

**MIDLAND CITY COUNCIL
MINUTES
August 10, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 10, 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 Jr, Assistant City Manager Tina Jauz

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

OPENING ITEMS

1. Invocation – Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

CONSENT AGENDA

John Norman moved to approve Consent Agenda items 3-21, excluding item(s) 10; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. SPECIAL SESSION OF JULY 14, 2021
 - 3b. BRIEFING SESSION OF JULY 27, 2021

3c. REGULAR SESSION OF JULY 27, 2021

4. 2021-088 – RESOLUTION APPROVING A CONTRACT WITH FIELDTURF USA, INC., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF TWO (2) ARTIFICIAL TURF FIELDS FOR FIELDS 5 AND 6 AT HOGAN PARK FOR A TOTAL COST OF \$1,514,221.00; APPROVING \$50,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)
5. 2021-089 – RESOLUTION APPROVING A CONTRACT WITH FIELDTURF USA, INC., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF TWO (2) ARTIFICIAL TURF FIELDS AT REYES-MASHBURN-NELMS PARK FOR A TOTAL COST OF \$1,349,678.00; APPROVING \$75,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)
6. 2021-090 – RESOLUTION APPROVING A CONTRACT WITH MUSCO CORPORATION DBA MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED FIELD LIGHTING AT THE HOGAN PARK BILL WILLIAMS SOFTBALL COMPLEX FOR A TOTAL COST OF \$1,835,972.00; APPROVING \$183,597.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)
7. 096-2021 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR TURF AND LANDSCAPE MAINTENANCE SERVICES AND TO NEGOTIATE A CONTRACT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (GENERAL SERVICES)
8. 2021-091 – RESOLUTION REJECTING THE SOLE BID RECEIVED FOR THE REMOVAL OF WATER TREATMENT PLANT SOLIDS FROM THE WATER PURIFICATION PLANT (DISTRICT: NONE) (GENERAL SERVICES)
9. 2021-092 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR EMERGENCY REPAIR SERVICES OF A 21" WASTEWATER LINE IN THE BOTTOM OF SCHARBAUER DRAW BY EDGARDO MADRID & ASSOCIATES LLC FOR A TOTAL COST OF \$146,364.07 (DISTRICT 3) (GENERAL SERVICES)
11. 097-2021 – MOTION AUTHORIZING THE MAYOR, CITY MANAGER AND CITY ATTORNEY TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT #64 IN ORDER TO RECEIVE GRANT FUNDS FOR THE RELOCATION OF SV1A & SV1B GATES PROJECT AND THE AIRFIELD LIGHTING REHABILITATION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)
12. 2021-094 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION (THE "COMPANY") REGARDING THE

COMPANY'S 2021 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO THE COMPANY AND CITIES' LEGAL COUNSEL (DISTRICT: NONE) (CITY MANAGER)

13. 2021-095 – RESOLUTION CALLING AN ELECTION FOR FOUR CITY OFFICIALS; AMENDING THE BOUNDARY OF THE CITY ELECTION AND CITY COUNCIL DISTRICTS; PROVIDING FOR USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS FOR SAID ELECTION; AND ESTABLISHING VOTE CENTERS FOR SAID ELECTION (CITY SECRETARY'S OFFICE)
14. 2021-096 – RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS FOR THE SENIOR NUTRITION GRAB-N-GO PROGRAM IN THE AMOUNT OF \$30,000.00; AND ALLOCATING FUNDS (DISTRICT: ALL) (DEVELOPMENT SERVICES)
15. 2021-097 – RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH THE SALVATION ARMY OF MIDLAND FOR THE HOMELESS MEAL AND FOODBOX PROGRAM IN THE AMOUNT OF \$142,500.00; AND ALLOCATING FUNDS (DISTRICT: ALL) (DEVELOPMENT SERVICES)
16. 2021-098 – RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR RUBEN RAMIREZ TO OPERATE A LIMOUSINE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)
17. 098-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (21-329-022) WITH MEDALLION CRUDE OIL LOGISTICS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9, AND 16, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
18. 099-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-021) WITH ENDEAVOR ENERGY RESOURCES, LP., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)

19. 100-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-025) WITH ENDEAVOR ENERGY RESOURCES, LP., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
20. 101-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-026) WITH ENDEAVOR ENERGY RESOURCES, LP., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 39, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)
21. 102-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-024) WITH ENDEAVOR ENERGY RESOURCES LP., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 12 AND 13, 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.

10. 2021-093 – RESOLUTION AWARDED A CONTRACT FOR THE NEW YORK AVENUE PAVING BOND PROJECT TO CD KING CONSTRUCTION, LLC, DOING BUSINESS AS JD KING, OF SEMINOLE, TEXAS, AT A TOTAL COST OF \$2,096,751.37; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 2) (GENERAL SERVICES)

Council Member Norman asked if this includes curb and gutter or was it only paving. Engineering Services Director Jose Ortiz reported it includes bringing the paving up to standard and installing curb and gutter where it is missing. The existing curb work will stay.

John Norman moved to approve Resolution No. 2021-093; 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

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

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10173.

Amy Burkes, 6408 Homestead, heard that this would take one year for approval because it was a PD and had drainage issues. She was surprised to see a letter on Saturday that it is going to Planning & Zoning on August 16th. The neighborhood is asking for transparency. City Attorney John Ohnemiller clarified that it will go to Planning & Zoning and then to Council for two readings. Council can choose to put off the vote until they are comfortable with the drainage issues. Council Member Blong reported she would be more comfortable with a full drainage study because of the recent flooding.

Autumn Winkles, 5601 Ridgemont, seconded Amy's comments and asked Council to make it a priority to require a flood study since the last one was done in the 1990s. She asked Council to consider deferring this item until the flood study is complete.

Engineering Director Jose Ortiz answered questions about a drainage study noting that the developer funds the study. Staff usually does not request a drainage study in advance of Planning & Zoning. Council Member Blong added that she felt requiring a drainage study is pertinent because of the flooding issues.

Kim Helm, 6508 Homestead, reported that the neighborhood has a vested interest in the drainage because their property is at risk. The developer needs to spend the money on the study to have a stake in the sale. She explained that they will have to get 100% protest from the neighborhood for Planning & Zoning and they only have 6 days to accomplish it.

City Attorney John Ohnemiller encouraged the neighboring homeowners to go to Planning to see a copy of what has been filed for the next Planning & Zoning meeting. The audience reported they asked and have been denied. He reported they would ensure they could see a copy.

Council Member Trost reported his position is to protect the neighborhood and thinks this development will cause problems.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10173; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

23. 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) (FIRST

READING HELD JULY 13, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10174.

Autum Winkles, 5601 Ridgemont, noted that one more no vote would stop this whole thing. When asked how many names were on the petition she reported there are over 1,500 that would like to see the area remain a green space. Council Member Norman stated that at the last meeting Ms. Winkles asked for the zoning to be changed to AE because that is what she wanted for her group. He asked if she still wanted it to be AE. Ms. Winkles reported she does want the zoning AE, but not at the behest of a Florida developer.

Council Member Blong reported they have to consider distinct issues that create the best outcomes for the entire community. It is not a foregone conclusion that Council will approve the next thing. She continues to have deep concern for the developer's next step.

Dan Corrales, 1600 N. Weatherford, reported that from what he understands this change is procedural and is being requested by the developer and is causing concern for the residents. The best thing they can do is to understand the procedure and after this is changed, it still has to go Planning & Zoning and then come back to Council. He advocates that the community keeps apprised of that opportunity and to continue to voice their opinions and stay engaged.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10174; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

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

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10213.

Catherine Chamblee, Austin, on behalf of Cracker Barrel, thanked Council for allowing her

to present the application. She made herself available to answer any questions.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10213; 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

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

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10214.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10214; 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

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

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10215.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10215; 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

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

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10216.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10216; 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

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

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10217.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10217; 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

PUBLIC HEARINGS

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

29. 10218 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 3.093-ACRE TRACT OF LAND OUT OF LOT 3, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 31, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-2, OFFICE DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CHAMPIONS DRIVE AND NORTH LOOP 250 WEST); 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 Vanessa White read the caption of Ordinance No. 10218.

Planning Division Manager Elizabeth Shaughnessy gave a brief overview of the item noting the applicant is requesting a zone change to Regional Retail for future development. The shopping center will be similar to Red Oaks Plaza south of the HEB on Loop 250. Staff is in support of the request. Council Member Blong noted there is already so much congestion in the area and inquired about traffic. Traffic Engineer Mike Pacelli reported they will not have access off of Loop 250 service road but will have access from a side street. The traffic produced will not be significant enough to cause a great change.

Mayor Payton opened the public hearing at 10:37 a.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. 10218; 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

30. 10219 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.70-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF OCCIDENTAL PARKWAY AND FAIRGROUNDS 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 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10219.

Planning Division Manager Elizabeth Shaughnessy gave a brief overview of the item noting that Betenbough is requesting a zone change to allow for a smaller housing development of affordable housing. Staff believes this will fit in the area and make a good transition. It is adjacent to Occidental Parkway and will be a good buffer.

Mayor Payton opened the public hearing at 10:37 a.m.

Ronnie Wallace and Chris Berry, Betenbough Homes, shared a few slides and answered questions about their development which is Lone Star Trails. This property will be developed as 40 townhomes that will be sold individually. Each side is 1,550 square feet and will have three bedrooms and two bathrooms. They will sell for around \$200,000 and there will be a homeowners association. This will be developed without alleys and they meet all drainage requirements.

Council Member Dufford shared that on future projects Council desires to see more mixed use type developments of varying sized homes, not just all SF-3. Mr. Berry noted that for this project there are nine acres, but only two are buildable.

There being no one else wishing to speak, the public hearing was closed.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10219; 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

31. 10220 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 15, TRACT B, GARDEN HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOUISIANA AVENUE, APPROXIMATELY 315 FEET EAST OF NORTH CRESTVIEW ROAD), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS, (2) AN INCREASED MAXIMUM SQUARE FOOTAGE OF ALL ACCESSORY BUILDINGS, (3) A REDUCED MINIMUM SIDE YARD SETBACK, AND (4) A REDUCED MINIMUM REAR YARD SETBACK; 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 Vanessa White read the caption of Ordinance No. 10220.

Planning Division Manager Elizabeth Shaughnessy gave a brief overview of the item noting it is a request for a special exception that exceeds the maximum area for accessory buildings and does not meet rear or side yard setbacks. He has already exceeded the

allowable area by 10% and the new addition will exceed it by 15%. There is currently an existing non-conforming building on the property line. Staff recommends denial of the special exception.

Mayor Payton opened the public hearing at 11:00 a.m.

Charles Francis reported his house was built in the early to mid 50s. Garden homes have large back yards for gardens in the back. Over the years this has changed and nobody has a garden in the back anymore. He shared a copy of his plat showing what he is building. He wants to put a carport in an area to cover his tractors from rain, snow and hail. This carport will improve his property and raise his valuation which will increase his property tax. He shared pictures of houses in the neighborhood that have similar structures. The carport will not have electricity or plumbing and will have gravel underneath. Twenty years ago he built his existing building to code. The building was inspected. The code has changed since then but it was to code at the time of the build. Council Member Robnett asked him to bring a letter of support from his immediate neighbors to the second reading.

There being no one else wishing to speak, the public hearing was closed at 11:08 a.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10220; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

32. 10221 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,790-SQUARE FOOT PORTION OF A 0.4-ACRE TRACT OF LAND OUT OF THE SOUTHWEST QUARTER OF SECTION 33, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WALL STREET AND BANKHEAD HIGHWAY), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A VENDOR MARKET 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 Vanessa White read the caption of Ordinance No. 10221.

Mayor Payton opened the public hearing at 11:10 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. 10221; 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

MISCELLANEOUS

33. 2021-099 – RESOLUTION RECORDING A VOTE ON A PROPOSAL TO CONSIDER AN AD VALOREM TAX RATE FOR THE FISCAL YEAR 2021-2022 AND TO ESTABLISH A DATE TO HOLD A PUBLIC HEARING ON THE PROPOSED TAX RATE; ESTABLISHING DATES WHEN THERE WILL BE A RECORD VOTE ON THE TAX RATE; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO POST ALL APPROPRIATE NOTICES (DISTRICT: NONE) (FINANCE)

Mayor Payton clarified that this item is setting the ceiling for a tax rate. They cannot go higher than this amount, but they can go below the rate that is being set today.

Budget Manager Jamie Radcliff agreed noting that at the July 14 meeting the voter approval rate was 37.1221 cents. The final valuations have changed so the tax rate will go down from what was presented. Now the voter approval rate is 36.7190 cents per \$100 of valuation. Staff is recommending to set the rate at 36.7189 cents which is just below the voter approval rate. She answered questions about the certified taxable value as set by Midland Central Appraisal District.

Ross Schumann, 4003 Gleneagles Court, reported that with recent troubling times he felt Council should set the cap to not increase the revenue noting he was not advocating to never go up in the future.

Spencer Robnett moved to approve Resolution No. 2021-099; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

34. 10222 – AN ORDINANCE AMENDING TITLE X, “TRAFFIC REGULATIONS”, CHAPTER FOUR, “TRAFFIC CONTROL DEVICES”, SECTION 11, “SCHOOL ZONES”, OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10114; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION (DISTRICT: ALL) (ENGINEERING SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10222.

Traffic Engineer Mike Pacelli gave a brief overview of the item noting this was a straight forward item adopting a new ordinance to replace the previous ordinance for school zone limits and times. MISD made some changes and this ordinance cleans up what is already in place.

Michael Trost moved to approve the first of two readings of Ordinance No. 10222; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

35. 10223 – AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 9945; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION (DISTRICT: ALL) (ENGINEERING SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10223.

Michael Trost moved to approve the first of two readings of Ordinance No. 10223; 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

36. 10224 – AN ORDINANCE AMENDING TITLE VI, "POLICE REGULATIONS", CHAPTER 10, "DANGEROUS DOGS", OF THE CITY CODE OF MIDLAND, TEXAS; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (LEGAL)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10224.

City Attorney John Ohnemiller reported this is a housekeeping item to the dangerous dog ordinance to line up with the law noting that if an owner is appealing a dangerous dog determination, the dog cannot be euthanized. It has never been done, but staff felt it was best to have it in writing.

John Norman moved to approve the first of two readings of Ordinance No. 10224; 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

PUBLIC COMMENT

37. 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.

All the business at hand having been completed, the meeting adjourned at 11:26 a.m.

PASSED AND APPROVED August 24, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary