

**MIDLAND CITY COUNCIL
MINUTES
March 31, 2020**

The City Council convened in a Special Session in the **Council Chamber**, City Hall, Midland, Texas, at ____ a.m. on March 31, 2020.

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

Council Members absent: None.

MISCELLANEOUS

1. Discuss and consider the Mayor's issuance of an Order Declaring a Local State of Disaster for the City of Midland (the "Declaration") and the Resolution of the City Council ratifying and approving the Declaration and consenting to its continuation, and other matters related thereto. The City Council may take action on this matter. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2020 - 071

Discuss and consider the Mayor's issuance of an Order Declaring a Local State of Disaster for the City of Midland (the "Declaration") and the Resolution of the City Council ratifying and approving the Declaration and consenting to its continuation, and other matters related thereto. The City Council may take action on this matter.

cto 10:02 a.m.

Mayor purpose is extra meeting one item. noted Council Member Trost is online. Thanked Staff and Council. Council receiving alot of emails fall into one of two drie people into poor house or trying to kill people. thanked Councoil for being generous and kind. This is very fluid know governors declaration expires Friday night at 11:59 will probably change that. He has specific open floor to Council for discussion about what considering.

Dr. P.K. Patel thank all health team responders doing great job in Midland including drs nurse practitionser emt, nurses and attending staff. Goping through tough time all over US Texas can still ahve issues creeping up. Start 1 13 now 17 in Permian basin. Alerts him and concerns hospital handling well may not be same scenario in a couple fo weeks. Especcailly for elderly, know disease is different than flu with this virus asymptomatic for couple days and can be spreading all around you. Once you open that at risk of spreading at larger scale and will cause flooding of patients in hospital. Been here 24 years. drs worried about other patients treating thinks getting a flase negatives. He's hoping with weather changing disease will die down. Think imperative to work on community level team level with Odessa to ensure same kind of social distancing both towns do same thing. If they go with shelter in place and we are open it defeats the purpose for us both. Already 144,000 in US more than 144 death in Houston one death in Midland can't afford to lose any lives. One died was a relatively

healthy person. Have patients under investigation in hospital pending test results and keep them under quarantine and isolation. CDC already mentioning just talking about it need to have social distancing 25% of spread just from going outside the house. Need to do something on level to make sure. Need solid plan for social distancing. If talking about opening schools in week that we would worry about. Keep everybody separate if we can to save lives. Doing excellent job want to ensure we continue. Nationwide crisis for personal protective equipment. Error on safe side may have to do more sweeping measures. Representing health community.

Mayor School district is not going back to school until at least May 1st. Postponing at least addresses part of concern thanks for making clarity on issues. Patel come up with strict measures or educational materials to get more social distancing people in crowded place those things still with ongoing issues of spread. otherwise virus will continue on. Mayor Council done excellent job of putting things in front of him to add invited to stay on line and listen. Mayor opened to public for speaking none present. Trost commend Dr. Patel.

Trost how many pulmonologist. Patel one critical care, and one other besides himself. 3 drs in town.

Dr. Merrit Midland, thank for listening think that echoing dr patel saying about entire medical community come together unprecedented. mostly independent contractors. If you get a bunch of drs in room won't agree on but entire board agrees on this. every single person can't wait, we can't put our patients at risk, this is something never faced before commend council for putting in time. As Council members never dealt with this. No one will have right answer as medical community saying let's do something and error on side of caution. Will say she completely overreacted. When I talk to physicians at Seattle or Yale they said please act now. Do not wait. This is way worse than what people are saying. Have 40 year old friend who is dr on ventilator completely healthy. This virus makes me scared for patients and all of community.

Mayor Payton all share same sentiments. Robnett thank Mayor if told paid \$75 to take on you might not be here. doing fantastic job. Robnett asked John rundown on procedurally where we are let's make sure understand procedurally what we can and can't do. John Ohnemiller, started with Mayor issuing disaster declaration laws authorizes him to do for 7 days. Council extended and declaration still in place. Mayor has right to issue orders similar to governor. Today what Council can do if chooses is make or vote on recommendations that Mayor implement through order. Council does not have right to mandate that Mayor do something. Council would need to do something through ord. difference is declaration grants authority for Mayor to issue proclamation. Robnett all we can do today is make recommendations. John O he could make a stand alone order. rules are cumulative. It can be enforceable only reason you have to do something at meeting is if Mayor doesn't want to implement then Council can adopt ord. Along have to have two meetings to have an ordinance. If declared emergency it could be one meeting. Mayor can't have discussion as Council unless we have a public meeting so we can all talk so Mayor can make decisions.

Robnett would like feedback on existing governor's order, how is compliance going, what is in place effective. Norman things seen a round community based on disaster declaration put out, extend it think seen a little of both sides where there are people taking seriously, businesses not operating as normally would. For example, Best Buy

curbside only won't let anyone in building. Good deal of modifying operating procedures without having to put in procedure to mandate. Then Dennis the Menace Park a lot of people were congregating there took other measures to calm that down. Looking at both sides know its a situation no one has ever been in. think we are doing good job and may need to modify some things.

Blong concur on what said, not going to get to a point during this whole pandemic where done talking about it. This is going to require ongoing understanding fluid some doing great job and others groups are not. There will be people who get tired of doing the right thing. Drove around a lot this weekend and paid attention cant say enough about how well stepped up to plate. Places where issues have to continue to address. Ladd applaud what spencer said about Mayor really appreciate calling and everyone on Council all under stress thak for hard work. Thanked mecal professionals. His biggest concern is social distancing. PRepared to recommend that non essential personal service such as hair dressing nail salons tatoo be shut down. By very nature of business cannot social distance. Only takes one person be asymptomatic and spread to several eople.

Dufford things are going well couple of big box stores got carried away in how responding to crisis once addressed with them became more responsible ina ctions in how many people allowing in store. Think ahve good ord in palce by following what governor has said. Have to address case by case like Lowes WalMarts Dennis the Menace. Call out businesses that are acting irresponsibly.

Trost appreciate what Dufford was saying what is case by case basis. Right now cases increasing want to flatten curve what does that entail. Heard from CDC he is in favor of very strong stance on socail distancing and keeping numbers down in public places. This virus is 3 times more likely to be transmitted than regular flu. More aggressive. He wants to listen to physicians as opposed to politicians. Not concerned as Jack but is supporting Jack Council Member Lasdd in more stringent in certain areas. Also have not heard anything about airport. Mayor actually doing exactly doing what been told as far as pssengers coming in from specific placees. Not checking tickets but taking word. Other way is nobody is using airport down 85%. Not so sure most of those are probably undersold. Southwest cancelled 25 routes out of here. Doing what told as far as monitoring people where coming from.

Robnett echoed Dufford to date what in palce by Governor and all work City JStaff are putting in to make sure compliance fall into line of seeing what governors declaration is at end of this week. Think more or less undercontrol and address issues as they come up. Trost question what is underlying data that shoes things are undercontrol. Robnett some of comments about putting in palce more strict than what adopted centers back on listening to medical professionals. If action make sure its medical and not political based. What do we need to do where do some of these talking points come from in the proclamation are they medically based. Blopng proclamation put in front two lines items first one be asking people to post on retail business language substantilly similar to instructions comply dondt enter use wipes dont crowd received bullet points form dr rebecca James. second peice is something talked about of limiting different businesses to a certain number. If we assign 100 people to building then walmart differnt than auto zone. ind ocument in front asking limit to amend to 20% occupancy before put forward. Occupancy standards are based on square footage can track and enforce. That is where meat of her proposal come from. Mayor Payton as listen to Dr. Patel state he

used phrase shelter in place as watching unfold the reaction is declaration of shelter in place everyone is trying to figure out what that means. Had several discussion this point of social distancing is the issue. Think agree with Council City has done retailers difficult time doing is find out what arbitrary application of what social distancing is in store. One retailer said how about 20% this was large retail. If I have business of 100 then get 20 people that can be enforced not arbitrary. Where Walmart says only 50 people can come into Walmart and now have longer line outside that is causing problem. More difficult time being 6 feet apart. This is from Counsel of retailers. Much easier to do what asking. Politically correct is social distancing. Prepared to make that proclamation that give businesses a number of 20% so they have a guideline so they can say this is the number which will cause such as hair salons and nail salons they cannot apply that and will have to make hard decisions. When talking to Lowe's they are not asking what is the number.

Dr. Adriana Nur, MMH and MMC in Lubbock. Something maybe more easy to do for business is HEB yesterday outside they have rop to keep distance should do same thing in aisle can all be together in same aisle. Easier to understand unless footprint there. Watch on youtube is have cameras that take picture some people can have can take heat in body and let people know who has temperature they have thermometers security in entrance with thermometer no more than 100 or 99 not allowed inside.

Robnett 20% of occupancy rule how do exceptions to 20% are there critical businesses that don't have to comply. Payton in critical giving them the number as an essential business you still have to operate in this without exception. Along one reason that appeals is one of emails talk about essential job but every job that feeds a family is essential. While we need to give instruction of what we want them to do every business that feeds family is essential.

Dufford 20% of occupancy seems arbitrary lets say 100 employees at Lowe's or at HEB are they considered part of 20%. Mayor no most of them are operating at about 75% or fewer staff difficult for them to handle crowd outside. If can help with crowd could keep workforce inside. Dufford what is occupancy at HEB. Along 2000. that is reason put in 50% but realized how large felt 20% more reasonable they can still have customers handling self appropriate still reasonable. Dufford HEB could have 400. Really at end of day is how touch things and touch face and if have mask on don't touch face and touch eyes. Reason wearing a mask maybe all wear mask actually think heard president heard if going out should have mask on its about how touch face after touched item in store. Norman clarify so what talking about on percentage doesn't apply to employees only customers.

Ladd - Patele talking about 20% its about square footage and ensuring can keep social distancing. If store has only 10% of people number can change most important to keep safe distance. Droplets in air if touch it and then touch face can get infected. If 20% in store they cannot all be in the same area. Payton have to depend on store to ensure that customers are doing what they are supposed to be doing. Blogg also mention this same proclamation to include people not allowed to stand closer than 6 feet. recognize wisdom of what saying. business called to uphold. Dufford at end of day comes to social responsibility and take this serious. Hard to police walking down an aisle 2 people can pass will be closer than 6 feet. takes more education and public address announcements. One thing don't want to do is have employees come over and rat somebody out and have an altercation.

Ladd Dr. Patel want to address questions a lot of responses directed at him for pointing out haven't had increase in cases in the past day or two according info from hospital. Is it possible people in Midland are asymptomatic spreading and what is likelihood. Patel 25% director of CDC just talking about asymptomatic walking around 25% chance has virus. Ladd concern is believe read 63 medical professionals exposed to Covid 19 losing capacity by the day to handle a real crisis every day we don't take these steps. Patel if quarantining keeping losing your staff to take patients.

Mayor asked Council for last minutes advice and prepare to take advice. Robnett when did HEB start and why? Payton allow 100 people right now HEB been most proactive not too many days after declaration but slow to respond in some cases. Robnett doing here would allow more people into store this would allow 400 why are we doing that. Blong in conversation with WalMart reason had not put anything in place would like to follow instructions they were waiting for something from directive from Municipality once we asked them to tighten up they came up with 50 people. Dufford following governors guidelines of 50 people. Payton governor has not put number in place. Herman they directed 50 number based on Council discussion when looking at huge store can accommodate more than social distancing. John O in original declaration before Council adopted governors. Hadd issues this reason and picked number to get something in place. Blong flexible on what percentage buy trying to occupy standard. Robnett a lot of local compliance City adopting governors order before anybody said anything do not support any kind of resolution making existing regulations more strict based on 20% occupancy rules it almost sound like working other way if though trying to streamline number to have something to enforce but conversation stop the spread of covid. Ladd not going to implement corporate is not giving them guidelines by giving them some guidelines will force hands. Payton overcomplying request from national chains home office needs clarity so can enforce either agree on 50 number but still don't have another number for another business that is not that big. Even a 10% number can live with. Haven't talked about self quarantine requirements prepared to make move today. Mijhus number one listed in front of you person e

Payton that retail business shall be more than 10% resolution for strike number 2 because number one strike number. then other one from Blong think good idea to consider like to consider putting into place with exception of 2 under proclamation edited to 10% this gives direction for community want to continue to get message across have huge problems with shelter in place no application when walk outside of doors.

Trost do not have those in front of him. By authority of declaration those need to be prepared. John O if Council wants to adopt order can do it at a future meeting. John O draft up right now.

Robnett take no action today consent to declaration as is reason behind is working. Robnett no second. dies lack of second. Blong social responsibility is main things need to be discussing. We are not interested in infringing on individual ability.

Dufford where we are today is 10%. Payton not yet. recommendation is 10% of occupancy think hearing from folks doesn't need to be all day affair to stand in line want to get in and get and that is idea don't need to stand in line 2-3 hours to get bread of milk. no okay with 50 at a time. As other stuff people are already doing they should be. Payton very things is becoming part struggling with. None if room is not struggling

immensely in trying to figure out for community. As Trost said think to place learning to trust citizens not pretend like San Francisco and trust citizens to do right thing.

Trost we are caught between devil and deejp blue season between economy and virus haven't heard anythign more about hwat to do about small business and staff coming up with recommendations asked to supply something as quickly as can secondly virus is going to dictate eventually. Virus will dictate timeline we won't . We talka bout social distancing and question is how do we hold ines outside stores. If we can put something must do our next meetings from zoom or whatever decide rather than meet in person we are violating our own edicts. WE have to be cognizent of reality wont go away no matter what steps we take. Have to make is tronger that what it is. 10% is reasonable for now. Don't know what otmorrow brings. Asked John regularly scheduled meetings sitll had to be posted 72 hours in place if Mayor decides we need a meeting can call a meeting without 72 hours notice. John O if its an emergency. Support stronger stance but not lockdown. Payton not advocating lock down. Before adjour plan on proclaming in front with exceptions. Will require clarity on 10% occupany things relating to people tested positive remaining in residence addiitonal business requirements not a ton of change also let people know as conclude fully expect to change everything come Tuiesday expect something to come downt he pike form Governor. Seriously doubt going to lift social distancing mandate and with that thank all for being here. Meeting adjourned 11:19 a.m.

All the business at hand having been completed, the meeting adjourned at _____ p.m.

PASSED AND APPROVED the __ day of _____, _____.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary