

**MIDLAND CITY COUNCIL
MINUTES
July 27, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 27, 2021.

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

Council Members absent: Scott Dufford

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 10:00 a.m.

OPENING ITEMS

1. Invocation – Monsignor 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. Present a Proclamation honoring Tyler Stewart, the UIL 6A State Champion in boys singles tennis

CONSENT AGENDA

Lori Blong moved to approve the Consent Agenda items 4-23, excluding item(s) 12, 16; seconded by John Norman.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Norman, Blong

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. SPECIAL SESSION OF JULY 8, 2021
 - 4b. REGULAR SESSION OF JULY 13, 2021
5. 2021-082 – RESOLUTION APPROVING A CONTRACT WITH RESTROOM FACILITIES, LTD., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF A RESTROOM FACILITY AT WASHINGTON PARK FOR A TOTAL COST OF \$256,781.00; APPROVING \$25,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)
6. 081-2021 – MOTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LUCK DESIGN TEAM, LLC, FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE HOGAN PARK MASTER PLAN AND THE HOGAN PARK PHASE II IMPROVEMENTS PROJECT; AND APPROPRIATING \$2,513,940.00 FROM THE PARKS BOND PROJECTS FUND (126) TO A PROJECT ESTABLISHED BY THE CITY OF MIDLAND FINANCE DEPARTMENT (DISTRICT 2) (GENERAL SERVICES)
7. 082-2021 – MOTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE FLORIDA AVENUE AND COTTON FLAT ROAD WATER MAIN IMPROVEMENTS PROJECT, 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 2) (GENERAL SERVICES)
8. 2021-083 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH HENTHORN COMMERCIAL CONSTRUCTION, LLC, FOR THE RENOVATION OF THE WATER RECLAMATION FACILITY WAREHOUSE OFFICE AND OPERATIONS LABORATORY THROUGH BUYBOARD AT A TOTAL COST OF \$84,682.34; APPROVING \$12,702.35 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)
9. 2021-084 – RESOLUTION APPROVING THE FISCAL YEAR 2021-2022 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)
10. 083-2021 – MOTION APPROVING A CONTRACT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND STRONG ENVIRONMENTAL SERVICES, LLC, FOR THE INSTALLATION OF ADDITIONAL SECURITY MEASURES AT THE WESTERN

UNITED LIFE BUILDING (DISTRICT 2) (CITY MANAGER)

11. 084-2021 – MOTION AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT WITH THE MIDLAND DEVELOPMENT CORPORATION FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE MIDLAND DRAW, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE (DISTRICT 2) (CITY MANAGER)
13. 2021-085 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO MCM OPERATING, LLC (“OPERATOR”) TO DRILL SEVEN OIL AND GAS WELLS LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE AND BETWEEN 1,681 FEET AND 1,801 FEET EAST OF HOLIDAY HILL ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 1) (DEVELOPMENT SERVICES)
14. 2021-086 – RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A 0.382-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (THE “CONVEYED TRACT”), TO THE OWNER OF PROPERTY ABUTTING THE CONVEYED TRACT IN EXCHANGE FOR SAID ABUTTING PROPERTY OWNER CONVEYING TO THE CITY A 0.253-ACRE TRACT OF LAND OUT OF LOT 2B, BLOCK 14, CLAYDESTA PLAZA, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (THE “ACQUIRED TRACT”); AUTHORIZING THE CITY MANAGER TO ACCEPT THE ACQUIRED TRACT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO CONVEY THE CONVEYED TRACT AND ACCEPT THE ACQUIRED TRACT, PURCHASE TITLE INSURANCE POLICIES AND HOLD THE CLOSINGS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT CONVEYING TO THE CITY THE ACQUIRED TRACT (DISTRICT 3) (ENGINEERING SERVICES)
15. 086-2021 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSAL FOR AN OPERATOR FOR SERVICES ASSOCIATED WITH THE REMEDIATION OF T-BAR WELLFIELD REMEDIATION PLAN AS APPROVED BY THE TEXAS RAILROAD COMMISSION 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) (UTILITIES)
17. 088-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-011) BETWEEN THE CITY OF MIDLAND AND ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
18. 089-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE

(21-329-010) BETWEEN THE CITY OF MIDLAND AND ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

19. 090-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 12 AND 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
20. 091-2021 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDERS NUMBER 1 AND 2 WITH GARNEY CONSTRUCTION REGARDING THE NORTHEAST WATER SYSTEM IMPROVEMENTS; SAID CHANGE ORDERS TO BE IN THE AMOUNT OF \$272,454.76 AND TO PROVIDE FOR PIPELINE ADJUSTMENTS AND PUMP IMPROVEMENTS (DISTRICT: ALL) (UTILITIES)
21. 092-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PLAINS PIPELINE, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
22. 093-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND MCM OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 40, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 1) (UTILITIES)
23. 094-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND MCM OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 6, BLOCK X, H.P. HILLARD SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 1) (UTILITIES)

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

12. 085-2021 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND DINI SPHERIS, INC., TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT 2) (CITY MANAGER)

Council Member Trost asked what was the purpose of this item. Midland Development Corporation Executive Director Sara Harris reported that the company was being hired to do fundraising for Hogan Park, to lead the gift giving campaign and to establish a website.

Michael Trost moved to approve Motion No. 085-2021; seconded by Jack Ladd.

The motion passed by the following vote:

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

16. 087-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-012) BETWEEN THE CITY OF MIDLAND AND ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

Council Member Trost asked how the right-of-way licenses will affect the land since these are all City-owned properties. Utilities Director Carl Craigo reported these are all on Spraberry and will not affect any future operations. City Attorney John Ohnemiller reported there are several pipelines that criss-cross that area. Council Member Robnett asked to have a conversation about receiving payment of license fees up front instead of over a 5-10 year period.

Michael Trost moved to approve Motion No. 087-2021; seconded by Spencer Robnett.

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

SECOND READINGS

24. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10202.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10202; seconded by John Norman.

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

25. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10205.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10205; seconded by John Norman.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Norman, Ladd

NAY: None

ABSTAIN: None

ABSENT: Dufford, Blong

26. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10206.

John Norman moved to approve the second and final reading of Ordinance No. 10206; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

27. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10207.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10207; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

28. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10208.

John Norman moved to approve the second and final reading of Ordinance No. 10208; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

29. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10209.

Lori Blong moved to approve the second and final reading of Ordinance No. 10209; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

30. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10210.

John Norman moved to approve the second and final reading of Ordinance No.10210; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

31. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10211.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10211; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

32. 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) (FIRST READING HELD JULY 13, 2021)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10212.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10212; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

PUBLIC HEARINGS

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

33. 2021-087 – RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2020-2021 ACTION PLAN; AND AUTHORIZING THE ALLOCATION OF FUNDS

(DISTRICT: ALL) (DEVELOPMENT SERVICES)

Community Development Block Grant Manager Isaac Garnett reported this is the second public hearing regarding the emergency funding of Casa de Amigos and Salvation Army feeding programs.

Mayor Payton opened the public hearing at 10:21 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve Resolution No. 2021-087; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

34. 095-2021 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE OIL AND GAS WELL CHARGER 115 MIPA UNIT #H115LS; SAID WELL BEING GENERALLY LOCATED 2,080 FEET WEST OF RANKIN HIGHWAY AND 520 FEET SOUTH OF WEST I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only.

35. 10213 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 8A, BLOCK 27, WYDEWOOD ESTATES, SECTION 29, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND PRESTON 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 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 Jan Hamilton read the caption of Ordinance No. 10213.

Development Services Director Chuck Harrington gave a brief overview of the item noting Cracker Barrel would like to serve alcoholic beverages. All requirements have been met, staff has no objections and no letters of objection were received. Staff recommends approval.

Mayor Payton opened the public hearing at 10:25 a.m.

Catherine Chamblee representing CBOCS reported this will put Cracker Barrel in line with their competitors. This is not expected to be a large part of their revenue. They wish this to complement their other beverages on their menu. When asked if this was the first Cracker Barrel to serve alcohol, she clarified this is one of the last.

There being no one else wishing to speak, the public hearing was closed at 10:27 a.m.

Michael Trost moved to approve the first of two readings of Ordinance No. 10213; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

36. 10214 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.43-ACRE TRACT OF LAND OUT OF LOT 14, BLOCK 1, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SHAWNEE, APPROXIMATELY 175 FEET NORTH OF TEJAS); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10214.

Development Services Director Chuck Harrington gave a brief overview of the item noting there are a few lots in this area that were brought in as AE but do not meet the minimum requirements for AE. The property is vacant land and the owner would like to build a home. This will allow them to meet the minimum requirements to build.

Mayor Payton opened the public hearing at 10:29 a.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. 10214; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

37. 10215 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH HALVES OF TRACTS 12, 13 AND 14, HILLCREST ACRES, AND THE ENTIRETY OF LOT 2, BLOCK 3, HILLCREST ACRES, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING

DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER AND HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 170 FEET EAST OF WOODCREST DRIVE); 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 (COUNCIL DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10215.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is Safe Place and they are proposing a campus to combine all of their services in one property including overnight stays and offices. This will be in a PD and have mixed uses. Staff is in support of the request. No letters of objection have been received.

Mayor Payton opened the public hearing at 10:31 a.m.

Paladin Huckaba of Maverick Engineering, via Zoom, reported he was available if there were questions.

There being no one else wishing to speak, the public hearing was closed at 10:33 a.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10215; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

38. 10216 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 3, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MADISON STREET, APPROXIMATELY 97 FEET SOUTH OF SOUTH 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10216.

Development Services Director Chuck Harrington gave a brief overview of the item noting the existing lot is a vacant lot on the east side. No letters of objection were received.

Mayor Payton opened the public hearing at 10:35 a.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. 10216; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

39. 10217 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 16, BLOCK 2, EASTOVER ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF JESSE STREET AND EAST ILLINOIS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT AREA, A REDUCED MINIMUM LOT WIDTH, AND 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-22, 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10217.

Mayor Payton opened the public hearing at 10:36 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. 10217; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

PUBLIC COMMENT

40. 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.)

Shirley Howard, 405 Magnolia, gave kudos to the Mayor for stopping to speak with residents in the community and thanked those who participated in their parade. On behalf of District 2, the community would like to know what is going on with the White House which used to be the Federated Women's Club house. She received a complaint about how

boards and commissions are handled. She would like to ensure that someone from every district is represented on boards and for it to be made clear that appointments can be made throughout the year as vacancies occur in addition to the annual recruitment. District 2 would also like to hear from their representatives who serve at-large. She also received complaints that the community had to read in the newspaper about what was happening at Hogan Park. They felt they should have been consulted and asked for input.

All the business at hand having been completed, the meeting adjourned at 10:45 a.m.

PASSED AND APPROVED August 10, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary