Council Member Ladd wanted Council to be aware of a discussion during the Metropolitan Planning Organization meeting. The County mentioned that twenty-six wells got in the way of the proposed South Loop 250. Council Member Ladd asked staff to keep ahead of this for the proposed outer loop to ensure we are able to acquire right-of-way for the northern part of the outer loop.

Engineering Services Director Jose Ortiz reported that the challenge is that much of this is located in the ETJ and not in the City limits.

Council Member Ladd inquired if we need to work with the County to create a corridor so that no expansion occurs until we have a plan for the outer loop.

Council Member Dufford spoke on the need to communicate with the oil and gas companies in the area as to where the outer loop is going so that they won't begin locating wells in the middle of it.

Oil & Gas Compliance Officer Ron Jenkins confirmed that communication is key and that the oil companies want to be responsible.

Mayor Payton inquired about the right-of-way on Occidental Parkway. Engineering Services Director Jose Ortiz explained the right-of-way on Occidental Parkway is a 10 year revisionary clause and we are currently in year seven.

Jack Ladd moved to approve Resolution No. 2022-037; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

21. 10291 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 6, EASTOVER ADDITION, THIRD EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CALHOUN STREET, APPROXIMATELY 112 FEET SOUTH OF EAST ILLINOIS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT AREA, A REDUCED MINIMUM LOT WIDTH, AND A REDUCED MINIMUM LOT DEPTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM MF-22, MULTIPLE-FAMILY DWELLING 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 FEBRUARY 22, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10291.

John Norman moved to approve the second and final reading of Ordinance No. 10291; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

22. 10292 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 1, EASTOVER ADDITION, SECOND EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF JESSE STREET AND ILLINOIS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT AREA, A REDUCED MINIMUM LOT WIDTH, AND A REDUCED MINIMUM LOT DEPTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM MF-22, MULTIPLE-FAMILY DWELLING 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 FEBRUARY 22, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10292.

John Norman moved to approve the second and final reading of Ordinance No. 10292; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

23. 10293 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 16, BLOCK 64, PARK AVENUE HEIGHTS, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF BUNCHE STREET, APPROXIMATELY 250 FEET SOUTH OF CALIFORNIA 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 FEBRUARY 22, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10293.

Lori Blong moved to approve the second and final reading of Ordinance No. 10293; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

24. 10294 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 11, BLOCK 5, AVALON ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF HUMBLE AVENUE, APPROXIMATELY 145 FEET EAST OF NORTH L 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 FEBRUARY 22, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10294.

Robin Poole moved to approve the second and final reading of Ordinance No. 10294; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

25. 10295 – AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT”, CHAPTER 3, “FLOOD DAMAGE PREVENTION CODE”, SO AS TO REVISE CERTAIN STANDARDS FOR CONSTRUCTION IN FLOOD HAZARD AREAS WITHIN THE CITY OF MIDLAND; SETTING FORTH VARIANCE AND APPEAL PROCEDURES; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (DISTRICT: NONE) (ENGINEERING SERVICES) (FIRST READING HELD FEBRUARY 22, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10295.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10295; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

26. 10296 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,924-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT

THE SOUTHEAST CORNER OF THE INTERSECTION OF TREMONT AVENUE AND NORTH LOOP 250 WEST), 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10296.

Development Services Director Chuck Harrington gave a brief overview of the item noting the restaurant is opening a second location. Questions were asked about changing the alcohol service hours. Consensus was received to leave as is.

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.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10296; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

27. 031-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: REBEL #H130LS; REBEL #H130WB; REBEL #H135WA; REBEL #H140WB; REBEL #H145LS; REBEL #H145UH; REBEL #H145WA; REBEL #H150WB; REBEL #H155WA; REBEL #H160LS; AND REBEL #160WB; SAID WELLS BEING GENERALLY LOCATED BETWEEN 231 FEET AND 2,392 FEET WEST OF SOUTH LAMESA ROAD AND BETWEEN 150 FEET AND 170 FEET SOUTH OF I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:23 a.m.

There being no one wishing to speak, the public hearing was immediately closed.

28. 10297 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.41-ACRE TRACT OF LAND OUT OF LOT 3, ASHLIN PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST SIDE OF LIVE OAK DRIVE, APPROXIMATELY 233 FEET SOUTH OF WEST SCHARBAUER DRIVE), BY PERMITTING (1) AN INCREASED MAXIMUM LIVING AREA OF AN ACCESSORY DWELLING UNIT AND (2) 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10297.

Development Services Director Chuck Harrington gave a brief overview of the item describing the issues. Mr. Gonzales is requesting to put in an accessory building for guest quarters and currently has two other accessory structures. The size exceeds the maximum allowed for the property which is 137 square feet. The second issue is the proximity to the rear property line; there is no five-foot minimum setback, so denial is recommended.

Council Member Dufford inquired if windows would be on this building allowing the owners to see into the neighbors yard.

Mayor Payton opened the public hearing at 10:26 a.m.

Garner Gonzales, 2 Live Oak, representing Wildcat Oil Tools, reported there are no windows on the alley side but there are windows in the front of the property. Therefore, no one would be able to see into the neighbors home.

There being no one else present wishing to speak, the public hearing was closed at 10:28 a.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10297; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

29. 2022-040 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CONCERT ON LOT 2, BLOCK 11, WESTRIDGE PARK ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND WINDHAVEN DRIVE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 4) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the company is proposing to have a special concert which needs a Temporary Land Use Permit in order to do so. The concert will be inside of their building but they would like to increase their occupancy from 350 to 500 people. It has been examined by the Fire Department and Building Division to be sure they have adequate exiting. Temporary restrooms will be put in for customers and they have pre-leased some hotel rooms across

the street. Staff does not see any issues and recommends approval.

Mayor Payton opened the public hearing at 10:31 a.m.

There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve Resolution No. 2022-040; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

30. 10298 – DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF THE “CITY OF MIDLAND, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2022,” INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH BONDS, ESTABLISHING PARAMETERS FOR THE SALE AND ISSUANCE OF SUCH BONDS AND DELEGATING CERTAIN MATTERS TO AN AUTHORIZED OFFICIAL OF THE CITY (DISTRICT: NONE) (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10298.

Finance Director Christy Weakland gave a brief overview of the item noting this bond issuance will refund the fees for the Midland County Freshwater Supply District debt and in doing so will also allow the City to assume infrastructure assets. This ordinance provides for the delegation of the pricing authority and sets parameters for the issuance.

Council Member Blong inquired of the approximate value of the infrastructure and assets we will be assuming. Finance Director Christy Weakland reported it's about \$250 million.

Council Member Blong requested more information on what this will do to the average customer's water bill over the next few years. Finance Director Christy Weakland reported that in 2027 our debt service will increase by \$19 million per year creating a rate increase. This bond will allow us to spread the debt out over a longer period of time which allows us to spread out rate increases.

Utilities Director Carl Craigo explained that if we didn't do the refunding of the bond, we would have to start next year raising water rates three percent every year until 2030. By doing the refunding only half of the amount of increases currently planned will need to be implemented.

Council Member Ladd clarified that the fresh water district was created so that we would not have to incur any harm to our bond rating by incurring \$250 million of debt. Utilities Director Carl Craigo reported that was the assumption back then but this debt has always

been on the City's books. This will not dissolve the Midland County Fresh Water Supply District.

Mayor Payton inquired what this will do to our total water supply debt. City Manager Robert Patrick reported that in essence, it's the same amount of debt but this will restructure how it is paid, meaning it will add length to it and will stop the 2027 balloon payment. It will also lock in the interest rates now, when it's most beneficial.

Jack Ladd moved to approve the first and only reading of Ordinance No. 10298; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

No action was taken on this item.

PUBLIC COMMENT

32. 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 Avenue, President of the board of Fix West Texas, spoke and gave updates in several areas of the program. Ms. Egan thanked the City for use of a City park parking area for their drive through vaccination clinic and the White House to host the Best Friends West Texas annual training. She provided information about potential programs the City could take advantage of.

Justin Graham, 1405 S. County Road 1110, works with Midland Fire Department and is asking for assistance with shortages.

Jessie Martinez, 4113 N. County Road 1140, a Captain for Midland Fire Department, also spoke on staffing shortages and how it's affecting citizens and employees. He asked for the City's assistance.

Council Member Corrales inquired if the ISO rating is affected by staffing shortages. It was reported that many factors go into the ISO rating, not just staffing.

EXECUTIVE SESSION

33. 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 551.072, Deliberation Regarding Real Property

a.1. Discuss the purchase, exchange, lease or value of real property

b. Section 551.071, Consultation with the City Attorney

b.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

All the business at hand having been completed, the meeting adjourned at 12:00 p.m.

PASSED AND APPROVED April 12, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary