

**MIDLAND CITY COUNCIL  
MINUTES  
April 28, 2020**

**REGULAR SESSION**

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 28, 2020.

Council Members present: Mayor Patrick Payton, Mayor Pro Tem Spencer Robnett (At-Large), Council Member Michael Trost (At-Large), Council Member Scott Dufford (District 1), Council Member John Norman (District 2), Council Member Jack Ladd (District 3), and Council Member Lori Blong (District 4).

Staff members present at the annex table: City Attorney John Ohnemiller, Assistant City Manager Robert Patrick and Assistant City Manager Morris Williams.

The Agenda Items were heard in the following order: 1-3, 9, 4-8, 10-19, 21, 20.

Mayor Payton called the meeting to order at 10:00 a.m.

**OPENING ITEMS**

1. Invocation - Mayor Patrick Payton
2. Pledge of Allegiance

**CONSENT AGENDA**

Council Member Robnett moved to approve Consent Agenda items 3 - 9 excluding 4, 5, 6, 7, 8; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

3. Approved a motion approving the following minutes:
  - a. Regular meeting of April 14, 2020.
9. Approved a motion authorizing the execution of a Surface Use Agreement with HEP Fin-Tex/Trust River, L.P., regarding City-owned property described as Lot 2A, Block 11, Midland International Airport Industrial Park Addition, Lots 3B, 4B, 4C, and 5B, Block 11, Midland International Airport Industrial Park Addition 6, and Lots 11A and 12A, Block 10, Midland International Airport Industrial Park Addition 7, City and County of Midland, Texas. (UTILITIES) (Motion 051-2020)

The following items were pulled from Consent Agenda and considered individually.

4. Consider a resolution awarding a contract for the Fire Station 5 Project (900307) and Fire Station 11, Fueling Station and Wash Bay Project (900335) to MW Builders, Inc.,

for a total cost of \$10,899,500.00; approving \$369,295.45 in contingencies; and allocating a total combined amount of \$11,424,304.75 for said projects; for the General Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 076

RESOLUTION AWARDING A CONTRACT FOR THE FIRE STATION 5 PROJECT (900307) AND FIRE STATION 11, FUELING STATION AND WASH BAYS PROJECT (900335) TO MW BUILDERS, INC., FOR A TOTAL COST OF \$10,899,500.00; APPROVING \$369,295.45 IN CONTINGENCIES; AND ALLOCATING A TOTAL COMBINED AMOUNT OF \$11,424,304.75 FOR SAID PROJECTS

Council Member Blong had budget concerns about making this large expenditure and asked Fire Chief Blumenauer to share why we need this. Chief Blumenauer reported that Fire Station 5 has already been demolished and they are operating out of Central Fire Station so that area is not covered as well as it should. As for Station 11 it would help cut down on response times in that area and ensure that we stay at an ISO level 1. Secondly, when we come out of COVID 19, we need to be prepared.

Council Member Robnett reported money was pulled from the Building of the Southwest demo project and assigned to this project and wondered how that is normally handled. Staff responded that it normally goes back to the General Fund once the project is closed but since there was no longer a need for the demolition project, it was moved to this project.

Council Member Robnett moved to adopt Resolution No. 2020 - 076; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

5. Consider a resolution to deny the Distribution Cost Recovery Factor (DCRF) application proposed by Oncor. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 077

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, FINDING THAT THE APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC ("ONCOR") FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY ONCOR; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND COPIES OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL

Council Member Ladd asked if anyone was present from Oncor and what this item was about. Assistant City Manager Morris Williams reported that Oncor is requesting a rate increase. Midland belongs to a steering committee with several other West Texas cities and has legal representation. City Attorney John Ohnemiller added that the steering committee will negotiate on behalf of the member cities.

Council Member Robnett moved to adopt Resolution No. 2020 - 077; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

6. Consider a resolution authorizing the Mayor, City Manager and City Attorney to execute the Coronavirus Aid, Relief and Economic Security (CARES) Act Grant from the Federal Aviation Administration (FAA) upon receipt. (AIRPORTS)

RESOLUTION NO. 2020 - 078

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT GRANT FOR THE DEPARTMENT OF AIRPORTS IN THE AMOUNT OF \$22,935,854.00

Council Member Robnett inquired what the plan was for the money. Council Member Blong reported she learned from Airports Director Justine Ruff that if this grant money is accepted, staff cannot be reduced at the airport, otherwise the money would have to be paid back.

Council Member Robnett moved to adopt Resolution No. 2020 - 078; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

7. Consider a resolution authorizing the termination of the existence of the Midland Spaceport Development Corporation. (AIRPORTS)

RESOLUTION NO. 2020 - 079

RESOLUTION AUTHORIZING THE TERMINATION OF THE EXISTENCE OF THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION (THE "CORPORATION"); AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY SECRETARY TO EXECUTE A CERTIFICATE OF TERMINATION ON BEHALF OF THE CITY OF MIDLAND, TEXAS, IN ACCORDANCE WITH SECTION 501.403 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE CITY SECRETARY TO DELIVER FOUR ORIGINALS OF THE CORPORATION'S CERTIFICATE OF TERMINATION TO THE TEXAS SECRETARY OF STATE FOR FILING; AUTHORIZING AND DIRECTING THE CITY COMPTROLLER TO PAY A FILING FEE TO THE TEXAS SECRETARY OF STATE; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO SIGN ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY OR APPROPRIATE TO EFFECT THE TRANSFER OF ALL FUNDS AND PROPERTY OWNED BY THE CORPORATION UPON TERMINATION OF THE CORPORATION TO THE AUTHORIZING UNITS; AND AUTHORIZING AND DIRECTING THE CITY COMPTROLLER TO TRANSFER SAID FUNDS TO THE CITY OF MIDLAND, TEXAS, AND MIDLAND COUNTY

Council Member Trost asked for a refresher as to why this board is being terminated. Council Member Blong replied that she requested this at the last meeting. This fund is required to be audited annually. The money they received has been expended and it is quite expensive to do annual audits. It is being recommended that it become a subcommittee of the Airport Board.

Council Member Ladd moved to adopt Resolution No. 2020 - 079; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

8. Consider a resolution approving the purchase of two TruNarc drug detection and identification systems at a total cost of \$51,506 from sole source provider Thermo Scientific Portable Analytical Instruments Inc., the funds for which are to be derived from the FY 2019 HIDTA Grant (POLICE)

RESOLUTION NO. 2020 - 080

RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF TWO (2) TRUNARC DRUG DETECTION AND IDENTIFICATION SYSTEMS FOR THE POLICE DEPARTMENT FROM THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS, INC., FOR A TOTAL COST OF \$51,506.00

Council Member Ladd inquired if this is being purchased with grant money. Police Chief Seth Herman confirmed it was through the HIDTA program.

Council Member Blong moved to adopt Resolution No. 2020 - 080; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

**SECOND READINGS**

10. Consider an ordinance on second reading on a request by YMCA of Midland for a vacation of the 0.2825-acre portion of alley right-of-way, generally located on the north side of West Kansas Street, approximately 481 feet east of North Big Spring Street. (DEVELOPMENT SERVICES) (First reading April 14, 2020)

ORDINANCE NO. 10072

AN ORDINANCE VACATING AND ABANDONING A 0.2825-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 19, ELMWOOD ADDITION, SECTION 3, AND LOTS 1 THROUGH 12, BLOCK 6, S. W. ESTES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST KANSAS AVENUE, APPROXIMATELY 481 FEET EAST OF NORTH BIG SPRING STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,608.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10072.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10072 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

11. Consider an ordinance on second reading on a request by Midland (King) DTP, LLC, for a zone change from LI, Light Industrial District to C, Commercial District generally located on the southwest corner of the intersection of Garden City Highway and King Street. (DEVELOPMENT SERVICES) (First reading April 14, 2020)

ORDINANCE NO. 10073

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 2, OVERSTREET ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO C, COMMERCIAL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GARDEN CITY HIGHWAY AND KING 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10073.

Council Member Blong moved to approve the second and final reading of Ordinance No. 10073 in accordance with the Charter of the City of Midland; seconded by Council Member Norman.

Bob Gage of GBT Realty, via Zoom, reported he was available to answer any questions.

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

**PUBLIC HEARINGS**

12. Hold a public hearing and consider an ordinance on a request by Cork & Pig Tavern – Ally Village, LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, generally located on the south side of Spring Park Drive, approximately 685 feet east of North Big Spring Street. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10074

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,460-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, CORPORATE PLAZA, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING PARK DRIVE, APPROXIMATELY 685 FEET EAST OF NORTH BIG SPRING 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10074.

Mayor Payton opened the public hearing at 10:19 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Blong moved approval of the first of two readings of Ordinance No.

10074 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

13. Hold a public hearing and consider an ordinance on a request by Alexandra Brinker for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, generally located on the southeast corner of the intersection of North Garfield Street and Castleford Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10075

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, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND CASTLEFORD ROAD), 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10075.

Council Member Dufford noted the time on Sunday needed to be discussed. Council Member Robnett noted he was prepared to approve with an amendment.

Mayor Payton opened the public hearing at 10:20 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10075 in accordance with the Charter of the City of Midland with the amendment to change alcohol service hours beginning at 11:00 a.m. on Sundays; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

14. Hold a public hearing and consider an ordinance on a request by Jorge Chavez for a zone change from MF-22, Multiple-Family Dwelling District, to SF-3, Single Family Dwelling District, generally located on the east side of North Adams Street, approximately 80 feet south of East Illinois Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10076

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 14, BLOCK 1, EASTOVER 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 ADAMS STREET, APPROXIMATELY 80 FEET SOUTH OF EAST ILLINOIS 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10076.

Mayor Payton opened the public hearing at 10:22 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10076 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

15. Hold a public hearing and consider an ordinance on a request by Garret Haley for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, generally located on the south side of West Loop 250 North, approximately 1,036 feet east of North Midkiff Road. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10077

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,166-SQUARE FOOT PORTION OF LOT 2A, BLOCK 1A, MIDKIFF PLAZA ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST 250 LOOP NORTH, APPROXIMATELY 1,036 FEET EAST OF NORTH MIDKIFF ROAD), 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10077.

Mayor Payton opened the public hearing at 10:23 a.m.

Garrett Haley, Lubbock, via Zoom, reported he was available to answer questions.

There being no one else wishing to speak, the public hearing was closed at 10:24 a.m.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10077 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

16. Hold a public hearing and consider an ordinance on a request by Midland Platinum II, LLC., for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, generally located on the west side of Tradewinds Boulevard, approximately 300 feet south of Andrews Highway. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10078

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 2A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 300 FEET SOUTH OF ANDREWS HIGHWAY), 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10078.

Mayor Payton opened the public hearing at 10:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Blong moved approval of the first of two readings of Ordinance No. 10078 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

17. Hold a public hearing and consider an ordinance on a request by Elvira Garcia for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, generally located on the east side of South Baird Street, approximately 110 feet north of East Pennsylvania Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10079

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 13 AND 14, BLOCK 145, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH BAIRD STREET, APPROXIMATELY 110 FEET NORTH 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10079.

Mayor Payton opened the public hearing at 10:27 a.m.

Omero Munoz, spoke via zoom. His father owns the commercial property across the street from the subject property and his father wanted to know if this would prohibit him from developing his property commercially and if there would be additional regulations being adjacent to residential property. Development Services Director Chuck Harrington reported there would be no impact to the ability to develop any commercial property, the zone change in question was for the subject property only. They would be



required to abide by all the same rules as other commercial property. Mr. Munoz also questioned how this change might affect his father's property value. Mr. Harrington suggested that a realtor would best be able to answer that question.

There being no one else wishing to speak, the public hearing was closed at 10:32 a.m.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10079 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

18. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned Development District for a Housing Development generally located on the northwest corner of the intersection of Chukar Lane and Beachwood Street. (DEVELOPMENT SERVICES)

**ORDINANCE NO. 10080**

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 19 THROUGH 31, BLOCK 5, LOTS 1 THROUGH 16, BLOCK 8, LOTS 1 THROUGH 9, BLOCK 9, AND LOTS 1 THROUGH 4, BLOCK 10, QUAIL RIDGE ADDITION, SECTION 6, LOTS 10 THROUGH 20, BLOCK 9, LOTS 5 THROUGH 18, BLOCK 10, AND LOTS 1 THROUGH 14, BLOCK 11, QUAIL RIDGE ADDITION, SECTION 7, A 7.432-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, QUAIL RIDGE ADDITION, AND A 0.004-ACRE TRACT OF LAND OUT OF QUAIL RIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHUKAR LANE AND BEACHWOOD 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10080.

Mayor Payton opened the public hearing at 10:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10080 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

**MISCELLANEOUS**

19. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas and authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations. (ENGINEERING SERVICES)

**ORDINANCE NO. 10081**

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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10081

Traffic Engineer Mike Pacelli reported this is an update of the City-wide stop sign ordinance and was available to answer questions.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10081 in accordance with the Charter of the City of Midland; seconded by Council Member Norman. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

Mayor Payton recessed the meeting at 10:36 a.m. to go to Executive Session.

#### **EXECUTIVE SESSION**

21. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
  - a. Section 551.071, Consultation with Attorney
    - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
  - b. Section 551.074, Personnel Matters
    - b.1. Deliberate the appointment of members to the Midland Development Corporation board of directors and interview applicants.

Mayor Payton recessed Executive Session at 12:11 p.m. to return to Regular Session.

#### **REGULAR SESSION (Continued)**

Mayor Payton reconvened the meeting in regular session at 12:17 p.m. with all Council Members present.

20. Consider a motion making appointments to various boards and commissions. (CITY SECRETARY'S OFFICE)

Council Member Blong moved to appoint Lourcey Sams, Jill Pennington, and Elaine Bedell to the Midland Development Corporation; seconded by Council Member Trost. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford,

Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Ladd moved to replace Sara Harris and Luann Morgan with Tasha Sport and Sharla Hotchkiss on the Animal Services Advisory Commission; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

Council Member Norman moved to appoint Dal Watson and Ron Stroman to the Parks & Recreation Commission for terms beginning October 1, 2020; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

All the business at hand having been completed, the meeting adjourned at 12:20 p.m.

PASSED AND APPROVED the 12th day of May 2020.

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Patrick Payton, Mayor

ATTEST:

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Amy M. Turner, City Secretary