

**MIDLAND CITY COUNCIL
MINUTES
April 12, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 12, 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: Attendee Robert Patrick, Attendee John Ohnemiller, Attendee Morris Williams Jr, Attendee Tina Jauz

The meeting was called to order at 10:00 a.m.

OPENING ITEMS

1. Invocation – Pastor Bob Pase, Grace Lutheran 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 a Proclamation for Christmas in Action Day
 - 3b. Presentation of a Proclamation for Fair Housing Month

CONSENT AGENDA

Lori Blong moved moved to approve consent agenda items 4-19, excluding item(s) 5, 8, 10, 11 and 12; 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

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. BRIEFING SESSION OF MARCH 22, 2022

4b. REGULAR SESSION OF MARCH 22, 2022

4c. SPECIAL SESSION OF MARCH 24, 2022

6. 2022-041 – RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE MIDLAND UTILITIES SERVICE CENTER PROJECT TO MW BUILDERS OF TEXAS, INC., IN THE AMOUNT OF \$11,472,440.00; APPROVING \$1,977,488.00 FOR CONTINGENCIES; APPROVING \$317,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)
7. 2022-042 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR DESIGN, SURVEY AND CONSTRUCTION ADMINISTRATION SERVICES FOR FIVE (5) NEW POTABLE WELLS AND ONE (1) NEW TEST BORING AT THE PAUL DAVIS WELL FIELD FOR THE UTILITIES DEPARTMENT FOR A COST OF \$316,500.00; APPROVING \$47,475.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)
9. 2022-044 – RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WEAVER AND TIDWELL, L.L.P. FOR PROFESSIONAL SERVICES IN CONNECTION WITH A FORENSIC AUDIT; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
13. 035-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-008) 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)
14. 036-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (22-329-015) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
15. 037-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (22-329-016) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
16. 038-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH RATTLER MIDSTREAM OPERATING LLC (22-329-0011) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 22 AND 27, BLOCK 40, T-1-S, T&P

RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (UTILITIES)

17. 039-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH RATTLER MIDSTREAM OPERATING LLC (22-329-012) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (UTILITIES)
18. 040-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH RATTLER MIDSTREAM OPERATING LLC (22-329-013) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (UTILITIES)
19. 041-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-010) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 12, 13 AND 24, 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.

5. 032-2022 – MOTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED NOVEMBER 20, 2019, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED JULY 28, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; SAID AMENDMENTS PROVIDING FOR THE DESIGNATION OF THE PERMIAN BASIN QUALITY OF PLACE CONSERVANCY AS AGENT FOR THE CITY OF MIDLAND, TEXAS, REGARDING CERTAIN MATTERS OF DESIGN RELATING TO PHASE 1 AND PHASE 2 OF THE HOGAN PARK MASTER PLAN PROJECT (DISTRICT 2) (GENERAL SERVICES)

Council Member Corrales noted that the Hogan Park project will be a good quality of place opportunity park for the special needs children of our community. Mayor Payton also echoed the value in Chris Davidson Park seeing kids who didn't have a space, now have a space to enjoy.

Dan Corrales moved to approve Motion No. 032-2022; 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

8. 2022-043 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., PROVIDING FOR DESIGN, ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE NORTHEAST WATER SYSTEM IMPROVEMENTS PROJECT; SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF \$260,000.00 OVER AND

ABOVE THE ORIGINAL TOTAL COST OF \$1,915,000.00 (DISTRICT: NONE) (GENERAL SERVICES)

Utilities Director Carl Craigo reported on how the City has worked with Enprotec/Hibbs & Todd, Inc., for the past five years. This project started with the design of the new pump station water main and tower on the northeast side of town. The contract consisted of construction management and inspection services. Five years ago they thought the project would take a year so a budget was done for that amount of time. In order to keep construction management and inspection services for the remainder of the project, we will need increased funding.

Scott Dufford moved to approve Resolution No. 2022-043; 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

10. 2022-045 – RESOLUTION APPROVING A CONTRACT WITH MID-TEX OF MIDLAND, INC., THROUGH THE PURCHASING ASSOCIATION OF COOPERATIVE ENTITIES, FOR THE ENVIRONMENTAL COMPLIANCE LABORATORY REMODEL FOR A TOTAL COST OF \$154,527.54; APPROVING \$23,179.13 FOR CONTINGENCIES; APPROVING \$185,902.51 FOR PROJECT RELATED ITEMS; AND ALLOCATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Corrales noted his appreciation for the Water Reclamation Facility and water conservancy efforts while improving the working conditions of City staff. Utilities Director Carl Craigo noted that the funds saved from the Pioneer project allowed them to make the necessary upgrades needed, which will also help with retention of staff.

Dan Corrales moved to approve Resolution No. 2022-045; 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

11. 033-2022 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING FOR (I) THE AIRLINE RATES & CHARGES FINANCIAL ANALYSIS PROJECT, AND (II) THE AIRPARK ENTRANCE WAY ENHANCEMENT PROJECT; APPROPRIATING \$210,000.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO THE AIRLINE RATES & CHARGES FINANCIAL ANALYSIS PROJECT; AND APPROPRIATING \$370,000.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO THE AIRPARK ENTRANCE WAY ENHANCEMENT PROJECT (DISTRICT 4) (AIRPORTS)

Airports Director Justine Ruff reported that CARES Act money is for rates; charges are for the financial analysis project. The Airpark entrance-way enhancement project will be paid for with airport funds.

Council Member Poole noted Airpark is a gem in our community and this will bring it up to a quality of excellence.

Dan Corrales moved to approve Motion No. 033-2022; 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

12. 034-2022 – MOTION AUTHORIZING THE EXECUTION OF A FOURTH ADDENDUM TO THAT CERTAIN BASEBALL PARK AND OFFICE SPACE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND MIDLAND SPORTS, INCORPORATED (DISTRICT 4) (COMMUNITY SERVICES)

Community Services Director Cristina Burns reported we are in the process of getting the construction plans completed and reviewed. The contract was initially implemented in May 2000 and was renewed late last month. The agreement is until 2032. These are amendments to that agreement. We will be adding auxiliary fields with advertising money. We are only amending what's in the contract.

City Manager Robert Patrick reported that for the improvements, the money will come from the sports complex fund that has about \$25 million left from the 4B funds.

Jack Ladd moved to approve Motion No. 034-2022; 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

20. 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) (FIRST READING HELD MARCH 22, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10296.

John Norman moved to approve the second and final reading of Ordinance No. 10296; 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

21. 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) (FIRST READING HELD MARCH 22, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10297.

Council asked for an update from the applicant. There was no one present to speak.

Jack Ladd moved to defer the second and final reading of Ordinance No. 10297; seconded by Scott Dufford.

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:

22. 2022-046 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN EASTER BRUNCH EVENT ON A 0.19-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1A, BLOCK 55, ORIGINAL TOWN ADDITION, SECTION 14, AND LOTS 7 THROUGH 12, BLOCK 56, ORIGINAL

TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH COLORADO STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve Resolution No. 2022-046; 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. 10299 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR AN 8,126-SQUARE FOOT PORTION OF LOT 6, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10299.

Mayor Payton opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10299; 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

24. 10300 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE

NORTHEAST CORNER OF THE INTERSECTION OF CHUKAR LANE AND EAST BUSINESS 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10300.

Mayor Payton opened the public hearing at 10:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10300; 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. 10301 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, EASTOVER ADDITION, THIRD EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CALHOUN STREET, APPROXIMATELY 112 FEET SOUTH OF EAST ILLINOIS 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10301.

Mayor Payton opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10301; 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

26. 042-2022 – 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 #H120WB AND REBEL #H125WA; SAID WELLS BEING GENERALLY LOCATED BETWEEN 320 FEET AND 350 FEET EAST OF SOUTH LAMESA ROAD AND 183 FEET SOUTH OF I-20 (DISTRICT 2) (DEVELOPMENT

SERVICES)

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. This was a public hearing only. No action was taken.

27. 10302 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10302.

Mayor Payton opened the public hearing at 10:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10302; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Ladd

ABSENT: None

28. 10303 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1 AND THE EAST 6 FEET OF LOT 2, BLOCK 2, SCOTSDALE ADDITION, 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 SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND MIDLAND 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10303.

Mayor Payton opened the public hearing at 10:36 a.m.

Development Services Director Chuck Harrington reported that this request is by Briana Garcia who is proposing to open a hair salon at this corner. The problem is that we do not allow access to Midland Drive. The only option would be to pave the alley or seek access on Gulf Avenue which intrudes into the residential neighborhood. There has been nearly 40% opposition causing a supermajority.

John Newton, Newton Engineering, 4501A Santa Rosa Drive, reported that he doesn't believe TxDot is allowing access to Midland Drive which is why they need access off of Gulf.

Mayor Payton reported that the entrance is technically off Midland Drive because you will either turn down Gulf or the alley. The challenge is the 40% challenge from the neighborhood. Maybe there is a way to flip the property direction so as not to have problems between the neighbors and the vendor. Maybe access can be made via the alley.

Questions were asked regarding the layout of the property to avoid clients turning in off Gulf, which according to Mr. Newton, is the primary choice for access. Mr. Newton reported that the direction could be flipped but it would not meet all of the City standards.

City Manager Robert Patrick reported that Engineering's choice would be access off the alley.

Development Services Director Chuck Harrington reported that the property will require an eight-foot masonry wall. The majority of complaints are centered around excess traffic. It was reported that this is a three-chair salon.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10303; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Corrales

ABSTAIN: None

ABSENT: None

29. 10304 – AN ORDINANCE VACATING AND ABANDONING A 0.192-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 11-14, BLOCK 2, 349 RANCH ESTATES, LOTS 30 AND 31, BLOCK 2, 349 RANCH ESTATES, SECTION 2, AND LOT 28A, BLOCK 2, 349 RANCH ESTATES, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 245 FEET SOUTH OF WASHITA STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,399.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10304.

Mayor Payton opened the public hearing at 10:48 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. 10304; 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

30. 2022-047 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A VENDOR MARKET AND CONCERT ON A 0.86-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1A, BLOCK 54, ORIGINAL TOWN ADDITION, SECTION 14, AND LOTS 1-12, BLOCK 65, ORIGINAL TOWN ADDITION, AND AN APPROXIMATE 80-SQUARE FOOT PORTION OF SIDEWALK ALONG THE WEST WALL STREET RIGHT-OF-WAY AND AN APPROXIMATE 500-SQUARE FOOT PORTION OF SIDEWALK ALONG THE LORAIN STREET RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO LOT 1, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF WEST WALL STREET AND LORAIN STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

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

Midland Downtown Park Conservancy Board Member Sharla Hotchkiss gave a brief overview of their upcoming event on August 6th, 2022 which will overlap the LoStreet event. As the date gets closer they will ask that the streets on both sides be closed for the event. There should not be much of a conflict as the two events start at different times.

Council Member Dufford asked about reaching out to businesses that had issues the last time a big event took place downtown so not to have the same problems and Mayor Payton inquired about unloading of the trucks.

Midland Downtown Park Conservancy Director Stephanie Martin explained where the trucks would be able to unload for this event. She also explained where the food trucks will be.

Mrs. Hotchkiss reported these large events are what the City Council envisioned, the abundance of revitalization downtown.

Questions were asked and answered regarding trash pickup and bathrooms.

Lauren Johnson, 3406 Sinclair Avenue, thanked everyone involved. They are grateful to have the opportunity to have events.

Council Member Lori Blong inquired about issues regarding port-a-potties. Mr. Harrington reported in the resolution, twelve port-a-potties need to be available.

Ms. Johnson reported on the issues regarding port-a-potties and what they are doing to help with it.

Mr. Harrington reported that security is required when alcohol is involved.

City Attorney John Ohnemiller reported that according to the resolution, two peace officers are required in addition to one extra for every 100 people expected to attend.

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

Lori Blong moved to approve Resolution No. 2022-047 with the amendment to approve dates through 2022 only; 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

MISCELLANEOUS

31. 2022-048 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC (“OPERATOR”) TO DRILL ELEVEN OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 405 AND 470 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION AND BETWEEN 586 FEET AND 2,800 FEET EAST OF NORTH MIDLAND DRIVE); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES)

Peter Gregg, Austin, speaking on items 31 and 32, reported he represents the Evans Family interest who own the property adjacent to the south of this proposal. The recommendation is based on a noise study that is incorrect. We had a study conducted by SLR who has identified an 11.1 decibel impact; meaning you will have almost a doubling of sound and the compressor at the location of the property will be the dominant sound.

Council Member Dufford inquired if the compressor station can be moved and the short answer is yes according to Mr. Gregg. However, the question that continues to be asked by the Evans Family is why can't the compressor be moved to the tank battery which is about 2,000 feet away.

Mayor Payton inquired how far apart the locations in item 31 and 32 are from each other. It was reported they are about half a mile apart. Mayor Payton then inquired what's the volume for 11 decibels and it was reported that 20 decibels is the equivalent to leaves rustling and 10 decibels is a leaf falling.

Oil & Gas Compliance Officer Ron Jenkins explained about compressor systems, sound,

pumps and sound walls.

Travis Langdon, Senior Council for DiamondBack, submitted to the City the first time November 2, 2021 and believes their application speaks for itself. They are working with the Evans representative and are building a permanent brick structure around the compressor.

Scott Dufford moved to defer Resolution No. 2022-048; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

32. 2022-049 – RESOLUTION GRANTING A VARIANCE FOR LOTS 7, 8, 9, AND 10, BLOCK 11, MOCKINGBIRD HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WOOD DRIVE AND VALWOOD DRIVE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 250 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DISTRICT: 1) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting four homes need a variance of 250 feet.

Travis Langdon, Senior manager/partner DiamondBack, has worked closely with Council for over five years. He objects, read reasons for the objection and asked Council to deny the Evans Family request.

Lori Blong moved to defer Resolution No. 2022-049; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: Dufford

ABSTAIN: None

ABSENT: None

33. 2022-050 – RESOLUTION GRANTING A VARIANCE FOR A 50.239-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST LOOP 250 NORTH), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 214 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DISTRICT 1) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is similar situation to the last item, however, all parties know what's going on and are in

agreement.

Dan Corrales moved to approve Resolution No. 2022-050; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

Robin Poole moved to appoint Kenneth Whiting (Fire Protection) and Dean Kelly (Plumbing and Mechanical contractor) to the Building and Fire Code Review Committee; 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 COMMENT

35. 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.)

Jessie Martinez 4113 N. County Road 1140 reported he missed item number nine but just wanted to say thank you.

Community Services Manager Isaac Garnett reported that Ms. Shirley Howard is doing well and thanked everyone for their prayers. She would like to invite everyone to an Easter Eggstravaganza April 14 at 4:00 p.m. at the MLK Center.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 11:42 a.m.

36. 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

All the business at hand having been completed, the meeting adjourned at 12:33 p.m.

PASSED AND APPROVED April 26, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary