

**MIDLAND CITY COUNCIL
MINUTES
June 22, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 22, 2021.

Council Members present: Spencer Robnett, Michael Trost, Scott Dufford, John Norman, Jack Ladd, Lori Blong

Council Members absent: Patrick Payton

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 10:02 a.m.

OPENING ITEMS

1. Invocation – Minister Kyle Rodgers, Stonegate Fellowship
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 honoring the Division IV TAPPS State Champion Midland Classical Academy Varsity Baseball Team.
 - 3b. Presentation of a proclamation honoring the Division I TAPPS State Champion Midland Christian School Varsity Baseball Team.
 - 3c. Council Member Norman recognized two Midlanders who will be going to the Summer Olympics in Tokyo: Bryce Hoppel and Natalie Hines.
 - 3d. Council Member Norman thanked the members of the Juneteenth Committee noting the event gets better every year.

CONSENT AGENDA

Spencer Robnett moved to approve Consent Agenda items 4-16, excluding item(s) 6, 8, 9, 10; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR SESSION OF JUNE 8, 2021

- 5. 2021-068 – RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH WELLS FARGO BANK, N.A. TO PROVIDE PRIMARY DEPOSITORY AND COMMERCIAL BANKING SERVICES FOR THE CITY OF MIDLAND (DISTRICT: NONE) (GENERAL SERVICES)**
- 7. 2021-070 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR THE TEXAS COMMISSION ON ENVIRONMENTAL COMPLIANCE LANDFILL TESTING AND CITIZEN COLLECTION STATION DESIGN SERVICES FOR THE SOLID WASTE DEPARTMENT FOR A COST OF \$546,300.00 (DISTRICT 2) (GENERAL SERVICES)**
- 11. 067-2021 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE AIRFIELD LIGHTING REHABILITATION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT, SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS MOTION, AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS (DISTRICT 4) (AIRPORTS)**
- 12. 2021-071 – RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MUSEUM OF THE SOUTHWEST (DISTRICT 2) (CITY MANAGER)**
- 13. 2021-072 – RESOLUTION APPROVING AN AMENDMENT TO THAT CERTAIN WESTERN UNITED LIFE BUILDING TEMPORARY ROOF CONTRACT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND LYDICK-HOOKS ROOFING CO. (DISTRICT 2) (CITY MANAGER)**
- 14. 2021-073 – RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATIONS DESIGNATION OF THIRTY PERCENT (30%) OF SALES TAX**

REVENUES FOR AUTHORIZED INFRASTRUCTURE IMPROVEMENT PROJECTS
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE § 501.103 (DISTRICT: ALL) (CITY
MANAGER)

15. 068-2021 – MOTION APPROVING A PROPOSED PRELIMINARY PLAT OF TAHOE LAKES ADDITION, SECTION 3, BEING A RE-PLAT OF LOT 2, BLOCK 1, TAHOE LAKES ADDITION, SECTION 2 AND A PLAT OF A 57.55 ACRE TRACT OF LAND LOCATED IN THE SW/4 OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF INTERSTATE 20, APPROXIMATELY 465 FEET EAST OF LAMESA ROAD) (DISTRICT 2) (DEVELOPMENT SERVICES)
16. 2021-074 – RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR RED RAIDER RIDES LLC TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)

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

6. 2021-069 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PRESIDIO NETWORKED SOLUTIONS GROUP, LLC, FOR CISCO ROUTERS AND NETWORK ENGINEERING SERVICES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$739,155.12 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT NONE) (GENERAL SERVICES)

Chief Information Officer Jennifer Frescaz gave a brief overview of the item noting we are laying fiber and this is for a electronics to connect it all together. We will have redundancy and good quality at each point. This is necessary to connect all areas to the main site.

Council Member Dufford asked if we piggybacked with the County to get better connectivity for first responders. Ms. Frescaz reported it is a shared vendor. The County laid theirs first and we came in behind them. They have worked with the County for interoperability for everything else.

Jack Ladd moved to approve Resolution No. 2021-069; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

8. 064-2021 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR STATE LOBBYING CONSULTANT SERVICES AND TO NEGOTIATE A PROFESSIONAL SERVICES

AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Ladd reported they met with the lobbying group during the legislative session and were less than impressed. They found out they had not shown up to any committees and had not done any work for the City. He asked if it was necessary to have a lobbyist at the state and federal level. City Manager Robert Patrick reported that when you look at the amount of state and federal funding received, it does pay to have a lobbyist. For state lobbyist it pays in off years. He added that with earmarks coming back, it is a no brainer to keep a lobbyist. Council Member Blong asked that performance metrics be included in their contract and to have a way out of the contract if they are not performing.

Mr. Patrick reported that on item #9 the federal lobbyist we currently have will not be turning in a proposal as he is making his exit plan.

Jack Ladd moved to approve Motion No. 064-2021; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

9. 065-2021 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR FEDERAL LOBBYING CONSULTANT SERVICES AND TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)

Jack Ladd moved to approve Motion No. 065-2021; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

10. 066-2021 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE RELOCATE VEHICLE GATES SV1A AND SV1B AND ASSOCIATED ROADWAY AND CARGO ROAD RECONSTRUCTION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT, SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS MOTION, AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS (900321) (DISTRICT

4) (AIRPORTS)

Council Member Robnett asked if this has anything to do with the new fence design. Airports Director Justine Ruff reported that is a different item. This is a new spec so they don't have to do it twice.

Spencer Robnett moved to approve Motion No. 066-2021; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

SECOND READINGS

17. 10191 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 AND 2, BLOCK 37, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST INDIANA AVENUE AND SOUTH E STREET), BY PERMITTING A REDUCED MINIMUM LOT DEPTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 08, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10191.

Jack Ladd moved to approve the second and final readings of Ordinance No. 10191; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

18. 10192 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 97.05-ACRE TRACT OF LAND OUT OF SECTIONS 35 AND 36, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST STATE HIGHWAY 158, APPROXIMATELY 11 FEET WEST OF BRANDY HILL ROAD); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 08, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10192.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10192; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

19. 10193 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATIONS OF THE AREA INDICATED AS BEING A 97.05-ACRE TRACT OF LAND OUT OF SECTIONS 35 AND 36, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, AND AN RR, REGIONAL RETAIL DISTRICT, IN PART; SAID TRACT BEING GENERALLY LOCATED ON THE NORTH SIDE OF WEST STATE HIGHWAY 158, APPROXIMATELY 11 FEET WEST OF BRANDY HILL 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 (DISTRICT: NONE) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 08, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10193.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10193; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

20. 10194 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,712-SQUARE FOOT PORTION OF LOT 20A, BLOCK 17, GREATHOUSE ADDITION, SECTION 13, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND PORTICO WAY), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN AN EVENT CENTER 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 JUNE 08, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10194.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10194; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

PUBLIC HEARINGS

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

21. 069-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO MCM OPERATING, LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MB-1H; MB-2H; MB-3H; MB-4H; MB-5H; MB-6H AND MB-7H; SAID WELLS BEING GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE AND BETWEEN 1,681 FEET AND 1,801 FEET EAST OF HOLIDAY HILL ROAD (DISTRICT 1) (DEVELOPMENT SERVICES)

Mayor Pro Tem Blong opened the public hearing at 10:32 a.m.

Chris Hamilton reported he was available to answer questions.

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting there were four wells that were going to be plugged, the new wells will be in a new location and there is a centralized tank battery in the county. They are using quiet frac with 24-foot sound walls on all four sides.

Chris Hamilton added that their operations worked with the homeowners association. There will also be a masonry and wood fence between the HOA.

There being no one else wishing to speak, the public hearing was closed at 10:35 a.m.

22. 10195 – AN ORDINANCE VACATING AND ABANDONING A 0.05-ACRE PORTION OF SOUTH CARRIZO STREET RIGHT-OF-WAY LOCATED ADJACENT TO THE SOUTH 20 FEET OF LOT 2 AND ALL OF LOTS 3 AND 4, BLOCK 60, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CARRIZO STREET, APPROXIMATELY 92 FEET SOUTH OF WEST WALL STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$4,400.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10195.

Mayor Pro Tem Blong opened the public hearing at 10:36 a.m.

Judy Farris, 4701 Sunshine Parkway, reported she didn't know about this until last week and wanted to ensure she understood that the City is giving the applicant 10 feet of Carrizo Street.

Development Services Director Chuck Harrington gave a brief overview of the item noting that according to the maps this area has already been vacated but they can find no official records referencing it. This will be putting into place, what was previously thought to have already been vacated. It has nothing to do with closing Carrizo but just documenting their access to their right-of-way on the west of their site. City Attorney John Ohnemiller added that nothing is changing, it is just being papered properly.

Judy Farris added that according to the map it is an additional 10 feet behind where the cars currently park and they object to that as the street is already very narrow. She felt it would be a problem with traffic and for gaining entrance into the parking lots.

Mr. Harrington clarified there will be no physical change, things will continue to operate as they are currently.

Engineering Services Director Jose Ortiz reported he has not personally talked to the applicant but this will have no impact to any conditions as they currently exist. Mayor Pro Tem Blong asked staff to please get clarification from the applicant that they are not wanting an additional 10 feet before the second reading.

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

Michael Trost moved to approve the first of two readings of Ordinance No. 10195; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

23. 10196 – AN ORDINANCE VACATING AND ABANDONING A 1.15-ACRE PORTION OF REYES STREET RIGHT-OF-WAY LOCATED IN SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN CHUKAR LANE AND TODD DRIVE, APPROXIMATELY 823 FEET NORTH OF EAST BUSINESS INTERSTATE 20); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$21,850.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10196.

Mayor Pro Tem Blong opened the public hearing at 10:48 a.m.

Development Services Director Chuck Harrington reported this request is being made on behalf of Green Acres Golf. This portion of land has never been open. It is just an open space with utility poles and the easements will be retained. It doesn't change things and it is just vacant land.

There being no one else wishing to speak, the public hearing was closed at 10:50 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10196; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

24. 10197 – AN ORDINANCE VACATING AND ABANDONING A 0.65-ACRE PORTION OF WASHITA STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 24 THROUGH 27 AND 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 STATE HIGHWAY 349, APPROXIMATELY 527 FEET SOUTH OF TEJAS); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$28,203.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10197.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request being made on behalf of the owner by Maverick Engineering for a vacation of a street that is not being utilized. They wish to make the street private and the City would not maintain it. There is an appraised value of \$28,302 by Midland Central Appraisal District. City Manager Robert Patrick reported that it is a cul-de-sac with no homes. With no traffic to keep it compacted, it deteriorates quickly.

Mayor Pro Tem Blong opened the public hearing at 10:53 a.m.

Andrew Mellen, Maverick Engineering, reported the roadway is dilapidated and has never been up to standard. The only adjoining land owner wants to improve it and make it a good standard and is asking for a waiver of the appraised value. City Attorney John Ohnemiller clarified that an amendment is needed to waive the fees.

There being no one else wishing to speak, the public hearing was closed at 10:55 a.m.

Michael Trost moved to approve the first of two readings of Ordinance No. 10197 with amendment to waive the fee; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

25. 10198 – AN ORDINANCE VACATING AND ABANDONING A 0.032-ACRE PORTION OF EAST MISSOURI AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK

79, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST MISSOURI AVENUE AND SOUTH MINEOLA STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,772.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10198.

Development Services Director Chuck Harrington gave a brief overview of the item noting this portion of Missouri is very wide and the 10-foot portion will allow the applicant to develop the property as a commercial site. Staff reviewed the item and is in favor of the request.

Mayor Pro Tem Blong opened the public hearing at 10:57 a.m.

Everado Rodriguez, 1509 N. Big Spring, reported he does business as Bill Rodriguez. He is asking for a 10-foot easement because he plans to develop the lot. The Salvation Army is across the street and he wants the extra ten feet for an additional buffer.

There being no one else wishing to speak, the public hearing was closed at 11:00 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10198; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

26. 10199 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 1, MIDLAND COUNTRY CLUB ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED APPROXIMATELY 345 FEET NORTH OF TEJAS AND APPROXIMATELY 455 FEET WEST OF NORTH STATE HIGHWAY 349); 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. 10199.

Mayor Pro Tem Blong opened the public hearing at 11:01 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10199; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

MISCELLANEOUS

27. 10200 – DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF “CITY OF MIDLAND, TEXAS TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021,” INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION, ESTABLISHING PARAMETERS FOR THE SALE AND ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION AND DELEGATING CERTAIN MATTERS TO AN AUTHORIZED OFFICIAL OF THE CITY (DISTRICT: NONE) (FINANCE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10200.

Interim Finance Director Christy Weakland gave a brief overview of the certificate of obligation bonds the City is seeking noting \$25 million is for park improvements and \$30 million for water/sewer infrastructure. George from Hilltop Security is available if there are any questions.

Spencer Robnett moved to approve the first and only reading of Ordinance No. 10200; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

28. 070-2021 – MOTION PROVIDING DIRECTION TO THE CITY MANAGER REGARDING FISCAL YEAR 2022 HOTEL MOTEL FUND GRANT FUNDING LEVELS FOR AGENCY RECIPIENTS (DISTRICT: NONE) (FINANCE)

Interim Finance Director Christy Weakland reported that hotels are receiving much less revenue in the current fiscal year due to the pandemic. Agencies requesting grants were given less money for the upcoming fiscal year. A Council Member suggested finding a way to make up the difference to bring them up to the level they received in the current fiscal. The cost to do that is \$912,320.00 Staff is asking for guidance on how to proceed. Money could be given from MDC promotional budget, funds could be taken from the hotel/motel fund balance, or it could stand as it is.

Following discussion, suggestions were made to handle this during the budget process over the next several months.

Danny Holeva, 4 Stutz Court, Executive Direct of Arts Council Midland, reported he has been a Council partner for three decades by subgranting to arts programming in the City.

Their funds were cut 38% the previous year. They are asking for \$125,000 to do arts programming. These funds would help volunteer driven organizations make it through 2022. He made himself available to answer any questions.

Michael Trost moved to approve Motion No. 070-2021 directing the City Manager to investigate sources of revenue to fund the groups and make a recommendation to City Council; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

29. 10201 – AN ORDINANCE AMENDING THE 2020-2021 FISCAL YEAR BUDGET SO AS TO INCREASE THE AMOUNT APPROPRIATED TO THE SPAY / NEUTER VOUCHER PROGRAM (DISTRICT: ALL) (CITY MANAGER)

Animal Services Manager Leah Lewis reported that in 2018 the City approved the pilot TNR program (trap, neuter, release). They allow residents to borrow live traps to humanely trap cats, neuter and vaccinate, clip their ear tips and release outdoors. The City provides a \$70 medical voucher with the agreement to waive the license and allow rabies shots to be administered at the time of neutering. This year they have depleted the voucher budget. Staff recommends adding an additional \$80,000 to the program. When asked why the increase, it was reported there have been a lot of feral cats that are being neutered. Deputy City Manager Morris Williams added that there was a commitment from Council for this program with the intent to evaluate it in a couple of years to determine if it's working. When asked the ratio of pets to feral cats, Ms. Lewis reported that from October through May it was 55% owned animals and 45% feral cats. She reviewed the requirements for getting a City voucher. They are limiting vouchers for feral cats to 10 per week. The voucher is given to the vet who turns them into the City for reimbursement. It was noted that the combination of voucher program and TNR program is unique to Midland.

Karen Patterson, 4921 NCR 1147, reported she is the president of Fix West Texas. The purpose of the voucher program is to lower the intake of animals and lower euthanasia. There were just under 2,000 animals that were killed last year, not because the City wants to, but because the community did not have the resources to spay/neuter. Last year the mobile clinic spayed 3,500 animals. This year they doubled that number in just six months. Before their clinic came the cost to spay/neuter ranged from \$200-\$600 which priced most people out of the market. Their cost to spay/neuter ranges from \$75 – \$95 and they largely rely on volunteers. Feral cats are being trapped on behalf of the elderly and disabled. If we don't control the population the feral cat problem will only get worse.

Keith Dial, Odessa, reported this is a unique program. He doesn't think we are telling our story well enough to the community. He thanked those responsible for the vision of this program and for the new shelter. Euthanasia takes an emotional toll on staff. If we can get more people to Fix West Texas or other local vets, the less we will have to deal with.

Carol Savage, 3801 St. Andrews Court, reported she is the Vice President of Midland Cat Wranglers, a 501(c)3. They loan out traps or help trap feral cats for the elderly. They take the cats to surgery, keep them overnight, and then return them to where they were trapped. The cat wranglers are trying to help with awareness and they only trap when they are invited to do so. She asked Council to continue the voucher program.

Jannika Anderson, 3613 Wedgewood, believes in the trap neuter release program 100%. She had feral cats that kept coming to her house and she fed them because it is the right thing to do. She noticed one was pregnant. She invited Carol over and they trapped the pregnant cat and spayed her. The cat now lives in her back yard. Euthanasia is very inhumane but the TNR program is very humane. She asked for Council's continued support of the program.

Tracy Gearhart, 6706 Mosswood, thinks a feral cat program, if run properly, is a wonderful thing for the City. Her concern is that feral cats live a horrible life. They are left outside to fend and take care of themselves with many having no access to food, water and shelter. They get torn up by predators and run over by cars. She did TNR with 10 cats and has heard back that since then all 10 cats are no longer alive and she can't get over that.

Anarani Medina, 4624 Leisure Drive, spoke in favor of the voucher program and for those who trap neuter and release. They rescued 3 cats last year and without the help of the voucher program and Fix West Texas, they would not have been able to adopt those animals.

Shirley Cook reported that her sister died in 2019 with a lot of cats. She spent thousands of dollars caring for those animals. There should be a law against that. She is dead because those cats wore her down.

When asked how we are sure that the animals being fixed are not coming from outside of the City Limits, Karen Patterson reported that when the City issues the vouchers, they are verifying the address of each resident. If they are trapping, they have to report from what area they are trapping the cat.

Council Member Robnett thought an increase of \$65,000 should help the voucher program for the remainder of the budget year. We need to have a conversation about this program.

Carrie Powell, 315 W. Ohio, explained how the cat wrangler program works noting they started with five members and now have 380 in just about two years.

Council Member Norman asked if there was anything in the code that limits the number of animals a person can have. Leah Lewis reported that if your animals are fixed you can have a total 8 animals. If they are not sterilized you can have up to 5.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10201 with the amendment to increase the current budget by \$65,000 and revisit as part of the budget process; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None
ABSENT: Payton

30. 071-2021 – MOTION GRANTING CACTUS SIGN COMPANY'S APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR LOT 1A, BLOCK 109, ORIGINAL TOWN ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH MARIENFELD STREET, APPROXIMATELY 80 FEET NORTH OF EAST FRONT STREET (COUNCIL DISTRICT 3) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting that the proposed sign is located on public property on Marienfeld and exceeds the standards for signage. They are requesting to put up a 25-foot sign with 50-feet of electric messaging board. The maximum allowed is 15% of the space or 42 square feet with a maximum height of 20 feet. If they place the sign on their other frontage road they would not need a variance. Staff reviewed the item and because there are other options, staff cannot recommend approval.

Jack Ladd moved to approve Motion No. 071-2021; seconded by Scott Dufford.

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

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

Chris Barnhill, 1000 W. Broadway, CEO PermianCare is seeking the appointment of Derek Cook to replace retiring member Larry Edgerton on the Permian Basin Community Centers Board.

John Norman moved to appoint Latoya Mayberry to the Midland Housing Authority Commission and Derek Cook to the Permian Basin Community Centers Board; seconded by Michael Trost.

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

PUBLIC COMMENT

32. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

There were no citizens present wishing to speak.

EXECUTIVE SESSION

Mayor Pro Tem Blong recessed the meeting to go to Executive Session.

33. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

a. Section 551.072, Deliberation Regarding Real Property

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

All the business at hand having been completed, the meeting adjourned at 1:35 p.m.

PASSED AND APPROVED July 13, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary