

**MIDLAND CITY COUNCIL  
MINUTES  
May 11, 2021**



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The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 11, 2021.

**Council Members present:** Lori Blong, Michael Trost, Spencer Robnett, 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, Assistant City Manager Tina Jauz

The meeting was called to order at 10:01 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:
  - a. Proclamation to Encompass Health Rehabilitation Hospital for National Nurses Week.

**CONSENT AGENDA**

Spencer Robnett moved to approve the Consent Agenda items 4-8; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

4. MOTION APPROVING THE FOLLOWING MINUTES:
  - a. BRIEFING SESSION MEETING OF APRIL 27, 2021
  - b. REGULAR MEETING OF APRIL 27, 2021
  - c. SPECIAL MEETING OF MAY 4, 2021
5. 051-2021 – MOTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING SERVICES WITH THE REGION 8 EDUCATION SERVICE CENTER THROUGH A PROGRAM KNOWN AS THE INTERLOCAL PURCHASING SYSTEM (TIPS) PROGRAM (GENERAL SERVICES)
6. 2021-056 – RESOLUTION APPROVING A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF STANDING SEAM METAL ROOFING AT FIRE STATION 10 FOR A TOTAL COST OF \$164,953.25; AND APPROPRIATING FUNDS FOR SAID CONTRACT (GENERAL SERVICES)
7. 2021-057 – RESOLUTION APPROVING THE PURCHASE OF TWO (2) FORD F-150 4X4 CREW CAB TRUCKS AND ONE (1) FORD F-250 4X4 CREW CAB TRUCK FROM CHASTANG FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF \$239,882.00 (GENERAL SERVICES)
8. 052-2021 – MOTION ACCEPTING FUNDS FROM THE 2021 TEXAS "J"- REGIONAL ADVISORY COUNCIL GRANT (DISTRICT: NONE) (FIRE)

## **SECOND READINGS**

9. 10175 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.53-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, FREELAND ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST GOLF COURSE ROAD AND ELKINS 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10175.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10175; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None  
ABSTAIN: None  
ABSENT: Trost

10. 10176 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.494-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 5, AND A 0.14-ACRE TRACT OF LAND OUT OF THE WEST HALF OF TRACT 6, LINDSAY ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MH, MANUFACTURED HOUSING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MONTGOMERY AVENUE AND MORAN 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 (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10176.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10176; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

11. 10177 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WALLACE HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF SINCLAIR AVENUE, APPROXIMATELY 290 FEET EAST OF NORTH LOOP 250 WEST); 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 APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10177.

John Norman moved to approve the second and final reading of Ordinance No. 10177; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

12. 10178 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 7 AND 8, BLOCK 5, GREENWOOD ADDITION, FIRST SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH CALHOUN STREET AND EAST KENTUCKY 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 APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10178.

Lori Blong moved to approve the second and final reading of Ordinance No. 10178; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

13. 10179 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF THE NORTHWEST QUARTER (ALSO KNOWN AS LOT 10), BLOCK 4, HOMESTEAD ADDITION, 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 NORTH TERRELL STREET, APPROXIMATELY 150 FEET NORTH OF EAST KANSAS 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 APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10179.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10179; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

14. 10180 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH 50 FEET OF LOT 2, BLOCK 11, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH FORT WORTH STREET, APPROXIMATELY 100 FEET

NORTH OF EAST OHIO 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 APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10180.

John Norman moved to approve the second and final reading of Ordinance No. 10180; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

15. 10181 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 AND 6, BLOCK 118, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH WEATHERFORD STREET, APPROXIMATELY 122 FEET SOUTH 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 APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10181.

John Norman moved to approve the second and final reading of Ordinance No. 10181; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

16. 10182 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 14, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH TERRELL STREET AND EAST OHIO 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 APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10182.

Lori Blong moved to approve the second and final reading of Ordinance No. 10182; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

17. 10183 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6, BLOCK 44, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH LEE STREET AND EAST KENTUCKY 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 APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10183.

John Norman moved to approve the second and final reading of Ordinance No. 10183; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Trost

18. 10184 – AN ORDINANCE ADOPTING AN ACCESS MANAGEMENT POLICY AND AMENDING TITLE IX, "PUBLIC WAYS AND PROPERTY", CHAPTER 4, "SIDEWALKS, DRIVEWAYS AND CURBING", OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REVISE THE SPECIFICATIONS CONTAINED THEREIN AND TO INCORPORATE THE ACCESS MANAGEMENT POLICY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE OF JUNE 1, 2021; AND ORDERING PUBLICATION (ENGINEERING SERVICES) (FIRST READING HELD APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10184.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10184; seconded by John Norman.

The motion passed by the following vote:

AYE: Robnett, Trost, Dufford, Norman

NAY: Payton, Ladd, Blong

ABSTAIN: None

ABSENT: None

## **PUBLIC HEARINGS**

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

19. 10185 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.92-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND TEJAS); 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 SueAnn Reyes read the caption of Ordinance No. 10185.

Mayor Payton opened the public hearing at 10:12 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.10185; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 10186 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 10,250-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), 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 SueAnn Reyes read the caption of Ordinance No. 10186.

Mayor Payton opened the public hearing at 10:14 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. 10186; 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

21. 10187 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 27.05-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 SOUTH SIDE OF OCCIDENTAL PARKWAY, APPROXIMATELY 1,335 FEET EAST OF CARRIAGE 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 (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington reported the applicant asked to have this item withdrawn and it will be put on a future meeting once notice requirements have been met.

22. 2021-058 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A FESTIVAL, COOK-OFF AND CONCERT EVENT ON LOT 1A, BLOCK 54, LOT 1A, BLOCK 55, A 0.26-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY ADJACENT TO LOT 1A, BLOCK 55, AND A 0.54-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY AND A 0.43-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY, BOTH ADJACENT TO BLOCKS 54 AND 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH COLORADO STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for the Hispanic Chamber of Commerce for their Mex Tex Festival. This year it is moving back downtown to Centennial Park.

Mayor Payton opened the public hearing at 10:17 a.m.

Adrian Carrasco, 2009 Mosswood, gave a brief history of the event noting this will be the 33<sup>rd</sup> year. It will be held on June 12, 2021. They are happy to be moving back downtown. This cultural event brings together families and is their most important fundraiser of the year. They have been working with Centennial Park, Bush Convention Center and VisitMidland as well as many other local partners and companies to make this event happen. They will have the Midland Police Department providing event security and will be using janitorial services to keep the venue clean. He thanked Council for their support in bringing the event back downtown.

Steven Villela, 1208 South Loraine, reported this event started on the south side of Lamesa, was moved downtown, then out to the sports complex and now they are happy for

it to move back downtown. This is a staple event in Midland and they are ensuring that measures have been taken for safety and need the road closure to host this cultural event.

Council Member Ladd reported he would be abstaining because he sits on the board of the Hispanic Chamber of Commerce.

There being no one else wishing to speak, the public hearing was closed at 10:20 a.m.

Lori Blong moved to approve Resolution No. 2021-058; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Ladd

ABSENT: None

## **PUBLIC COMMENT**

23. 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.)

Reagan Hignojo, 5108 Ric Drive, reported he attended an event a week ago and received a call that his son was having a meltdown at the mall. When he arrived his son appeared to be fine but as they were walking he went into a full blown meltdown. His son was diagnosed with autism when he was four years old. He is an accomplished horse rider, construction worker, and has climbed mountains. He has received therapy at MARC but is still a work in progress. As he was attempting to get his son home, someone, understandably, reported a kidnapping. Sergeant Ed Marker quickly assessed the situation and maintained a demeanor that kept the other officers calm all while his son told them that the police were stupid and used other expletives. Sergeant Marker's leadership influenced the other officers and he is grateful. His concern is that Sergeant Marker cannot be at all calls and wanted to ensure that officers are well trained to handle situations of people with learning disabilities and mental illness. In an era where the police are being criticized he wanted to recognize Sergeant Marker's actions and felt he should be commended.

Lauren Johnston, 3406 Sinclair Avenue, on behalf of the micro market requested a temporary road closure for the dates listed on the paper she distributed. She provided a map showing the area where the road would be closed. Their market has been held for almost a year in two different locations. They are growing and expanding and need more space which is why they are asking for the road closures. She clarified that they have over 100 vendors that have participated but they have space for 40 plus at each event not counting the permanent 11 small shops. Their events are held the first Saturday of every month from 10:00 a.m. to 6:00 p.m. Council Member Robnett noted that there is a formal application process that they need to go through and pointed her in the direction of Engineering Services Director Jose Ortiz to help her with the process.

R.J. Daum, 800 Marienfeld, asked for a motion to be placed on another agenda for an exemption to a City ordinance about El Montecito Estates. This started in 2013 and they have hit a perfect storm. There are 17 square miles of drainage from TxDOT development from Todd Road to Elkins Road. The drainage affects the flood plain study for the county and incorporated areas. The TxDOT design cites future growth and the whole burden is coming on top of the current land owner. They are asking for an exemption for economic hardship. They are at an impasse with the County Commissioners and need some help. Mayor Payton reported staff would work with him to get this placed on a future agenda.

## **EXECUTIVE SESSION**

Mayor Payton recessed the meeting to go to Executive Session at 10:36 a.m.

24. 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

All the business at hand having been completed, the meeting adjourned at 11:30 a.m.

PASSED AND APPROVED May 25, 2021.

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Patrick Payton, Mayor

ATTEST:

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Amy M. Turner, City Secretary