

**MIDLAND CITY COUNCIL
MINUTES
October 20, 2020**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 20, 2020.

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 Attorney John Ohnemiller, Interim City Manager Robert Patrick, Assistant City Manager Morris Williams

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

OPENING ITEMS

1. Invocation – Pastor Ryan Rampton, GCR Church of Christ
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

- 3a. Presentation from Keep Midland Beautiful regarding new program

Doreen Womack of Keep Midland Beautiful introduced Eva Lopez, their new prevention coordinator, who is spearheading the new program. Ms. Lopez briefly reviewed the new program noting they are asking each Council Member to issue “tickets” to people in their district who are doing things that revolve around their mission such as picking up trash. The ticket holder will have six months to redeem the ticket at one of the local participating businesses. They asked each of the Council Members to participate in distributing tickets.

CONSENT AGENDA

Spencer Robnett moved to approve the Consent Agenda item 4-9, excluding item 5; 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

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR CITY COUNCIL MEETING OF OCTOBER 6, 2020

6. 127-2020 – MOTION AUTHORIZING THE INTERIM CITY MANAGER OR THE INTERIM CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR THE NORTHEAST WATER SYSTEM IMPROVEMENTS - ELEVATED TRANSFER PUMP STATION, NEW TRANSMISSION PIPELINE AND DISTRIBUTION PIPELINE PROJECT FOR THE UTILITIES DEPARTMENT (GENERAL SERVICES)
7. 128-2020 – MOTION AUTHORIZING THE INTERIM CITY MANAGER OR THE INTERIM CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR THE NORTHEAST WATER SYSTEM IMPROVEMENTS - ELEVATED STORAGE TANK PROJECT FOR THE UTILITIES DEPARTMENT (GENERAL SERVICES)
8. 129-2020 – MOTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AND THE U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS IN THE FOLLOWING AMOUNTS AND FOR THE FOLLOWING PURPOSES: \$150,358.00 TO ASSIST THE HEALTH AND SENIOR SERVICES DIVISION WITH THE DELIVERY OF IMMUNIZATION SERVICES; \$105,462.00 TO ASSIST WITH THE DELIVERY OF PUBLIC HEALTH EMERGENCY PREPAREDNESS SERVICES; \$31,617.00 TO ASSIST WITH THE DELIVERY OF REFUGEE IMMUNIZATION SERVICES; AUTHORIZING AND DIRECTING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY ACCEPTANCE DOCUMENTS; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO DEPOSIT SAID REIMBURSEMENT FUNDS INTO THE GENERAL FUND (COMMUNITY SERVICES)
9. 130-2020 – MOTION APPROVING A REQUEST BY WATSON PROFESSIONAL GROUP, INC. TO DEFER PUBLIC WATER, WASTEWATER, PAVING, AND SIDEWALK IMPROVEMENTS FOR COYOTE RUN INDUSTRIAL SUBDIVISION AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT \$609,638.00, AN AMOUNT EQUAL TO THE ESTIMATED COST OF CONSTRUCTION. THE SUBJECT PROPERTY IS GENERALLY LOCATED ON THE EAST SIDE OF NORTH COUNTY ROAD 1150 (ELKINS ROAD), APPROXIMATELY 8,473 FEET NORTH OF CROWNRIDGE DRIVE IN MARTIN COUNTY (ENGINEERING SERVICES)

The following items were pulled from consent agenda and considered individually.

5. 2020-167 – RESOLUTION AUTHORIZING THE EXECUTION OF A MANAGEMENT SERVICES CONTRACT WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INC., FOR

CONSULTING AND MANAGEMENT OF SENIOR SERVICES ASSOCIATED WITH THE OPERATION OF THE MIDLAND SOUTHEAST SENIOR CENTER AND THE MIDLAND SENIOR CENTER FOR THE COMMUNITY SERVICES DEPARTMENT (GENERAL SERVICES)

Council Member Trost asked that the public be given the opportunity to talk since this item is about senior centers. Community Services Director Tina Jauz reported that during the budget process they moved as if they would take this in house since the existing provider decided not to extend their contract. Then they decided to see if there were any existing businesses that would be better suited to manage the contract rather than taking it in house. They have found that organization.

Council Member Ladd thanked Tonya Eckert who runs Casa de Amigos and her board.

Tonya Eckert, Executive Director of Casa de Amigos, reported that she has extensive experience working with seniors and found this to be a real opportunity to join all of the senior centers together and to make a cohesive program for all the seniors of the community. She thinks this is a win-win situation and is really excited about this opportunity.

When asked about delivering senior lunches, Ms. Jauz clarified they have been exploring many avenues and Casa de Amigos will be delivering nutritional lunches to the senior centers. Ms. Eckert added that they will take over the coordination of that as well. They have been working with the City of Midland to make sure this is a unified cohesive transition that will be important to the seniors. They have already reached out to vendors but have not solidified a deal until after Council votes on this item. They will continue the grab and go lunches through the end of the year and are working with Isaac Garnett and thinking of creative ways to ensure seniors continue to get meals and their needs are met. At Casa they have put together food and hygiene boxes to keep seniors from going into stores. They have a lot of opportunities available and feel it is key to make sure they have good relationships across the board to ensure opportunities and options are available.

Jack Ladd moved to approve Resolution No. 2020-167; 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

SECOND READINGS

10. 10112 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 15.70-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 SF-3, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF TIN TRAIL, APPROXIMATELY 130 FEET EAST OF NORTH 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 (DEVELOPMENT SERVICES) (FIRST READING HELD SEPTEMBER 8, 2020) (DEFERRED FROM SEPTEMBER 22, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10112.

Chris Berry of Betenbough Homes reviewed amenities that would be available to this development in the surrounding developments. He reported that of the 80 home sites there will be seven on smaller sites. When asked if they considered putting in a park on this development, Mr. Berry responded that they needed all of the volume they could get from an engineering standpoint. Council Member Ladd expressed concern that this area is far removed from the walking trails. Mr. Berry noted that a school site is going in across the street which is a community feature to those living close.

Dustin Eggleston, of Betenbough, reported they serve families first and there are a number of families waiting for homes. They don't sell to investors and have a list of families who are waiting for homes. There will be a Homeowners Association that will preserve the aesthetics and integrity of the development. They have concern about ADA access but would not be opposed if residents put in soccer goals in the drainage basin. A narrow lot does not equate to a decrease in quality. It is the same house, it is just on a smaller lot. These are 1300 to 1700 square foot homes with garages. If you were driving down the street you couldn't tell the difference and the smaller home sites will be strategically placed in the community between other lots.

Council Member Dufford stated that about seven years ago the request came in to reduce lot widths that were then at 50-feet. This can potentially change the landscape of the community. Development Services Director Chuck Harrington noted that a lot of communities have gone to 40-foot lots and it does offer an opportunity to lower the cost of housing.

Council Member Blong reported that at a recent local nonprofit board meeting that provides affordable homes they are looking at 1600 square foot homes and they are having difficulty getting fair market land values to accommodate a whole lot size. Developers are increasingly landlocked by drilling. People want home ownership, not rentals, and the City has to be creative.

Michael Trost moved to approve the second and final reading of Ordinance No. 10112; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Trost, Norman, Blong

NAY: Robnett, Dufford, Ladd

ABSTAIN: None

ABSENT: None

11. 10116 – AN ORDINANCE AMENDING TITLE III, “DEPARTMENTS”, CHAPTER 1, “WATER DEPARTMENT”, SECTION 2, “RATES”, OF THE CITY CODE OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (UTILITIES) (FIRST

READING HELD OCTOBER 6, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10116.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10116; 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

PUBLIC HEARINGS

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

12. 10117 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,363-SQUARE FOOT PORTION OF LOT 1A, BLOCK 1, PAVILION PARK ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND MOCKINGBIRD LANE), 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10117.

Mayor Payton opened the public hearing at 10:41 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the second and final reading of Ordinance No. 10117; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Ladd

ABSENT: None

13. 10118 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 50 FEET OF LOTS 19 THROUGH 24, BLOCK 145, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF EAST PENNSYLVANIA AVENUE AND SOUTH WEATHERFORD STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH;

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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10118.

Mayor Payton opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10118; 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

14. 10119 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.482-ACRE PORTION OF LOT 13A, BLOCK 7, GLENDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A COMMUNITY SERVICE CENTER TO SF-2, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CARVER STREET, APPROXIMATELY 180 FEET SOUTH OF EAST CUTHBERT 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10119.

Mayor Payton opened the public hearing at 10:43 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10119; 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

15. 10120 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,241-SQUARE FOOT PORTION OF LOT 5A, BLOCK 1, GATEWAY PLAZA, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST

CORNER OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10120.

Mayor Payton opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10120; 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

16. 10121 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 3, MAYFIELD PLACE ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND MOCKINGBIRD LANE); 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)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10121.

Mayor Payton opened the public hearing at 10:46 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10121; 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

17. 10122 – AN ORDINANCE VACATING AND ABANDONING A 0.04-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1, 2, 7 AND 8, BLOCK 88,

WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH GARFIELD STREET, APPROXIMATELY 140 FEET SOUTH OF WEST WALL STREET); ADOPTING THE APPRAISAL BY THE INTERIM CITY MANAGER OF \$6,996.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10122.

Mayor Payton opened the public hearing at 10:47 a.m.

Andrew Mellen, 1909 West Wall stated that he knows Midland Central Appraisal District sets the cost of the right-of-way but they have noticed that it is going up significantly and is now \$4 per square foot. This is of concern to them and had concern for the rising price.

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

Lori Blong moved to approve the second and final reading of Ordinance No. 10122; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Robnett

ABSENT: None

Mayor Payton opened the floor for any other public comments. There being no one present wishing to speak, the public comment period was closed.

All the business at hand having been completed, the meeting adjourned at 10:49 a.m.

PASSED AND APPROVED November 3, 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary