

**MIDLAND CITY COUNCIL
MINUTES
January 11, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 11, 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 Roy Smith, True-Lite Christian Fellowship
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Presentation of the 2021 Christmas Parade Awards

Recreation Superintendent Joey Jolly presented the Christmas Tree Parade winners with trophies. Best Overall Theme and Lights – Abundant Life Ministries; Best Lighted Band – Alamo Scout Band; Best Themed Float – Bush's Chicken; Third Place overall - BSA Troop #179; Second place overall was a tie between the Salvation Army and Xtreme Mayhem Softball; First Place overall - Aggie Tech.

CONSENT AGENDA

Scott Dufford moved to approve the Consent Agenda items 4-18, excluding item(s) 6, 8, 11, 13, 17; 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

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. SPECIAL SESSION OF NOVEMBER 16, 2021

4b. REGULAR SESSION OF DECEMBER 14, 2021

5. 001-2022 – MOTION ACCEPTING A DONATION IN THE AMOUNT OF \$71,750.00 FROM CHEVRON PRODUCTS COMPANY, A DIVISION OF CHEVRON U.S.A. INC.; SAID FUNDS TO BE USED FOR THE PURCHASE OF HAZMAT ID ELITE (DISTRICT: NONE) (FINANCE)
7. 2022-002 – RESOLUTION AWARDED A CONTRACT FOR THE CITYWIDE PAVEMENT MARKING PROJECT TO THE SOLE BIDDER, BARRICADES UNLIMITED OF LUBBOCK, TEXAS, AT A TOTAL COST NOT TO EXCEED \$214,825.00; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
9. 2022-004 – RESOLUTION AWARDED A CONTRACT FOR THE FISCAL YEAR 2022 SLURRY SEAL PROJECT TO VIKING CONSTRUCTION, INC. OF GEORGETOWN, TEXAS, AT A TOTAL COST OF \$1,484,100.62; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
10. 2022-005 – RESOLUTION AUTHORIZING THE PURCHASE OF HERBICIDE FOR THE PLANT FARM FROM HELENA AGRI-ENTERPRISES, LLC OF STANTON, TEXAS, AT A TOTAL COST OF \$193,168.50 (DISTRICT 2) (GENERAL SERVICES)
12. 002-2022 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY, TEXAS, FOR COOPERATIVE PURCHASING SERVICES THROUGH THE TARRANT COUNTY COOPERATIVE PURCHASING PROGRAM (DISTRICT: NONE) (GENERAL SERVICES)
14. 2022-008 – RESOLUTION APPROVING THE PURCHASE OF A FORD F-550 POT HOLE PATCHER FROM RUSH TRUCK CENTERS OF TEXAS, LP, THROUGH BUYBOARD FOR A TOTAL COST OF \$186,723.00 (DISTRICT: NONE) (GENERAL SERVICES)
15. 003-2022 – MOTION RATIFYING THE CITY OF MIDLAND'S ACCEPTANCE OF CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATION ACT GRANT FUNDING THROUGH THE FEDERAL AVIATION ADMINISTRATION'S AIRPORT CORONAVIRUS RESPONSE GRANT PROGRAM IN THE AMOUNT OF \$23,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION – AVIATION DIVISION (DISTRICT 4) (AIRPORTS)

16. 004-2022 – MOTION RATIFYING THE CITY OF MIDLAND’S ACCEPTANCE OF AIRPORT RESCUE GRANT FUNDING THROUGH THE AMERICAN RESCUE PLAN ACT IN THE AMOUNT OF \$59,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION – AVIATION DIVISION (DISTRICT 4) (AIRPORTS)
18. 2022-010 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO MCM OPERATING, LLC (“OPERATOR”) TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND BETWEEN 1,450 FEET AND 1,530 FEET EAST OF HOLIDAY HILL ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 1) (DEVELOPMENT SERVICES)

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

6. 2022-001 – RESOLUTION AWARDED A CONTRACT FOR THE FISCAL YEAR 2022 MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST NOT TO EXCEED \$4,670,020.95; AND AUTHORIZING PAYMENT (GENERAL SERVICES) (DISTRICT 2)

Council Member Norman asked if this replaces the curb and gutter. Transportation Manager Gabe McClelland reported this is a maintenance item and just addresses the damage. Council Member Corrales asked about water levels on Jefferson between Gist and Hicks. Mr. McClelland clarified that item is in design now.

John Norman moved to approve Resolution No. 2022-001; 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. 2022-003 – RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT WITH CINTAS CORPORATION FOR THE PURCHASE OF EMPLOYEE UNIFORMS FOR A TOTAL COST OF \$224,667.00 (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Corrales reported it appeared there was one bidder that had a lower bid. General Services Director Regina Stephenson reported one appeared to be lower but they did not provide a cost for all of the items and did not have a local presence as required.

Dan Corrales moved to approve Resolution No. 2022-003; 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

11. 2022-006 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR TURF AND LANDSCAPE MAINTENANCE SERVICES FOR THE CITY OF MIDLAND PARKS, ATHLETIC FIELDS, AND OTHER CITY PROPERTIES MAINTAINED WITHIN THE PARKS AND RECREATION DIVISION (DISTRICT: ALL) (GENERAL SERVICES)

Council Member Dufford reported that after considerable study over the course of the last month he recommends going with Aldredge Gardens. City Attorney John Ohnemiller reported that when a motion is made, it needs to include an amendment to include the name and contract price.

Deputy City Manager Morris Williams reported staff has brought three options for Council's consideration. Option one is Aldredge Gardens, option two is M3 Landscapers and option three is breaking up the contract to be awarded to three companies; Aldredge Gardens, M3 Landscapers and Lawn and Tree Tech.

Justin Smith, 3300 N. Fairgrounds Road, Aldredge Gardens, reported he has worked on the City contract for many years now. During the drought, items were removed from the contract that made it difficult to make the parks look good. The new contract is written well and covers all of the products that will be used. They have the manpower and equipment to complete this contract.

Juan Vasquez, 5308 Logan Court, M3 General Manager, gave an overview of the projects they have handled including the school district. He reported he can get the manpower needed for option two or three.

Mike Small, 3612 Humble, Lawn and Tree Tech, has been in business for 38 years and has all of the necessary licenses, equipment and manpower to fulfill the contract.

Council Member Ladd apologized to Aldredge Gardens noting he did not realize they did not have what they needed to make the parks look better.

Scott Dufford moved to approve Resolution No. 2022-006 with the amendment to choose option 1; seconded by John Norman.

The motion failed by the following vote:

AYE: Poole, Dufford, Norman

NAY: Corrales, Blong, Payton, Ladd

ABSTAIN: None

ABSENT: None

Jack Ladd moved to approve Resolution No. 2022-006 with the amendment to choose option 3; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Corrales, Blong, Payton, Ladd, Norman

NAY: Poole, Dufford

ABSTAIN: None

ABSENT: None

13. 2022-007 – RESOLUTION APPROVING A CONTRACT WITH THYSSENKRUPP ELEVATOR CORPORATION, THROUGH SOURCEWELL, FOR THE REPLACEMENT OF FOUR (4) ELEVATORS AT THE SCHARBAUER SPORTS COMPLEX FOR A TOTAL COST OF \$334,493.84; APPROVING \$33,451.16 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)

Council Member Corrales questioned the modernization of the elevators. Assistant Community Services Director Laurie Williams reported they have a hard time finding parts for the elevators. They chose the option to modernize the elevators which will make them go faster and have more availability for parts. The other option was to replace the elevator which would have to be big enough for a gurney which would mean a larger elevator shaft; this option would cost much more.

Council Member Corrales asked about market rate. General Services Director Regina Stephenson reported this is priced out through the SourceWell Purchasing Cooperative.

Dan Corrales moved to approve Resolution No. 2022-007; 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. 2022-009 – RESOLUTION ADOPTING AND APPROVING A METRIC SCALE FOR CONSIDERING AND GRANTING SALES TAX REFUND INCENTIVES FOR ECONOMIC DEVELOPMENT PROPOSALS PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE (DISTRICT: ALL) (CITY MANAGER)

Council Member Corrales asked about the metric scale of tying the dollars to capital investments. MDC Executive Director Sara Harris reported that the Mayor and Council Members wanted a metric to tie sales and performance to property sales tax abatement. She could not find a model but chose to provide a model that is tied to their capital investment, meaning, a larger investment could mean a larger abatement for a longer period of time.

Dan Corrales moved to approve Motion No. 2022-009; 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

19. 10260 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 2,

BECKLAND TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF COUNTRY CLUB DRIVE, APPROXIMATELY 312 FEET WEST OF DELMAR STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK; 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 4) (DEVELOPMENT SERVICES) (DEFERRED FROM NOVEMBER 16, 2021) (FIRST READING HELD DECEMBER 14, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10260.

Lori Blong moved to approve the second and final reading of Ordinance No. 10260; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

20. 10268 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,000-SQUARE FOOT PORTION OF LOT 31, BLOCK 10, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF THOMASON DRIVE AND WEST WALL STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A NIGHTCLUB 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 (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD DECEMBER 14, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10268.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10268; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

21. 10270 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF

MIDLAND TO REZONE LOTS 3 AND 4, 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 ON THE WEST SIDE OF NORTH MADISON STREET, APPROXIMATELY 100 FEET SOUTH OF ORCHARD 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 (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD DECEMBER 14, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10270.

John Norman moved to approve the second and final reading of Ordinance No. 10270; 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 HEARINGS

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

22. 005-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE OIL AND GAS WELL CM MIPA ALLOC #H105WA; SAID WELL BEING GENERALLY LOCATED 1,690 FEET WEST OF RANKIN HIGHWAY AND 605 FEET SOUTH OF I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

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

23. 006-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE OIL AND GAS WELL MUSTANG 110 MIPA UNIT #H110WB; SAID WELL BEING GENERALLY LOCATED 2,365 FEET EAST OF RANKIN HIGHWAY AND 170 FEET SOUTH OF I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:47 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

24. 10272 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,674-SQUARE FOOT PORTION OF LOT 1-H, BLOCK 5, COLONY PLACE ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BREWERY 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10272.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is requesting a special designation to open a micro-brewery. This is similar to Tall City Brewery. They meet all requirements and staff recommends approval.

Mayor Payton opened the public hearing at 10:48 a.m.

Casey Smith, 2405 Gulf Avenue, reported he was available for questions. He added that they are a much smaller scale than Tall City Brewery. They will have board games and this will basically be an adult nerd zone.

Ted Morehouse, 2408 Gulf Avenue, reported this will be a board game cafe which is an emerging trend in other cities and will be the first in Midland. He is a home brewer and this is a nano-brewery.

There being no one else wishing to speak, the public hearing was closed at 10:50 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10272; 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

25. 10273 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 15, BLOCK 10, KIMBER-LEA ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 210 FEET EAST OF NORTH MIDKIFF 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10273.

Mayor Payton opened the public hearing at 10:50 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. 10273; 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

26. 10274 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 9-12, BLOCK 37, COLLEGE HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST FRONT STREET AND CARLTON STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10274.

Mayor Payton opened the public hearing at 10:53 a.m.

Yesika Campos, 605 S. Mineola Street, reported she was available for questions. Council Member Norman asked if this was an auto detail shop. Ms. Campos reported it is for used car sales.

There being no one present wishing to speak, the public hearing was closed at 10:54 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10274; 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

27. 10275 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1-28 AND THE WEST 28 FEET OF LOT 29, BLOCK 168, WILSHIRE PARK ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-2, OFFICE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH LOOP 250 AND GRACELAND 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 (DISTRICT 4) (DEVELOPMENT

SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10275.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a request that was previously heard in December for a Commercial Zoning District, but staff felt that zoning was out of place. Council felt more control would be better. It has now come back under a Planned Development which gives more control.

Mayor Payton opened the public hearing at 10:55 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. 10275; 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. 10276 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,241-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 605 FEET NORTH OF WEST WADLEY 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10276.

Mayor Payton opened the public hearing at 10:56 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. 10276; 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

29. 10277 – AN ORDINANCE VACATING AND ABANDONING A 0.08-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1 AND 2, BLOCK 1, OVERSTREET ADDITION, AND LOTS 6, 23, 24, AND 25, BLOCK 33, UNRECORDED CAROL CREST ADDITION, SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 255 FEET SOUTH OF GARDEN CITY HIGHWAY AND APPROXIMATELY 261 FEET EAST OF HENDERSON BOULEVARD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,712.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10277.

Development Services Director Chuck Harrington gave a brief overview of the item noting a portion of the west alley was previously vacated. This item will allow them to combine all of the properties into one. They will pay the appropriate fees of \$8,712.00. He clarified this is a dead alley. If you looked at it, you would not know it was an alley.

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.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10277; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

30. 10278 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 19 AND 20, BLOCK 64, PARK AVENUE HEIGHTS, SECOND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST CALIFORNIA AVENUE AND SOUTH BUNCHE 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10278.

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.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10278; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: None

31. 10279 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,150-SQUARE FOOT PORTION OF LOT 10, BLOCK 56, PERMIAN ESTATES, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 670 FEET EAST OF NORTH MIDLAND 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10279.

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.

Lori Blong moved to approve the first of two readings of Ordinance No. 10279; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Poole, Blong, Payton, Dufford, Ladd, Norman
NAY: Corrales
ABSTAIN: None
ABSENT: None

32. 10280 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 200-SQUARE FOOT PORTION OF LOT 3, BLOCK 1, POLO CLUB ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND BLUEBIRD LANE), WHICH IS PRESENTLY ZONED AE, AGRICULTURAL ESTATE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR WIRELESS COMMUNICATION SYSTEMS, INCLUDING A MONOPOLE ANTENNA STRUCTURE; 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. 10280.

Mayor Payton opened the public hearing at 11:01 a.m.

Ralph Wyndgarden, representing Faulk and Foster, Grand Rapids, MI, reported he has done thousands of towers. This tower is for Verizon. He reviewed a presentation on coverage capacity, existing site maps, elevations, a mock-up of what the tower will look like from surrounding areas and zoning codes. He noted this mono-pole would take the place of approximately 36 micro-poles for several carriers. He reported they have FAA approval and the pole would be surrounded by a brick fence similar to the existing church. He asked Council for approval of this site.

Ed Runyan, 5114 Polo Club Road, reported the area is all Agricultural Estates and the intent has always been to preserve this green belt. They are asking to put in a mono-pole on a 200 square foot plat. If he wants to build it has to be on two acres. He suspects this will be a Verizon 5G tower. He raised concerns about this tower being on the approach to Airpark. He reviewed articles that raised concerns about 5G towers interfering with plane altimeters, noting that there are inexperienced pilots flying in this area. He does not think a monopole is the best fit for this environment.

Charlie Qualia, 2303 Texland Circle, agreed with Mr. Runyan and added that Planning & Zoning turned this item down unanimously. Staff's recommendation is to deny. This item is not in compliance with the comprehensive plan. The neighborhood does not want it. He added that he is the President of the Texland Estates HOA and they are not in favor of it.

Clint Walker, 2108 Bluebird, disputed some of the things said by Mr. Wyndgarden. There is 97 feet from the pole to his property line and 339 feet to his front door. There are seven church sites in the green belt. This will set a precedent and Polo Park is just on the other side of Bluebird. He reviewed other cities and found no cell tower in residential neighborhoods. They are mostly located in retail or commercial sites. It would be different if the pole was there prior to their homes being built. He respectfully asked the City Council to deny this request.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10280; seconded by Dan Corrales.

The motion failed by the following vote:

AYE: None

NAY: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

ABSTAIN: None

ABSENT: None

33. 10281 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,000-SQUARE FOOT PORTION OF LOT 1A, BLOCK 29, HOMESTEAD ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST LOUISIANA AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10281.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is at the old Basin Burger site. Opals Table is proposing to open a new restaurant of a different style. Alcohol service is part of that request.

Mayor Payton opened the public hearing at 11:29 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. 10281; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

34. 10282 – AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT”, CHAPTER 3, “FLOOD DAMAGE PREVENTION CODE”, SO AS TO REVISE CERTAIN STANDARDS FOR CONSTRUCTION IN FLOOD HAZARD AREAS WITHIN THE CITY OF MIDLAND; SETTING FORTH VARIANCE AND APPEAL PROCEDURES; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (DISTRICT: ALL) (ENGINEERING SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10282.

Mayor Payton opened the public hearing at 11:30 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. 10282; seconded by John Norman.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, Norman

NAY: None

ABSTAIN: None

ABSENT: Ladd

MISCELLANEOUS

35. 007-2022 – MOTION GRANTING AUDEN CARRILLO’S APPEAL AND REVERSING THE BUILDING OFFICIAL’S DENIAL OF A SIGN PERMIT FOR LOT 3, BLOCK 33, CRESTGATE ADDITION, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BLUEBIRD LANE, APPROXIMATELY 2,213 FEET EAST OF NORTH MIDLAND DRIVE) (DISTRICT 1) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the request came up as result of lack of permitting for their base of the sign. A new site plan was furnished this morning. The base encroaches into the right-of-way by five feet. The applicant came up to get a permit for the sign. Staff has no way to justify this item as it’s actually in the right-of-way which creates issues. Should council approve this item, they will need to obtain a right-of-way use agreement and indemnity insurance to protect the City. Council Member Dufford asked if Bluebird was widened, would that sign be in the way. Mr. Harrington reported it would. Council Member Corrales suggested adding a clause that if the road were widened, the applicant would be responsible for moving it.

Auden Carillo, 3701 NCR 1130, reported the base was built prior to the permit application. The applicant thought it was far enough from the curb. It does not obstruct the view and they do not have a problem if it needs to be moved later.

Pastor Pieter Reid, 4111 Amistad Drive, Good Shepard Lutheran Church, reported they are right across from the youth complex between Midland and Midkiff Drive. As the picture shows, Bluebird was already widened about a year and a half ago. The base was already in place and is far enough back to allow a site line of the road. It does not impede visibility.

Mayor Payton reported the issue is not visibility but that the sign is built on the City’s right-of-way. He asked Pastor Reid if he was amenable to enter into an agreement to allow the sign to remain on the property. Council Member Ladd added they would also need to provide liability insurance. City Attorney John Ohnemiller suggested Council could grant the appeal and authorize the City Manager to negotiate an agreement with them.

Dan Corrales moved to approve Motion No. 007-2022 with amendment to allow the City Manager to negotiate an agreement; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

36. 10283 – AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10223; 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 (DISTRICT 4) (ENGINEERING SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10283.

Traffic Engineer Mike Pacelli reported the default speed limit is 30 mph. The City does not have the ability to go below 25 mph but can lower it from 30 mph to 25 mph if Council determines that the 30 mph is unreasonable or unsafe. From the staff standpoint, they don't see a negative to 25 mph. The streets in Legends Park are more curvy and have a higher percentage of on-street parking. Therefore, staff can support 25 mph on those streets. Council Member Blong reported she has had conversations with residents in this area and it would be helpful to encourage slower speeds noting the roads are narrow and there are many cars, bicycles and children in the streets. Approving this would show the residents we are listening. Mr. Pacelli added he asked the residents to go through their HOA to ensure some level of support. He clarified this would add about six to eight signs posted at the entrances to the neighborhood.

Lori Blong moved to approve the first of two readings of Ordinance No. 10283; 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

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

Council Member Dufford suggested this item be deferred until the Council has the opportunity to interview the applicants.

Scott Dufford moved to defer; 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

38. 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.)

There being no citizens present wishing to speak, the Public Comment was closed.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 11:48 a.m.

39. 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 551.087, Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives

All the business at hand having been completed, the meeting adjourned at 12:25 p.m.

PASSED AND APPROVED January 25, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary