

**MIDLAND CITY COUNCIL
MINUTES
July 12, 2022**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 12, 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 Dagan Mayfield, Providence Presbyterian Church
2. Pledge of Allegiance

CONSENT AGENDA

Dan Corrales moved to approve Consent Agenda items 3-12, excluding item(s) 4, 6, 12; 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 JUNE 28, 2022
5. 2022-085 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR SURVEY, DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE

NORTH CITIZENS COLLECTION STATION FOR A COST OF \$310,700.00; AND APPROPRIATING FUNDS (DISTRICT: ALL) (GENERAL SERVICES)

7. 071-2022 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR THE DATA NETWORK AND INTERNET SERVICES PROJECT FOR THE COMMUNICATIONS AND INFORMATION SYSTEMS DEPARTMENT AND TO NEGOTIATE A CONTRACT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL. (DISTRICT: ALL) (GENERAL SERVICES)
8. 072-2022 – MOTION APPROPRIATING \$39,950.05 FROM THE AIRPORT UNAPPROPRIATED FUND BALANCE TO THE AQUEOUS FILM FORMING FOAM (AFFF) TEST CART PROJECT IN FUND 505 (DISTRICT 4) (AIRPORTS)
9. 2022-087 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR THE FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF SAID GRANT FUNDS (DISTRICT: ALL) (POLICE)
10. 073-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-025) WITH ENTERPRISE NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36 AND SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
11. 074-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-026) WITH ENTERPRISE NAVITAS MIDSTREAM MIDLAND BASIN, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, 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. 2022-084 – RESOLUTION APPROVING THE PURCHASE OF A PALFINGER M100 GRAPPLE LOADER TRUCK FROM HOUSTON FREIGHTLINER THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$202,193.00; AND APPROPRIATING FUNDS FOR SAID PURCHASE (DISTRICT: NONE) (GENERAL SERVICES)

Solid Waste Director Jeffery Ahrlett, gave a brief overview of the item explaining that the Grapple Loader Truck will be used to grab brush and load containers from the top. This will help clear out the area allowing customers to continue to bring in tree limbs and other brush.

Dan Corrales moved to approve Resolution No. 2022-084; 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

6. 2022-086 – RESOLUTION APPROVING A CONTRACT WITH 4B RECREATION GROUP, LLC DBA PLAYGROUNDS ETC., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES AT MOMENTUM BANK BALLPARK AND THE SCHARBAUER SPORTS COMPLEX AUXILIARY FOOTBALL AND SOCCER FIELDS FOR A TOTAL COST OF \$262,084.00; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)

Council Member Blong requested that Assistant Community Services Director Lori Williams work together with her and the other parties involved to get a meeting set up with Midland Soccer Association (MSA).

Lori Blong moved to approve Resolution No. 2022-086; 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

12. 075-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-003) WITH PILOT WATER GATHERING DELAWARE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5, 6 AND 7, BLOCK C-24, PUBLIC SCHOOL LAND SURVEY, LOVING COUNTY, SECTION 3, BLOCK C-24, PUBLIC SCHOOL LAND SURVEY, LOVING COUNTY AND WINKLER COUNTY, SECTIONS 21, 22, 23, 24, 25 AND 26, BLOCK C-23, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY AND SECTIONS 9, 10 AND 27, BLOCK 74, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY (DISTRICT: NONE) (UTILITIES)

Utilities Director Carl Craig gave a brief overview of the item noting it is to cover transport of produced water across T-Bar lands.

Council Member Corrales addressed concerns regarding usage, the escalator and infrastructure.

City Attorney John Ohnemiller addressed liability issues.

Council Member Corrales would like to see more information in the contract language.

Council Member Corrales moved to defer to a future meeting. The motion failed for lack of a second.

Lori Blong moved to approve Motion No. 075-2022; seconded by Jack Ladd.

Dan Corrales moved to amend Motion No. 075-2022 by removing the 25% cap; seconded

by Lori Blong.

The motion to amend passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

The main motion as amended passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

13. 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) (FIRST READING HELD JUNE 28, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10321.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10321; 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. 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) (FIRST READING HELD JUNE 28, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10322.

Jack Ladd moved to approve the second and final reading 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 HEARINGS

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

15. 10323 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1, 2, 3, 10, 11, AND 12, BLOCK 13, AND LOTS 1 AND 2, BLOCK 14, LANGFORD WEATHERED ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, AND SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF NORTH A STREET AND ELK 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10323.

Planning Division Manager Elizabeth Shaughnessy gave a brief overview of the item noting the applicant is requesting a zone change.

Mayor Payton opened the public hearing at 10:24 a.m.

James Griffis, 1411 W. Cuthbert Avenue, reported that the final number of storage units have not been finalized. However, total square footage is around 55,000 square feet and will have a combination of 10x10 and 10x12 units.

There being no one else wishing to speak, the public hearing was closed at 10:26 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10323; 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

16. 10324 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,472-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK 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 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 Jan Hamilton read the caption of Ordinance No. 10324.

Mayor Payton opened the public hearing at 10:27 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. 10324; 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

17. 10325 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 2 AND 3, BLOCK 27, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH COLORADO STREET, APPROXIMATELY 66 FEET SOUTH OF OHIO AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE 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. 10325.

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.

John Norman moved to approve the first of two readings of Ordinance No. 10325; 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

18. 10326 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 5, BLOCK 1, KALPOWAR ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF TROBAUGH BOULEVARD, APPROXIMATELY 409 FEET NORTH OF GLASGOW DRIVE), BY PERMITTING AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS; 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10326.

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.

Lori Blong moved to approve the first of two readings of Ordinance No. 10326; 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 COMMENT

19. 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.)

All the business at hand having been completed, the meeting adjourned at 10:30 a.m.

PASSED AND APPROVED July 26, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary