

**MIDLAND CITY COUNCIL
MINUTES
March 24, 2020**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 24, 2020.

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

Council Members absent: Council Member Scott Dufford (District 1).

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, 31-32, 36, 39, 4-5, 7-8, 11-17, 19-20, 22-25, 6, 9-10, 21, 18, 21, 26-30, 33-35, 37-38, 40.

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

OPENING ITEMS

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

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to: None.

CONSENT AGENDA

Council Member Trost noted he spoke with the City Manager's Office about the items that have a lot of money attached to them. He found that they will be paid over a period, the whole amounts are not required to be paid up front.

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

4. Approved a motion approving the following minutes:
 - a. Regular City Council Meeting of February 25, 2020
 - b. Regular City Council Meeting of March 9, 2020
5. Approved a resolution approving the purchase of a Transit 350 Cargo Van with sewer equipment from Chastang Enterprises - Houston, LLC. dba Chastang Ford through

Buyboard contract #601-19 for a total cost of \$248,172.00 for the General Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 056

RESOLUTION APPROVING THE PURCHASE OF A TRANSIT 350 CARGO VAN WITH ASSOCIATED SEWER EQUIPMENT FROM CHASTANG ENTERPRISES - HOUSTON, LLC, AT A TOTAL COST OF \$248,172.00 THROUGH BUYBOARD

7. Approved a resolution awarding a master agreement for two (2) years for plastic meter box lids to Ferguson Waterworks DBA Ferguson Enterprise for the Municipal Warehouse Division. (PURCHASING)

RESOLUTION NO. 2020 - 058

RESOLUTION AWARDING A TWO-YEAR MASTER AGREEMENT FOR THE PURCHASE OF PLASTIC METER BOX LIDS TO FERGUSON WATERWORKS AT A TOTAL ANNUAL COST OF \$108,360.00

8. Approved a resolution awarding the negotiation and execution of a master real estate broker services agreement for the sale of various City-owned properties to Real Estate One - Bill Scott, of Midland, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 059

RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER REAL ESTATE BROKER SERVICES AGREEMENT FOR THE SALE OF VARIOUS CITY-OWNED REAL PROPERTIES TO REAL ESTATE ONE - BILL SCOTT, OF MIDLAND, TEXAS

11. Approved a resolution awarding a professional services agreement for Construction Material Testing Services for the Engineering Department. (PURCHASING)

RESOLUTION NO. 2020 - 062

RESOLUTION APPROVING THE SELECTION OF PAVETEX ENGINEERING, LLC AND BEYOND ENGINEERING & TESTING, LLC TO ASSIST CITY DEPARTMENTS BY PROVIDING PROFESSIONAL ENGINEERING SERVICES RELATED TO CONSTRUCTION MATERIALS TESTING AND SERVICES PROVIDED IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER SHALL NOT EXCEED \$150,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS SHALL NOT EXCEED \$300,000.00 PER AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT

12. Approved a motion authorizing the execution of a professional services agreement with HDR Engineering, Inc., to provide evaluation and engineering services for the Primary Effluent Holding Ponds Project for the Utilities Department at a total cost not to exceed \$169,530.00. (PURCHASING) (034-2020)
13. Approved a motion authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc. (PSC), to provide design and engineering services for the

Briarwood Water Main Relocation Project for the Utilities Department at a total cost not to exceed \$121,611.00. (PURCHASING) (035-2020)

14. Approved a resolution amending the Agreement for Employee Health Care Center with Midland Memorial Hospital. (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2020 - 063

RESOLUTION AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT TO THE INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; SAID AMENDMENT ADJUSTING THE ANNUAL FEE AND PROVIDING FOR THE HOSTING OF INFLUENZA CLINICS; AND AUTHORIZING PAYMENT

15. Approved a motion to authorize the Director of Airports to advertise a request for proposals for janitorial services at the Midland International Air & Space Port and negotiate an agreement for said services; provided, however, that said agreement shall not become effective until approved by the City Council. (AIRPORTS) (036-2020)
16. Approved a motion authorizing the Director of Airports to negotiate and execute an amendment to the Lease Agreement with Signature Flight Support regarding certain City-owned real property described as a 0.411-acre tract out of Lot 1A, Block 13, Midland International Airport Industrial Park, City of Midland, Midland County, Texas; said amendment to provide for the expansion of the leased premises. (AIRPORTS) (037-2020)
17. Approved a resolution approving and adopting amended bylaws of the Midland Development Corporation. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 064

RESOLUTION APPROVING THE AMENDED BYLAWS OF THE MIDLAND DEVELOPMENT CORPORATION

19. Approved a motion authorizing the execution of an amendment to that certain Sponsorship License Agreement for the Baseball Stadium at the Scharbauer Sports Complex with American Momentum Bank (formerly known as Security Bank); said amendment shall provide for American Momentum Bank's assumption of Security Bank's rights, covenants and obligations under the Sponsorship License Agreement. (COMMUNITY SERVICES) (038-2020)
20. Approved a resolution approving the issuance of permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Hogan 1-25-A-2601H, Massey Unit 2415H, Massey Unit 2614H, and Massey A Unit 2611H (said wells are generally located between 755 feet and 845 feet north of East Loop 250 North and between 389 and 390 feet east of North Lamesa Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 066

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND,

MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 755 FEET AND 845 FEET NORTH OF EAST LOOP 250 NORTH AND BETWEEN 389 AND 390 FEET EAST OF NORTH LAMESA ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

22. Approved a resolution modifying the restrictive covenants of Lots 12 through 22, Block 26, Crestview Addition, City and County of Midland Texas. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 068

RESOLUTION APPROVING A MODIFICATION OF RESTRICTIVE COVENANTS APPLICABLE TO LOTS 12 THROUGH 22, BLOCK 26, CRESTVIEW ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS

23. Approved a resolution authorizing the City of Midland to submit a grant application for the Fiscal Year 2021 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. (POLICE)

RESOLUTION NO. 2020 - 069

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR FISCAL YEAR 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID GRANT WILL BE USED TO PURCHASE THREE (3) NARCOTICS ANALYZERS AND EIGHT (8) NIGHT-VISION BINOCULARS FOR THE POLICE DEPARTMENT

24. Approved a resolution to accept the Fiscal Year 2019 grant award in the amount of \$162,720 from the Southwest Border High Intensity Drug Trafficking Area (HIDTA) program. (POLICE)

RESOLUTION NO. 2020 - 070

RESOLUTION ACCEPTING A FISCAL YEAR 2019 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$162,720.00; SAID GRANT WILL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING FUNDS

25. Approved a motion authorizing the execution of an amendment to the right-of-way license between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Sections 4, 5, 9 and 10, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (039-2020)

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

6. Consider a resolution authorizing the sale of 101 East Florida Avenue dba Flash Tax building and legally described as Block 176, Lots 13 thru 18, Southern Addition a 0.482 acre tract, City of Midland, Midland County, Texas for the General Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 057

RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN CITY-OWNED REAL PROPERTY TO MIDLAND VISIONS 2000; SAID REAL PROPERTY

DESCRIBED AS LOTS 13-18, BLOCK 176, SOUTHERN ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY DESCRIBED AS 101 EAST FLORIDA AVENUE); AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE, AND FILE ALL AGREEMENTS AND DOCUMENTS NECESSARY FOR THE CONVEYANCE OF SAID PROPERTY; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

Council Member Ladd asked if this was the best time to be selling property as property values have lowered. City Attorney John Ohnemiller clarified that bids were received on February 12. Purchasing Manager Erika Munoz noted it was being sold to a non-profit organization for their offices.

Council Member Ladd moved to adopt Resolution No. 2020 - 057; seconded by Council Member Trost. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

9. Consider a resolution awarding a contract for the Fiscal Year 2020 Slurry Seal Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2020 - 060

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2020 SLURRY SEAL PROJECT TO INTERMOUNTAIN SLURRY SEAL, INC. OF NORTH SALT LAKE, UTAH, AT A TOTAL COST OF \$1,575,302.72; AND AUTHORIZING PAYMENT

Council Member Robnett questioned the immediate necessity of this project especially since it only received a single bid and asked if this was something that could wait. Purchasing Manager Erika Martinez reported the sole bidder has been the same sole bidder for the past three years. Assistant City Manager Robert Patrick noted the bid was lower than projected and suggested moving forward.

Council Member Ladd did not disagree but wondered if this would save money in the long run or hurt us because we didn't do it. Assistant City Manager Robert Patrick noted that prolonging items can bring about decay and nobody knows if it is rebid, if it would come in cheaper.

Council Member Trost asked what a 3-month delay would do. Director of Engineering Services Jose Ortiz reported the challenge is to ensure it is applied during the warmer months otherwise you miss your opportunity for a year. Delaying for a couple of months would not be an issue. Council Member Trost cautioned against delaying noting items were delayed by previous Council and the projects came in at a higher rate. He suggested not delaying if it can be helped.

Mayor Payton suggested deferring for 30-days and then go back out to rebid.

Council Member Robnett moved to adopt Resolution No. 2020 - 060; seconded by Council Member Trost. The motion failed by the following vote: AYE: None. NAY: Blong, Trost, Robnett, Payton, Ladd, Norman. ABSTAIN: None. ABSENT: Dufford.

City Attorney John Ohnemiller noted all bids would be rejected and rebid.

10. Consider a resolution awarding a contract to the sole bidder, Willis Electric Company, LP for the Various Traffic Signal Improvements Project for a total cost of \$1,008,397.50 for the Traffic Operations Division. (PURCHASING)

RESOLUTION NO. 2020 - 061

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 Robnett moved to adopt Resolution No. 2020 - 061; seconded by Council Member Ladd. The motion failed by the following vote: AYE: None. NAY: Blong, Trost, Robnett, Payton, Ladd, Norman. ABSTAIN: None. ABSENT: Dufford.

City Attorney John Ohnemiller noted all bids would be rejected and rebid.

18. Consider a resolution ratifying and approving Mayor Patrick Payton's Order Declaring a Local State of Disaster for the City of Midland. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 065

RESOLUTION RATIFYING AND APPROVING MAYOR PATRICK N. PAYTON'S ORDER DECLARING A LOCAL STATE OF DISASTER FOR THE CITY OF MIDLAND, TEXAS; AND CONSENTING TO THE CONTINUATION OF SAID DECLARATION

Mayor Payton noted that City Attorney Ohnemiller is handing out a revised resolution that replaces his original order that includes everything in the Governor's order. It does not include an extensive list of exceptions as many other cities have put in place.

When asked if the Governor's order were to change tomorrow, would this new resolution change also, City Attorney John Ohnemiller reported the resolution language makes it clear that if the Governor modifies the existing order, then subject order would be modified as well. Currently the Governor's order was through April 3rd and the Mayor's authority will stay in place until terminated by the Council or the Mayor.

Discussion ensued about whether the Council should be stricter than the Governor's order and what those restrictions might include. The difficulty in enforcing restrictions was discussed. Mayor Payton noted that he has asked the Chamber of Commerce to reach out to stores to be more compliant with the Governor's order and has found the stores working to be compliant.

Council Member Trost suggested we go further and reach out to help small businesses and see what can be done to help them.

Council Member Ladd moved to amend the motion to have big box retailers self-regulate by limiting customers to no more than 100 at one time. The motion failed for lack of a second.

Council Member Ladd moved to amend the motion by mandating if a person is found to have been diagnosed with COVID-19 then all family members should also be required to shelter in place for 14-days to isolate themselves seconded by Council Member Trost. The motion failed by the following vote: AYE: Trost, Ladd. NAY: Blong, Robnett, Payton, Norman. ABSTAIN: None. ABSENT: Dufford.

Council Member Robnett moved to adopt Resolution No. 2020 - 065 including Governor's order for the City of Midland; seconded by Council Member Trost. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

Council Member Trost asked about the future of small businesses. Mayor Payton asked staff to put together a list of suggestions.

21. Consider a resolution granting a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance), generally located at 4700 Trobaugh Boulevard, approximately 700 feet north of Briarwood Avenue and 510 feet east of Trobaugh Boulevard, by permitting construction of residential buildings where no portion of any structure is closer than 450 feet of an existing oil and gas well (Pecan Acres #22c #1). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 067

RESOLUTION GRANTING A VARIANCE FOR LOT 7, BLOCK 1, KALPOWER ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF TROBAUGH BOULEVARD, APPROXIMATELY 700 FEET NORTH OF BRIARWOOD AVENUE), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND ACCESSORY STRUCTURES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 450 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

Council Member Robnett noted he did not see an objection to the variance from the operator and suggested getting a letter on file. Development Service Director Chuck Harrington reported the homeowner got a verbal agreement from the operator but nothing in writing. City Attorney John Ohnemiller noted it has happened in the past that legal counsel does not want them to put it in writing.

Oil & Gas Compliance Officer Ron Jenkins reported they typically try to have letter from the operator. He spoke with Callon and heard that they do not intend to protest.

Council Member Robnett moved to adopt Resolution No. 2020 - 067; seconded by Council Member Trost. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

SECOND READINGS

26. Consider an ordinance on second reading on a request by Sara Bradshaw, for a zone change from PD, Planned District for an Office Center to O-1, Office District, (generally located on the southeast corner of the intersection of Andrews Highway and Tarleton Street). (DEVELOPMENT SERVICES) (First reading held on February 25, 2020)

ORDINANCE NO. 10058

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 6, LILLY HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF ANDREWS HIGHWAY AND TARLETON 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. 10058.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10058 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Trost, Dufford.

27. Consider an ordinance on second reading on a request by Western International (BGC Midland DNTN Land Acquisition, LLC) for a vacation of the 0.496-acre portion of West Indiana Avenue right-of-way, generally located approximately 380 feet south of West Missouri Avenue between South Marienfeld Street and South Big Spring Street. (DEVELOPMENT SERVICES) (First reading held on February 25, 2020)

ORDINANCE NO. 10059

AN ORDINANCE VACATING AND ABANDONING A 0.496-ACRE PORTION OF WEST INDIANA AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 88 AND 93, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 380 FEET SOUTH OF WEST MISSOURI AVENUE, BETWEEN SOUTH MARIENFELD STREET AND SOUTH BIG SPRING STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$43,212.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10059.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10059 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Trost, Dufford.

28. Consider an ordinance on second reading on a request by Elsa Marquez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District generally located on the west side of North Tyler Street, approximately 100 feet south of East Texas Avenue. (DEVELOPMENT SERVICES) (First reading held on February 25, 2020)

ORDINANCE NO. 10060

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, LESS THE SOUTH 10 FEET, BLOCK 26, MOODY 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 NORTH TYLER STREET, APPROXIMATELY 100 FEET SOUTH OF EAST TEXAS 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 10060.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10060 in accordance with the Charter of the City of Midland; seconded by Council Member Blong. The motion carried by the following vote: AYE: Blong, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Trost, Dufford.

29. Consider an ordinance on second reading amending Title II, "Commissions and Boards," Chapter 10, "Animal Control Advisory Commission," Section 2, "Membership," so as to increase the number of commission members to seven (7). (COMMUNITY SERVICES) (First reading held on February 25, 2020)

ORDINANCE NO. 10061

AN ORDINANCE AMENDING TITLE II, "COMMISSIONS AND BOARDS," CHAPTER 10, "ANIMAL CONTROL ADVISORY COMMISSION," SECTION 2, "MEMBERSHIP," OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO INCREASE THE NUMBER OF COMMISSION MEMBERS TO SEVEN (7); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10061.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10061 in accordance with the Charter of the City of Midland; seconded by Council Member Norman. The motion carried by the following vote: AYE: Blong, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: Trost. ABSENT: Dufford.

30. Consider an ordinance on second reading appointing the City of Midland Municipal Court Presiding Judge effective March 24, 2020. (ADMINISTRATIVE SERVICES) (First reading held on March 9, 2020)

ORDINANCE NO. 10063

AN ORDINANCE APPOINTING A NEW CITY OF MIDLAND MUNICIPAL COURT PRESIDING JUDGE EFFECTIVE MARCH 24, 2020; AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH THE NEW PRESIDING JUDGE

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10063.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10063 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

PUBLIC HEARINGS

31. Hold a public hearing and consider an ordinance 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)

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 10064.

Mayor Payton opened the public hearing at 10:04 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Trost moved approval of the first of two readings of Ordinance No. 10064 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

32. Hold a public hearing and consider an ordinance 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)

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 10065.

Mayor Payton opened the public hearing at 10:05 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. 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

33. Hold a public hearing and consider an ordinance 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)

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 10066.

Mayor Payton opened the public hearing at 11:24 a.m.

David Diaz, Midland Community Development Corporation, reported they received donated land and are making it available to someone here in town. They have completed 150 houses and two apartment complexes with the City's involvement. They have generated over \$5 million worth of taxable real estate. He wanted to share this because in executive session MCDC has their name in the hat. As a non-profit they need the City's partnership to be able to continue to develop affordable housing.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Council Member Robnett moved approval of the first of two readings 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

34. Hold a public hearing and consider an ordinance on a request by 87th Street Partners, LLC, for the initial zoning of a 64.52-acre tract of land generally located approximately 733 feet west of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10067

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 64.52-ACRE TRACT OF LAND OUT OF SECTION 48, 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 APPROXIMATELY 733 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON 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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10067.

Mayor Payton opened the public hearing at 11:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Trost moved approval of the first of two readings of Ordinance No. 10067 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

35. Hold a public hearing and consider an ordinance 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)

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 10068.

Mayor Payton opened the public hearing at 11:28 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. 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

36. Hold a public hearing and consider an ordinance 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)

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 10069.

Mayor Payton opened the public hearing at 10:06 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. 10069 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

37. Hold a public hearing and consider an ordinance 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)

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 10070.

Mayor Payton opened the public hearing at 11:29 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. 10070 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

38. Hold a public hearing and consider 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 to revise the thoroughfare plan. (ENGINEERING SERVICES)

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 10071.

Mayor Payton opened the public hearing at 11:30 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. 10071 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, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

MISCELLANEOUS

39. Consider a motion appealing the Building Official's denial of a sign permit application by Ginamarie Soto, generally located on the northwest corner of the intersection of North Midland Drive and West Loop 250 North. (DEVELOPMENT SERVICES)

Ginamarie Soto, 6004 Medina Drive, reported this a franchise of The Little Gym and they were following corporate guidelines for signage. Their contractor did not get a permit and the signs were put up without knowledge they needed a permit.

Development Services Director Chuck Harrington reported that temporary signs are intended for sales and were never intended to be permanent. If they are permanent, they are supposed to be included in the total count for the building. They are allowed 99.3 feet and their total is 165.1 feet. They were told the signs were to protect the mats from the sun. From staff perspective this is not a hardship as there are other ways to protect the interior of the building such as tinting the windows. The signage on the window is what is exceeding their total square footage.

Ginamarie Soto noted that the main reason for the window signs is to protect people from being able to look in and see the children. Protecting the children is 80% of the reason and the sun is 20%. It does get hot and the mats heat up so the children cannot sit in those areas.

Council Member Robnett noted that he felt this was a reasonable request and this is one type of signs that has gotten caught up in the sign code.

Council Member Robnett moved to appeal the Building Official's denial of a sign permit application by Ginamarie Soto, on Lot 5A, Block 33, Northgate Addition, Section 15, City and County of Midland, Texas (generally located on the northwest corner of the intersection of North Midland Drive and West Loop 250 North); seconded by Council Member Ladd. The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Dufford.

EXECUTIVE SESSION

Mayor Payton recessed the meeting at 11:32 a.m. to go to Executive Session.

40. 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 12:11 p.m.

PASSED AND APPROVED the 14th day of April 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary