

**MIDLAND CITY COUNCIL
MINUTES
December 13, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., December 13, 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 – Pastor Robb Foreman, Homeline Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Presentation of Proclamation for “Willie Wilson”
 - 3b. Presentation of Proclamation for “Midland Rotary Day”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. BRIEFING SESSION OF NOVEMBER 15, 2022
 - 4b. REGULAR SESSION OF NOVEMBER 15, 2022

4c. SPECIAL SESSION OF NOVEMBER 15, 2022

4d. SPECIAL SESSION OF NOVEMBER 21, 2022

9. 131-2022 – MOTION REJECTING THE PROPOSALS FOR DATA NETWORK AND INTERNET SERVICES AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO: (I) REISSUE A REQUEST FOR PROPOSALS FOR DATA NETWORK AND INTERNET SERVICES PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN THE REQUEST FOR PROPOSALS, AND (II) NEGOTIATE A CONTRACT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)
10. 2022-168 – RESOLUTION AWARDED A CONTRACT FOR THE FISCAL YEAR 2023 MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$6,349,634.40; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
11. 2022-169 – RESOLUTION AWARDED A CONTRACT FOR THE FISCAL YEAR 2023 CRACK FILL PROJECT TO CHAMPION INFRASTRUCTURE, LLC OF GEORGETOWN, TEXAS, AT A TOTAL COST NOT TO EXCEED \$287,250.00; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
12. 2022-170 – RESOLUTION APPROVING A CONTRACT WITH PETROLEUM SOLUTIONS, INC., DBA JF PETROLEUM GROUP, THROUGH SOURCEWELL, FOR THE REPLACEMENT OF THE EXISTING FUEL DISPENSERS AT THE CARVER FUEL STATION FOR A TOTAL COST OF \$215,247.62 (DISTRICT: NONE) (GENERAL SERVICES)
13. 2022-171 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR THE EMERGENCY MANHOLE REMOVAL AND REPLACEMENT AT THE JAL DRAW NORTH OF WADLEY AT THE INTERSECTION OF PARKWAY DRIVE AND FIESTA AVENUE AND THE EMERGENCY REPLACEMENT OF A FIRE HYDRANT AT THE INTERSECTION OF LOOP 250 AND CROWLEY BOULEVARD BY RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF \$124,340.44 (DISTRICT 2) (GENERAL SERVICES)
14. 2022-172 – RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE COMPACT EXCAVATOR AND ASSOCIATED EQUIPMENT FROM YELLOWHOUSE MACHINERY CO. THROUGH BUYBOARD AT A TOTAL COST OF \$101,200.00 (DISTRICT: NONE) (GENERAL SERVICES)
16. 2022-174 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF AN ANDROS FX ROBOT AND ASSOCIATED COMPONENTS FROM REMOTEC, INC., FOR A TOTAL COST OF \$322,159.00; AND APPROPRIATING FUNDS FOR SAID PURCHASE (DISTRICT: ALL) (GENERAL SERVICES)

18. 2022-176 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH GTS TECHNOLOGY SOLUTIONS, INC., FOR PROJECT MANAGEMENT SERVICES FOR THE MOTOROLA ASTRO P25 INTEROPERABLE RADIO SYSTEM PROJECT THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A COST OF \$233,994.00 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT; AND APPROPRIATING AND TRANSFERRING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)
19. 132-2022 – MOTION AUTHORIZING THE CITY MANAGER OR CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR IMPLEMENTATION OVERSIGHT SERVICES FOR THE MOTOROLA ASTRO P25 INTEROPERABLE RADIO SYSTEM PROJECT FOR THE COMMUNICATIONS AND INFORMATION SYSTEMS DEPARTMENT (DISTRICT: ALL) (GENERAL SERVICES)
20. 2022-177 – RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF READY-MIX CONCRETE AND CALICHE FOR THE TRANSPORTATION DIVISION TO 4J CONCRETE, LLC DOING BUSINESS AS JORDAN CONCRETE OF MIDLAND, TEXAS, AT A TOTAL COST OF \$245,817.50; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
22. 134-2022 – MOTION AUTHORIZING THE EXECUTION OF A LETTER OF INTENT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION, AND HODGES DEVELOPMENT SERVICES, LP, FOR THE DEVELOPMENT OF A 17.2-ACRE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (CITY MANAGER)
23. 135-2022 – MOTION AUTHORIZING THE EXECUTION OF A HOGAN PARK GOLF COURSE USAGE AGREEMENT WITH THE FIRST TEE OF WEST TEXAS TO PROVIDE FOR THE FIRST TEE OF WEST TEXAS' USE OF CERTAIN CITY-OWNED FACILITIES LOCATED AT HOGAN PARK GOLF COURSE (DISTRICT 2) (COMMUNITY SERVICES)
24. 136-2022 – MOTION AUTHORIZING THE EXECUTION OF A MEDICAL DIRECTOR AGREEMENT WITH THE MIDLAND COUNTY HOSPITAL DISTRICT TO PROVIDE THE CITY OF MIDLAND HEALTH DEPARTMENT WITH PROFESSIONAL MEDICAL DIRECTOR SERVICES; AND AUTHORIZING PAYMENT FOR SAID SERVICES (DISTRICT: ALL) (COMMUNITY SERVICES)
25. 137-2022 – MOTION AUTHORIZING THE CITY MANAGER TO EXECUTE LETTER AGREEMENTS WITH MIDLAND SPORTS, INC., CONSENTING TO MIDLAND SPORTS, INC.'S AND MIDLAND CONCESSIONS, INC.'S ASSIGNMENT OF THE FOLLOWING AGREEMENTS TO DBH MIDLAND, LLC: (I) THAT CERTAIN BASEBALL PARK AND OFFICE SPACE AGREEMENT DATED MAY 23, 2000, AS AMENDED; (II) THAT CERTAIN SERVICE CONTRACT DATED SEPTEMBER 13, 2017, AS AMENDED; AND (III) THAT CERTAIN SPONSORSHIP AGREEMENT DATED AUGUST 4, 2022, BETWEEN MIDLAND SPORTS, INC., AND DIAMONDBACK E&P LLC (DISTRICT 4) (COMMUNITY SERVICES)

26. 138-2022 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF WESTRIDGE PARK ADDITION, SECTION 49, BEING A PLAT OF A 38.22-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF LEISURE DRIVE AND SOUTH LOOP 250) (DISTRICT 4) (DEVELOPMENT SERVICES)
27. 139-2022 – MOTION APPROVING THE RECEIPT AND FILING OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2021/2022 (DISTRICT: ALL) (DEVELOPMENT SERVICES)
29. 140-2022 – MOTION AUTHORIZING THE EXECUTION OF A MEDICAL DIRECTOR AGREEMENT WITH ZACHARIAH J. PATRICK, DO, FOR THE PURPOSE OF PROVIDING THE CITY OF MIDLAND FIRE DEPARTMENT WITH PROFESSIONAL MEDICAL DIRECTOR SERVICES; AND AUTHORIZING PAYMENT FOR SAID SERVICES (DISTRICT: NONE) (FIRE)
30. 2022-179 – RESOLUTION AUTHORIZING THE ISSUANCE OF AN OPERATING CERTIFICATE TO THE PARTY WAGON LLC; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)
31. 141-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-036) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC REGARDING CITY OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9, 16 AND 21, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
32. 142-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-035) WITH CROWNQUEST OPERATING, LLC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 8, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
33. 143-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-317-028) WITH WTG NORTH PERMIAN MIDSTREAM REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

Lori Blong moved to approve consent agenda items 4 – 33 excluding items 5, 6, 7, 8, 15, 17, 21 and 28; 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

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

5. 2022-164 – RESOLUTION AWARDED A CONTRACT FOR THE CITY OF MIDLAND PAVING, ALLEYS, STREETS AND SIDEWALKS 03 PROJECT TO BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,966,463.57; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 2) (GENERAL SERVICES)

Engineering Services Director, Jose Ortiz, gave a brief overview of the item noting there are several factors that come into play when decisions are made to work on certain roads. Some things taken into consideration are: contractor timing, staff shortages and franchise utilities just to name a few. Mr. Ortiz listed several creative possibilities that may help the situation. One example is combining Utilities and paving projects together in order to have one contractor managing the entire project.

Council Member Norman stated this discussion answered his questions on items 6 – 8 as well.

John Norman moved to approve Resolution No. 2022-164; 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

6. 2022-165 – RESOLUTION AWARDED A CONTRACT FOR THE JEFFERSON STREET, ATLANTA STREET, AND HARRISON STREET WATER IMPROVEMENTS PROJECT TO TEC EXCAVATION, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$810,580.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 2) (GENERAL SERVICES)

John Norman moved to approve Resolution No. 2022-165; 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

7. 2022-166 – RESOLUTION AWARDED A CONTRACT FOR THE MICHIGAN AVENUE UTILITY PROJECT TO BOLER EQUIPMENT SERVICE, INC., FOR THE UTILITIES DEPARTMENT FOR THE AMOUNT OF \$1,707,794.00; APPROVING \$170,779.40 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT RELATED EXPENSES; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: ALL) (GENERAL SERVICES)

John Norman moved to approve Resolution No. 2022-166; 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

8. 2022-167 – RESOLUTION REJECTING THE SOLE BID RECEIVED FOR THE GARFIELD STREET PAVING AND UTILITY BOND PROJECT - BREAK OUT 02 (DISTRICT 3) (GENERAL SERVICES)

Engineering Services Director Jose Ortiz reported the bid was rejected because they only received one bid and it was double what the City wished to pay for the project. Mr. Ortiz would like to have seen multiple bidders for the project and a better pricing outcome; therefore, he explained how the project can be brought in-house and done one block at a time. Mr. Ortiz also reported the timeline is still going to be around 18 months.

John Norman moved to approve Resolution No. 2022-167; 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

15. 2022-173 – RESOLUTION APPROVING THE PURCHASE AND UPFITTING OF TWENTY-SIX (26) CHEVROLET TAHOES FROM CALDWELL COUNTRY CHEVROLET, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$1,949,046.00 (DISTRICT: ALL) (GENERAL SERVICES)

Police Chief Seth Herman reported the stationary vehicles in the parking lot are aged standby vehicles.

Jack Ladd moved to approve Resolution No. 2022-173; 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

17. 2022-175 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MOTOROLA SOLUTIONS, INC., FOR THE PURCHASE, INSTALLATION, AND SERVICING OF A MOTOROLA ASTRO P25 INTEROPERABLE RADIO SYSTEM THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A COST OF \$16,652,921.00 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT; APPROVING \$935,000.00 FOR CONTINGENCIES; AND

APPROPRIATING AND TRANSFERRING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Deputy City Manager Morris Williams reported there was a clerical error and that this item was not supposed to be recommended for denial.

Chief Information Officer Jennifer Frescaz gave a brief overview of the item noting this will allow more effective communications between Midland County and Odessa who also use Motorola.

Jack Ladd moved to approve Resolution No. 2022-175; 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

21. 133-2022 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR ENGINEERING AND ARCHITECTURAL SERVICES ASSOCIATED WITH THE NEW HEALTH SERVICES FACILITY DESIGN PROJECT AND TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (GENERAL SERVICES)

Community Services Director Cristina Burns reported this is an RFQ for design and construction plans. The timeline is to have qualification for Council approval in February or March of 2023. At that point, it should be 18 months or less and then they will look at construction.

Dr. Whitney Craig would like to expand services to the community but they will need more space to do so. They currently have to schedule patients months out in order to be seen.

Lori Blong moved to approve Motion No. 133-2022; 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

28. 2022-178 – RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE, ON BEHALF OF THE CITY OF MIDLAND, ANY TRACTS OF LAND NECESSARY OR APPROPRIATE FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, PEDESTRIAN ACCESS, DRAINAGE, AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH FROM A POINT AT OR NEAR THE EASTERN TERMINUS OF OCCIDENTAL PARKWAY TO A POINT AT OR NEAR THE INTERSECTION OF

ELKINS ROAD AND EAST COUNTY ROAD 40; AUTHORIZING THE CITY MANAGER TO OBTAIN APPRAISALS, NEGOTIATE, EXECUTE, AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID TRACTS OF LAND, PURCHASE TITLE INSURANCE POLICIES, AND HOLD THE CLOSINGS FOR SAID ACQUISITIONS; AUTHORIZING PAYMENT FOR SAID APPRAISALS, TITLE INSURANCE POLICIES, TRACTS OF LAND, AND CLOSING COSTS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE; AND AUTHORIZING MIDLAND COUNTY, TEXAS TO PERFORM PAVING SERVICES ON SAID TRACTS OF LAND AT NO COST TO THE CITY (DISTRICT 1) (ENGINEERING SERVICES)

Council Member Ladd gave appreciation for Engineering Services Director Jose Ortiz.

Engineering Services Director Jose Ortiz gave a brief overview of the item noting Midland County has a strong interest in this project and will provide construction funding for the project.

Jack Ladd moved to approve Resolution No. 2022-178; 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

34. 10357 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 7, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM HI, HEAVY INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH STREET AND NORTH TYLER 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 NOVEMBER 15, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10357.

Scott Dufford moved to approve the second and final reading of Ordinance No. 10357; 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

35. 10358 – AN ORDINANCE VACATING AND ABANDONING A 0.067-ACRE PORTION OF

ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 5 THROUGH 9, BLOCK 17, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SCHARBAUER DRIVE, APPROXIMATELY 209 FEET WEST OF NORTH BIG SPRING STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,836.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD NOVEMBER 15, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10358.

Lori Blong moved to approve the second and final reading of Ordinance No. 10358; 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:

36. 10359 – AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 29.782-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND STATE HIGHWAY 158) AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2023-01 FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (DISTRICT 4) (CITY MANAGER)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10359.

Mayor Payton opened the public hearing at 10:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10359; 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

37. 10360 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 1A,

BLOCK 14, CRESTGATE ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF FIELDER STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A VETERINARIAN CLINIC; 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10360.

Mayor Payton opened the public hearing at 10:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10360; 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

38. 10361 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 21, BLOCK 22, CRESTGATE ADDITION, SECTION 36, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDLAND AND BLUEBIRD LANE), BY PERMITTING AN INCREASED MAXIMUM HEIGHT OF AN ACCESSORY BUILDING; 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 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10361.

Mayor Payton opened the public hearing at 10:36 a.m.

Mr. Lonnie Phillips was in attendance to provide information if there were questions. He stated this is going to be an open air pavilion built to be closed for a fellowship hall.

There being no one else wishing to speak, the public hearing was closed at 10:37 a.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10361; 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

PUBLIC COMMENT

39. 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.)

Mayor Payton thanked Council and City Staff for the opportunity to work together during his time as Mayor.

EXECUTIVE SESSION

40. 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:

Mayor Payton recessed the meeting to go into Executive Session at 10:40 a.m.

- a. Section 551.072, Deliberation Regarding Real Property
 - a.1. Discuss the purchase, exchange, lease or value of real property

All the business at hand having been completed, the meeting adjourned at 11:39 a.m.

PASSED AND APPROVED January 10, 2023.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary