

**MIDLAND CITY COUNCIL
MINUTES
June 28, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 28, 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 Philip Teaney, Homeline Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Presentation of a Proclamation for “Fredda Turner Durham Children’s Museum Day”

CONSENT AGENDA

Lori Blong moved to approve Consent Agenda items 4-12, excluding item(s) 5, 6, and 10; 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

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR SESSION OF JUNE 14, 2022

7. 2022-080 – RESOLUTION AWARDDING A CONTRACT FOR THE ILLINOIS AVENUE MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$1,284,965.30; TRANSFERRING AND APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 3) (GENERAL SERVICES)
8. 2022-081 – RESOLUTION AWARDDING A CONTRACT FOR THE ELEVATED STORAGE TANK VALVE AND T-BAR CONNECTION PROJECT TO TEXAS WATER AND SOIL CO., INC., FOR AN AMOUNT OF \$616,160.00; APPROVING \$124,432.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS (DISTRICT 4) (GENERAL SERVICES)
9. 2022-082 – RESOLUTION APPROVING A CONTRACT WITH 4B RECREATION GROUP, LLC DBA PLAYGROUNDS ETC., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF BLEACHERS AND SHADE STRUCTURES AT THE FOOTBALL AND SOCCER FIELDS AT REYES-MASHBURN-NELMS PARK FOR A TOTAL COST OF \$140,325.00; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)
11. 2022-083 – RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$20,000.00 FROM THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY AUXILIARY GRANT PROGRAM; SAID FUNDS SHALL BE USED TO PURCHASE AN AUTOMATIC LICENSE PLATE READER SYSTEM (DISTRICT: ALL) (POLICE)
12. 069-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-020) WITH NUSTAR PERMIAN TRANSPORTATION AND STORAGE, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36, TOWNSHIP 3 SOUTH AND SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

5. 2022-078 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNIT STAFFING, LLC OF PERRYTON, TEXAS, TO PROVIDE SCHOOL CROSSING GUARD SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT AT A TOTAL COST OF \$607,362.30; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)

When asked why the City pays for crossing guards at schools instead of the school district, Administrative Services Director Mark Widmann reported that the City has paid for crossing guards for years and that the City is responsible for roads and traffic. City Manager Robert Patrick reported that cities with a population over 800,000 are required to have crossing guards, however, many cities pay for them even though they are not required.

Council Member Ladd suggested starting a conversation with the school district about this item.

Jack Ladd moved to approve Resolution No. 2022-078; 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

6. 2022-079 – RESOLUTION AWARDING A CONTRACT FOR THE MOMENTUM BANK BALLPARK RENOVATIONS AND IMPROVEMENTS PROJECT TO MID-TEX OF MIDLAND, INC., IN THE AMOUNT OF \$1,885,000.00; APPROVING \$365,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)

Council Member Ladd commented on the fact that the City built the stadium and has to pay \$25,000 per year for the City suite at the RockHounds.

Monty Hoppel, with Midland Rockhounds, clarified that what the City pays for is actually for the naming rights to the suite. There is no charge for the City suite. Mr. Hoppel reported on highlights taking place at the stadium.

Jack Ladd moved to approve Resolution No. 2022-079; 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. 068-2022 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 4 TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING FOR (I) THE RECONSTRUCT TAXIWAY E, WEST OF TAXIWAY A PROJECT, (II) THE RECONSTRUCT RUNWAY 16R BLAST PAD, REMOVE RUNWAY 34L CONCRETE BLAST PAD AND ADD ASPHALT SHOULDERS TO RUNWAY 10 BLAST PAD PROJECT, AND (III) THE AIRPARK NORTH FENCE REPLACEMENT PROJECT; AND APPROPRIATING \$970,176.00 FOR SAID PROJECTS (DISTRICT 4) (AIRPORTS)

Airports Director Justine Ruff reported that the blast pad is at the very end of the runway. The Airpark North Fence Replacement should not have any impact on traffic as most work will be done along the inside of the fence.

Dan Corrales moved to approve Motion No. 068-2022; 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

13. 10315 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,399-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 14, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10315.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10315; 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

14. 10316 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,210-SQUARE FOOT PORTION OF LOT 33C, BLOCK 3, BRIARWOOD ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 428 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A 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 1) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 14, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10316.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10316; 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

15. 10317 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 3.570-ACRE TRACT OF LAND OUT OF SECTION 9, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO BP, I-20 BUSINESS PARK DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST COUNTY ROAD 110, APPROXIMATELY 150 FEET EAST OF SOUTH COUNTY ROAD 1205); 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 JUNE 14, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10317.

John Norman moved to approve the second and final reading of Ordinance No. 10317; 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

16. 10318 – AN ORDINANCE VACATING AND ABANDONING A 0.871-ACRE PORTION OF WEST INDIANA AVENUE AND SOUTH K STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 93, 94, 96, 104, AND 105, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH L STREET AND WEST INDIANA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$75,881.52; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 14, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10318.

Mark Wellen, 5110 Daventry Place, requested that the City waive the fees for this project.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10318 with an amendment to remove the fees; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Ladd

ABSENT: None

17. 10319 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, GRANDRIDGE PARK ADDITION, SECTION 1, 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 NORTHWEST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND WADLEY 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 (DISTRICT 4) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 14, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10319.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10319; 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

18. 10320 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST LOOP 250 NORTH), BY PERMITTING A DEVIATION FROM OFF-STREET PARKING REQUIREMENTS; ESTABLISHING A THREE- YEAR TERM FOR SAID SPECIAL EXCEPTION; 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) (FIRST READING HELD JUNE 14, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10320.

Robin Poole moved to approve the second and final reading of Ordinance No. 10320; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Dufford

ABSENT: None

PUBLIC HEARINGS

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

19. 070-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: REBEL #H150SS AND REBEL #H160MS; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1,942 FEET AND 2,032 FEET WEST OF SOUTH LAMESA ROAD AND BETWEEN 165 FEET AND 167 FEET SOUTH OF I-20; THIS IS A PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

This is a public hearing only. No action taken.

20. 10321 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 AND 2, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH C STREET), BY PERMITTING A REDUCED MINIMUM NUMBER OF OFF-STREET PARKING SPACES; 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 Vanessa White read the caption of Ordinance No. 10321.

Mayor Payton opened the public hearing at 10:32 a.m.

Development Services Director Chuck Harrington gave a brief overview of the item noting the request is on behalf of Brew Street. They are looking for more walkup traffic and would like to convert the site to receive more commercial activity.

Marcy Madrid, Brew Street, gave a report on the restaurant, her health and the importance of a plant based diet lifestyle. Mrs. Madrid noted that she and her husband have the support of several doctors and community members to bring quality vegan food to Midland.

There being no one else wishing to speak, the public hearing was closed at 10:46 a.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10321; 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

21. 10322 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 0.41-ACRE TRACT OF LAND OUT OF LOT 3, ASHLIN PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST SIDE OF LIVE OAK DRIVE, APPROXIMATELY 233 FEET SOUTH OF WEST SCHARBAUER DRIVE), WHICH IS PRESENTLY ZONED SF-1, SINGLE-FAMILY DWELLING DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AN ACCESSORY DWELLING UNIT; 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); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10322.

Mayor Payton opened the public hearing at 10:48 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. 10322; 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

PUBLIC COMMENT

22. 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.)

Ty Coleman was introduced as the new Animal Services Manager and Martha Cortazar was introduced as the new Communications Coordinator in the Public Information Office.

All the business at hand having been completed, the meeting adjourned at 10:51 a.m.

PASSED AND APPROVED July 12, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary