

**MIDLAND CITY COUNCIL
MINUTES
January 25, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 25, 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

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

OPENING ITEMS

1. Invocation – Pastor Moe Bomer, First Baptist Church
2. Pledge of Allegiance

CONSENT AGENDA

Lori Blong moved to approve the Consent Agenda items 3-15, excluding item(s) 4, 5, 6, 7, 8, 10; 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

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. REGULAR SESSION OF JANUARY 10, 2022
 - 3b. REGULAR SESSION OF JANUARY 11, 2022
9. 010-2022 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE

MIDLAND DEVELOPMENT CORPORATION AND DINI SPHERIS, INC., TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT 2) (CITY MANAGER)

11. 2022-014 – RESOLUTION RATIFYING AND APPROVING THE SENDING OF A LETTER CONCERNING THE DENIAL OF 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, WHICH WOULD HAVE ALLOWED SAID PROPERTY TO BE USED FOR WIRELESS COMMUNICATION SYSTEMS (DEVELOPMENT SERVICES)
12. 2022-015 – RESOLUTION AUTHORIZING THE ISSUANCE OF AN OPERATING CERTIFICATE FOR MOORE'S LIMO SERVICE, LLC; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)
13. 2022-016 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, FOR THE FISCAL YEAR 2022 OPERATION LONE STAR GRANT PROGRAM; AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM SAID PROGRAM FOR THE PURPOSE OF PURCHASING NARCAN AND NIGHT VISION SYSTEMS; AND PROVIDING FOR THE APPROPRIATION OF SAID GRANT FUNDS UPON RECEIPT (DISTRICT: ALL) (POLICE)
14. 012-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-006) WITH ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 19 AND 30, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
15. 013-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-001) WITH PINNACLE DOS PICOS LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 20, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

4. 2022-011 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR THE DESIGN, SURVEY AND CONSTRUCTION ADMINISTRATION SERVICES FOR SEWER IMPROVEMENTS NORTH OF SH-191 AND WEST OF TX-158 TO THE EASTERN PROPERTY BOUNDARY OF THE MIDLAND DEVELOPMENT CORPORATION FOR THE UTILITIES DEPARTMENT FOR A COST OF \$253,000.00; APPROVING \$37,950.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS (DISTRICT 4) (GENERAL SERVICES)

Council Member Corrales asked what is planned for the development along State Highway 191. Utilities Director Carl Craigo reported they are updating the design from about 12

years ago. They will grab a sewer line that was already through 158 on the west side just north of Sinclair toward 191 to where the MDC property is. Council Member Corrales asked how they expect to spend the contingency for \$37,950.00. Utilities Director Carl Craigo reported that the contingency can be used for unforeseen design changes.

Dan Corrales moved to approve Resolution No. 2022-011; 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

5. 2022-012 – RESOLUTION AWARDDING A CONTRACT FOR THE SOLOMON LANE WATER BOND PROJECT TO TEC EXCAVATION, INC. OF MIDLAND, TEXAS, AT A TOTAL COST NOT TO EXCEED \$1,693,185.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 1) (GENERAL SERVICES)

Council Member Corrales asked if there are any issues with the supply for these projects. Josh Ferguson reported they communicate regularly with contractors and do not expect supply issues.

Dan Corrales moved to approve Resolution No. 2022-012; 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

6. 008-2022 – MOTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER WITH GARNEY CONSTRUCTION REGARDING THE MIDLAND NORTHEAST WATER SYSTEMS IMPROVEMENTS-PUMP STATION, TRANSMISSION AND DISTRIBUTION PIPELINES (PACKET A); SAID CHANGE ORDER TO BE IN THE AMOUNT OF \$2,919,785.11 AND TO PROVIDE FOR CERTAIN UTILITY IMPROVEMENTS FOR PUMP STATION FOR THE UTILITIES DEPARTMENT; AND APPROPRIATING FUNDS FROM THE ROAD/UTILITY BOND FUND THEREFORE (DISTRICT 1) (GENERAL SERVICES)

Council Member Corrales asked why we need the additional money. Utilities Director Carl Craigo reported there was damage after the freeze but there were also issues with this street prior to the freeze. Midland Drive fell apart faster than other streets.

Dan Corrales moved to approve Motion No. 008-2022; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

7. 2022-013 – RESOLUTION AWARDING A CONTRACT FOR THE MIDLAND T-BAR WELL FIELD REMEDIATION PLAN TO PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR A TOTAL COST NOT TO EXCEED \$3,500,000.00 AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Corrales had questions regarding the water source out at Tbar noting as we draw down water, we pull it out and the plume continues to come in. Utilities Director Carl Craigo confirmed that was correct. They have three recovery wells to replace the affected wells. The total remediation plan of \$9.6 million was approved and covers the whole project. Only \$3.5 million needs to be awarded today. The \$9.6 million is the worse case scenario.

Dan Corrales moved to approve Resolution No. 2022-013; 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

8. 009-2022 – MOTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE ESTATE OF J.L. DAVIS REGARDING CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)

Council Member Corrales reported parking seems to be the biggest hindrance at the Western United Life building. Midland Development Corporation's Executive Director Sara Harris stated the motivation behind this purchase is two-fold. First, the previous redevelopment opportunities for current MDC and City owned properties were either limited or negated by unavailability of parking for the properties. This additional purchase will ensure that parking will be available. Second, the other factor is that if the Western United Life Building is demolished, the ability to take all of the structures on the block down simultaneously results in a net savings of \$1.25 million.

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

10. 011-2022 – MOTION AUTHORIZING THE INTENT OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO ESTABLISH THE SCHEDULE FOR 2022 CDBG GRANT APPLICATION CYCLE (DISTRICT: ALL) (DEVELOPMENT SERVICES)

Community Development Block Grant Manager Isaac Garnett provided the community development schedule for the upcoming application cycle. Council Member Corrales asked

for a brief overview of what a Community Development Block Grant is. Mr. Garnett explained that these funds are used within target areas in the City of Midland for such things as road improvements, community projects and meal programs at senior centers just to name a few.

Questions ensued from other Council Members regarding the Treasury Department and federal funding.

Dan Corrales moved to approve Motion No. 011-2022; 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

SECOND READINGS

16. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10272.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10272; 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

17. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10273.

Lori Blong moved to approve the second and final reading of Ordinance No. 10273; 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

18. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10274.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10274; 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

19. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10275.

Lori Blong moved to approve the second and final reading of Ordinance No. 10275; 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

20. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10276.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10276; 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. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10277.

John Norman moved to approve the second and final reading of Ordinance No. 10277; 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

22. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10278.

Dan Corrales moved to approve the second and final reading 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

23. 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) (FIRST READING HELD JANUARY 11,

2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10279.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10279; 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

24. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10281.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10281; 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

25. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10282.

Lori Blong moved to approve the second and final reading of Ordinance No. 10282; 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

26. 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) (FIRST READING HELD JANUARY 11, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10283.

Lori Blong moved to approve the second and final reading 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

PUBLIC HEARINGS

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

27. 10284 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM HI, HEAVY INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TYLER STREET AND 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10284.

Development Services Director Chuck Harrington gave a brief overview of the item noting that the area is industrial but people are coming in wanting to redevelop for single family. Council Member Norman asked if it's possible to change an entire area. Development Services Director Chuck Harrington reported that is an intense process and would cost the City a lot of money.

Lori Blong moved to approve the first of two readings of Ordinance No. 10284; 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

28. 10285 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 8, BLOCK 6, ELMWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF STOREY AVENUE AND PECOS STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST SIDE OF THE LOT; 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10285.

Development Services Director Chuck Harrington gave a brief overview of the item noting the structure that existed on the side burned down back in 2018. A non-conforming structure needs to be rebuilt within one year; this request exceeded that timeframe. He wants to build on same slab as previously built. The issue is with the side yard setback. The property owners in the neighborhood are excited about the rebuild.

Robin Poole moved to approve the first of two readings of Ordinance No. 10285; 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. 10286 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,627-SQUARE FOOT PORTION OF LOT 1, BLOCK 6, BANKHEAD ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FRONT STREET AND BANKHEAD HIGHWAY), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN AN AXE 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10286.

Development Services Director Chuck Harrington gave a brief overview of the item explaining the request is for the sale of alcoholic beverages at an axe bar, noting they take extra steps for safety. The person playing is only allowed two drinks. He reviewed the hours they will be open.

Blaine Henderson, Big Spring, reported that everyone who enters the facility signs a waiver. There are people there who will be certified in axe throwing. They will have special hours that children will be allowed on the premises.

John Norman moved to approve the first of two readings of Ordinance No. 10286; 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

30. 10287 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,011-SQUARE FOOT PORTION OF LOT 6A, BLOCK 62, BELMONT ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 615 FEET NORTH OF WEST TERRELL STREET), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK 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 Jan Hamilton read the caption of Ordinance No. 10287.

Development Services Director Chuck Harrington gave a brief overview of the item noting the customer is asking for the sale of alcohol for on-premises consumption.

John Norman moved to approve the first of two readings of Ordinance No. 10287; 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

MISCELLANEOUS

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

A motion was made to defer appointments until after interviews were conducted.

Midland Development Corporation Executive Director Sara Harris reported that if we defer there may be an issue with a quorum on their board. Council Member Blong withdrew her motion to defer.

Lori Blong moved moved to reappoint Chase Gardaphe and Berry Simpton to the Midland Development Corporation Board.; 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

Lori Blong moved to defer the remaining appointment to the Midland Development Corporation Board.; 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

PUBLIC COMMENT

32. 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.)

Karen Paterson, 4921 N. CR 1147, President of Fix West Texas, provided an overview of the impact they had in the community in 2021, noting they completed 6,702 spay and neuter surgery's, 1,892 microchips, 7,933 vaccination packages, distributed 30 pallets of pet food that was donated by Chewy.com and provided 150 winter dog homes and 100 winter cat homes stuffed with straw to help people get in compliance with the new law. They gave \$150,000 back to the community in free services to help people in need.

She shared they are promoting a save-a-cat program in 2022 by taking all cats off City of Midland death row and spaying, neutering and re-homing them. The animals behavior is assessed and some will be placed in barns, shops and warehouses as rodent control or in homes as pets.

Ms. Patterson reported they would like to hear any ideas from Council Members and asked them to advocate on social media for the pets.

Mayor Payton asked Council to promote Keep Midland Beautiful to clean up Midland. He noticed lots of trash and un-mowed areas around the City, especially on Big Spring. He is working with Deputy City Manager Morris Williams on this issue and encourages teams to go out and help.

EXECUTIVE SESSION

Mayor Payton recessed meeting to go to Executive Session at 10:50 a.m.

33. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

- a. Section 551.071, Consultation with the City Attorney
- a.1. Discuss pending or contemplated litigation

All the business at hand having been completed, the meeting adjourned at 11:23 a.m.

PASSED AND APPROVED February 8, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary