

**MIDLAND CITY COUNCIL
MINUTES
November 3, 2020**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 03, 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
2. Pledge of Allegiance

Mayor Payton reported Executive Session would be held first.

CONSENT AGENDA

Michael Trost moved to approve the Consent Agenda items 3-18, excluding items 4, 5, 11, 13, 15, and 16; 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

3. MOTION APPROVING THE FOLLOWING MINUTES:

3a. SPECIAL CITY COUNCIL MEETING OF OCTOBER 15, 2020

3b. REGULAR CITY COUNCIL MEETING OF OCTOBER 20, 2020

6. 2020-170 – RESOLUTION APPROVING THE PURCHASE OF FORTY (40) BUNKER COATS AND FORTY (40) BUNKER PANTS FROM DOOLEY TACKABERRY, INC., AT A TOTAL COST OF \$114,920.40 THROUGH HGAC CONTRACT EE08-19 (GENERAL SERVICES)
7. 131-2020 – MOTION TO APPROPRIATE THE SUM OF \$70,000.00 FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE (35650) TO THE MULTI-FACILITY REHAB PROJECT (900308) (AIRPORTS)
8. 2020-171 – RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN LOT 1A, BLOCK 1, MIDLAND AIRPARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, TO ONCOR ELECTRIC DELIVERY COMPANY LLC (AIRPORTS)
9. 2020-172 – RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2021 (CITY MANAGER'S OFFICE)
10. 2020-173 – RESOLUTION ADDING ONE (1) REGULAR CITY COUNCIL MEETING ON NOVEMBER 9, 2020, TO THE CITY COUNCIL MEETINGS SCHEDULED FOR THE 2020 CALENDAR YEAR (CITY MANAGER'S OFFICE)
12. 2020-174 – RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INC., FOR THE CASA DE AMIGOS/SOUTHEAST SENIOR CENTER NUTRITION PROGRAM IN THE AMOUNT OF \$68,000.00
14. 2020-176 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH WEST TEXAS FOOD BANK FOR THE WEST TEXAS FOOD BANK PROGRAM IN THE AMOUNT OF \$200,000.00 (DEVELOPMENT SERVICES)
17. 134-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND BETA CRUDE CONNECTOR, LLC. REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 12, BLOCK 39, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)
18. 135-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 5, BLOCK 38 TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

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

4. 2020-168 – RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR MODEL 745 ARTICULATED TRUCK FROM WARREN POWER & MACHINERY, INC., DBA

WARREN CAT OF ODESSA, TEXAS, AT A TOTAL COST OF \$695,000.00 THROUGH BUYBOARD (GENERAL SERVICES)

Jack Ladd moved to approve Resolution No. 2020-168; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Payton

ABSENT: None

5. 2020-169 – RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR MODEL 349FL HYDRAULIC EXCAVATOR FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT OF ODESSA, TEXAS, AT A TOTAL COST OF \$515,350.00 THROUGH BUYBOARD (GENERAL SERVICES)

Lori Blong moved to approve Resolution No. 2020-169; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Payton

ABSENT: None

11. 132-2020 – MOTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE BOYS & GIRLS CLUB OF MIDLAND, INC., FOR THE LEASE OF CERTAIN CITY-OWNED FACILITIES LOCATED AT 110 EAST NEW JERSEY AVENUE, MIDLAND, TEXAS (COMMUNITY SERVICES)

Council Member Robnett asked if this was bid and if it was required. Community Services Director Tina Jauz reported it was not bid and was not required to be bid. She noted that the City has had a long standing agreement with the Boys & Girls Club of Midland and they have made capital improvements to the property.

Jack Ladd moved to approve Motion No. 132-2020; 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

13. 2020-175 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INC., FOR THE SOCIAL SERVICES RENTAL AND UTILITY ASSISTANCE PROGRAM IN THE AMOUNT OF \$500,000.00 (DEVELOPMENT SERVICES)

Council Member Robnett asked why this is not required to have 100% low to moderate income. Community Development Manager Isaac Garnett reported that is how HUD

defines it but noted that normally all of the people who apply fall into that category. They do not want to exclude any individuals in particular situations.

Mayor Payton asked if Mr. Garnett has everything he needs to make people aware of this. Mr. Garnett confirmed he did and they will follow-up and continue to put out the word.

Lori Blong moved to approve Resolution No. 2020-175; 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

15. 2020-177 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE BOYS & GIRLS CLUBS OF THE PERMIAN BASIN, INC., FOR THE 2020 BOYS & GIRLS CLUB PERMIAN BASIN PROGRAM IN THE AMOUNT OF \$92,000.00 (DEVELOPMENT SERVICES)

Council Member Robnett noted that these funds are being allocated to allow for additional staff because of the COVID pandemic and wondered what those were compared to MISD. Community Development Manager Isaac Garnett reported there are specific guidelines such as taking temps, wiping down surfaces, cleaning facilities and ensuring the children are distanced. This cost was not budgeted for them and they have no revenue stream to cover those costs.

Council Member Blong added that the Boys & Girls Club took in students who were not allowed on MISD campus due to school closures. They took up the slack in the community and they have not been supported in a way that they need.

Spencer Robnett moved to approve Resolution No. 2020-177; 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. 133-2020 – MOTION APPROVING A PROPOSED PRELIMINARY PLAT OF SADDLEBACK ESTATES ADDITION, BEING A PLAT OF A 72.256-ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 46, BLOCK 38, T-1-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS, (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH COUNTY ROAD 1130 AND EAST COUNTY ROAD 95 - EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES)

Council Member Ladd asked the developer if they are working on connectivity as far as fiber in the ETJ area noting that this area is underserved for internet connectivity. He added that there are four companies in Midland who are benefitting from federal grant money to put in fiber optic at 20 cents a foot and wondered if the developer could take a look at that.

Andrew Mellen, Maverick Engineering, reported that Brent Johnson is the owner and has not heard about cable coming in noting it is very costly in the ETJ. Council Member Ladd noted it would be more cost effective to do it now opposed to after the development and asked who he could reach out to. Mr. Mellen noted he would send Council Member Ladd the owner's contact information.

Jack Ladd moved to approve Motion No. 133-2020; 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

SECOND READINGS

19. 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) (FIRST READING HELD OCTOBER 20, 2020)

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

Lori Blong 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, Ladd, Blong

NAY: None

ABSTAIN: None

ABSENT: None

20. 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) (FIRST READING HELD OCTOBER 20, 2020)

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

Jack Ladd moved to approve the second and final reading of Ordinance No. 10118; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

21. 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) (FIRST READING HELD OCTOBER 20, 2020)

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

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

22. 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) (FIRST READING HELD OCTOBER 20, 2020)

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

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10120; 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

23. 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) (FIRST READING HELD OCTOBER 20, 2020)

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

Lori Blong moved to approve the second and final reading of Ordinance No. 10121; 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

24. 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) (FIRST READING HELD OCTOBER 20, 2020)

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

Jack Ladd 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

PUBLIC HEARINGS

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

25. 136-2020 – 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 #H120WB; SAID WELL BEING GENERALLY LOCATED 2,410 FEET WEST OF RANKIN HIGHWAY AND 515 FEET SOUTH OF WEST INTERSTATE 20 (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

26. 137-2020 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: CHARGER #H130WB AND CHARGER #H135WA; SAID WELLS BEING GENERALLY LOCATED BETWEEN 2,043 AND 2,343 FEET WEST OF SOUTH GARFIELD STREET AND 320 FEET NORTH OF WEST COUNTY ROAD 111 (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:59 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

27. 10123 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,800-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 277 FEET EAST OF NORTH MIDKIFF ROAD), 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. 10123.

Development Services Director Chuck Harrington noted the applicant at the Planning & Zoning meeting requested the hours be changed to 11:00 a.m. to 10:00 p.m. Monday

through Sunday.

Mayor Payton opened the public hearing at 11:00 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. 10123 with the amendment to change alcohol services hours to 11:00 a.m. to 10:00 p.m. 7 days a week; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Dufford

ABSENT: None

28. 10124 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 4, “A” STREET COMMUNITY CENTER, SECTION 4, 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 NORTHWEST CORNER OF THE INTERSECTION OF NORTH “A” STREET AND VENTURA 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10124.

Mayor Payton opened the public hearing at 11:02 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. 10124; 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

29. 10125 – AN ORDINANCE VACATING AND ABANDONING A 0.075-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO BLOCK 1, SHILOH SUBDIVISION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST SCHARBAUER DRIVE AND NORTH C STREET, APPROXIMATELY 220 FEET NORTH OF SHELL AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,167.50; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10125.

Mayor Payton opened the public hearing at 11:03 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. 10125; 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

30. 10126 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR THE WEST 0.45 ACRES OF LOT 27, BLOCK 10, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 303 FEET WEST OF SOUTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE 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. 10126.

Council Member Robnett noted the applicant has requested to serve until 2:00 a.m. seven days a week and wondered if that has ever been modified. Development Services Director Harrington noted there have been several instances of changing the start time, but he did not recall changing the end time. Council Member Ladd noted that if we switch over to TABC this would go through.

Police Chief Seth Herman was asked if he had any issues with this location going to 2:00 a.m. Mr. Herman noted that this was the area where the biker shootout occurred.

Council Member Robnett asked if the applicant was present. The applicant was not in the Chamber or on Zoom. He noted he would let this go through now and asked the applicant be contacted before the next meeting to address questions.

Council Member Blong inquired about their current hours. Mr. Harrington reported the property is currently vacant.

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.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10126; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Blong
ABSTAIN: None
ABSENT: None

MISCELLANEOUS

31. 10127 – AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2019-2020 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS (FINANCE)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10127.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10127; 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

32. 10128 – AN ORDINANCE AMENDING TITLE VI, “POLICE REGULATIONS”, CHAPTER 1, “GENERAL OFFENSES”, OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 25, “RESIDENTIAL PICKETING AND TARGETED MARCHES”, SO AS TO PROHIBIT RESIDENTIAL PICKETING AND TARGETED MARCHES ADJACENT TO A RESIDENCE OR DWELLING OF AN INDIVIDUAL; 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 (DEFERRED FROM FIRST READING HELD NOVEMBER 03, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10128.

Michael Trost moved to defer; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: Dufford

ABSTAIN: None

ABSENT: None

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 10:03 a.m.

33. 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 551.071, Consultation with the City Attorney
 - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

The meeting was reconvened in regular session at 10:39 a.m. with all Council Members present.

All the business at hand having been completed, the meeting adjourned at 11:12 a.m.

PASSED AND APPROVED November 17, 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary