

**MIDLAND CITY COUNCIL
MINUTES
May 24, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 24, 2022.

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

Council Members absent: Patrick Payton

Staff members present: City Manager Robert Patrick, Deputy City Manager Morris Williams Jr, First Assistant City Attorney Stephen Gates

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

OPENING ITEMS

1. Invocation – Pastor Anthony Paredes, Homeline Baptist Church
2. Pledge of Allegiance

CONSENT AGENDA

Jack Ladd moved to approve consent agenda items 3-17, excluding items 6 and 8; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. SPECIAL SESSION OF MAY 5, 2022
 - 3b. BRIEFING SESSION OF MAY 10, 2022
 - 3c. REGULAR SESSION OF MAY 10, 2022

3d. SPECIAL SESSION OF MAY 12, 2022

3e. SPECIAL SESSION OF MAY 17, 2022

4. 2022-064 – RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2022 INVESTMENT POLICY (DISTRICT: NONE) (FINANCE)
5. 2022-065 – RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BKD, LLP FOR AUDIT SERVICES FOR THE CITY OF MIDLAND, TEXAS (DISTRICT: NONE) (FINANCE)
7. 2022-066 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARAGON ROOFING, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF A 50-MIL PVC DUROLAST FLEECE SYSTEM ROOF AT THE HEALTH DEPARTMENT AND MIDLAND SENIOR CENTER BUILDING FOR A TOTAL COST OF \$354,200.00; APPROVING \$45,800.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID CONTRACT (DISTRICT 4) (GENERAL SERVICES)
9. 2022-068 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF AN AVIAN AVERTING SYSTEM FOR THE DEPARTMENT OF AIRPORTS FROM AVIAN FLYAWAY INC. FOR A TOTAL COST OF \$149,990.00 (DISTRICT 4) (AIRPORTS)
10. 056-2022 – MOTION APPROVING A SECOND AMENDMENT TO THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KEPLER AEROSPACE, LTD (DISTRICT 4) (CITY MANAGER)
11. 2022-069 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 350 FEET EAST OF SOUTH LAMESA ROAD AND 183 FEET SOUTH OF INTERSTATE 20) (DISTRICT 2) (DEVELOPMENT SERVICES)
12. 2022-070 – RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 2) (DEVELOPMENT SERVICES)
13. 2022-071 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL EIGHT OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 445 FEET SOUTH OF SOLOMON LANE EXTENSION AND BETWEEN 952 FEET

AND 1,541 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES)

14. 2022-072 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 171 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES)
15. 2022-073 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,226 FEET AND 2,386 FEET EAST OF LAMESA ROAD AND BETWEEN 2,125 FEET AND 2,185 FEET NORTH OF LOOP 250); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES)
16. 057-2022 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF HAWK VIEW ADDITION, SECTION 5 BEING A REPLAT OF LOTS 18 AND 19, BLOCK 1, AND LOT 11, BLOCK 2, HAWK VIEW ADDITION, LOTS 29A, 29B, 30, AND 31, BLOCK 1, AND LOTS 1A, 8B, 12A, AND 15C, BLOCK 2, HAWK VIEW ADDITION, SECTION 4, ALL OUT OF MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH COUNTY ROAD 1270 AND WEST COUNTY ROAD 150) (EXTRATERRITORIAL JURISDICTION) (DISTRICT: NONE) (DEVELOPMENT SERVICES)
17. 058-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-004) WITH PINNACLE DOS PICOS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9 AND 16, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

6. 055-2022 – MOTION REJECTING THE SOLE PROPOSAL FOR CROSSING GUARD SERVICES; AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO: (I) REISSUE A REQUEST FOR PROPOSALS FOR CROSSING GUARD SERVICES PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN THE REQUEST FOR PROPOSALS, AND (II) NEGOTIATE A CONTRACT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (GENERAL SERVICES)

Administrative Services Director Mark Widmann reported the City of Midland contracts

crossing guards for MISD because the City is responsible for traffic control. Staff is requesting to reject the bid because the sole provider was non-responsive.

City Manager Robert Patrick reported that cities with a population over 80,000 must provide crossing guard services.

General Services Director Regina Stephenson reported that if this bid is rejected, they will come back to Council the second meeting in June since crossing guards would need to be in place by July for schools to start in August.

Jack Ladd moved to approve Motion No. 055-2022; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

8. 2022-067 – RESOLUTION APPROVING A CONTRACT WITH RESTROOM FACILITIES, LTD., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF A RESTROOM FACILITY AT THE SCHARBAUER SPORTS COMPLEX AUXILIARY FIELDS FOR A TOTAL COST OF \$384,734.00; APPROVING \$35,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)

Council Member Norman reported that after further discussion in a recent Parks and Recreation meeting it is in our best interest to add concession stands to this facility.

Community Services Director Christina Burns reported that they received a quote for a restroom building with concessions which is a difference of about \$160,000 from just the restroom building. It can be ready to come back to Council in three weeks. Rockhounds is the sole concessionaire for Momentum Bank and Grande Stadium so they would not be able to use their funds. The concessions are equipped and run by sports associations. A refrigerator is provided and whoever uses the facility will provide the food items they need. Currently, when the Rockhounds are not playing, the restrooms are opened up in their facility. When they are playing, individuals have to walk over 1,000 feet to the blue and white fields. This will all be funded through the unappropriated fund for the sports complex.

John Norman moved to defer Resolution No. 2022-067; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

SECOND READINGS

18. 10308 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF

MIDLAND TO REZONE LOT 1, BLOCK 1, EASTOVER SECOND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF JESSE STREET AND 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 3) (DEVELOPMENT SERVICES) (FIRST READING HELD MAY 10, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10308.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10308; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

19. 10309 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.38-ACRE TRACT OF LAND OUT OF LOTS 1, 2, 3 AND 4, BLOCK 4, WEST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, AND O-1, OFFICE DISTRICT, IN PART, TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF F STREET AND 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 3) (DEVELOPMENT SERVICES) (FIRST READING HELD MAY 10, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10309.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10309; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

20. 10310 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 14 THROUGH 21, BLOCK 7, AND LOTS 1 THROUGH 8, BLOCK 8, NUEVA LA JOLLA ADDITION, 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 EAST AND WEST SIDES OF SOUTH BENTON STREET, APPROXIMATELY 217 FEET NORTH OF 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 MAY 10, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10310.

John Norman moved to approve the second and final reading of Ordinance No. 10310; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

21. 10311 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,800-SQUARE FOOT PORTION OF LOT 1-J, BLOCK 5, COLONY PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WADLEY AVENUE, APPROXIMATELY 254 FEET EAST OF NORTH GARFIELD STREET), 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 3) (DEVELOPMENT SERVICES) (FIRST READING HELD MAY 10, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10311.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10311; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

22. 10312 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE SOUTH 200 FEET OF THE WEST 150 FEET OF THE EAST 857 FEET OF THE SOUTH HALF OF THE EAST 34 ACRES OF A CERTAIN 44-ACRE TRACT OUT OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WESTERN DRIVE AND WEST GOLF COURSE ROAD), BY PERMITTING A REDUCED MINIMUM LOT WIDTH; 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 MAY 10, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10312.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10312; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

PUBLIC HEARINGS

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

23. 059-2022 – HOLD A PUBLIC HEARING IN ORDER FOR THE CITY OF MIDLAND AND THE CDBG PRIORITIZATION COMMITTEE TO RECEIVE PUBLIC COMMENTS, GUIDANCE AND RECOMMENDATIONS REGARDING THE 2022-2023 CDBG GRANT APPLICATION SUBMISSIONS AND THE THIRD YEAR ACTION PLAN IN ACCORDANCE WITH THE FIVE YEAR CONSOLIDATED PLAN GOALS (DISTRICT: ALL) (DEVELOPMENT SERVICES)

Community Services Manager Isaac Garnett gave a report on the CBDG grant application submission and the third year action plan in accordance with the five year consolidated plan goals. Surveys have been submitted to the community and reflect the same projects as last year such as neighborhood improvements, streets, flooding, sidewalk improvements, childcare, homelessness, interventions and senior services.

As for funding, the Federal Government is still operating off of a continued resolution so the grant for the City of Midland regarding HUD has not yet been funded. We are hoping to receive last year's number of approximately \$1.3 million. Mr. Garnett went on to provide the tentative funding request numbers and information for each program.

Council Member Blong opened the public hearing at 10:28 a.m.

Tracy Renton, 4000 Compton, reported that 81% of seniors listed living safe and independently in their homes as a quality of life option for them. Through Midland Meals on Wheels and the home bound wrap around service assistance can be provided to seniors wanting to live independently. This grant will allow them to better serve seniors within our community.

Michelle McClellan, 8614 Fortuna Court, Midland Memorial Hospital, sees many people come through the hospital emergency room for mental health and substance use issues; predominately children and indigent. The CRISP (Community Referral and Indigent Services Program) targets those two specifically due to issues that come from COVID. One

part of the program would be to introduce an Adverse Childhood Experiences (ACE's) screening. A parent support group has been established and the goal is prevention and early intervention.

Individuals at risk for homelessness and the indigent population are two other categories that comes through the ER for assistance. They typically use the ER for medical services as they do not have transportation to get to a doctor nor do they have insurance. One way to assist them is through collaboration with the Salvation Army, EZ Rider and other services within the community.

The startup fund in the amount of \$260,000 requested would also help get into the schools and assist students who may be struggling, especially those whose first language is not English. The school district they are working with is St. Ann's.

Tonya Eckert, 1101 Garden Lane, applied for the Resiliency Project for senior citizens. They are also working with Stephanie Palmer on a project with GAIM Plan Counseling to assist seniors with services such as grief counseling and other subjects.

Brooke Rich, 3109 Ma Mar Avenue, a local business owner, mother of three children and a volunteer with Midland Memorial has been through the mental health system with her 16 year old daughter due to suicidal ideation. She has received calls from parents whose children attempted suicide. She works with parent support groups to help find resources for their children. She also works with the program at St. Ann's which has 400 students. A request for additional assistance has been put into Midland Health Services Coordinators. There is a huge need in the community for services to assist children who are suffering.

There being no one else wishing to speak, the public hearing was closed at 10:52 a.m. This was a public hearing only, no action was taken.

MISCELLANEOUS

24. 2022-074 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING THE REDISTRICTING OF THE CITY OF MIDLAND'S SINGLE-MEMBER COUNCIL DISTRICTS; ESTABLISHING NEW DISTRICT BOUNDARY LINES FOR THE CITY OF MIDLAND'S CITY COUNCIL ELECTIONS BASED ON 2020 CENSUS DATA; AND PROVIDING FOR AN EFFECTIVE DATE (DISTRICT: ALL) (CITY MANAGER)

Jack Ladd moved to approve Resolution No. 2022-074 with Plan A; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

PUBLIC COMMENT

25. 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.)

Liza Evans, Austin, Senior Counselor at WhiteWater Midstream spoke on behalf of Bangle and Whistler who has requested right-of-way licenses in the City for crossings of City owned property. As a gas and liquids transportation company they provide a safe take-away from the City and reduce the need for flaring which benefits the City and the community. The Utilities Department and the Assistant City Attorney have advised WhiteWater of Council's decision to increase right-of-way rates in accordance with University Lands rates, however, the proposed rates received are ten times University Lands rates. They would like to provide their proposal at the next Council meeting for a one-time ten year payment at University Lands rates or a single payment annualized over ten years.

City Manager Robert Patrick reported Council has not increased those rates. Based on University Lands rates the City charges an annual fee which is applied to all of the right-of-ways.

All the business at hand having been completed, the meeting adjourned at 10:57 a.m.

PASSED AND APPROVED June 14, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary