

**MIDLAND CITY COUNCIL  
MINUTES  
July 13, 2021**



---

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 13, 2021.

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

**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 10:02 a.m.

**OPENING ITEMS**

1. Invocation – Pastor Randy Sims, Midland Bible Church
2. Pledge of Allegiance

Mayor Payton announced that agenda items 25 and 26 would be heard first.

**CONSENT AGENDA**

Lori Blong moved to approve the Consent Agenda items 3-16, excluding item(s) 4, 8, 9; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

3. MOTION APPROVING THE FOLLOWING MINUTES:

3a. BRIEFING SESSION OF JUNE 22, 2021

3b. REGULAR SESSION OF JUNE 22, 2021

- 3c. SPECIAL SESSION OF JUNE 23, 2021
- 3d. SPECIAL SESSION OF JUNE 28, 2021
- 3e. SPECIAL SESSION OF JUNE 29, 2021
- 3f. SPECIAL SESSION OF JULY 1, 2021
- 5. 2021-076 – RESOLUTION AWARDDING A CONTRACT FOR THE MIDLAND DRAW UTILITY ADJUSTMENT PROJECT TO RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF \$420,818.00; AND APPROVING \$84,163.00 FOR CONTINGENCIES (DISTRICT 2) (GENERAL SERVICES)
- 6. 072-2021 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE REGION 14 EDUCATION SERVICE CENTER SO AS TO PROVIDE FOR THE CITY OF MIDLAND’S PARTICIPATION IN THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (DISTRICT: NONE) (GENERAL SERVICES)
- 7. 073-2021 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR ON-CALL ENGINEERING SERVICES AND SERVICES PROVIDED IN CONNECTION THEREWITH FOR THE ENGINEERING SERVICES DEPARTMENT AND TO NEGOTIATE PROFESSIONAL SERVICES AGREEMENTS WITH UP TO EIGHT FIRMS FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (GENERAL SERVICES)
- 10. 074-2021 – MOTION AUTHORIZING THE EXECUTION OF A TERMINAL LEASE AGREEMENT WITH MIDESSA TELEPHONE SYSTEMS, INC., FOR THE LEASE OF CERTAIN OFFICE SPACE LOCATED AT THE LAFORCE OFFICE CENTER AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)
- 11. 075-2021 – MOTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO EXECUTE A GRANT AGREEMENT FOR THE FEDERAL AVIATION ADMINISTRATION AMERICAN RESCUE PLAN ACT 2021 GRANT (DISTRICT 4) (AIRPORTS)
- 12. 076-2021 – MOTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO EXECUTE A GRANT AGREEMENT FOR THE FEDERAL AVIATION ADMINISTRATION AMERICAN RESCUE PLAN ACT 2021 CONCESSION RELIEF GRANT (DISTRICT 4) (AIRPORTS)
- 13. 2021-079 – RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND’S 2021-2022 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR THE CITY’S FISCAL YEARS 2020-2024; THE CONSOLIDATED PLAN HAVING BEEN APPROVED BY RESOLUTION NUMBER 2020-127; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (DISTRICT: ALL)

(DEVELOPMENT SERVICES)

14. 2021-080 – RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY REAL PROPERTY INTERESTS NECESSARY OR APPROPRIATE, BY ANY INSTRUMENTS OF CONVEYANCE NECESSARY OR APPROPRIATE, FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE, AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH IN THE PORTION OF THE CITY THAT IS NORTH OF INTERSTATE 20, EAST OF MIDKIFF ROAD, SOUTH OF FRANCIS AVENUE, AND WEST OF RANKIN HIGHWAY; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE, AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTERESTS, PURCHASE TITLE INSURANCE POLICIES, AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES, AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE.
15. 2021-081 – RESOLUTION APPROVING A MUNICIPAL MAINTENANCE AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF MIDLAND TO PROVIDE FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND PORTIONS OF STATE HIGHWAYS IN THE CITY OF MIDLAND; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THIS RESOLUTION TO THE STATE OF TEXAS AND TO TRANSMIT THE EXECUTED AGREEMENT TO THE STATE OF TEXAS (DISTRICT: ALL) (ENGINEERING SERVICES)
16. 077-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NUSTAR PERMIAN TRANSPORTATION & STORAGE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 2, 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.**

4. 2021-075 – RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT ENTERPRISE VOLUME AND TRUE-UP LICENSING FROM SHI GOVERNMENT SOLUTIONS, INC., OF AUSTIN, TEXAS, THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$1,120,411.27; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Trost asked what true up means. Chief Information Officer Jennifer Frescaz reported this is for Microsoft licensing for PCs, servers and equipment for a three year term.

Spencer Robnett moved to approve Resolution No. 2021-075; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

8. 2021-077 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH EXERPLAY, INC., FOR THE PURCHASE AND INSTALLATION OF CERTAIN PLAYGROUND EQUIPMENT AND RENOVATIONS AT WINDLANDS PARK THROUGH BUYBOARD AT A TOTAL COST OF \$120,986.07; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 3) (GENERAL SERVICES)

Dustin Johnson, 700 McDonald, thought it was ridiculous to spend that much money on a playground and \$5 million at Hogan Park when the skate park has had nothing done. We shouldn't spend money on new parks when we can't maintain what we already have. He felt that all parks should have shade structures and bench seating.

Council Member Robnett noted that in the past there was talk about matching funds raised by his group for improvements to the park. He asked if they have raised any money. Mr. Johnson reported they have not. Mayor Payton asked if shade structures and seating were added to the skate park if he would be opposed to this item. Mr. Johnson reported he would not.

Council Member Norman asked if this cost included shade. Parks & Recreation Manager Laurie reported it was just for the park equipment. Council Member Trost thought this was too much money.

Spencer Robnett moved to approve Resolution No. 2021-077; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

9. 2021-078 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH ONYX GENERAL CONSTRUCTION, LLC, IN THE AMOUNT OF \$6,266,014.00 FOR THE MULTI-FACILITY REHABILITATION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (AIRPORTS)

Council Member Trost asked if this is all airport money being used. Airports Director Justine Ruff reported they are using CARES Act money for the majority of this project.

Spencer Robnett moved to approve Resolution No. 2021-078; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None  
ABSTAIN: None  
ABSENT: None

## **SECOND READINGS**

17. 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) (FIRST READING HELD JUNE 22, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10196.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10196; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

18. 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) (FIRST READING HELD JUNE 22, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10197.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10197; 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

19. 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) (FIRST READING HELD JUNE 22, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10198.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10198; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 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) (FIRST READING HELD JUNE 22, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10199.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10199; 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. 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) (FIRST READING HELD JUNE 22, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10201.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10201; seconded by Michael Trost.

The motion passed by the following vote:

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

## **PUBLIC HEARINGS**

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

22. 078-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: BANKHEAD 4-33 UNIT 2A #162; BANKHEAD 4-33 UNIT 2A #173; AND BANKHEAD 4-33 UNIT 2A #182; SAID WELLS BEING GENERALLY LOCATED 580 FEET NORTH OF WEST I-20 SERVICE ROAD AND BETWEEN 1,157 FEET AND 1,207 FEET EAST OF SOUTH MIDKIFF (DISTRICT 2) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the location is near the window pane area. It was previously permitted and will have a sound wall on a portion of the site. The tank battery is located in the county to the north. This is similar to the previously permitted wells on this site.

Mayor Payton opened the public hearing at 12:09 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

23. 079-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE OIL AND GAS WELL CHARGER #H130LS; SAID WELL BEING GENERALLY LOCATED 2,373 FEET EAST OF SOUTH GARFIELD STREET AND 320 FEET NORTH OF WEST COUNTY ROAD 111 (DISTRICT 2) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this well was previously permitted in the past but the permit expired and they are bringing it back again. It is off I-20 across from the Petroleum Museum and is similar to the other wells. The tank battery is inside the City and is inspected.

Mayor Payton opened the public hearing at 12:10 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

24. 080-2021 – HOLD A PUBLIC HEARING TO AMEND THE 2020/2021 COMMUNITY DEVELOPMENT FIRST YEAR ACTION PLAN REGARDING THE AUTHORIZATION OF COVID-19 CARES ACT FUNDS IN THE AMOUNT OF \$172,500.00 FOR PROJECTS RELATED TO THE NATIONAL PUBLIC HEALTH CRISIS (DISTRICT: NONE) (DEVELOPMENT SERVICES)

CDBG Manager Isaac Garnett reported they have two applicants to consider. This is a public hearing only. If Council agrees, staff will submit an application for an amendment. The first application is for COVID funding for the Salvation Army and the second is for Casa de Amigos to extend their grab and go meals for the next three months.

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

Tonya Eckert, Casa de Amigos, reported they are asking for additional funding for the Grab and Go meal program. They are excellent meals and nutritious for the seniors who we want to keep out of grocery stores and restaurants. They feed about 210 different individuals at the Southeast Senior Center and 225 at the Midland Senior Center. They purchase their meals through a local catering company.

Robert Coriston, Salvation Army, reported that during COVID and the winter storm they have not had one day they were not able to serve meals. They have seen a 33% uptick in customers. They have not been able to do their fundraising and are asking for help with their feeding program. He answered questions about their shelter. They feed 140 shelter clients in addition to 60 people off the street two meals a day or provide families with food boxes.

There being no one else wishing to speak, the public hearing was closed at 12:18 p.m.

25. 10173 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 21.91-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 266 FEET EAST OF THE INTERSECTION OF HOMELAND DRIVE AND APPROXIMATELY 258 FEET EAST OF HOMESTEAD BOULEVARD); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10173.

Mayor Payton opened the public hearing at 10:04 a.m.

Amy Stretcher Burkes, 6408 Homestead, stated that a vote yes is signaling one land owner is more important than multiple land owners. Those adjacent to the golf course are the most affected. She has been in this fight since the beginning and feels it is unjust. A petition has been signed by 1,473 people to save Nueva Vista. The Tall City Tomorrow plan designated Nueva Vista as a green space. Any development should enhance the existing development, not harm it. She asked Council to vote no.

Dan Corrales, 1600 North Weatherford, stated this issue raises questions about development in Midland. Experience shows that a responsible development is good for Midland and we need to listen to the residents and all land owners. The owner of the golf course wants to sell his land, which is his right, but we should also hear the adjacent land owners. Annexing and changing the zoning will affect the community. If this does pass, any development will still need to be approved by Planning & Zoning and Council.

Jon Crain, Odessa, regrets that his plans to sell this property has put Council in this position today. He is gratified that this property that he has labored over for 22 years has become so important to the neighbors. Midland is an affluent town and very few have privilege to see a golf course outside of their window. He has been speaking of selling for the last 10 years and thinks it's unfortunate that anyone living next to the property did not know that.

This is a case of a business area being turned into a neighborhood of commensurate quality with the homes that surround it. The key word in the opposing organizers is preservation of green space. All green space in Midland is man made. None would exist if not taking millions of gallons of water out of the aquifer. He has a contract with a buyer who plans to bring hundreds of millions of dollars of new construction to the community. It is all private investment at no cost to city or county. The only involvement of the city is approval of the final design. This development will bring money to the tax rolls.

Alee Gossen, 6400 Homestead, just closed on her house today. Mr. Crain has a sacred right to own land and she does not wish to take away his right. However, certain zoning restrictions were in place long before he owned it and hopes they will remain in place. Midland deserves to have green space. Outdoor space is vitally important with proper runoff and proper irrigation. One of the main purposes of zoning is to ensure the highest and best use of land space. That land floods. If new homes are put there it is not fair to the new consumers. She encouraged Council to continue to use the land for its best purpose.

Kim Helm, 6508 Homestead, noted this is in regard to her home and is an emotional issue. She and her neighbors met with Eric West and there are drainage issues with the property and doesn't know how they are going to solve them. The golf course holds the drainage now. She prefers not to gamble with her home to see how the drainage will work when they put in homes. There are 50 homes that border the golf course and will be negatively affected. It is not the neighborhoods responsibility to make this profitable for the developer. Council has to chose between a Midland neighborhood and an out of town owner and developer. They deserve the right to have their property protected.

Dara Richardson, 4424 Seminole Drive, is against this item. This shows how zoning affects property values. Council unanimously approved a housing addition and changed the zoning in Hillcrest where her father lives on Princeton and the property values have not recovered. Her property taxes are only \$1,000 less than her father's, that is how much zoning affects property values. Council should also consider drainage issues. These people bought their property on a golf course and paid a premium.

Cindy Smith, 6412 Homestead, her property backs up to the golf course. She agrees with everything said but the two main issues are property values and drainage. She feels that a vote today for annexation and rezoning is the first step to a housing development on Nueva Vista. She has heard it will reduce property values by 40%. Allowing the owner of the property and his developer from Florida to make money at their expense is unacceptable. Her second issue is drainage. While listening to Eric West she did not realize how much of west Midland drains to the golf course. The drainage situation is probably the most important issue here. Putting concrete and homes there will cause catastrophic flooding. The people of Midland have spoken clearly that they are against a housing development on the golf course and ask Council to vote no.

Autumn Winkles, 5601 Ridgemont, when she first heard about this in March she was ignorant to the process and she apologized for emails sent. She thanked Council for their commitment to the community and thanked those who were willing to sit down with her to teach her. The main issue is honoring Mr. Crain's right to sell land while preserving green space. She has an idea based on the most visited park in Houston, Herman Park. She is

working on forming a non profit and wants to purchase the land at fair market value to preserve the golf course. They will have walking paths that connect to the City's hike and bike trails, fishing platforms and butterfly gardens. These improvements would allow all Midlanders access. They now have a board of directors and have begun fundraising. She started an online petition to see if more people are interested in this item than just those whose homes back up to the golf course. They have collected over 1,400 signatures to date. Midland is excited about a multi-functional green space. The majority of those who have signed the petition do not live in Grassland. She respectfully asked to give her more time to provide an alternative to Mr. Crain.

Keith Stretcher, 5000 Chapel Hill, stated the issue is annexation and that is it. Council needs to consider what is the public benefit of the annexation. Bringing this property into the City will negatively affect valuation. For item 26 on the agenda there is no site plan, no plat. When it comes back in the future for rezoning there will no longer be 20% opposition. This is a major deal to the neighborhood and they would like to see what it is going to be. An individual does not have a right to have their property annexed.

Eric West, Parkhill, 1700 West Wall, reported that the initial zoning is AE which has plenty of restrictions, it is the most restricted standard and requires two acre lots. If both items go through and nothing else is done they could come in with two acre lots. If we move beyond this initial piece then they will come in asking for a Planned Development which requires a site plan. When asked if they have a plan, he reported they have done many layouts. After talking to the homeowners they have made more changes to incorporate some of their ideas. He won't know the final plan until after they get annexed because the PD will cover the entire golf course. If this is passed they will be back with the final plans as early as August or September. This is a voluntary annexation and they have AE for zoning which matches the rest of the golf course.

Council Member Blong stated the last flood drainage was done in 1995 and 1998. After driving around after the most recent flooding she could see water going over Wadley and Homestead. She felt a detailed flood drainage plan is needed. Mr. West reported the site plan final drainage study will not be done. The master drainage plan was done in 1995 and there have been several others done in the vicinity that can be incorporated. He feels confident that they know how to handle the drainage noting they do drainage designs for the City. All of the drainage they have worked on for the last 20 years tend to work very well. The areas of town that have drainage issues were all put in place before the master drainage plan.

Council Member Robnett asked if the development would be more or less dense per acre than the surrounding developments. Mr. West reported he doesn't have a final plan, but historically they end up being 4-6 units per acre. It will be less dense overall because of the green space needed to handle the drainage.

Becky Hise, 2105 Windrift, has lived in Grassland for 25 years. The ponds are natural. As a retired environmental specialist she looked into the area and it is an emergent wetlands. She called the Army Corp of Engineers and that area will have to be evaluated for an environmental permit which takes six months to a year and requires public comments as well.

James Gerety, 6404 Homestead, reported there was a plan that was submitted to Planning & Zoning and then removed. The concern of the homeowners association is drainage. They have seen several rain events and had water flowing over Homestead into the drainage area. The water backed up in his yard from the lakes. The draw was only at 60% capacity. If we have a 50 or 100 year rain event there will be dire flooding in the area. The other factor not mentioned is that water south of SH 191 flows into their community. He was told this area was originally a buffalo wallow where the water would collect. We need to look to the Army Corp of Engineers or FEMA for more evaluations before it can be developed.

Council Member Ladd asked how much time she needs to get her 501(c)(3). Ms. Winkles reported it can take 1-3 years but she would like at least six months. They have about \$200,000 in pledges from homeowners but without the 501(c)(3) they cannot take donations. She added that if it is annexed it should be AE because that is what she would ask for. Alea Gossen reported she is an attorney and could have a 501(c)(3) set up in 90 days.

There being no one else wishing to speak, the public hearing was closed at 11:18 a.m.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10173; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

26. 10174 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 21.91-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, MIDLAND COUNTY, TEXAS, AS AN AE, AGRICULTURAL ESTATE DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 266 FEET EAST OF THE INTERSECTION OF HOMELAND DRIVE AND APPROXIMATELY 258 FEET EAST OF HOMESTEAD 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 (DEVELOPMENT SERVICES) (DEFERRED FROM APRIL 27, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10174.

Mayor Payton opened the public hearing at 11:22 a.m.

Dan Corales, 1600 North Weatherford, reported that when you look at what is being planned you have to attach documentary evidence. He is against zoning and crossing your fingers. We need to look at the best interest of the people as a whole. You have to balance the benefit of the many as opposed to the few and see where the scales rest. If there is not something attached telling us what is going to be there, it should be deferred.

Alee Gossen felt that AE is an agricultural zoning designation and that is the highest and best use and it needs to remain a golf course. This area historically floods and needs to stay the same to be a water drain off source. Please make this AE which is the best for all of Midland.

Kim Helm, Dara Richardson and Cindy Smith asked for all of their comments from the previous item to be carried over to this item.

Amy Stretcher Burkes stated that now because the 20% rule is gone they will have no voice. Twenty percent is not easy to get. She explained the process as told to her by the Planning Division. Council Member Blong noted that they will not lose their seat at the table adding that Council wants to hear from everybody, not just when there is a super majority requirement.

There being no one else wishing to speak, the public hearing was closed at 11:30 a.m.

Council Member Trost noted he wanted to amend the motion by changing it from AE to a Planned Development. City Attorney John Ohnemiller reported that notices went out for AE and if Council desires to change it to PD then they need to start over with step one. It is not appropriate to change the zoning district to something vastly different than what the public received notice of. If Council would like to do PD then they need to vote down the AE zoning and start over.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10174; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

Mayor Payton called for a brief recess at 11:39 a.m.

The meeting was reconvened at 11:50 a.m. with all Council present. Consent Agenda was heard next.

27. 10202 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 37, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST INDIANA AVENUE AND SOUTH E 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10202.

Mayor Payton opened the public hearing at 12:19 p.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. 10202; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

28. 10203 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 131.190-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 1,001 FEET NORTH OF STATE HIGHWAY 191); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10203.

Development Services Director Chuck Harrington gave a brief overview of the item noting that this is a request from D. R. Horton to develop 131 acres on the west side of State Highway 158 and is an extension of Wadley. They are proposing a majority SF3 as will be seen in the next item. They want to annex to receive the benefit of utilities.

Mayor Payton opened the public hearing at 12:20 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10203; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

29. 10204 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATIONS OF THE AREA INDICATED AS BEING A 131.190-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR, LOCAL RETAIL DISTRICT, IN PART, AND AN SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART; SAID TRACT BEING GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 1,001 FEET NORTH OF STATE HIGHWAY 191; 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)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10204.

Council Member Robnett felt that the larger tracts are all SF-3 and asked when the last time SF-2 or SF-1 have been developed. Development Services Director Chuck Harrington reported that the price of land prohibits the development of SF1 because of costs. Council Member Robnett reported he would like to see more than one lot size in future developments and Council should look at this going forward.

Council Member Blong agreed noting she would like to see a variety of lot and house sizes. Council Member Dufford reported he was also tired of seeing all SF-3 developments and previously felt compelled to allow them due to the housing crunch. He is interested in seeing more mixed use development.

Mayor Payton opened the public hearing at 12:29 p.m.

Misty Clary, 6805 Mosswood, reported she is not against development. She is smack dab in the middle and thinks that having a planned development is important. She asked Council to vote no and have them come back with a Planned Development.

Eric West, Parkhill, reported this is the first real development jumping across SH 158. There is a lot that goes into making this work. Even though the zoning is SF-3 D.R. Horton provides a bigger lot mixture in all of their developments. There are a multitude here that are larger than the minimum. He doesn't disagree that we need mixes of development but this is the size of lot and home that they have the most need for in Midland. He asked for this to pass noting it is a good development and includes retail along Wadley.

There being no one else wishing to speak, the public hearing was closed at 12:36 p.m.

Jack Ladd moved to defer the first of two readings of Ordinance No. 10204; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

30. 10205 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF LOT 1A, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF HOLIDAY HILL ROAD AND NORTH LOOP 250 WEST), WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING

PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10205.

Council Member Blong opened the public hearing at 12:38 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. 10205; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: Payton, Robnett

31. 10206 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 57.55-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART MH, MANUFACTURED HOUSING DISTRICT, IN PART, AND BP, I-20 BUSINESS PARK, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, OFFICE CENTER, AND SHOPPING CENTER (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 530 FEET EAST OF SOUTH LAMESA 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10206.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a request for a mixed use development on the northeast corner of Lamesa and I-20. They are now including a school on the site, some retail and a lot of walking area. This is a new type of development that would be similar to Austin. This is a true mixed use development.

Mayor Payton opened the public hearing at 12:44 p.m.

Gary Bellamy, Austin, reported that Phase I of this project was for modular housing by his client who bought the entire parcel and asked him to master plan. He has done 20-25 years of mixed use developments including vertical developments which is residences over shops. He feels that anything less than spectacular in this area would be a failure noting this is a tough area of town. They are calling it "Oasis" because it is fresh and good and will include landscaping in a way that we are not used to, which makes it walkable. They are proposing shaded sidewalks. They have a time obligation to Idea Public School to get the site ready for them to hold classes August 2023. As for incentives, they are not asking for money up front, but for a reimbursement agreement for property taxes after the tax value is increased on the land.

There being no one else wishing to speak, the public hearing was closed at 12:54 p.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10206; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Robnett

32. 10207 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.42-ACRE TRACT OF LAND OUT OF LOT 1A, BLOCK 1, CYCLES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST BUSINESS INTERSTATE 20, APPROXIMATELY 450 FEET WEST OF SOUTH TRADEWINDS 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 4) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10207.

Development Services Director Chuck Harrington gave a brief overview of the item noting this was originally zoned PD for a Shopping Center. Now the applicant is proposing to develop as a retail store of over 10,000 square feet. It has been circulated to all departments and staff recommends approval subject to conditions. No letters of objection have been received.

Mayor Payton opened the public hearing at 12:56 p.m. Bob Gage was called, but was not present. The public hearing was closed at 12:57 p.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10207; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Robnett

33. 10208 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 2.5-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH FAIRGROUNDS ROAD, APPROXIMATELY 1,582 FEET SOUTH OF EAST LOOP 250 NORTH); 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 SueAnn Reyes read the caption of Ordinance No. 10208.

Development Services Director Chuck Harrington gave a brief overview of the item noting the property is to be developed as an office with a small warehouse for storing materials they sell. Staff feels like this is a good use of the area and it fits within the bigger plan for areas between here and Loop 250.

Mayor Payton opened the public hearing at 12:59 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Michael Trost moved to approve the first of two readings of Ordinance No. 10208; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Trost, Dufford, Norman, Blong

NAY: None

ABSTAIN: None

ABSENT: Robnett, Ladd

34. 10209 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 14, BLOCK 3, PARK HILL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST TENNESSEE AVENUE, APPROXIMATELY 190 FEET WEST FROM NORTH D STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE EAST SIDE OF THE PROPERTY; 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)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10209.

Mayor Payton opened the public hearing at 1:00 p.m.

Elizabeth Drew, 1200 W. Tennessee, wanted permission to build a carport. She has a little house and no garage. The carport would attach to the side of her house, come down at a angle and the posts would be at her fence line which is also the property line next to the alley. The problem is it doesn't quite meet the setback requirements. She has a contractor already lined up.

There being no one else wishing to speak, the public hearing was closed at 1:02 p.m.

Michael Trost moved to approve the first of two readings of Ordinance No. 10209; seconded by Jack Ladd.

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

35. 10210 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 182, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST FLORIDA AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10210.

Development Services Director Chuck Harrington gave a brief overview of the item noting this request is for the consumption of alcoholic beverages in a restaurant. It was previously a convenience store that is being converted into a restaurant. The item meets all requirements and staff recommends approval.

Mayor Payton opened the public hearing at 1:04 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No.10210; seconded by Michael Trost.

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

36. 10211 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,600-SQUARE FOOT PORTION OF LOTS 9 AND 10, BLOCK 20, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF RANKIN HIGHWAY, APPROXIMATELY 182 FEET SOUTH OF WEST TAYLOR AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY

CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10211.

Mayor Payton opened the public hearing at 1:04 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10211; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Trost, Dufford, Norman, Blong

NAY: None

ABSTAIN: Ladd

ABSENT: Robnett

### **MISCELLANEOUS**

37. 10212 – AN ORDINANCE CHANGING THE NAMES OF (1) THE PORTION OF YUCCA LANE LOCATED ADJACENT TO LOT 15, BLOCK 36, AND LOT 1, BLOCK 53, LONE STAR TRAILS II, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF RANCH AVENUE, APPROXIMATELY 289 FEET EAST OF RIO PLACE) AND (2) THE PORTION OF PIONEER ROAD LOCATED ADJACENT TO LOT 68, BLOCK 36, AND LOT 4, BLOCK 53, LONE STAR TRAILS II, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF RANCH AVENUE, APPROXIMATELY 580 FEET EAST OF RIO PLACE) TO “PIONEER CIRCLE”; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10212.

Michael Trost moved to approve the first of two readings of Ordinance No. 10212; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Robnett

### **PUBLIC COMMENT**

38. 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.)

Dustin Johnson, 700 McDonald, asked what the steps would be to make the skate park DIY. He explained that in traveling around Texas he found places that gave land to the skaters and made them accountable for taking care of it. Improvements are made by skateboarders, bikers and scooter riders. Every neighborhood park could have a designated space for skateboarders that include benches and rails. Mayor Payton asked Mr. Johnson to get information from those parks about how that is handled and provide that information to the City.

Grier Brunson, 1900 Holloway Avenue, reported that last week he awoke to find a giant concrete cylinder embedded in Hailey Park across the street from his home which is located in the Heritage District. When he inquired he was told they were from the Water Department and they were erecting a 75-foot tower on the corner of Holloway and L in the park given to the City by Mr. Haley. He is certain that Mr. Haley would have given conditions in the deed and intends to find out. He asked his neighbors and nobody knows anything about it. Apparently they are going to put up towers all over town in some kind of scheme to read water meters. Some people have said there is going to be a tornado warning on top of it. He believes this will affect property values of everybody in the Heritage District and he will litigate. He wants more information on what this is. Deputy City Manager Morris Williams reported there are a total of five towers that will be constructed to collect data from the automated readers of water meters.

All the business at hand having been completed, the meeting adjourned at 1:20 p.m.

PASSED AND APPROVED July 27, 2021.

---

Patrick Payton, Mayor

ATTEST:

---

Amy M. Turner, City Secretary