

**MIDLAND CITY COUNCIL
MINUTES
December 15, 2020**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., December 15, 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 (via Zoom)
Robert Patrick, Assistant City Manager Morris Williams

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

OPENING ITEMS

1. Invocation – Pastor Andrew Adams, Midland Bible 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 a proclamation honoring the life of former City Manager Courtney Sharp

Mayor Payton read a letter from the Sharp family and Council Member Dufford presented the proclamation to Courtney's family.

CONSENT AGENDA

Scott Dufford moved to approve the Consent Agenda Items 4-27, excluding items 5, 7, 9, 10, 11, 12, 14, 16, 17, 19, 20, 23, and 27; 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

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR CITY COUNCIL MEETING OF NOVEMBER 17, 2020
 - 4b. REGULAR CITY COUNCIL MEETING OF NOVEMBER 23, 2020
6. 2020-205 – RESOLUTION AWARDING A CONTRACT FOR THE REPAVING, STRIPING, AND PAINTING OF THE SCHARBAUER SPORTS COMPLEX PARKING LOTS TO DANNY’S ASPHALT AND PAVING, INC., FOR A TOTAL COST OF \$266,815.00; APPROVING \$26,682.00 IN CONTINGENCIES; AND AUTHORIZING THE TRANSFER OF FUNDS FOR SAID CONTRACT (GENERAL SERVICES)
8. 2020-207 – RESOLUTION AWARDING A CONTRACT FOR THE NEW YORK AVENUE & BENTON STREET WATER IMPROVEMENTS PROJECT TO BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,484,124.00; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
13. 2020-212 – RESOLUTION APPROVING THE PURCHASE OF A SPARTAN FOUR-DOOR CUSTOM TILT ALUMINUM CAB PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$947,546.00 (GENERAL SERVICES)
15. 2020-213 – RESOLUTION AWARDING CONTRACTS TO THE PLAYWELL GROUP, INC., PLAYWORKS, INC., EXERPLAY INC, AND 4B RECREATION DBA PLAYGROUNDS ETC. FOR THE PLAYGROUND RENOVATION PROJECT AT A TOTAL COST OF \$1,688,416.00; AND APPROPRIATING FUNDS FOR SAID PROJECT (GENERAL SERVICES)
18. 142-2020 – MOTION TO APPROPRIATE THE SUM OF \$240,000.00 FROM FUND 077 TO FUND 126 FOR THE COMMUNITY SERVICES DEPARTMENT IRRIGATION AND SOD PROJECT (COMMUNITY SERVICES)
21. 2020-216 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,043 AND 2,343 FEET EAST OF SOUTH GARFIELD STREET AND 320 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)
22. 2020-217 – RESOLUTION APPROVING THE TRANSFER OF FOUR OIL AND GAS WELL PERMITS FROM SMC OIL & GAS, INC. (“OPERATOR”) TO MCM EXPLORATION COMPANY, LLC (“TRANSFeree”); AND APPROVING THE TRANSFER OF THE ROAD

REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFEREE; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE) (DEVELOPMENT SERVICES)

24. 2020-219 – RESOLUTION AUTHORIZING THE EXECUTION OF A CAPITAL IMPROVEMENTS DEVELOPMENT AGREEMENT WITH MIDLAND STONEBRIDGE PROPERTIES, LP FOR THE CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS RELATED TO THE DEVELOPMENT OF STONEBRIDGE ADDITION, PHASE 3B, CITY AND COUNTY OF MIDLAND, TEXAS; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$356,832.00; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 212, SUBCHAPTER C AND CHAPTER 395, SUBCHAPTER B OF THE TEXAS LOCAL GOVERNMENT CODE (ENGINEERING SERVICES)
25. 143-200 – MOTION ACCEPTING A GRANT AWARD OF \$26,352.00 FROM THE FISCAL YEAR 2020 JUSTICE ASSISTANCE GRANT PROGRAM; AND AUTHORIZING THE APPROPRIATION OF SAID FUNDS TO THE POLICE JUSTICE GRANT FUND (074) (POLICE)
26. 144-2020 – MOTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT WITH CROWNQUEST OPERATING, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 2, 4, 9, 10, 11, 13, 14, 16, 19, 20, 21 AND 24, BLOCK 37, TOWNSHIP 3 SOUTH AND SECTION 30, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

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

5. 2020-204 – RESOLUTION AWARDING A CONTRACT TO FIBER PLATFORM, LLC DBA UNITE PRIVATE NETWORKS, L.L.C., FOR THE CITY-WIDE FIBER PROJECT FOR A COST OF \$3,714,000.00; APPROVING CONTINGENCIES IN THE AMOUNT OF \$315,000.00; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)

Council Member Robnett reported he saw \$1 million was being re-appropriated from public safety software. He asked what it was intended for and why it was not used for its original purpose. Chief Information Officer Jennifer Frescaz reported the original project was for public safety software to outfit vehicles, dispatch, new hardware and integrations. They had a large contingency that was not used and determined that the best use was for using the money to get fiber to some of the outer lying areas. The original project was awarded in 2018.

Spencer Robnett moved to approve Resolution No. 2020-204; 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

7. 2020-206 – RESOLUTION AWARDED A CONTRACT FOR THE “A” STREET MILL AND INLAY PAVING PROJECT TO CD KING CONSTRUCTION, LLC, DOING BUSINESS AS JD KING, OF SEMINOLE, TEXAS, AT A TOTAL COST OF \$2,108,890.70; AND AUTHORIZING PAYMENT (GENERAL SERVICES)

Council Member Blong asked about the timeline and which part of A Street was being done. Engineering Services Director Jose Ortiz reported it would be the same part which is currently under construction for utilities. As soon as the utilities are done it will be immediately followed with paving and should take the first half of next year to complete.

Council Member Dufford inquired if the overall street project is ahead or behind schedule and on budget. Mr. Ortiz reported that some portions are behind such as Garfield. They delayed beginning that project until A is completed. However they have moved up other projects in the meantime. They expect to meet the five year deadline to complete all projects. Currently they are ahead on expenses but there are still some major projects to complete. They hope it will balance out.

Mayor Payton asked about making the change to concrete and how it helps in the cost of maintenance for the long run. Mr. Ortiz reported that our major roads are used as drainage and the best material for carrying water is concrete. They use a combination of long lasting pavement and concrete for drainage on arterial roadways.

Lori Blong moved to approve Resolution No. 2020-206; 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

9. 2020-208 – RESOLUTION AWARDED A CONTRACT TO GARNEY COMPANIES, INC., FOR THE MIDLAND NE WATER SYSTEMS IMPROVEMENTS - PUMP STATION, TRANSMISSION AND DISTRIBUTION (PACKET A) FOR A COST OF \$22,063,309.00; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)

Council Member Blong felt that items 9 and 10 were connected and pulled both. She noted the certificate of obligation was pulled in the past in preparing for this project. How much of that project is covered by these two items or will there be others coming in the future. Utilities Director Carl Craigo reported that this will get water to the northeast side of town and that the two items contain everything. This project will give adequate water pressures on the northeast side of town and allow enough pressure to allow for the growth of an additional 10,000 connections.

Lori Blong moved to approve Resolution No. 2020-208; 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

10. 2020-209 – RESOLUTION AWARDING A CONTRACT TO CB&I STORAGE TANK SOLUTIONS LLC, FOR THE MIDLAND NE WATER SYSTEMS IMPROVEMENTS - ELEVATED STORAGE TANK (PACKET B) FOR A COST OF \$4,999,000.00; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)

Lori Blong moved to approve Resolution No. 2020-209; 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

11. 2020-210 – RESOLUTION AWARDING A CONTRACT TO RED DEER CONSTRUCTION, LLC FOR THE WEST WADLEY AVENUE WASTEWATER LINE EXTENSION PROJECT FOR A COST OF \$1,341,052.50; APPROVING CONTINGENCIES IN THE AMOUNT OF \$335,263.50; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)

Council Member Blong asked if this will extend beyond State Highway 158. Utilities Director Carl Craigo reported it will take us just past SH 158 with the use of impact fees and will be in place prior to paving the roadway with the exception of the small portion of temporary roadway being put in by the apartment complex.

Lori Blong moved to approve Resolution No. 2020-210; 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

12. 2020-211 – RESOLUTION APPROVING THE PURCHASE AND UPFITTING OF EIGHT (8) CHEVROLET TAHOES FOR THE GARAGE DIVISION FROM CALDWELL COUNTY CHEVEROLET THROUGH BUYBOARD AT A TOTAL COST OF \$559,912.00 (GENERAL SERVICES)

Council Member Trost asked if this went out to bid. He expressed concern that local vendors did not get a chance to bid. General Services Director Regina Stephenson reported these were specialized pieces of equipment that also required upfitting including computer equipment. She added that Buyboard collects bids and she could include those bid tabs in the future and that local vendors have the opportunity to bid through Buyboard.

Michael Trost moved to approve Resolution No. 2020-211; 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

14. 140-2020 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH REGION 20 EDUCATION SERVICE CENTER FOR THE PURPOSE OF PROVIDING THE CITY OF MIDLAND WITH COOPERATIVE PURCHASING SERVICES THROUGH THE PURCHASING ASSOCIATION OF COOPERATIVE ENTITIES (PACE) PURCHASING COOPERATIVE (GENERAL SERVICES)

Council Member Robnett was unclear on what is being done with this item and had concern that we were giving up control in our bid process. General Services Director Regina Stephenson clarified they are putting in place more leverage of bidding power through larger groups noting we could get a better price with quantity pricing. They always check to ensure the pricing is in line and will make sure that all local companies have had a chance to bid. For example they found they could get a color and black and white copier for less money than a black and white copier. This is just another tool that they can use to obtain the best price.

Spencer Robnett moved to approve Motion No.140-2020; 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

16. 141-2020 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND DOWNTOWN FARMERS MARKET, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (CITY MANAGER)

Council Member Robnett asked if the farmers market was downtown or at the museum. Mr. Trischitti reported it is at the museum noting that due to COVID they took a hit and this will help them. Council Member Robnett cautioned against using MDC promotional dollars for other organizations noting it was a comparatively small dollar amount. Mr. Trischitti added that they were in the sweet spot of what they do noting the farmers market promote entrepreneurial businesses and provides jobs.

Michael Trost moved to approve Motion No. 141-2020; 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

17. 2020-214 – RESOLUTION AUTHORIZING THE EXECUTION OF A MEDICAL DIRECTOR AGREEMENT WITH THE MIDLAND COUNTY HOSPITAL DISTRICT FOR THE PURPOSE OF PROVIDING THE CITY OF MIDLAND HEALTH DEPARTMENT WITH PROFESSIONAL MEDICAL DIRECTOR SERVICES; AND AUTHORIZING PAYMENT FOR SAID SERVICES (COMMUNITY SERVICES)

Council Member Blong wanted to ensure that people catch that a change is being made with the Health Department and asked for an explanation. Community Services Director Tina Jauz reported that for the past several years the Health Department has contracted with an individual to provide health authority guidance for the Health Department. They are required to have a physician to operate under. Now they are looking to operate under a contract with an entity rather than an individual. Midland Health will now be in partnership with the City. Council Member Blong thanked Dr. Humphreys for all that he has given to the community and thanked the hospital for managing the health crisis. Ms. Jauz added the contract will go into effect the first of the year.

Lori Blong moved to approve Resolution No. 2020-214; 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

19. 2020-193 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE YOUNG MENS CHRISTIAN ASSOCIATION OF MIDLAND, TEXAS FOR THE FACILITY IMPROVEMENT PROGRAM IN THE AMOUNT OF \$244,303.00 (DEVELOPMENT SERVICES) (DEFERRED FROM NOVEMBER 23, 2020)

Council Member Robnett noted this item was pulled a few weeks ago to find out if what they are doing fits in the CARES Act funding.

Christine Bearden, 5704 Greenridge, reported she was from the YMCA. They were working on a larger capital project pre-COVID. This is a smaller renovation of \$2.3 million to improve the commons, locker areas and key youth spaces. They are asking for assistance. The primary usage of the area is for licensed childcare which was very important during the COVID shut down. They provided virtual learning help for parents when the school did not open. They would like to recapture some of their membership loss and improve those areas. The renovation will include walls, fixtures and furnishings.

Council Member Robnett noted that they did a similar request for the Boys and Girls Club but theirs was for additional expenses they incurred as a result of COVID and would much rather see for those type expenses rather than for facilities.

The item died for lack of a motion.

20. 2020-215 – RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,410 FEET WEST OF RANKIN HIGHWAY AND 515 FEET SOUTH OF WEST INTERSTATE 20) BY ALLOWING

SAID OIL AND GAS WELL TO BE NO CLOSER THAN 265 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE OR RESIDENCE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)

Council Member Robnett asked about the history of the permit and asked if there was any pushback on the location. Oil & Gas Compliance Officer Ron Jenkins reported there have been no complaints or pushback on this area. Notices were sent out to the required areas by the operator and the City sends out another notice when it goes to Council for a public meeting.

Council Member Dufford recalled that when it was first permitted they had opposition from one or two. Mr. Jenkins agreed noting it was for water issues. Permian sat down with the citizen and worked it out.

Council Member Blong noted that sometimes we see a waiver of the requirement for a road repair agreement and asked why that is waived. Mr. Jenkins clarified that it is only waived when they are not using any City roads to access their site.

Spencer Robnett moved to approve Resolution No. 2020-215; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

23. 2020-218 – RESOLUTION AUTHORIZING THE CITY OF MIDLAND BUSINESS MICRO-GRANT ASSISTANCE PROGRAM; AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$1,000,000.00 FROM THE CARES GRANT; AND AUTHORIZING THE EXECUTION A CONTRACT WITH MIDLAND COLLEGE TO PROVIDE PROGRAM ADMINISTRATIVE SERVICES AT A COST NOT TO EXCEED \$37,000.00 (DEVELOPMENT SERVICES)

Council Member Robnett pulled this item for discussion. Development Services Director Chuck Harrington reported this item came before Council at the last meeting and did not move forward. Since then, Council Member Ladd has asked to provide additional funding, upping to one million dollars to provide funding for a maximum of 293 entities. There are several people here who are happy to address any questions. The money comes from the CARES grant and Finance Director Mark Mason can address the financial aspects. Someone is here from Midland College to address how it will work.

Council Member Ladd noted that several people are present wanting to speak in favor of the program. If we budget one million dollars, it will be allocated in \$250,000.00 tranches. When money has been spent it would trigger coming back to Council to approve another \$250,000.00. This money will go to small businesses with revenues less than one million dollars per year. Each business can receive up to \$10,000.00 in grant money. This is not a forgivable loan, but a grant. Midland College will administer the application.

Council Member Dufford noted that audited financials are required but businesses that have an income of less than one million dollars per year typically do not do audited financials, noting they can cost \$10,000.00 Council Member Blong agreed noting she does see the value in having audited financials but agrees it is cost prohibitive. She asked if there is another mechanism that could be applied.

Alfredo Chaparro of Midland College, reported that on November 17 when this item first came up for a vote, audited financials wasn't a part of the project, it was for 2019 taxes or business information. They asked the City of Odessa what they collected and it was Schedule C and sometimes the whole Form 1040. Requiring audited financials would severely alter the project. Schedule C is an attachment to the IRS Form 1040 and is applicable for 97% of applicants who are sole proprietors. Development Services Director Chuck Harrington reported there is no reference in the application to requiring audited financials. Mr. Chaparro noted that it was a requirement for the college to have audited financials when the college applied to collaborate with the City.

Enrique Romero, Odessa, felt that requiring an audit wouldn't work. Most of the applicants are sole proprietors. Odessa has had success and he works with them every day. He asks for bank statements, makes sure they are in the City limits, and ensures they are up to date on their property taxes. Council Member Robnett asked what percentage of the applicants in Odessa were sole proprietorships. Mr. Romero reported he didn't run the program but felt it was 75%.

Council Member Blong wondered if only the first tranch should be allocated noting that we don't know what may happen in the future and the money may be needed more for a new crisis. Mayor Payton agreed that he was in favor of cautious allocation.

Council Member Dufford asked how much money is left. Finance Director Mark Mason reported that there is \$4.5 million, after this allocation there would be \$3.5 million left if you fund the full \$1 million.

Patrick Cordero, 1605 N. Big Spring, reported that businesses are in crisis and on the precipice wondering how they will make it through January. Restaurants, barber shops and hair stylists could all use \$10,000.00 to get through to the next level. He suggested instead putting in a claw back provision if something changes in the future and to allocate the full one million dollars.

Adrian Carrasco, 2009 Mosswood Drive, noted this was a great opportunity for a community partnership and they have stakeholders that will be volunteers to give more information about the program and provide bilingual assistance noting that Odessa did not have enough bilingual people. This is great opportunity that shows support.

Enrique Romero reported he has 50 people on his list for funding and can guarantee those businesses will be open in the second quarter. Mayor Payton noted no one can guarantee what is going to happen tomorrow. He added that the City is the only entity in position to budget CARES Act money.

Danny Corrales noted that businesses are looking to the City in faith. They are approaching the tenth month of the pandemic. He cannot think of a better opportunity to put faith in Midland College to vet the applications. The people need your help, please act.

Council Member Dufford added that there are plenty of other uses for the CARES Act money including rental assistance, food assistance and other things. The City is trying to balance out all of those things.

Jack Ladd moved to approve Resolution No. 2020-218 with the amendment to allocate one million dollars with a tranch system of \$250,000.00 each to be reviewed by Council between each designation and to require 2019 tax statements and 2020 bank statements or financials; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Dufford, Norman, Ladd, Blong

NAY: Robnett, Trost

ABSTAIN: None

ABSENT: None

27. 2020-220 – RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 22.21-ACRE UTILITY EASEMENT OUT OF SECTIONS 9, 10 AND 11, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MARTIN AND MIDLAND COUNTIES, TEXAS, AT A COST NOT TO EXCEED \$277,375.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (UTILITIES)

Council Member Robnett noted he likes the number, is comfortable with it, and would like to make sure we know the full costs. Utilities Director Carl Craigo reported the cost is to move all flow lines. Thanks was given to Oxy for donating the right-of-way to the City.

Spencer Robnett moved to approve Resolution No. 2020-220; 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

SECOND READINGS

28. 10130 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 19.70-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF PRINCETON AVENUE, APPROXIMATELY 824 FEET WEST OF NORTH 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 (DEVELOPMENT SERVICES) (FIRST READING HELD NOVEMBER 17, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10130.

Lori Blong moved to approve the second and final reading of Ordinance No. 10130; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

29. 10131 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 4, REPLAT OF WINDWOOD PARK, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LR, LOCAL RETAIL DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 91 FEET NORTH OF ELM 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 NOVEMBER 17, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10131.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10131; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

30. 10132 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,588-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, WALLACE HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 377 FEET SOUTH OF SINCLAIR 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 (DEVELOPMENT SERVICES) (FIRST READING HELD NOVEMBER 17, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10132.

Michael Trost moved to approve the second and final reading of Ordinance No. 10132; 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

31. 10133 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1, 2, AND 3, BLOCK 1, JADEN KATE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH ELKINS ROAD AND ARAPAHOE 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 NOVEMBER 17, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10133.

Lori Blong moved to approve the second and final reading of Ordinance No. 10133; 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

32. 10134 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 22, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, 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 SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST WASHINGTON 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 NOVEMBER 17, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10134.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10134; 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

PUBLIC HEARINGS

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

33. 10138 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 15A, BLOCK 133, SOUTHERN ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT, IN PART, AND SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WEATHERFORD DRIVE, APPROXIMATELY 75 FEET NORTH OF EAST WASHINGTON 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. 10138.

Development Services Director Chuck Harrington gave a brief overview of the item noting that residential development is not possible in zoned districts. The applicant would like to put in a single family house and has to ask for a zone change to accomplish that. Staff is supportive.

Mayor Payton opened the public hearing at 11:35 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. 10138; 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

MISCELLANEOUS

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

Spencer Robnett moved to defer the item to the next meeting; 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

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 11:39 a.m.

35. 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:

Section 551.071, Consultation with the City Attorney

- .1. Discuss matters in which the duty of the attorney(s) 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.

Section 551.074, Personnel Matters

- .1. Deliberate the employment, evaluation, and duties of the Interim City Manager.

All the business at hand having been completed, the meeting adjourned at 12:15 p.m.

PASSED AND APPROVED January 12, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary