

**MIDLAND CITY COUNCIL
MINUTES
June 14, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 14, 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 10:04 a.m.

The agenda items were heard in the following order: 1-3, 12-13, 23, 4-8, 10, 9, 11, 14-22, 24-26.

OPENING ITEMS

1. Invocation – Pastor Larry Droll, St. Ann’s Catholic 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 honoring Pioneer Natural Resources
 - 3b. Presentation of a Proclamation for “Emancipation Proclamation Celebration Days”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

Dan Corrales moved to approve consent agenda items 4-11, excluding items 9 and 11; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

4a. REGULAR SESSION OF MAY 24, 2022

5. 2022-075 – RESOLUTION APPROVING A CONTRACT WITH RESTROOM FACILITIES, LTD., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF A RESTROOM AND CONCESSION FACILITY AT THE SCHARBAUER SPORTS COMPLEX AUXILIARY FIELDS FOR A TOTAL COST OF \$548,179.00; APPROVING \$55,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)
6. 060-2022 – MOTION AUTHORIZING THE EXECUTION OF A TERMINAL LEASE AGREEMENT WITH THE PERMIAN BASIN APARTMENT ASSOCIATION REGARDING CERTAIN OFFICE FACILITIES LOCATED IN THE WRIGHT OFFICE COMPLEX AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)
7. 061-2022 – MOTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT #68 IN ORDER TO RECEIVE GRANT FUNDS FOR THE PURCHASE OF AN AQUEOUS FILM FORMING FOAM TEST CART FOR AIRCRAFT RESCUE FIRE FIGHTING VEHICLES (DISTRICT 4) (AIRPORTS)
8. 062-2022 – MOTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT #69 IN ORDER TO RECEIVE GRANT FUNDS FOR THE FOLLOWING PROJECTS: (I) RECONSTRUCT TAXIWAY E, WEST OF TAXIWAY A; (II) RECONSTRUCT RUNWAY 16R BLAST PAD, REMOVE RUNWAY 34L CONCRETE BLAST PAD AND ADD ASPHALT SHOULDERS TO RUNWAY 10 BLAST PAD; AND (III) RECONSTRUCT ASPHALT AIR CARRIER APRON PAVEMENT WITH CONCRETE (DISTRICT 4) (AIRPORTS)
10. 2022-077 – RESOLUTION APPROVING THE FISCAL YEAR 2022-2023 BUDGET OF THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE (DISTRICT: NONE) (CITY MANAGER)

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

9. 2022-076 – RESOLUTION OF THE CITY OF MIDLAND, TEXAS, SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S ("ONCOR'S") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR

TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH ONCOR AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND COPIES OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL FOR THE STEERING COMMITTEE (DISTRICT: NONE) (CITY MANAGER)

Council Member Corrales noted that Oncor is looking to increase their rate by about 11%. If the City takes no action, then by default it goes to that rate.

Dan Corrales moved to approve Resolution No. 2022-076; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

11. 063-2022 – MOTION AUTHORIZING THE EXECUTION OF A 7.223-ACRE SANITARY SEWER EASEMENT AGREEMENT LOCATED IN SECTION 30, BLOCK 38, T-1-S, T & P RR COMPANY SURVEY, MIDLAND COUNTY, TEXAS, FROM DOLORES L. MCCALL; AND ORDERING THE CITY SECRETARY TO RECORD SAID INSTRUMENT IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)

Utilities Director Carl Craig gave a brief overview of the item noting this is the final easement for the Northeast Waste Water System that will go from the plant up to Loanstar Trail.

John Norman moved to approve Motion No. 063-2022; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

PUBLIC HEARINGS

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

12. 10313 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 20.719-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO SF-3 SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF MIDLAND DRIVE, APPROXIMATELY 475 FEET SOUTH OF GREENTREE BOULEVARD); 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. 10313.

Mayor Payton opened the public hearing at 10:14 a.m.

Travis Langdon, 500 West Texas Avenue, with Diamondback Energy opposes the proposal as they are concerned this will prohibit access to their well. They are also concerned how safe it would be to have a public road and a service road overlap.

John Newton, 5207 Hilltop, with Newton Engineering, spoke in favor of this item as a development in addition to Mockingbird Heights. Mr. Newton gave an overview of what the development would consist of once completed. It's basically an updated 2022 version of Mockingbird Heights. Mr. Newton spoke briefly on the traffic issues with Green Tree. Mr. Newton also noted the traffic on Green Tree is an existing issue.

Ryan Roberts, 4491 Hackberry Court, representing the Green Tree Homeowners Association spoke in opposition to items 12, 13 and 23. Mr. Roberts voiced concerns on behalf of the Green Tree residents regarding increased traffic and traffic going through residential roads. Another concern is the increase in families that would move into the area. They would like to see more plans to have their questions answered before moving forward with this development.

Lance Friday, 5307 Ellen Jayne Way in Green Tree spoke in support of this development stating the pros of possible development. Mr. Friday gave a brief history of the area and the possibilities that could come from more development.

Jarrold Sparks, 3917 Baybrook Court, President of Mockingbird Heights Section One, spoke in opposition to this item because there is not a plan for traffic in place. This would be a huge addition and proper planning needs to take place first.

Council Member Blong acknowledged that the right-of-way issue of possibly extending Mockingbird needs to be addressed.

Michelle Finney, 4605 Island Drive in Green Tree North spoke in opposition to this item because of lot sizes, home sizes and traffic.

Kay Shrader, 6402 Driftwood Drive, spoke in opposition to this item with the main issue being traffic and privacy due to short fences.

Tamara Fisher, 4916 Island Drive, spoke in opposition to this item with concerns regarding traffic and the safety of children in the area playing and riding bikes.

Mark Varner, 5106 Green Tree Boulevard, spoke in opposition to this item noting the traffic issues with speeding through Green Tree.

Paul Evans, Stanton, representing Evans Development Family Partnership, spoke in favor of this item providing the pros of developing new construction.

Engineering Services Director Jose Ortiz spoke on long term plans for this region such as

from Mockingbird to Holiday Hill Road. There is no funding for these plans and once funding is available it may take two plus years to complete. He addressed several other options and reported that Green Tree has the capacity to sustain more traffic.

Matt Jackson, 7004 Courtney Court, spoke in opposition to this item regarding the demographics given for people who live in the developing, noting that people will move to an area that will meet their needs. He doesn't agree it will be retired people. If someone wants their children in a certain school district, they will move there.

Clint Painter, 5000 Green Tree Boulevard, spoke in opposition to this item noting Green Tree cannot handle more capacity.

Mark Tisdale, 6951 Sunrise Court in Green Tree North, spoke in opposition to this item due to traffic, more houses and small lot sizes.

Elisa Flatt, 5503 Beechwood Court, spoke in opposition to this item stating Green Tree is a community and not a pass-through for traffic. Ms. Flatt also has safety concerns for children.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Lori Blong moved to defer the first of two readings of Ordinance No. 10313 and direct the applicant to bring it back as a Planned Development; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Corrales

ABSTAIN: None

ABSENT: None

13. 10314 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 5.720-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MIDLAND DRIVE AND GREENTREE BOULEVARD); 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. 10314.

Mayor Payton opened the public hearing at 11:33 a.m.

Kay Shrader, 6402 Driftwood, spoke against this item noting traffic and privacy issues.

There being no one else wishing to speak, the public hearing was closed at 11:36 a.m.

Lori Blong moved to defer the first of two readings of Ordinance No. 10314 and direct the applicant to bring it back as a planned development; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Poole, Blong, Payton, Dufford, Ladd, Norman
NAY: Corrales
ABSTAIN: None
ABSENT: None

14. 064-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: CHARGER 110 MIPA UNIT #H110SS AND CHARGER 120 MIPA UNIT #H120MS; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1,750 FEET AND 2,320 FEET WEST OF RANKIN HIGHWAY AND 520 FEET SOUTH OF WEST I-20; THIS IS A PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of this item noting he did receive a call about fracing noise.

Chris Hall, 500 West Wall, Senior Landman for Permian Deep Rock, reported that a sound study was conducted and it was found that the noise level for I-20 was actually louder than the drilling. They have put up 16-foot sound walls.

Mayor Payton opened the public hearing at 11:54 a.m.

Cathy LaBombard, 2704 South County Road 1102, spoke against this item due to fracing noise.

There being no one else wishing to speak, the public hearing was closed at 11:58 a.m. This was a public hearing only. No action was taken.

15. 065-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL MUSTANG 110 MIPA UNIT #H110SS; SAID WELL BEING GENERALLY LOCATED 2,335 FEET EAST OF RANKIN HIGHWAY AND 170 FEET SOUTH OF I-20; THIS IS A PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 11:59 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.

16. 10315 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,399-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, 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 BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN

CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10315.

Mayor Payton opened the public hearing at 11:59 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. 10315; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

17. 10316 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,210-SQUARE FOOT PORTION OF LOT 33C, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 428 FEET WEST OF NORTH MIDLAND DRIVE), 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 NIGHTCLUB 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. 10316.

Mayor Payton opened the public hearing at 12:02 p.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. 10316; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

18. 10317 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 3.570-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST COUNTY ROAD 110, APPROXIMATELY 150 FEET EAST OF SOUTH COUNTY ROAD 1205); 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. 10317.

Mayor Payton opened the public hearing at 12:03 p.m.

Susan Awbrey, 250 S. West County Road 110, spoke in favor of this item noting she is all for developing the City of Midland and giving people a chance to grow.

Jim Baker, 2609 West County Rd 110, spoke in opposition to this item noting he feels this is an illegal business.

Raul Dominguez, 106 Canyon Drive, spoke in favor of this item noting the area is already an industrialized area. Mr. Dominguez spoke on his future plans to enhance development for generations to come.

Chris Hodge, 1115 S. Duberry, spoke in opposition to this item noting his concern for safety since signs that used to say “no trucks” were removed.

There being no one else wishing to speak, the public hearing was closed at 12:30 p.m.

Council Member Norman commented on the industrial zoning area confirming with Engineering Director Jose Ortiz that the road was designed to handle trucks.

John Norman moved to approve the first of two readings of Ordinance No. 10317; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Corrales, Poole, Payton, Dufford, Norman

NAY: None

ABSTAIN: Ladd

ABSENT: Blong

19. 10318 – AN ORDINANCE VACATING AND ABANDONING A 0.871-ACRE PORTION OF WEST INDIANA AVENUE AND SOUTH K STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 93, 94, 96, 104, AND 105, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH L STREET AND WEST INDIANA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$75,881.52; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION

BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10318.

Development Services Director Chuck Harrington gave a brief overview of the item noting the request is being made on behalf of the two museums and the library. They are trying to redevelop the area including the parking lots and creating a pass-through type driveway.

Mayor Payton opened the public hearing at 12:37 p.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. 10318; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Corrales, Poole, Payton, Dufford, Norman

NAY: None

ABSTAIN: Ladd

ABSENT: Blong

20. 10319 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND WADLEY 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 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10319.

Mayor Payton opened the public hearing at 12:39 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Robin Poole moved to approve the first of two readings of Ordinance No. 10319; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Corrales, Poole, Payton, Norman

NAY: None

ABSTAIN: None

ABSENT: Blong, Dufford, Ladd

21. 10320 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST LOOP 250 NORTH), BY PERMITTING A

DEVIATION FROM OFF-STREET PARKING REQUIREMENTS; ESTABLISHING A THREE- YEAR TERM FOR SAID SPECIAL EXCEPTION; 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 B Y THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10320.

Development Services Director Chuck Harrington gave a brief overview of the item noting this request is a two-step process. We normally require masonry walls for trash enclosures, but since they cannot be seen from the street, staff is okay with not requiring masonry walls. Staff has an issue with the second item because the materials they are using, asphalt milling, will not hold parking stripes.

City Manager Robert Patrick reported that asphalt milling was used by the two previous individuals but it is not an approved use.

Council Member Poole suggested to approve their request now and see what happens with H-E-B in two to three years.

Mayor Payton opened the public hearing at 12:47 p.m.

Betsy Wells, 5008 Mira Vista, an owner and partner of the Tailgate, reported they are asking for two exceptions for the enclosure for the dumpster and the material used in the parking lot. They prefer to not fence the dumpsters since they are temporary and H-E-B could take the property. Regarding the parking lot, they agree with the staff regarding the use of asphalt milling. They would like to leave the parking lot as is, unstriped, with the asphalt milling that is currently there.

There being no one else wishing to speak, the public hearing was closed at 12:50 p.m.

Robin Poole moved to approve the first of two readings of Ordinance No. 10320 with the amendment to revisit in three years; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Corrales, Poole, Payton, Norman

NAY: None

ABSTAIN: Dufford

ABSENT: Blong, Ladd

22. 066-2022 – 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; THIS IS A PUBLIC HEARING ONLY (DISTRICT: ALL) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 12:52 p.m.

Michelle McClellan, 8614 Fortuna Court, spoke in favor of this item noting they applied for a grant asking for \$260,000 for the Youth Initiative at St Anns. Ms. McClellan reported that \$60,000 will go to one program and the other \$200,000 will go to the Indigent Program.

Lisa McGee, 4015 Dunkirk, works with adults and families with children that have barriers such as transportation, communication issues, and/or lack of social support. They help them in navigating and using the system. Ms. McGee explained what their services would entail.

Brooke Rich, 3109 MaMar Avenue, volunteers with the hospital and works with parents whose children may have attempted suicide. Ms. Rich spoke on the need and use for the program.

There being no one else wishing to speak, the public hearing was closed at 1:12 p.m. This was a public hearing only. No action was taken.

MISCELLANEOUS

23. 067-2022 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF MOCKINGBIRD HEIGHTS, SECTION 16, BEING A PLAT OF A 26.44-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF GREEN TREE BOULEVARD AND NORTH MIDLAND DRIVE) (DISTRICT 1) (DEVELOPMENT SERVICES)

Scott Dufford moved to approve Motion No. 067-2022; seconded by Dan Corrales.

The motion failed by the following vote:

AYE: None

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

ABSTAIN: None

ABSENT: None

24. MOTION MAKING VARIOUS APPOINTMENTS TO BOARDS AND COMMISSIONS (CITY SECRETARY’S OFFICE)

Chris Barnhill, Stanton, is seeking the reappointment of Ryan Peckham to the Permian Basin Community Centers (PermiaCare) Board.

Dan Corrales moved to reappoint Ryan Peckham to the Permian Basin Community Centers (PermiaCare) Board; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Corrales, Poole, Payton, Dufford, Norman

NAY: None

ABSTAIN: None

ABSENT: Blong, Ladd

Dan Corrales moved to appoint Bryan Stubbs to the MOUTD Board; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Payton, Dufford, Norman

NAY: None

ABSTAIN: None

ABSENT: Blong, Ladd

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.)

There were no citizens present wishing to speak.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go into Executive Session at 1:16 p.m.

26. 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 2:19 p.m.

PASSED AND APPROVED June 28, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary