

**MIDLAND CITY COUNCIL  
MINUTES  
April 28, 2020**

**BRIEFING SESSION**

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at \_\_\_\_ a.m. on April 28, 2020.

Council Members present: Mayor Patrick Payton, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member John Norman (District 2), Council Member Jack Ladd (District 3), and Council Member Lori Blong (District 4).

Council Members absent: None.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, Assistant to the City Manager Marcia Bentley-German, City Secretary Amy Turner, Police Chief Seth Herman, Fire Chief Chuck Blumenauer, Utilities Director Carl Craigo, Administrative Services Director Mark Widmann, Interim Finance Director Jennifer Fung, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Regina Stephenson, Chief Information Officer Jennifer Frescaz, Solid Waste Director Jeffery Ahrlett, Planning Division Manager Cristina Odenborg, Building Official Jeff Pinkstaff, and Public Information Officer Erin Bailey.

Mayor Payton called the meeting to order at \_\_\_\_ a.m.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at \_\_\_\_ a.m.

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 28, 2020.

Council Members present: Mayor Patrick Payton, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member John Norman (District 2), Council Member Jack Ladd (District 3), and Council Member Lori Blong (District 4).

Council Members absent: None.

Staff members present at the annex table: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order:

Mayor Payton called the meeting to order at \_\_ a.m.

### **OPENING ITEMS**

cto 10:00 a.m.

1. Invocation - Mayor Patrick Payton
2. Pledge of Allegiance

### **CONSENT AGENDA**

3. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 3 - 9 excluding 4, 5, 6, 7, 8; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

- a. Regular meeting of April 14, 2020.

Council Member Robnett moved to approve Consent Agenda items 3 - 9 excluding 4, 5, 6, 7, 8; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a resolution awarding a contract for the Fire Station 5 Project (900307) and Fire Station 11, Fueling Station and Wash Bay Project (900335) to MW Builders, Inc., for a total cost of \$10,899,500.00; approving \$369,295.45 in contingencies; and allocating a total combined amount of \$11,424,304.75 for said projects; for the General Services Department. (PURCHASING)

#### **RESOLUTION NO. 2020 - 076**

**RESOLUTION AWARDING A CONTRACT FOR THE FIRE STATION 5 PROJECT (900307) AND FIRE STATION 11, FUELING STATION AND WASH BAYS PROJECT (900335) TO MW BUILDERS, INC., FOR A TOTAL COST OF \$10,899,500.00; APPROVING \$369,295.45 IN CONTINGENCIES; AND ALLOCATING A TOTAL COMBINED AMOUNT OF \$11,424,304.75 FOR SAID PROJECTS**

Lorri Blong large expenditure about budget concerns spoke understand share with us why we need . Chief Chuck Blumenaur sta 5 is torn down operating out of another not covered as well when brought back. sta 11 covers area not covered currently to ensure iso stays at 1. secoondarily believe come out back side of COVID and need to be prepared at this time. done greaat job caring for things.

Robnett saw ulled moeny out of buldg sw demo proj and assigned to this do they oot go back to general fund? Regina Stephonson asked our finnace director if could do, left over funds not used for anything else decided use for fire statiion. Robnett procedure in leftover in fudns. Regina when projects closed they go baack. Robnett just looked dif.

Council Member Robnett moved to adopt Resolution No. 2020 - 076; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

5. Approved a resolution to deny the Distribution Cost Recovery Factor (DCRF) application proposed by Oncor. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 077

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, FINDING THAT THE APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC ("ONCOR") FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY ONCOR; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND COPIES OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL

Ladd someone from Oncor here? Dufford don't need to be. Morris Oncor proposed rate iincrease we belogn tos teering ccommitt with sev w tx cities representing legally by a firm and see. Ladd if voting yes deenyng. Ohnemiller the steer comm will negot annual endeavvor.

Council Member Robnett moved to adopt Resolution No. 2020 - 077; seconded by Council Member Ladd.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

6. Approved a resolution authorizing the Mayor, City Manager and City Attorney to execute the Coronavirus Aid, Relief and Economic Security (CARES) Act Grant from the Federal Aviation Administration (FAA) upon receipt. (AIRPORTS)

RESOLUTION NO. 2020 - 078

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT GRANT FOR THE DEPARTMENT OF AIRPORTS IN THE AMOUNT OF \$22,935,854.00

Robnett what are we going to do with this money this might be eexpansion plans for

airport or update master plan? Morris, nothing has been allocated but it is reimbursable things that the airport will need. We don't have plan. Blong had conversation the main point to particular is we cannot reduce staff then would have to pay this money back. Significant factor to understand it will allow to pull money to take care of but if we vote yes cannot reduce staff.

Robnett would love to see a budget for the plan of this money. make sure plan master plan. Morris text use money to pay off bills. Blong speaks well of Justine significantly more money than other airports of our size. Payton in conj with PPP issues going on.

Council Member Robnett moved to adopt Resolution No. 2020 - 078; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

7. Approved a resolution authorizing the termination of the existence of the Midland Spaceport Development Corporation. (AIRPORTS)

#### RESOLUTION NO. 2020 - 079

RESOLUTION AUTHORIZING THE TERMINATION OF THE EXISTENCE OF THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION (THE "CORPORATION"); AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY SECRETARY TO EXECUTE A CERTIFICATE OF TERMINATION ON BEHALF OF THE CITY OF MIDLAND, TEXAS, IN ACCORDANCE WITH SECTION 501.403 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE CITY SECRETARY TO DELIVER FOUR ORIGINALS OF THE CORPORATION'S CERTIFICATE OF TERMINATION TO THE TEXAS SECRETARY OF STATE FOR FILING; AUTHORIZING AND DIRECTING THE CITY COMPTROLLER TO PAY A FILING FEE TO THE TEXAS SECRETARY OF STATE; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY OR APPROPRIATE TO EFFECT THE TRANSFER OF ALL FUNDS AND PROPERTY OWNED BY THE CORPORATION UPON TERMINATION OF THE CORPORATION TO THE AUTHORIZING UNITS; AND AUTHORIZING AND DIRECTING THE CITY COMPTROLLER TO TRANSFER SAID FUNDS TO THE CITY OF MIDLAND, TEXAS, AND MIDLAND COUNTY

Trost refresh is it because doesn't meet very often? Blong brought up last meeting consider dissolving, no funding that managing no monies being managed no decisions being made but paying for annual audit very expensive money has to be allocated over to manage audit. after talking to justine courtney john approp to close and considering forming board pos to subcom of airport board. Trost on first board went to Austin to capital brought back \$2m. Not sure isn't a function. Morris justine text did good getting rid pay for audit every year and no budget current members still meet quarterly as subcom of airport board.

Council Member Ladd moved to adopt Resolution No. 2020 - 079; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

8. Approved a resolution approving the purchase of two-TruNarc drug detection and identification systems at a total cost of \$51,506 from sole source provider Thermo Scientific Portable Analytical Instruments Inc., the funds for which are to be derived from the FY2019 HIDTA Grant (POLICE)

RESOLUTION NO. 2020 - 080

RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF TWO (2) TRUNARC DRUG DETECTION AND IDENTIFICATION SYSTEMS FOR THE POLICE DEPARTMENT FROM THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS, INC., FOR A TOTAL COST OF \$51,506.00

Ladd grant money. Seth through hidta comm.

Council Member Blong moved to adopt Resolution No. 2020 - 080; seconded by Council Member Ladd.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

9. Approved a motion authorizing the execution of a Surface Use Agreement with HEP Fin-Tex/Trust River, L.P., regarding City-owned property described as Lot 2A, Block 11, Midland International Airport Industrial Park Addition, Lots 3B, 4B, 4C, and 5B, Block 11, Midland International Airport Industrial Park Addition 6, and Lots 11A and 12A, Block 10, Midland International Airport Industrial Park Addition 7, City and County of Midland, Texas. (UTILITIES)

Council Member Robnett moved to approve Consent Agenda items 3 - 9 excluding 4, 5, 6, 7, 8; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

## SECOND READINGS

10. Consider an ordinance on second reading on a request by YMCA of Midland for a vacation of the 0.2825-acre portion of alley right-of-way, located adjacent to Lot 2, Blocks 19, Elmwood Addition, Section 3, and Lots 1 through 12, Block 6, S. W. Estes Addition, City and County of Midland, Texas (generally located on the north side of West Kansas Street, approximately 481-feet east of North Big Spring Street). (DEVELOPMENT SERVICES) (First reading April 14, 2020)

ORDINANCE NO. 10072

AN ORDINANCE VACATING AND ABANDONING A 0.2825-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 19, ELMWOOD ADDITION, SECTION 3, AND LOTS 1 THROUGH 12, BLOCK 6, S. W. ESTES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST KANSAS AVENUE, APPROXIMATELY 481 FEET EAST OF NORTH BIG SPRING STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,608.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10072.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10072 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

11. Consider an ordinance on second reading on a request by Midland (King) DTP, LLC, for a zone change from LI, Light Industrial District to C, Commercial District on Lots 3 and 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas (generally located on the southwest corner of the intersection of Garden City Highway and King Street). (DEVELOPMENT SERVICES) (First reading April 14, 2020)

ORDINANCE NO. 10073

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 2, OVERSTREET ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO C, COMMERCIAL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GARDEN CITY HIGHWAY AND KING 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10073.

Council Member Blong moved to approve the second and final reading of Ordinance No. 10073 in accordance with the Charter of the City of Midland; seconded by Council Member Norman.

Bob Gage GBT REealty no statement more than happy to answer questions.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

**PUBLIC HEARINGS**

12. Hold a public hearing and consider an ordinance on a request by Cork & Pig Tavern – Ally Village, LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on a 5,460 square foot portion of Lot 2, Block 1, Corporate Plaza, Section 21, City and County of Midland, Texas (generally located on the south side of Spring Park Drive, approximately 685-feet east of North Big Spring Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10074

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,460-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, CORPORATE PLAZA, SECTION 21,

CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING PARK DRIVE, APPROXIMATELY 685 FEET EAST OF NORTH BIG SPRING STREET), 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10074.

Mayor Payton opened the public hearing at 10:19 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Blong moved approval of the first of two readings of Ordinance No. 10074 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

13. Hold a public hearing and consider an ordinance on a request by Alexandra Brinker for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,472 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (generally located on the southeast corner of the intersection of North Garfield Street and Castleford Road). (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 10075

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,472-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND CASTLEFORD ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10075.

Scott need ot talk about time.

Mayor Payton opened the public hearing at 10:20 a.m. There being no one present

wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10075 in accordance with the Charter of the City of Midland with amendment change alcohol seervice hours beginning at 11 a.m. Sundays.; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

14. Hold a public hearing and consider an ordinance on a request by Jorge Chavez for a zone change from MF-22, Multiple-Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 14, Block 1, Eastover Addition, City and County of Midland, Texas (generally located on the east side of North Adams Street, approximately 80-feet south of East Illinois Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10076

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 14, BLOCK 1, EASTOVER ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH ADAMS STREET, APPROXIMATELY 80 FEET SOUTH OF EAST ILLINOIS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10076.

Mayor Payton opened the public hearing at 10:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10076 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

15. Hold a public hearing and consider an ordinance on a request by Garret Haley for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 6,166 square foot portion of Lot 2A, Block 1A, Midkiff Plaza Addition, Section 8, City and County of Midland, Texas (generally located on the south side of West Loop 250 North, approximately 1,036-feet east of North Midkiff Road). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10077

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,166-SQUARE FOOT PORTION OF LOT 2A, BLOCK 1A, MIDKIFF PLAZA ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON

THE SOUTH SIDE OF WEST 250 LOOP NORTH, APPROXIMATELY 1,036 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10077.

Mayor Payton opened the public hearing at 10:23 a.m.

Garrett Haley thanks for cons app happy to answer questions.

There being no one else wishing to speak, the public hearing was closed at 10:24 a.m.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10077 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

16. Hold a public hearing and consider an ordinance on a request by Midland Platinum II, LLC., for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, on Lot 2A, Block 3, Westridge Park Addition, Section 10, City and County of Midland, Texas (generally located on the west side of Tradewinds Boulevard, approximately 300-feet south of Andrews Highway). (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 10078

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 2A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 300 FEET SOUTH OF ANDREWS HIGHWAY), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10078.

Mayor Payton opened the public hearing at 10:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Blong moved approval of the first of two readings of Ordinance No. 10078 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

17. Hold a public hearing and consider an ordinance on a request by Elvira Garcia for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on Lots 13 and 14, Block 145, Southern Addition, City and County of Midland, Texas (generally located on the east side of South Baird Street, approximately 110-feet north of East Pennsylvania Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10079

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 13 AND 14, BLOCK 145, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH BAIRD STREET, APPROXIMATELY 110 FEET NORTH OF EAST PENNSYLVANIA 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10079.

Mayor Payton opened the public hearing at 10:27 a.m.

Octaviano Munoz, his son Omero Munoz, would it affect surrounding properties that are still commercial being able to open a business where would be objectified into doing things allowed now. Development Services Director no impact on ability of other properties to develop commercially. no impact on ability of dev other commercial properties zone change strictly for this property. With regard to reg that exist those do not change either. for building on properties next to the residential such as noise. Chuck restrictions on property itself would have tougher restrictions than commercial. does not affect commercial properties around it. Mayor yes properties around will be able to develop commercially. His property is across street from this property if build a tire shop where noise would it be affected by fact that property across street is residential. Chuck no under same restrictions of any other commercial property around town. no new restrictions on you because of residential.

how does it affect value. Chuck cannot answer that is determined by the market. Realtor would be best source of that information.

There being no one else wishing to speak, the public hearing was closed at 10:32 a.m.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10079 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

18. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned Development District for a Housing Development on Lots 19 through 31, Block 5; Lots 1 through 16, Block 8; Lots 1 through 9, Block 9; and Lots 1 through 4, Block 10; all out of Quail Ridge Addition, Section 6, Lots 10 through 20, Block 9; Lots 5 through 18, Block 10; and Lots 1 through 14, Block 11; all out of Quail Ridge Addition, Section 7; a 7.432-acre portion of Lot 1, Block 1, Quail Ridge Addition; and a previously vacated 0.004 acre portion of Beachwood Street right-of-way, Quail Ridge Addition, Section 2; City and County of Midland, Texas (generally located on the northwest corner of the intersection of Chukar Lane and Beachwood Street). (DEVELOPMENT SERVICES)

#### ORDINANCE NO. 10080

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 19 THROUGH 31, BLOCK 5, LOTS 1 THROUGH 16, BLOCK 8, LOTS 1 THROUGH 9, BLOCK 9, AND LOTS 1 THROUGH 4, BLOCK 10, QUAIL RIDGE ADDITION, SECTION 6, LOTS 10 THROUGH 20, BLOCK 9, LOTS 5 THROUGH 18, BLOCK 10, AND LOTS 1 THROUGH 14, BLOCK 11, QUAIL RIDGE ADDITION, SECTION 7, A 7.432-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, QUAIL RIDGE ADDITION, AND A 0.004-ACRE TRACT OF LAND OUT OF QUAIL RIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHUKAR LANE AND BEACHWOOD 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10079.

Mayor Payton opened the public hearing at 10:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10080 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

#### MISCELLANEOUS

19. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of

two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)

ORDINANCE NO. 10081

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10081

Traffic Division update of city wide stoop sign ord.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10081 in accordance with the Charter of the City of Midland; seconded by Council Member Norman.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

20. Approved a motion making appointments to various boards and commissions. (CITY SECRETARY'S OFFICE)

Council Member Blong moved to appoint Lourcey Sams, Jill Pennington, Elain Bedell to MDC; seconded by Council Member Trost.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Ladd moved to replace Sara Harris and Luanne Morgan with Tasha Sport and Sharla Hotchkiss on Animal Advisory; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Ladd moved to appoint Dal Watson and Ron Stromman to Parks & Rec ; seconded by Council Member Robnett.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

adjourn 12:20 p.m.

**EXECUTIVE SESSION**

recess to executive session at 10:36 a.m.

reconvened at 12:17 p.m.

21. Pursuant to Texas Government Code §551.101, the Council will hold an Executive

Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

- a. Section 551.071, Consultation with 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.
- b. Section 551.074, Personnel Matters
  - b.1. Deliberate the appointment of members to the Midland Development Corporation board of directors and interview applicants.

All of the business at hand having been completed, the meeting adjourned at \_\_\_\_ p.m.

PASSED AND APPROVED the \_\_ day of \_\_\_\_, 2020.

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Patrick Payton, Mayor

ATTEST:

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Amy M. Turner, City Secretary