

**MIDLAND CITY COUNCIL
MINUTES
August 11, 2020**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 11, 2020.

Council Members present: Spencer Robnett, Michael Trost, Scott Dufford, John Norman, Jack Ladd, Lori Blong

Council Members absent: Patrick Payton

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

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

OPENING ITEMS

1. Invocation – Pastor Phil Allman, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Mayor Pro Tem Robnett presented a retirement of proclamation to Leroy Montez.

CONSENT AGENDA

Michael Trost moved to approve Consent Agenda Items 4-11 excluding 5, 6 and 7; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - a. REGULAR CITY COUNCIL MEETING OF JULY 28, 2020
8. 2020-137 – RESOLUTION RATIFYING AND APPROVING THE EMERGENCY REPLACEMENT OF A SEWER LINE ON ANETTA DRIVE BY RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF \$186,391.14 (GENERAL SERVICES)
9. 086-2020 – MOTION AUTHORIZING THE APPROPRIATION OF \$70,000.00 FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE (35650) TO THE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL PROJECT (900111)
10. 087-2020 – MOTION AUTHORIZING THE APPROPRIATION OF \$76,250.00 FROM THE ANIMAL SERVICES DIVISION FY2020 OPERATING BUDGET TO THE ANIMAL CREMATORY PROJECT (900327) (COMMUNITY SERVICES)
11. 088-2020 – MOTION AUTHORIZING THE ACCEPTANCE OF CERTAIN FUNDS AWARDED BY THE OFFICE OF THE GOVERNOR OF TEXAS CRIMINAL JUSTICE DIVISION THROUGH THE FY2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) GRANT PROGRAM; AND AUTHORIZING THE ALLOCATION OF SAID FUNDS TO THE POLICE COVID GRANT PROJECT (700282) (POLICE)

The following items were pulled from consent agenda and considered individually.

5. 2020-134 – RESOLUTION APPROVING AND RATIFYING THE PROCUREMENT OF SERVICES FROM WILLIS ELECTRIC CO., LP OF ABILENE, TEXAS, TO FACILITATE THE EMERGENCY REPAIR OF THE TRAFFIC SIGNAL LOCATED AT THE INTERSECTION OF FLORIDA AVENUE AND LAMESA ROAD; AND AUTHORIZING PAYMENT FOR SAID SERVICES IN AN AMOUNT NOT TO EXCEED \$166,026.50 (GENERAL SERVICES)

Council Member Ladd noted this repair was due to an accident and asked if we would be reimbursed. Traffic Engineer Mike Pacelli noted that the costs have been spread out over several years and the accident was in September of 2018. Staff noted we had up to two years to seek reimbursement and that all costs should be reimbursed.

Lori Blong moved to approve Resolution No. 2020-134; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

6. 2020-135 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT WITH THE DEVELOPMENT OF A MANUAL FOR THE PLANNING AND

DEVELOPMENT OF INFRASTRUCTURE; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$318,400.00 (GENERAL SERVICES)

Council Member Dufford asked about the cost of the manual and asked how it will be used. Engineering Services Director Jose Ortiz reported that currently there are codes, policies and guidelines some of which have not been updated in a long time. This manual will put all relevant information into one document as well as cross reference other pertinent documents making the review of design standards much easier and streamline the process for staff and developers. They will engage the developers as part of this process.

Jack Ladd moved to approve Resolution No. 2020-135; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

Council Member Blong asked that Council be notified of the progress. Mr. Ortiz agreed noting the entire process, once started, should take about 6-9 months.

7. 2020-136 – RESOLUTION AWARDING A FIVE YEAR CONTRACT FOR THE INSTALLATION AND MAINTENANCE OF A CITY OWNED FIBER OPTIC NETWORK TO HOHENBERGER, INC., DBA CSI: LUBBOCK, FOR A TOTAL COST NOT TO EXCEED \$267,456.00; AND APPROVING \$44,877.00 IN CONTINGENCIES (GENERAL SERVICES)

Council Member Ladd asked what was the Midland Data Center. General Services Director Regina Stephenson reported it is the first floor of the police department where they store their large servers. Council Member Ladd questioned the need for fiber at Animal Services when it is not available in other sections of the City. Chief Information Officer Jennifer Fresca reported that currently microwave networks are used in outlying locations and they can be unreliable in storms and such. Fiber to this location will complete the ring and allow for much more reliable service and as an added bonus will allow for WiFi at Reyes Mashburn Nelms Park.

Michael Trost moved to approve Resolution No. 2020-136; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Robnett, Trost, Dufford, Norman, Blong

NAY: Ladd

ABSTAIN: None

ABSENT: Payton

SECOND READINGS

12. 10093 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,508-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 290 FEET EAST OF BELMONT STREET), 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 JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10093.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10093; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

13. 10094 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 AND 8, BLOCK 11A, HIGHLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PARKER AVENUE AND NORTH MAIN STREET), WHICH IS PRESENTLY ZONED SF-2, SINGLE-FAMILY DWELLING DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A CHILD CARE: DAY CARE CENTER; 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 JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10094.

Michael Trost moved to approve the second and final reading of Ordinance No. 10094; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

14. 10095 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 26, BLOCK 5, NORTH PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WHITMAN DRIVE, APPROXIMATELY 165 FEET NORTH OF WEST LOOP 250 NORTH), 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 JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10095.

Jack Ladd moved to approve the second and final reading reading of Ordinance No. 10095; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

15. 10096 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, GREENWOOD 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 WEST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST INDIANA 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 JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10096.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10096; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

16. 10097 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 23, 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 EAST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST WASHINGTON 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 JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10097.

Lori Blong moved to approve the second and final reading of Ordinance No. 10097; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

PUBLIC HEARINGS

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

17. 10098 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT ; 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)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10098.

Development Services Director Chuck Harrington provided a brief overview noting that the applicant is requesting a special exception for a reduced lot width of 63 feet of the 75 feet required. Staff sees no hardship and recommends denial.

Jaime Lopez, 404 S. Jefferson, reported he has already invested money in this property and is asking to change the zoning so he can build a duplex. The floorplan will be smaller and will still meet all of the required setbacks. It is currently vacant land and if this is not approved nothing will be built. His brother will live in one side and he will live in the

other. Surrounding the property are other mobile homes, a mobile home park and some single family residences.

Mr. Harrington clarified that he would not have enough lot width to build a single family home either. This is an appeal from a Planning & Zoning decision and no letters of objection have been received. Council Member Norman added that a duplex would be better than vacant land and he would recommend letting them build.

Mayor Pro Tem Robnett opened the public hearing at 10:40 a.m.

Council Member Trost cautioned that if this is allowed Council would have to consider other requests but added that each item should be considered individually noting this one was unique. Mr. Lopez added that there are duplexes in the area on smaller lots.

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

Jack Ladd moved to approve the first of two readings of Ordinance No. 10098; seconded by John Norman.

The motion by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

18. 10099 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS 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)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10099.

Development Services Director Chuck Harrington gave brief overview of the item noting that Planning & Zoning recommended denial noting that staff was not in favor of this item noting it was just rezoned in January.

Mayor Pro Tem Robnett opened the public hearing at 10:43 a.m.

Mr. Lopez was asked to speak to the previous rezoning. Jaime Lopez reported he misunderstood the type of zoning needed to build his duplex and the previous request to rezone was in error.

There being no one else wishing to speak, the public hearing was closed at 10:44 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10099; seconded by John Norman.

The motion passed by the following vote:

AYE: Robnett, Dufford, Norman, Ladd, Blong

NAY: Trost

ABSTAIN: None

ABSENT: Payton

19. 10100 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 1 AND 2, BLOCK 3, HINES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH GARFIELD 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10100.

Mayor Pro Tem Robnett opened the public hearing at 10:45 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. 10100; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

20. 10101 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,811-SQUARE FOOT PORTION OF LOTS 3 THROUGH 9, BLOCK 138, REPLAT OF BLOCKS 137 AND 138, WILSHIRE PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 160 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED LR, LOCAL 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)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10101.

Mayor Pro Tem Robnett opened the public hearing at 10:46 a.m.

Jorge Ramos, 4411 West Illinois, reported he comes from a family of restaurant owners. This is his first restaurant and he hopes to have many more.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10101; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

21. 10102 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4A, BLOCK 17, 349 RANCH ESTATES, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR AN INDUSTRIAL DISTRICT, IN PART, TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF ARAPAHOE ROAD, APPROXIMATELY 830 FEET EAST OF NORTH STATE HIGHWAY 349); 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. 10102.

Council Member Trost noted this was being rezoned in part and inquired about that. Development Services Director Chuck Harrington reported the current zoning is AE but they cannot build on that as there is not enough land available. This was previously tied into a PD to the west, but isn't really a part of that PD.

Mayor Pro Tem Robnett opened the public hearing at 10:49 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. 10102; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

22. 10103 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1A AND 5, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BUSINESS INTERSTATE 20, APPROXIMATELY 245 FEET WEST OF TODD 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)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10103.

Mayor Pro Tem Robnett opened the public hearing at 10:50 a.m.

Chase Dunnam, 1702 Douglass Ave, reported they are updating the site layout for this PD with the same general use.

There being no one else wishing to speak, the public hearing was closed at 10:52 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10103; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

23. 10104 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,700-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 150 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10104.

Mayor Pro Tem Robnett opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Michael Trost moved to approve the first of two readings of Ordinance No. 10104; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Trost, Dufford, Norman, Ladd, Blong

NAY: None

ABSTAIN: Robnett

ABSENT: Payton

24. 10105 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,233-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND TREMONT 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 (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10105.

Council Member Ladd noted the applicant was requesting alcohol sales starting at 10:00 a.m.

Mayor Pro Tem Robnett opened the public hearing at 10:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

City Attorney John Ohnemiller stated the alcohol service hours as written in the ordinance are Monday through Saturday from 10:00 a.m. to 10:00 p.m. and Sundays from 12:00 p.m. to 10:00 p.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10105 with the amendment to change alcohol service hours on Monday through Saturday to 11:00 a.m. through 10:00 p.m.; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

MISCELLANEOUS

25. 088-2020 – MOTION ON A REQUEST BY NEWTON ENGINEERING, TO DEFER WATER, WASTEWATER, PAVING AND SIDEWALK IMPROVEMENTS FOR SKYWAY ADDITION, AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT \$437,247.30, AN AMOUNT EQUAL TO THE ESTIMATED COST OF CONSTRUCTION. THE SUBJECT PROPERTY IS GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SH 349 (FM 1788) AND SH 191 AND IS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF MIDLAND, BUT IS SURROUNDED ON ALL SIDES BY THE CORPORATE LIMITS OF THE CITY. (ENGINEERING SERVICES)

Engineering Services Director Jose Ortiz reported this is a deferral request by Newton on behalf of the applicant. Staff supports the deferral of wastewater, paving and sidewalks, but not water. The entire region is developed in the the City limits and there is water available in the region. The water would benefit the fire department in that area.

Coy Taylor, 3113 West Industrial Avenue, reported he reached out to the fire marshal who stated in an email that a fire hydrant would benefit the project and the area as a whole. He felt it was not applicable as his location is outside of the City limits. They are willing to do a hydrant to the end of Howard Road, but found it would be too expensive to run the line through the whole corner. They bought this property because it was in the county. He is not financially prepared to extend that line. He does not want his property annexed into the City.

Fire Chief Chuck Blumenauer reported he looked at the area this morning and confirmed they provide fire service to that area. With the current situation, they would not be able to reach their property with hoses and would have to depend on tanker trucks. In six minutes his entire structure could be gone. A hydrant would give the ability to fight fires and would make it safer for all businesses in the area.

Mr. Ortiz clarified that they have not received information on where they would like the fire hydrant placed and are unsure if it would be sufficient for the Fire Department. It may require two hydrants.

Council Member Dufford noted the need to defer this item until it is known where the hydrants will be placed.

John Norman moved to defer the item to a future meeting; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

26. 10106 – DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF “CITY OF MIDLAND, TEXAS GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2020,” INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH BONDS,

ESTABLISHING PARAMETERS FOR THE SALE AND ISSUANCE OF SUCH BONDS
AND DELEGATING CERTAIN MATTERS TO AN AUTHORIZED OFFICIAL OF THE CITY.
(FINANCE)

Finance Director Mark Mason introduced George Williford the financial advisor for the refunding bonds. Essentially, Council is delegating authority for the final pricing to the City Manager and himself within certain parameters that must be met. The last time this was done was in 2009 when the market was also volatile. This way the City can take advantage of the lowest rates possible to give the City the greatest savings of approximately \$160,000 per year or \$2 million over the term. The authority will be for six months, but he does not expect it to take that long.

Lori Blong moved to approve the first and only reading of Ordinance No. 10106; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

27. 2020-138 – RESOLUTION APPROVING A CONTRACT WITH MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED FIELD LIGHTING AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF \$844,750.00; APPROVING \$84,475.00 FOR CONTINGENCIES; AND APPROPRIATING \$929,225.00 FOR SAID PROJECT (GENERAL SERVICES)

Community Services Director Tina Jauz reported this is an item that can be done quickly. It is LED lighting that can be remotely controlled. When they originally installed the fields they had the conduit run knowing at some point these lights would be installed. At that time the cost was about \$2 million and now due to advances in technology the cost is \$900,000. It was noted that there are about 2000 kids in soccer today and the fields are also used for lacrosse and football.

Discussion ensued about availability of quality fields for use and about the best way to handle the balance of the 4B funds.

Kimberly Crisp, 3304 Douglas Avenue, noted there was opposition from citizens about the dollar amount but clarified that the money is coming out of the sports complex fund and not the general fund. She asked if people using the fields would be paying to use the fields. Ms. Jauz stated they will still rent the fields. Ms. Crisp continued about the budget for the sports complex noting that the miscellaneous category is large and suggested having a line item budget. Council Member Blong noted that the miscellaneous funds are largely used for depreciation as well as other City services such as accounting and legal.

Michael Trost moved to approve Resolution No. 2020-138; seconded by Lori Blong.

The motion passed by the following vote:

AYE: Robnett, Trost, Dufford, Norman, Blong

NAY: Ladd
ABSTAIN: None
ABSENT: Payton

28. 089-2020 – MOTION REGARDING THE SPORTS AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE GREATER MIDLAND FOOTBALL LEAGUE (GMFL), THE USE AND OPERATION OF THE SCHARBAUER SPORTS COMPLEX AUXILIARY ATHLETIC FIELDS, AND MATTERS RELATED THERETO (CITY ATTORNEY'S OFFICE)

Council Member Norman noted that this item needs to be moved to a future date.

Kent Brown requested to speak. He was asked if he was okay with this item being deferred. He stated he was.

John Norman moved to defer Motion No. 089-2020 to a future meeting; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

29. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSION (CITY SECRETARY'S OFFICE)

Chris Barnhill, CEO of PermiaCare, reported that the City of Midland appoints two members to their nine-member board. Mark Dettmann who currently serves will not be returning and they need to replace him. At this time, they have a need for someone with a strong financial background and Ryan Peckham would meet that need and be a good fit for the opening. He asked Council to appoint Mr. Peckham.

Lori Blong moved to appoint Ryan Peckham to replace Mark Dettmann on the Permian Basin Community Centers for MHMR (PermiaCare) Board ; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Payton

All the business at hand having been completed, the meeting adjourned at 11:46 a.m.

PASSED AND APPROVED August 25, 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary