

**MIDLAND CITY COUNCIL
MINUTES
April 14, 2020**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 14, 2020.

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

Council Members present via Zoom: Council Member Michael Trost (At-Large), Council Member John Norman (District 2).

The Agenda Items were heard in the following order: 1-3, 5-6, 8-9, 11-15, 4, 7, 10, 16-29.

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

OPENING ITEMS

1. Invocation – Mayor Payton
2. Pledge of Allegiance

CONSENT AGENDA

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

3. Approved a motion approving the following minutes:
 - a. Regular Meeting of March 24, 2020
 - b. Special Meeting of March 31, 2020
 - c. Special Meeting of April 7, 2020
5. Approved a motion authorizing the City Manager or the City Manager's designee to advertise a request for bids for the Landfill Cells five (5) and six (6) Project. (PURCHASING) (041-2020)
6. Approved a resolution approving the sole source purchase of eCitation software and fifty-three (53) electronic ticket writers from Tyler Technologies, Inc. for the Police Department. (PURCHASING)

RESOLUTION NO. 2020 - 072

RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF FIFTY-THREE (53) ELECTRONIC TICKET WRITERS FOR THE POLICE DEPARTMENT FROM TYLER TECHNOLOGIES, INC., FOR A TOTAL COST OF \$168,915.00

8. Approved a motion authorizing the Director of Airports to advertise a request for bids for the MAF Rehabilitate North, Terminal and South Apron Concrete Pavement Project. (AIRPORTS) (042-2020)
9. Approved a motion authorizing the Director of Airports to advertise a request for bids for the MAF Rehabilitate Northwest Taxi Lane and Executive Apron Project. (AIRPORTS) (043-2020)
11. Approved a resolution approving the issuance of an Operating Certificate for XPress Routes Limousine Service. (POLICE)

RESOLUTION NO. 2020 - 075

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR RIDEY TRANSPORTATION INC. DBA XPRESS ROUTES TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

12. Approved a motion accepting a Fiscal Year 2019 grant award modification from the High Intensity Drug Trafficking Areas Program in the total amount of \$53,552.00; and appropriating the amount of \$53,552.00 from the General Fund (001) Unappropriated Fund Balance (35650) to the FY2019 HIDTA Grant Project (700224-005). (POLICE) (044-2020)
13. Approved a motion accepting a Fiscal Year 2020 grant award from the High Intensity Drug Trafficking Areas Program in the amount of \$158,737.00; and appropriating the amount of \$158,737.00 from the General Fund (001) Unappropriated Fund Balance (35650) to the FY2020 HIDTA Grant Project (700272). (POLICE) (045-2020)
14. Approved a motion authorizing the appropriation of \$5,568.50 from the Police Technology and Equipment Fund (075) Unappropriated Fund Balance (35650) to the Minor Equipment / Tools (075110-52120) account; said funds being the proceeds from the sale of outdated service weapons and court-awarded firearms. (POLICE) (046-2020)
15. Approved a motion authorizing the execution of a Right-of-Way License between the City of Midland and Fasken Oil and Ranch, Ltd. regarding City-owned property described as Section 30, Block 39, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (047-2020)

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

4. Consider a resolution ratifying the emergency repair of an 8" water main on C Street between Louisiana Avenue and Cuthbert Street for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 071

RESOLUTION RATIFYING AND APPROVING THE EMERGENCY REPAIR OF A WATER MAIN LOCATED ON C STREET BETWEEN LOUISIANA AVENUE AND CUTHBERT AVENUE BY BOLER EQUIPMENT SERVICE, INC., FOR A TOTAL COST OF \$254,138.00; AND APPROVING \$50,827.60 IN CONTINGENCY FUNDS

Council Member Ladd asked for more information about the lack of subbase under the road. Utilities Director Carl Craigo reported they tested two or three others and found the same thing. These roads were built in the 80's.

Council Member Ladd moved to adopt Resolution No. 2020 - 071; 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 awarding a contract to the sole bidder, Willis Electric Co., LP for the Various Traffic Signal Improvement Project for a total cost of \$1,008,397.50 for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2020 - 073

RESOLUTION AWARDING A CONTRACT FOR THE VARIOUS TRAFFIC SIGNAL IMPROVEMENTS PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC CO., LP OF ABILENE, TEXAS, AT A TOTAL COST OF \$1,008,397.50; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT

Council Member Ladd asked if it would be better to get more bids at this time since construction costs have decreased. Traffic Engineer Mike Pacelli reported this is the single bidder he has received on all traffic signal projects in the last six years.

Council Member Robnett moved to adopt Resolution No. 2020 - 073; 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.

10. Consider a resolution authorizing legal fees related to oil and gas matters to be paid from the General Liability Fund (702730) Legal Fees (53410) budget account. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2020 - 074

RESOLUTION AUTHORIZING LEGAL FEES RELATED TO OIL AND GAS MATTERS TO BE PAID FROM THE GENERAL LIABILITY FUND (702730) LEGAL FEES (53410) BUDGET ACCOUNT

Council Member Ladd inquired about the legal fees. City Attorney John Ohnemiller explained this is a housekeeping issue to combine two different fee types into one account. The oil and gas fees have typically been reimbursed by the operators.

Council Member Robnett moved to adopt Resolution No. 2020 - 074; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

- 16. Consider an ordinance on second reading on a request by Cumberland & Western Resources, LLC, for the initial zoning of a 37.9539-acre tract of land generally located on the west side of State Highway 158, approximately 2,372 feet north of State Highway 191 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES) (First reading held on March 24, 2020)

ORDINANCE NO. 10064

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 37.9539-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-22, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 2,372 FEET NORTH OF STATE HIGHWAY 191; 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 SueAnn Reyes read the caption of Ordinance No. 10064.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10064 in accordance with the Charter of the City of Midland; 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.

- 17. Consider an ordinance on second reading on a request by Cornerstone Funding, LLC for a Zone Change from PD, Planned District for an Office Center to an Amended PD, Planned Development District for an Office Center generally located on the southwest corner of the intersection of Homestead Boulevard and Hereford Boulevard. (DEVELOPMENT SERVICES) (First reading held on March 24, 2020)

ORDINANCE NO. 10065

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1A, BLOCK 2, GRASSLAND ESTATES WEST, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HOMESTEAD BOULEVARD AND HEREFORD BOULEVARD); 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 SueAnn Reyes read the caption of Ordinance No. 10065.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10065 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.

18. Consider an ordinance on second reading on a request by Midland Community Development Corporation for a Zone Change from C, Commercial District, to SF-3, Single Family Dwelling District, generally located on the east side of South Stonewall Street, approximately 173 feet south of East Indiana Avenue. (DEVELOPMENT SERVICES) (First reading held on March 24, 2020)

ORDINANCE NO. 10066

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 9, GREENWOOD ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 173 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10066.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10066 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.

19. Consider an ordinance on a second reading on a request by Edward Martinez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the northeast corner of the intersection of East New York Avenue and South Benton Street. (DEVELOPMENT SERVICES) (First reading held on March 24, 2020)

ORDINANCE NO. 10068

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 7, BLOCK 24, 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 AT THE NORTHEAST CORNER OF THE INTERSECTION OF EAST NEW YORK AVENUE AND SOUTH BENTON 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 SueAnn Reyes read the caption of Ordinance No. 10068.

Council Member Blong moved to approve the second and final reading of Ordinance No. 10068 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.

20. Consider an ordinance on second reading on a request by Joe Dominguez, for a Zone Change from a LI, Light Industrial, to a SF-3, Single Family Dwelling, generally located on the east side of South Weatherford Drive, approximately 866 feet southwest of East Industrial Drive). (DEVELOPMENT SERVICES) (First reading held on March 24, 2020)

ORDINANCE NO. 10069

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 15 AND 16, BLOCK 133, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WEATHERFORD STREET, APPROXIMATELY 86 FEET NORTH 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10069.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10069 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.

21. Consider an ordinance on second reading on a request by Irma Ogle for a zone change from PD, Planned District for a Shopping Center, to RR, Regional Retail District, generally located on the northwest corner of the intersection of Tradewinds Boulevard and Deauville Boulevard. (DEVELOPMENT SERVICES) (First reading held on March 24, 2020)

ORDINANCE NO. 10070

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5A AND 5B, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND DEAUVILLE BOULEVARD); 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 SueAnn Reyes read the caption of Ordinance No. 10070.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10070 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.

22. Consider an ordinance on second reading of the City of Midland, Texas, amending the Tall City Tomorrow Comprehensive Plan as authorized by Chapter 213 of the Texas Local Government Code so as to revise the thoroughfare plan. (ENGINEERING SERVICES) (First reading held on March 24, 2020)

ORDINANCE NO. 10071

AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, AMENDING THE TALL CITY TOMORROW COMPREHENSIVE PLAN AS AUTHORIZED BY CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE SO AS TO REVISE THE THOROUGHFARE PLAN; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF MAY 1, 2020

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10071.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10071 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.

PUBLIC HEARINGS

23. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC for the drilling of the following oil and gas wells: Charger #H110WB; Charger #H115WA; Mustang #H145WA; Mustang #H150WB; Mustang #H155WA; and Mustang #H160WB; said wells being generally located between 862 feet and 2,050 feet west of Rankin Highway and between 590 feet and 620 feet north of Dayton Road. (DEVELOPMENT SERVICES) (048-2020)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it is similar to their wells permitted in the past. Their permits were originally issued in 2018 and have expired. They are asking for all the same information. There are no letters of objection and they are requesting the same variances.

Mayor Payton opened the public hearing at 10:23 a.m. There being no one present or on Zoom wishing to speak, the public hearing was immediately closed.

24. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Permian Deep Rock Oil Co., LLC for the drilling of the following oil and gas well: Charger #H125WA; said well being generally located 2,433 feet west of South Garfield Street and 320 feet north of West County Road 111. (DEVELOPMENT SERVICES) (049-2020)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting it was similar to their other wells that were previously permitted in 2018. Everything is the same with the same variances as previously requested.

Mayor Payton opened the public hearing at 10:25 a.m. There being no one present or on Zoom wishing to speak, the public hearing was immediately closed.

25. Hold a public hearing regarding the proposed granting of oil and gas well permits to Endeavor Energy Resources, L.P. for the drilling of the following oil and gas wells: Bankhead 4-33 Unit 2A #253; Bankhead 4-33 Unit 2A #261; Bankhead 4-33 Unit 2A #271; Bankhead 4-33 Unit 2A #272; and Bankhead 4-33 Unit 2A #281; said wells being generally located between 590 feet and 591 feet north of West I-20 and between 1,179 feet and 1,279 feet east of South Midkiff Road. (DEVELOPMENT SERVICES) (050-2020)

Oil and Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting Endeavor has a surface agreement. A sound study was completed with the recommendation to put up a 260-foot 24-foot-high sound wall to the east near the commercial structure. There are notices of objection from a nearby surface owner with the complaint of nearby water wells and an eyesore on the frontage. The variances they

are requesting are similar to those requested in the past including landscaping and for one large frac pit.

Mayor Payton opened the public hearing at 10:27 a.m. There being no one present or on Zoom wishing to speak, the public hearing was immediately closed.

Council Member Trost inquired about the landscape variance. Mr. Jenkins explained that the surface owner does not want the City's landscaping plan.

26. Hold a public hearing and consider an ordinance 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)

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 SueAnn Reyes read the caption of Ordinance No. 10072.

Development Services Director Chuck Harrington gave a brief overview of item noting it is a request for vacation of right-of-way for the future expansion at YMCA. There are some utilities in the right-of-way so a utility easement will need to be maintained until all utilities have been moved. The value of the land is \$2 per square foot or \$24,608.00. Staff recommends approval.

Council Member Ladd asked why the Traffic Division is opposed. Mr. Harrington clarified that they were not opposed but had concern for a dead-end alley. He could examine it for elimination in general. Council Member Ladd asked why they wanted to expand in that direction when they have room in other areas.

Christian Beardon, YMCA, via Zoom, reported the board is looking to build a daycare center to serve Midland as this has been identified as a vital need. They are building to the east and will not be building directly over the alley but need the easement to allow access to their main facility. Council Member Ladd thanked YMCA for all they have done in providing daycare for first responders.

Council Member Robnett asked Ms. Beardon if the \$24,000 were waived, would they use that same amount for daycare. Ms. Beardon reported she was about to have a meeting with her board, and she would share that information with them.

Mayor Payton opened the public hearing at 10:32 a.m. There being no one present or on zoom wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10072 in accordance with the Charter of the City of Midland with the amendment to waive the \$24,608 fee in exchange for YMCA using the fees for daycare; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

27. Hold a public hearing and consider an ordinance 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)

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 SueAnn Reyes read the caption of Ordinance No. 10073.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is for a zone change to build a retail store. It is currently vacant land and would be used as a 9,000 square foot retail space. The item has been reviewed by all departments and approved. This is in the special study area and this is the first step in that process. On the memo it said there was one letter of objection but there are none.

Mayor Payton opened the public hearing at 10:35 a.m. There being no one present or on Zoom wishing to speak, the public hearing was immediately closed.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10073 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.

MISCELLANEOUS

28. Approved a motion making appointments to various Boards and Commissions.

Council Member Robnett moved to appoint J. Anette Jensen to the Animal Services Advisory Board; 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.

Council Member Ladd moved to move Council Member Lori Blong from member of the Midland Development Corporation to Council Liaison; 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.

Council Member Trost moved to appoint Lourcey Sams to the Midland Development Corporation. Discussion ensued about the best way to interview candidates for MDC. Mayor Payton suggested moving forward with the remainder of appointments that could be made and then scheduling Executive Session at the next meeting to give time for Council to interview candidates or to interview candidates during Executive Session. Council Member Trost withdrew his motion.

Council Member Blong moved to consider Midland Development Corporation applicants in executive session at the next meeting in two weeks; 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 Blong reported that the Midland Spaceport Development Corporation was created to manage a grant received that is now fully expended. They have a continuing requirement to pay for a yearly audit and money must be moved from the General Fund to do so each year. She would be in favor of restructuring them as a subcommittee of the airport board which would make the audit requirement go away. City Attorney John Ohnemiller clarified that the Spaceport board is a separate entity and dissolving it would take care of the audit. Upon dissolution, Council Member Blong is suggesting making it a subcommittee of the airport board to advise them of spaceport related matters.

City Manager Courtney Sharp reported the Governor's Office has been contacted and they are not anticipating any more funds being allocated to spaceports at this point. They were advised that a subcommittee would be formed and be ready to move up to a standing committee if funds were made available in the future.

Mayor Payton asked staff to bring back an item in the future to make the Spaceport Development Corporation a subcommittee of the airport board.

Council Member Ladd moved to appoint John Norman as Council Liaison to the Parks & Recreation Commission; 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.

Council Member Ladd moved to appoint Suzanna Prucka to the Parks & Recreation Commission to replace Jack Ladd; 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 Norman moved to appoint Lynn Rogers Stralow to the Parks & Recreation 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.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 10:59 a.m.

29. 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 551.072, Deliberation Regarding Real Property
 - a.1. Discuss the purchase, exchange, lease, or value of real property described as an 11.72-acre tract located in Section 13, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

All the business at hand having been completed, the meeting adjourned at 11:45 a.m.

PASSED AND APPROVED the 28th day of April 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary