

**MIDLAND CITY COUNCIL
MINUTES
August 25, 2020**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 25, 2020.

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

Council Members absent: None

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

The meeting was called to order at 10:06 a.m.

OPENING ITEMS

1. Invocation – Reverend Hailey Malcolm Presbytery of Tres Rios Church
2. Pledge of Allegiance

CONSENT AGENDA

Spencer Robnett moved to approve Consent Agenda items 3-15 excluding items 4, 5, 7, 10, 11, 14, and 15; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - a. REGULAR CITY COUNCIL MEETING OF AUGUST 11, 2020
6. 091-2020 – MOTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER WITH MW BUILDERS, INC. REGARDING THE FIRE STATION FIVE (5), FIRE STATION ELEVEN (11) AND FUELING STATION PROJECT; SAID CHANGE ORDER TO BE IN

THE AMOUNT OF \$98,777.00 AND TO PROVIDE FOR UTILITY IMPROVEMENTS FOR FIRE STATION FIVE (5) FOR THE FIRE DEPARTMENT; AND APPROPRIATING \$98,777.00 FROM THE ROAD/UTILITY BOND FUND (179) TO SAID PROJECT (900307-005) (GENERAL SERVICES)

8. 093-2020 – MOTION ACCEPTING FEDERAL GRANT #60 IN THE AMOUNT OF \$5,449,883.00 AWARDED BY THE FEDERAL AVIATION ADMINISTRATION; SAID GRANT FUNDS TO BE USED FOR CERTAIN PROJECTS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO ACCEPT SAID GRANT FUNDS (AIRPORTS)
9. 094-2020 – MOTION RATIFYING THE ACCEPTANCE OF THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT GRANT IN THE AMOUNT OF \$69,000.00 AWARDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; SAID GRANT FUNDS TO BE USED FOR CERTAIN ALLOWABLE EXPENDITURES AT MIDLAND AIRPARK (AIRPORTS)
12. 2020-142 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC (“OPERATOR”) TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 1,541 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)
13. 095-2020 – MOTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE 2020 JUSTICE ASSISTANCE GRANT PROGRAM IN ORDER TO RECEIVE \$15,811.00 FOR THE PURCHASE OF EQUIPMENT, TECHNOLOGY, AND OTHER MATERIALS DIRECTLY RELATED TO BASIC LAW ENFORCEMENT FOR THE POLICE DEPARTMENT (POLICE)

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

4. 090-2020 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) WITH ONYX GENERAL CONTRACTORS, LLC REGARDING THE FISCAL YEAR 2020 RENEWAL OF THE FISCAL YEAR 2018 CITYWIDE CONCRETE PROGRAM CONTRACT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF \$250,000.00 AND TO PROVIDE FOR CONCRETE VALLEY GUTTERS FOR DRAINAGE IMPROVEMENTS AND ADA-COMPLIANT RAMPS AT THE FOLLOWING LOCATIONS: TARLETON STREET BETWEEN WADLEY AVENUE AND GOLF COURSE ROAD, SINCLAIR AVENUE BETWEEN MIDLAND DRIVE AND LOOP 250, AND WHITTLE WAY BETWEEN SUNSHINE PARKWAY AND WADLEY AVENUE (GENERAL SERVICES)

Council Member Blong reported she is thankful for seeing concrete go in. Engineering Services Director Jose Ortiz reported the areas where concrete went in first followed by asphalt had some issues. This project, the concrete will go in after the asphalt. Discussion briefly ensued about wheelchair access and the need to put them where they will actually

be used. Mr Ortiz noted that it does seem odd to put them in where there is no sidewalk, but it has to be done.

Spencer Robnett moved to approve Motion No. 090-2020; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

5. 2020-139 – RESOLUTION RATIFYING THE SOLE-SOURCE PURCHASE IN THE AMOUNT OF \$492,650.00 FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FROM CORE & MAIN, LP; APPROVING THE ADDITIONAL SOLE-SOURCE PURCHASE IN THE AMOUNT OF \$358,819.50 FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FROM CORE & MAIN, LP; AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SOLE-SOURCE PURCHASE AGREEMENT WITH CORE & MAIN, LP, FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT; SAID AMENDMENT TO PROVIDE FOR A TOTAL COST NOT TO EXCEED \$2,850,701.20 (GENERAL SERVICES)

Council Member Blong reported that water meters are a point of concern for her district and asked if the cost benefit analysis still works with this increase. Customer Service Manager Tony Goyang reported that prior to the assessments there was a lot of tampering and these encoders are the best in the market. Other cities have been very satisfied. It was not the lowest bid, but it is the best bid for the City of Midland. Assistant City Manager Robert Patrick added that the accuracy of the product allows customers to pinpoint high usage times and ultimately helps conserve water.

Council Member Blong asked that when these meters are installed that the customers be notified of the change. She shared an example of someone who had a leak and was unable to turn off the water at the meter like they could in the past. Water continued to leak until a part could be purchased and installed.

Jack Ladd moved to approve Resolution No. 2020-139; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

7. 092-2020 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE PUBLIC EMPLOYEE BENEFITS ALLIANCE, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS GOVERNMENT CODE; SAID AGREEMENT PROVIDING FOR THE CITY OF MIDLAND'S PARTICIPATION IN THE COOPERATIVE PURCHASING OF CERTAIN EMPLOYEE BENEFITS (ADMINISTRATIVE SERVICES)

Council Member Blong asked about the costs associated with this agreement. Administrative Services Director Mark Widmann reported the membership is \$700 and the proposal maximum is \$1,700 for a total maximum of \$2,400. There would be a cost with the insurance carriers, but those would come before Council separately.

Jack Ladd moved to approve Motion No. 092-2020; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

10. 2020-140 – RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$7,953,000.00 FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FISCAL YEAR 2020 CARES ACT CORONAVIRUS RELIEF FUND GRANT PROGRAM; PROVIDING THAT SAID GRANT SHALL BE USED FOR ELIGIBLE EXPENDITURES INCURRED DUE TO THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS (CITY MANAGER'S OFFICE)

Council Member Ladd inquired about how the funds could be used. Finance Director Mark Mason noted they planned to use money paid for payroll of public safety personnel. They would then put those funds in a special fund and use them for appropriate programs in the City. The federal program has a deadline of December 30th which is not enough time to develop and implement programs to expend the funds.

Lori Blong moved to approve Resolution No. 2020-140; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

11. 2020-141 – RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT WITH MOTRAN ALLIANCE, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY MANAGER'S OFFICE)

Council Member Trost asked how this economic development agreement is financed. City Manager Courtney Sharp reported that both the Midland Development Corporation and Odessa Development Corporation participate in funding the agreement with MOTRAN.

Spencer Robnett moved to approve Resolution No. 2020-141; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Trost

ABSTAIN: None

ABSENT: None

14. 096-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND BETA CRUDE CONNECTOR, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

Council Member Trost asked if this is located in the ETJ; staff confirmed it was.

Council Member Robnett asked if the City has considered collecting the fees up front for the entire contract. Utilities Director Carl Craigo reported they do collect them in entirety for some projects.

Council Member Robnett noted that the City was the cheapest easement game in town and therefore gets more than their fair share of easements. He suggested we consider taking a look at the rate noting it was half of what a private land owner charges. City Attorney John Ohnemiller clarified that this is not a permanent easement, but is a license. The City has the right to terminate the license with one year's notice.

Spencer Robnett moved to approve Motion No. 096-2020; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

15. 097-2020 – MOTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$78,241.00 AWARDED BY THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES; SAID GRANT FUNDS TO BE USED TO FUND THE CITY OF MIDLAND HEALTH AND SENIOR SERVICES DIVISION'S CORONAVIRUS DISEASE 2019 RESPONSE ACTIVITIES; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO ACCEPT SAID GRANT FUNDS; AND DEPOSITING THE SUM OF \$78,241.00 INTO THE GENERAL FUND (COMMUNITY SERVICES)

Council Member Trost reported his question was answered in another item.

Jack Ladd moved to approve Motion No. 097-2020; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

16. 10098 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS

AVENUE AND SOUTH DALLAS STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10098.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10098; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

17. 10099 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10099.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10099; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

18. 10100 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 1 AND 2, BLOCK 3, HINES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH GARFIELD STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING

SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10100.

Lori Blong moved to approve the second and final reading of Ordinance No. 10100; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

19. 10101 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,811-SQUARE FOOT PORTION OF LOTS 3 THROUGH 9, BLOCK 138, REPLAT OF BLOCKS 137 AND 138, WILSHIRE PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 160 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10101.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10101; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 10102 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4A, BLOCK 17, 349 RANCH ESTATES, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR AN INDUSTRIAL DISTRICT, IN PART, TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF ARAPAHOE ROAD, APPROXIMATELY 830 FEET

EAST OF NORTH STATE HIGHWAY 349); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10102.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10102; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

21. 10103 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1A AND 5, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BUSINESS INTERSTATE 20, APPROXIMATELY 245 FEET WEST OF TODD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10103.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10103; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

22. 10104 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,700-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 150 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND

RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10104.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10104; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Robnett

ABSENT: None

23. 10105 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,233-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND TREMONT AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10105.

Lori Blong moved to approve the second and final reading of Ordinance No. 10105; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

24. 10107 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT

NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 310 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A SPECIAL EVENTS CENTER FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10107.

Mayor Payton opened the public hearing at 11:10 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10107; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

25. 10108 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6A, BLOCK 12, KELVIEW HEIGHTS ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE AND SHOPPING CENTER AS A TRANSITION DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOMA DRIVE AND WEST PECAN AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10108.

Mayor Payton opened the public hearing at 11:12 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Ordinance No. 10108; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

26. 10109 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 19.17-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MH, MANUFACTURED HOUSING DISTRICT, IN PART, RR, REGIONAL RETAIL DISTRICT, IN PART, AND BP, I-20 BUSINESS PARK DISTRICT, IN PART, TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 714 FEET EAST OF SOUTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10109.

Mayor Payton opened the public hearing at 11:13 a.m.

Development Services Director Chuck Harrington gave a brief overview of the item noting it is a multi-family lot. What is interesting is that the units are pre-manufactured which cuts down on construction time on the site. The streets are adequate to handle the traffic generated from this project.

John Landgraf, Odessa, reported each apartment is pre-built and put together with steel frame construction. A one bedroom has two modules, a two bedroom has three modules. Each module is picked up and put into place. They are not shipping containers, but pre-built units with plumbing in place. The units are fit into a steel frame with a chase between for the plumbing. The units are manufactured in Temple. They have a staging area set up. As soon as this is approved, they will begin bringing in units.

There being no one else wishing to speak, the public hearing was closed at 11:17 a.m.

Lori Blong moved to approve the first of two readings of Ordinance No. 10109; seconded by Michael Trost.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

27. 2020-143 – RESOLUTION REAUTHORIZING AND ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AND AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 11:18 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve Resolution No. 2020-143; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

28. 10110 – AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION (FINANCE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10110.

Finance Director Mark Mason gave a brief overview of the item noting that the budget has to be approved first and the tax rate has to be disposed of second. We will consider the budget and tax rate at the same time. Staff originally came with a budget of \$136.5 M on July 28 with a proposed tax rate of \$.364027 per \$100 of valuation. At this time, that amount is about 1.4% over the no new revenue rate or what used to be called the effective rate. Over the intervening 3 weeks, staff has continued to evaluate the proposed budget and tax rate and is recommending going with the no new revenue rate for two reasons. First they do not want to create an additional burden on taxpayers during this difficult period and second, all other taxing entities are also proposing a no new revenue rate. He asked that Ordinance 10110 be amended to the no new revenue rate.

Mayor Payton opened the public hearing at 10:41 a.m.

Kimberly Crisp, 3304 Douglas Avenue, noted that across the entire budget there is \$95 million labeled as miscellaneous. She was told that some of the funds are for depreciation but felt it would be better to have line items to show the actual costs.

Finance Director Mark Mason reported they are looking at that internally and will break those numbers out in the future. Miscellaneous not only includes depreciation but also transfers between fund and debt service. They are looking to add those line items in the future.

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

Council Member Trost asked if there is psychological training regularly scheduled for officers. Police Chief Seth Herman noted that currently concern from spouses, peers, frontline supervisors or a traumatic event can trigger psychological evaluations.

Michael Trost moved to approve the second and final reading of Ordinance No. 10110 with the amendment to use the lesser of the two proposed staff budgets; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

29. 10111 – AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021 (FINANCE)

Mayor Payton read the caption of Ordinance No. 10111.

Finance Director Mark Mason reported the title reads as a tax increase but it is a no new revenue rate of \$0.358928 per \$100 of valuation.

Mayor Payton opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10111 with the amendment to adopt the no new revenue rate of \$0.358928 per \$100 of valuation; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

30. 098-2020 – MOTION REGARDING THE SPORTS AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE GREATER MIDLAND FOOTBALL LEAGUE (GMFL), THE USE AND OPERATION OF THE SCHARBAUER SPORTS COMPLEX AUXILIARY ATHLETIC FIELDS, AND MATTERS RELATED THERETO (CITY ATTORNEY'S OFFICE)

Community Services Director Tina Jauz asked that City Staff be allowed to take a comprehensive look at parks and field use, how we do reservations and how to best allocate time on the field. They visit with all associations quarterly, but they need to pull in folks and take a comprehensive look at how they allocate time on the field.

Mayor Payton noted this was a recommendation from Council Member Norman to look at options for use of fields and to see what other cities do to get everyone playing time.

Adrian Uriquidi, 3000 Virginia, has a son who has moved from GMFL to PBYFL and explained the differences he saw in the programs. He explained that PBYFL is not getting

playing time on the fields that they need and asked for a compromise to work things out. His main goal is to get access to the fields.

Matt Lawdermilk, Andrews, agreed that PBYFL needed equal access to fields and fair fees noting that they pay fees that they don't feel GMFL pays. He noted that they cannot play their games at night because they would play until after midnight if they started at 6 p.m. They have been told they are not a rec league and that their fees are higher which are reasons for denying them access to the fields. They have open registration and allow anyone can sign up. Once a team is full, they close that team and open the next.

Kent Brown, 6101 Homestead Blvd, noted that youth sports continues to grow in Midland. He has played in both leagues and they both have pros and cons. Society has eliminated the hard truths on what is right and wrong and we are destroying football and need to figure out a way to bring everyone together. He disagreed with Mr. Lawdermilk's comments about the inequality of fees that were being paid and felt that every team does not have the right to practice on turf. The biggest problem is that the schools have cut off access to their fields and he hoped the City could help work that out.

Council Member Norman reported in the spirit of transparency he had a team on PBYFL and they had kids coming on his team that he did not meet until their first practice. He confirmed that both PBYFL and GMFL have open registrations.

Shirley Howard, 405 Magnolia, thought that everyone should have access to play on the fields in Midland. Any taxpayer should be able to reserve a field for their use.

Clint Brunson, 2504 Fairview, reported he is the current president of the Midland Soccer Association. He noted they have lost use of half of their fields to PBYFL and they have to figure out where to put two teams. He noted that true rec leagues have no tryouts. He explained that one person at parks & rec told him they had the fields and then they were told by another person that the fields are first come first served. There are 240 rec teams.

Kyle Huckaba, Midland, reported he has been the president of GMFL for 23 years. They started out playing in a drainage ditch behind the bowling alley and cleared rocks and mesquite trees. They have also put money into numerous other fields to improve them, and added goal posts and fencing. When they ran out of space they worked with City staff to get more fields and now other teams want to use what they have built. They are partnered with the City for kids who do not want to travel for economic reasons. They have applied for their 501c3 status. They have not expanded outside of Midland but invited the Odessa YMCA teams to join their league because otherwise they would have no where else to play. They have an agreement with the City to run the fields for their season.

Ms. Jauz confirmed that they use one rec league from each sport type to run those fields during their season. She would like to allow them to continue the administration of the fields, but her staff would like to look at the use of fields and review the definition of a rec league.

Council Member Blong summarized that there is a shortage in all sports for fields and courts, not just in this community. It needs to be looked at holistically and it cannot be just about football. To say that the fields can be used 24-hours with lights is not realistic, kids cannot play in the middle of the night. A logistical solution needs to be provided.

No action was taken on this item.

All the business at hand having been completed, the meeting adjourned at 12:02 p.m.

PASSED AND APPROVED September 8, 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary