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The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 26, 2022.

**Council Members present:** Dan Corrales, Robin Poole, Lori Blong, Patrick Payton, Scott Dufford, Jack Ladd, John Norman

**Council Members absent:** None

**Staff members present:** City Manager Robert Patrick, City Attorney John Ohnemiller, Deputy City Manager Morris Williams Jr, Assistant City Manager Tina Jauz

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

### **OPENING ITEMS**

1. Invocation – Edward Mayberry, Community Worship Center
2. Pledge of Allegiance

### **CONSENT AGENDA**

Lori Blong moved to approve consent agenda items 3 – 9, excluding item(s) 4, 7 and 8; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

3. MOTION APPROVING THE FOLLOWING MINUTES:

3a. REGULAR SESSION OF APRIL 12, 2022

5. 043-2022 – MOTION APPROVING AN AMENDMENT TO THAT CERTAIN INCUBATOR AND MAKERSPACE GRANT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN (DISTRICT: NONE) (CITY MANAGER)

6. 044-2022 – MOTION APPROVING AN AMENDMENT TO THAT CERTAIN PURCHASE AND SALE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE ESTATE OF J.L. DAVIS FOR THE PURCHASE OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)
9. 046-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-019) WITH ENTERPRISE NAVITAS MIDSTREAM MIDLAND BASIN, LLC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36 AND SECTION 24, 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. 2022-051 – RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN REAL PROPERTY DESCRIBED AS LOTS 3A AND 4, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO PURCHASE SAID PROPERTY AND HOLD THE CLOSING; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE; AND APPROPRIATING FUNDS FOR SAID PURCHASE (DISTRICT 4) (GENERAL SERVICES)

Jack Ladd moved to approve Resolution No. 2022-051; seconded by John Norman.

The motion failed by the following vote:

AYE: Payton, Dufford, Norman

NAY: Corrales, Poole, Blong, Ladd

ABSTAIN: None

ABSENT: None

7. 2022-052 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL 11 OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 231 FEET AND 2,422 FEET WEST OF SOUTH LAMESA ROAD AND BETWEEN 150 FEET AND 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

A question was asked why we waived the Road Repair Agreement. Oil & Gas Compliance Officer Ron Jenkins reported they do not use any City streets to access their location, therefore, a road repair agreement is not required. If that changes in the future, a road repair agreement would be signed at that time.

John Norman moved to approve Resolution No. 2022-052; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

8. 045-2022 – MOTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACCEPT, ON BEHALF OF THE CITY OF MIDLAND, A RIGHT-OF-WAY DEDICATION OUT OF SECTION 1, BLOCK 39, T-1-S, T&P RR CO. SURVEY, AND SECTION 6, BLOCK 38, T-1-S, W. M. BRECKON SURVEY,

MARTIN COUNTY, TEXAS, FROM JONES BROS. DIRT & PAVING CONTRACTORS, INC. ("JONES BROS.") FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, DRAINAGE AND PUBLIC UTILITY PURPOSES, OR FOR ANY OTHER ANCILLARY PUBLIC USE AS USUAL AND CUSTOMARY IN CONNECTION THEREWITH, WHICH SHALL SUPERSEDE THE RIGHT-OF-WAY DEDICATION GRANTED BY JONES BROS. TO THE CITY IN THAT CERTAIN INSTRUMENT DATED OCTOBER 22, 2015; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT THE RIGHT-OF-WAY DEDICATION (DISTRICT 1) (ENGINEERING SERVICES)

Jack Ladd moved to approve Motion No. 045-2022; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

## **SECOND READINGS**

10. 10297 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.41-ACRE TRACT OF LAND OUT OF LOT 3, ASHLIN PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST SIDE OF LIVE OAK DRIVE, APPROXIMATELY 233 FEET SOUTH OF WEST SCHARBAUER DRIVE), BY PERMITTING (1) AN INCREASED MAXIMUM LIVING AREA OF AN ACCESSORY DWELLING UNIT AND (2) 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) (DEFERRED FROM APRIL 12, 2022) (FIRST READING HELD MARCH 22, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10297.

Aaron Marquez, 2 Live Oak, reported he is building a gym in the back yard.

Lori Blong moved to approve the second and final reading of Ordinance No. 10297; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

11. 10299 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR AN 8,126-SQUARE FOOT PORTION OF LOT 6, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), 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 1) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022 )

John Norman moved to approve the second and final reading of Ordinance No. 10299; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSENT: None

12. 10300 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CHUKAR LANE AND EAST BUSINESS INTERSTATE 20); 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 2) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022 )

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10300.

Lori Blong moved to approve the second and final reading of Ordinance No. 10300; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

13. 10301 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, EASTOVER ADDITION, THIRD EXTENSION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CALHOUN STREET, APPROXIMATELY 112 FEET SOUTH OF EAST ILLINOIS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10301.

John Norman moved to approve the second and final reading of Ordinance No. 10301; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, ladd Norman

NAY: None

ABSTAIN: None

ABSENT: None

14. 10302 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA 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 APRIL 12, 2022 )

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10302.

John Norman moved to approve the second and final reading of Ordinance No. 10302; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Ladd

ABSENT: None

15. 10303 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1 AND THE EAST 6 FEET OF LOT 2, BLOCK 2, SCOTSDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND MIDLAND 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 2) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022 )

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10303.

John Norman moved to approve the second and final reading of Ordinance No. 10303; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

16. 10304 – AN ORDINANCE VACATING AND ABANDONING A 0.192-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 11-14, BLOCK 2, 349 RANCH ESTATES, 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 NORTH STATE HIGHWAY 349, APPROXIMATELY 245 FEET SOUTH OF WASHITA STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,399.00; AND

ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 1) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022 )

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10304.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10304; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

**PUBLIC HEARINGS**

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

17. HOLD A PUBLIC HEARING TO DISCUSS THE REDISTRICTING OF CITY OF MIDLAND COUNCIL MEMBER DISTRICTS BASED ON 2020 CENSUS DATA, INCLUDING EXAMPLE PLANS AND AMENDMENTS, TO DEVELOP A PLAN FOR FUTURE ADOPTION; AND TO RECEIVE PUBLIC COMMENT WITH REGARD TO THE REDRAWING OF COUNCIL MEMBER DISTRICT BOUNDARIES (DISTRICT: ALL) (CITY MANAGER)

Mayor Payton opened the public hearing at 10:16 a.m.

Syd Faulk reviewed the redistricting information regarding the choice of three plans; A, B and C. This morning is the first redistricting public hearing and the second will be this evening. In May, Council will choose which plan to move forward with.

Kathy Broadrick, who did not provide address, stated she is a citizen of District one. She does not feel like Plan B was well thought out and that in a few years the population will have grown so much in Council Member Dufford's area that it won't be proportionate to the City. Plan C is not as bad but her preference is for plan A.

David Rosen, 5002 James Court, District 1, reported that according to the Census, the population of Midland is minority Anglo. The majority population is no longer Anglo and hasn't been for many years. Mr. Rosen favors plan A as it doesn't dilute the strength of Latino and African American voters, which is a concern that he would like everyone to keep in mind. He would like to see more diversity on the Council by way of more majority populations running for Council. Mr. Rosen feels we are moving in the right direction.

There being no one else wishing to speak, the public hearing was closed at 10:19 a.m.

This was a public hearing only, no action was taken.

18. 10305 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 4 THROUGH 7, BLOCK 42, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH WEBSTER STREET AND CLOVERDALE 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 Vanessa White read the caption of Ordinance No. 10305.

Development Services Director Chuck Harrington reported the request that is being made is with regard to four lots that currently face Cloverdale. They wish to rezone those for townhomes in order to have an affordable housing style for this neighborhood. Staff supports this direction and it meets the comprehensive plan. The two western lots will be turned and will have four townhome lots to face Webster instead of Cloverdale.

Mayor Payton opened the public hearing at 10:23 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.10305; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

19. 10306 – 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 THE NORTH 65 FEET OF LOTS 10, 11, AND 12, BLOCK 15, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON WEST SIDE OF A STREET, APPROXIMATELY 75 FEET NORTH OF MISSOURI AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10306.

Mayor Payton opened the public hearing at 10:24 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. 10306; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None  
ABSENT: None

20. 10307 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,372-SQUARE FOOT PORTION OF LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MAIN STREET AND WALL STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, 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 Vanessa White read the caption of Ordinance No. 10307.

Mayor Payton opened the public hearing at 10:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10307; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

## **MISCELLANEOUS**

21. 2022-048 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC (“OPERATOR”) TO DRILL ELEVEN OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 405 AND 470 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION AND BETWEEN 586 FEET AND 2,800 FEET EAST OF NORTH MIDLAND DRIVE); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES) (DEFERRED FROM APRIL 12, 2022)

Travis Langdon, 500 W. Texas Avenue, spoke with Mr. Gregg after the last Council Meeting. The proposal he asked for was to look into moving the compressor toward the tank battery which is north of the City limits and is not feasible. Another option was to build a wall to the east of the proposed compressor site. They amended their application to include a wall to the south with good sound insulation. Mr. Langdon spoke on the sound issues within their report and stated he researched information from the National Institute of Health (NIH) regarding sound decibels. The complaint was that it could raise the sound decibels to eleven. The NIH says a quiet country side is twenty decibels and doesn't address any lower sounds.

Peter Gregg, representing the Evans Family reported a sound wall is being added to the East side. However, due to a lack of response, they know nothing of its details, nor do they know the impact of the

sound wall on the property. They don't know what's going to happen to his client's property as Diamondback has chosen to put this compressor on the property line where they intend to put a housing development project. Mr. Gregg reported that the compressor will have a loud drumming sound that residents will hear as long as they live there. They are requesting an accurate sound study and an agreement that the amendment language that speaks to 51 dBA would require Diamondback, upon construction, to be sure that the sound levels will not exceed 51 dBA.

Mr. Gregg was asked if homeowners would be able to hear the pump jack that is already on the property. Mr. Gregg answered absolutely.

Jack Ladd moved to approve Resolution No. 2022-048; seconded by John Norman.

The motion passed by the following vote:

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

NAY: Dufford

ABSTAIN: None

ABSENT: None

22. 2022-049 – RESOLUTION GRANTING A VARIANCE FOR LOTS 7, 8, 9, AND 10, BLOCK 11, MOCKINGBIRD HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WOOD DRIVE AND VALWOOD DRIVE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 320 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DISTRICT: 1) (DEVELOPMENT SERVICES) (DEFERRED FROM APRIL 12, 2022)

Mr. Gregg, urged the passage of this request and to grant the variance.

Mr. Langdon objected on the basis it should be 500 feet as a matter of public safety.

Jack Ladd moved to approve Resolution No. 2022-049; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

23. 047-2022 – MOTION GRANTING PRINCE SIGNS, LLC'S APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR LOT 9, BLOCK 2, LONESTAR BUSINESS PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF OCCIDENTAL PARKWAY AND NORTH STATE HIGHWAY 349) (DISTRICT 1) (DEVELOPMENT SERVICES)

Mayor Payton noted that at the request of the applicant, this item was pulled from the agenda. No action was taken.

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

Lori Blong moved to appoint James Linderman to the Airport Board; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

## **PUBLIC COMMENT**

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

There were no citizens present wishing to speak.

## **EXECUTIVE SESSION**

Mayor Payton recessed the meeting at 10:43 a.m. to Executive Session.

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

a. Section 551.072, Deliberation Regarding Real Property

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

b. Section 551.074, Personnel Matters

b.1. Deliberate the duties of the City Manager

Mayor Payton recessed the meeting at 11:47 a.m. noting the meeting would reconvene at 6:00 p.m. to hear agenda item 25.

## **REGULAR SESSION (continued)**

At 6:00 p.m. Mayor Payton reconvened the meeting in Regular Session with the following members present; Corrales, Ladd, Payton and Poole.

25. 048-2022 – RECESS AND RECONVENE AT 6:00 P.M. TO HOLD A PUBLIC HEARING TO DISCUSS THE REDISTRICTING OF CITY OF MIDLAND COUNCIL MEMBER DISTRICTS BASED ON 2020 CENSUS DATA, INCLUDING EXAMPLE PLANS AND AMENDMENTS, TO DEVELOP A PLAN FOR THE FUTURE ADOPTION; AND TO RECEIVE PUBLIC COMMENT WITH REGARD TO THE REDRAWING OF COUNCIL MEMBER DISTRICT BOUNDARIES (DISTRICT: ALL) (CITY MANAGER)

Mayor Payton opened the public hearing at 6:01 p.m. There being no one present wishing to speak, the public hearing was immediately closed. This was a public hearing only. No action was taken.

All the business at hand having been completed, the meeting adjourned at 6:05 p.m.

PASSED AND APPROVED May 10, 2022.

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Patrick Payton, Mayor

ATTEST:

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Amy M. Turner, City Secretary