

**MIDLAND CITY COUNCIL
MINUTES
April 13, 2021**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 13, 2021.

Council Members present: Patrick Payton, Spencer Robnett, Michael Trost, John Norman, Jack Ladd, Lori Blong

Council Members absent: Scott Dufford

Staff members present: City Attorney John Ohnemiller, Interim City Manager Robert Patrick, Assistant City Manager Morris Williams

The meeting was called to order at 10:01 a.m.

BOARDS AND COMMISSIONS

Mayor Payton announced that Boards and Commission appointments would be heard immediately following Executive Session.

Following Executive Session, Mayor Payton reconvened the meeting into Regular Session at 11:20 a.m. in the basement conference room with all members present except Council Member Dufford.

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

Lori Blong moved to appoint Brad Bullock to the vacancy on the Midland Development Corporation; seconded by Spencer Robnett.

The motion passed by the following vote:

AYE: Payton, Robnett, Ladd, Blong

NAY: Trost, Norman

ABSTAIN: None

ABSENT: Dufford

Spencer Robnett moved to appoint Clint Williamson to the vacancy on the Citizens Development and Hotel/Motel Advisory Board; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Norman, Ladd, Blong

NAY: Trost

ABSTAIN: None
ABSENT: Dufford

Lori Blong moved to appoint James Gerety to replace Matthew Wallace on the Zoning Board of Adjustments and Airport Zoning Board of Adjustments; seconded by Michael Trost.

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

Jack Ladd moved to appoint Elizabeth Haigler to the vacancy on the Midland-Odessa Urban Transit District Board; seconded by John Norman.

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

Jack Ladd moved to appoint Daniel Norwood to replace John Norman on the Midland-Odessa Urban Transit District Board; seconded by Lori Blong.

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

Spencer Robnett moved to reappoint E.J. Baldrige to serve another term on the Midland-Odessa Urban Transit District Board; seconded by Jack Ladd.

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

Lori Blong moved to reappoint Iris Foster to serve another term on the Midland-Odessa Urban Transit District Board; seconded by Spencer Robnett.

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

OPENING ITEMS

2. Invocation
3. Pledge of Allegiance

CONSENT AGENDA

Spencer Robnett moved to approve the Consent Agenda items 4-17, excluding 7, 12, 15, 16; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - a. SPECIAL CITY COUNCIL MEETING OF MARCH 18, 2021
 - b. SPECIAL CITY COUNCIL MEETING OF MARCH 19, 2021
 - c. REGULAR CITY COUNCIL MEETING OF MARCH 23, 2021
5. 2021-037 – RESOLUTION AUTHORIZING THE EXECUTION OF TASK ORDER NUMBER 1 WITH PARKHILL, SMITH & COOPER, INC., DBA PARKHILL REGARDING THE WATER & WASTEWATER, SOLID WASTE AND VEHICLE SERVICES CONSTRUCTION PROJECT; SAID TASK ORDER TO BE IN THE AMOUNT OF \$1,299,792.00 AND TO PROVIDE DESIGN, BUILDING, AND ARCHITECTURAL SERVICES; APPROVING \$129,979.00 IN CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID TASK ORDER (GENERAL SERVICES)
6. 2021-038 – RESOLUTION AWARDED A CONTRACT FOR THE MIDLAND PARK MALL TRAFFIC IMPROVEMENTS PROJECT TO REECE ALBERT, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$532,426.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
8. 043-2021 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, FOR THE FOLLOWING PROJECT: ASSIST AIRPORT/CITY IN EVALUATION OF THE FEASIBILITY OF RELOCATING MIDLAND AIRPARK (MDD) TO MIDLAND INTERNATIONAL AIR & SPACE PORT (MAF) AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR SAID PROJECT (AIRPORTS)
9. 044-2021 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE MAF MULTI-FACILITY REHABILITATION PROJECT (900308) AT MIDLAND INTERNATIONAL AIR & SPACE PORT; SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS

MOTION AUTHORIZING THE INTERIM CITY MANAGER OR THE INTERIM CITY MANAGER'S DESIGNEE TO ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS (AIRPORTS)

10. 2021-040 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MID-TEX OF MIDLAND, INC., IN THE AMOUNT OF \$123,490.00 FOR THE GATE #6 ELEVATED WALKWAY INSTALLATION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (AIRPORTS)
11. 2021-041 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, IN SUPPORT OF THE HONORABLE UNITED STATES CONGRESSMAN AUGUST PFLUGER'S PARTICIPATION IN THE UNITED STATES HOUSE OF REPRESENTATIVES COMMUNITY PROJECT FUNDING PROCESS FOR THE U.S. FISCAL YEAR 2022 (CITY MANAGER)
13. 2021-042 – RESOLUTION APPROVING THE TRANSFER FROM PARSLEY ENERGY OPERATING, LLC ("OPERATOR") TO PIONEER NATURAL RESOURCES USA, INC. ("TRANSFeree") OF ALL OF OPERATOR'S OIL AND GAS WELL PERMITS AND ROAD REPAIR AGREEMENTS ASSOCIATED WITH OPERATIONS LOCATED IN SECTIONS 1 AND 9, BLOCK X, H.P. HILLIARD SURVEY, AND SECTION 36, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DEVELOPMENT SERVICES)
14. 2021-043 – RESOLUTION APPROVING PARSLEY ENERGY OPERATING, LLC'S, ASSIGNMENT OF TWO EXISTING RIGHT-OF-WAY LICENSES TO PIONEER NATURAL RESOURCES USA, INC. (REGARDING CITY-OWNED PROPERTY LOCATED IN SECTION 9, BLOCK X, H.P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS); AND RATIFYING AND APPROVING PREVIOUS ASSIGNMENTS MADE BY PREDECESSORS IN INTEREST TO SAID LICENSES (UTILITIES)
17. 045-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND WPX ENERGY PERMIAN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 6 AND 7, BLOCK C-24, ABSTRACT A-1026 AND A-1027, LOVING COUNTY, TEXAS (UTILITIES)

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

7. 2021-039 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF THE PLANT FARM POND RE-LINING AND PUMP STATION REPLACEMENT FOR THE UTILITIES DEPARTMENT FOR A COST OF \$811,965.00; APPROVING \$162,393.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS (GENERAL SERVICES)

Council Member Ladd asked for a quick report. Utilities Director Carl Craigo reported this

is a new discharge permit for the new plant. We have to reline the plant farm ponds. During heavy flow events extra water can be pushed to the ponds and the water can then be retreated and sent back to the system. Council Member Ladd asked if that water could be sold. Mr. Craig confirmed it could.

Jack Ladd moved to approve Resolution No. 2021-039; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

12. 031-2021 – MOTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE GREATER MIDLAND FOOTBALL LEAGUE TO ADMINISTER PROGRAMS, SPECIAL EVENTS, AND SERVICES RELATED TO YOUTH FOOTBALL (COMMUNITY SERVICES) (DEFERRED FROM MARCH 23, 2021)

Council Member Norman is in favor of this item but wants to make sure that we look at the needs of all leagues across the City. He asked for another Council Member to join him. Council Members Robnett and Blong volunteered to help.

Council Member Robnett asked if everything is sorted out between the two leagues. Community Services Director Tina Jauz confirmed it was. Council Member Robnett noted that the school district is adding lights to some of their fields. The City has reported a shortage and thought someone could get in touch with the school district. Ms. Jauz added that she would also like to address using their facilities in addition to their fields.

John Norman moved to approve Motion No. 031-2021; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

15. 2021-044 – RESOLUTION ADOPTING A NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM (ENGINEERING SERVICES)

Traffic Engineer Mike Pacelli answered questions about traffic calming devices noting that this item outlines the guidelines of how the City might participate and reviewed different options. He emphasized there is no funding component. The next item on the agenda is for traffic calming devices for the homeowners association and they will cover the costs.

Council Member Blong thanked staff for putting this program together and for offering a range of options. It is a good step in the right direction.

Council Member Ladd asked if speed bumps are an option. Mr. Pacelli noted that speed humps are prohibited with this program.

Michael Trost moved to approve Resolution No. 2021-044; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

16. 2021-045 – RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DONATION AGREEMENT WITH GRASSLAND ESTATES WEST HOMEOWNERS' ASSOCIATION FOR CERTAIN TRAFFIC CALMING IMPROVEMENTS TO HOMESTEAD BOULEVARD; AND APPROPRIATING FUNDS RECEIVED IN ACCORDANCE WITH SAID AGREEMENT (ENGINEERING SERVICES)

Spencer Robnett moved to approve Resolution No. 2021-045; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

Mayor Payton presented the Sojourner Truth Award to Shirley Howard on behalf of the National Association of Negro Business and Professional Women's Club.

SECOND READINGS

18. 10156 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,166-SQUARE FOOT PORTION OF LOT 1, BLOCK 27, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST OHIO AVENUE AND NORTH COLORADO STREET), 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 (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10156.

Development Services Director Chuck Harrington reported the applicant has requested that the alcohol service start hour on Sunday be moved from 12:00 p.m. to 11:00 a.m. The applicant is present to answer questions.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10156 with the amendment to change alcohol service hours on Sunday beginning at 11:00 a.m.

instead of noon; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

19. 10157 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,988-SQUARE FOOT PORTION OF LOTS 1 AND 2 AND THE EAST 23.5 FEET OF LOT 3, BLOCK 65, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH LORAIN STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, 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 (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10157.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10157; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

20. 10158 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,881-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 277 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10158.

Lori Blong moved to approve the second and final reading of Ordinance No. 10158; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

21. 10159 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 24.5578-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 625 FEET NORTH OF BRIARWOOD AVENUE AND APPROXIMATELY 2,153 FEET EAST OF AVALON DRIVE); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10159.

Lori Blong moved to approve the second and final reading of Ordinance No. 10159; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

22. 10160 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 24.5578-ACRE TRACT OF LAND OUT OF SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN LR, LOCAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 625 FEET NORTH OF BRIARWOOD AVENUE AND APPROXIMATELY 2,153 FEET EAST OF AVALON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10160.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10160; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Norman, Blong

NAY: None
ABSTAIN: None
ABSENT: Dufford, Ladd

23. 10161 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 40 FEET OF LOT 5 AND ALL OF LOT 6, BLOCK 27, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST MISSOURI AVENUE AND SOUTH G STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST SIDE OF THE PROPERTY; 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 (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10161.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10161; seconded by Michael Trost.

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

24. 10162 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE MIDDLE 50 FEET OF THE NORTHEAST QUARTER OF BLOCK 74, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH JEFFERSON STREET, APPROXIMATELY 70 FEET SOUTH OF EAST WALL 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 (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10162.

Lori Blong moved to approve the second and final reading of Ordinance No. 10162; seconded by John Norman.

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

25. 10163 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1C, BLOCK 33, NORTHGATE ADDITION, SECTION 26, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND BRIARWOOD AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10163.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10163; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

26. 10164 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 4, AMARON ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WOLCOTT AVENUE AND RANKIN HIGHWAY); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10164.

John Norman moved to approve the second and final reading of Ordinance No. 10164; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

27. 10166 – AN ORDINANCE VACATING AND ABANDONING A 0.417-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 1, WITCHER ADDITION, AND LOTS 2 AND 3, BLOCK 1, WITCHER ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORDEN DRIVE, APPROXIMATELY 296 FEET NORTH OF BUSINESS INTERSTATE

20); ADOPTING THE APPRAISAL BY THE INTERIM CITY MANAGER OF \$54,489.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10166.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10166; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

28. 10167 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 39, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH BENTON STREET, APPROXIMATELY 150 FEET SOUTH 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 (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10167.

John Norman moved to approve the second and final reading of Ordinance No. 10167; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

29. 10168 – AN ORDINANCE CHANGING THE NAME OF THE PORTION OF EAST JAX AVENUE THAT IS ADJACENT TO LOT 11, BLOCK 1, LOTS 4 AND 5, BLOCK 4, AND BLOCK 5, BARBER-COLE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, AND GENERALLY LOCATED BETWEEN NORTH FORT WORTH STREET AND NORTH TERRELL STREET, TO “KENAN AVENUE”; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND DIRECTING THE CITY SECRETARY TO SEND THE MIDLAND EMERGENCY COMMUNICATIONS DISTRICT A CERTIFIED COPY OF THIS ORDINANCE (ENGINEERING SERVICES) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10168.

John Norman moved to approve the second and final reading of Ordinance No. 10168; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

30. 10169 – 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) (FIRST READING HELD MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10169.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10169; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

Council Member Trost noted that there has been no public comment for the past year and asked that it be reinstated.

PUBLIC HEARINGS

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

31. 10165 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 0.91-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 966 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL 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 (DEVELOPMENT SERVICES) (DEFERRED FROM MARCH 23, 2021)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10165.

Development Services Director Chuck Harrington gave a brief overview of the item noting there were two questions that needed to be addressed. The first was that the veterinarian next door has officially withdrawn his objection. The second question was relative to the sales and service of autos allowed in regional retail. He clarified that sales and service requires a Specific Use Designation.

Mr. Harrington noted that the super majority is no longer a requirement for approval. Council Member Blong asked if there was adequate parking and access. Mr. Harrington confirmed there was.

Mayor Payton opened the public hearing at 10:39 a.m.

Landon Torres, 10179 CR 75, reported he had a long conversation with the veterinarian and he was able to share his vision. He put his worries to rest. When asked if there was anyone else along the loop doing the same type of work, Mr. Torres confirmed there was not noting he was trying to get closer to his customers.

There being no one else wishing to speak, the public hearing was closed at 10:41 a.m.

Lori Blong moved to approve the second and final reading of Ordinance No. 10165; seconded by Michael Trost.

The motion passed by the following vote:

AYE: Payton, Trost, Norman, Blong

NAY: Robnett, Ladd

ABSTAIN: None

ABSENT: Dufford

32. 10170 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE SOUTH 50 FEET OF THE NORTHWEST QUARTER AND THE NORTH 50 FEET OF THE SOUTHWEST QUARTER OF BLOCK 19, HOMESTEAD 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 TERRELL STREET, APPROXIMATELY 143 FEET SOUTH OF EAST KANSAS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10170.

Mayor Payton opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the first of two readings of Ordinance No.10170; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None
ABSENT: Dufford

33. 10171 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 8, BLOCK 4, REPLAT OF WINDWOOD PARK, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LR, LOCAL RETAIL DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND ELM AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10171.

Mayor Payton opened the public hearing at 10:43 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. 10171; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

34. 10172 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR THE NORTH HALF OF LOT 11 AND ALL OF LOT 12, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST FLORIDA AVENUE AND SOUTH BAIRD STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10172.

Mayor Payton opened the public hearing at 10:44 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. 10172; seconded by Michael Trost.

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

35. 2021-046 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR POP-UP MARKETS ON LOT 12, BLOCK 26, AND A PREVIOUSLY-VACATED 0.032-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY, A 0.13-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY, AND A 0.22-ACRE PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY, ALL ADJACENT TO LOT 12, BLOCK 26, AND ALL OUT OF ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST OHIO AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting that in the past they operated a pop-up market on a trial basis. It has worked out well and they would like to expand. They will be allowed to operate them on Fridays, Saturdays or Sundays. Mr. Aguilar is present to answer any questions.

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.

Spencer Robnett moved to approve Resolution No. 2021-046; seconded by John Norman.

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

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 10:47 a.m.

36. 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 551.074, Personnel Matters
 - a.1. Deliberate the employment, evaluation, and duties of the Interim City Manager

All the business at hand having been completed, the meeting adjourned at 11:38 a.m.

PASSED AND APPROVED April 27, 2021.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary