

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

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on February 25, 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.

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams, Assistant to the City Manager Marcia Bentley-German, City Secretary Amy Turner, Police Chief Seth Herman, Fire Chief Chuck Blumenauer, Utilities Director Carl Craigo, Administrative Services Director Mark Widmann, Interim Finance Director Jennifer Fung, Development Services Director Charles Harrington, Community Services Director Tina Jauz, Engineering Services Director Jose Ortiz, Director of Airports Justine Ruff, General Services Director Regina Stephenson, Chief Information Officer Jennifer Frescaz, Solid Waste Director Jeffery Ahrlett, Planning Division Manager Cristina Odenborg, Building Official Jeff Pinkstaff, and Public Information Officer Erin Bailey.

Mayor Payton called the meeting to order at ____ a.m.

The foregoing agenda items were discussed by the City Council with no formal action taken. The Briefing Session was adjourned at ____ a.m.

REGULAR SESSION

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

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

The Agenda Items were heard in the following order:

Mayor Payton called the meeting to order at __ a.m.

OPENING ITEMS

cto 10:20 a.m.

1. Invocation - Pastor Dustin Pearce, Stonegate Fellowship Church
2. Pledge of Allegiance

PRESENTATIONS

- a. Mayor presented
3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Proclamation for Women's History Month

CONSENT AGENDA

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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.

 - a. Regular City Council meeting of February 11, 2020.

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; seconded by Council Member Blong.

The motion carried by the following vote: AYE: Blong, Trost, Robnett, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.
5. Approved a motion authorizing the City Manager or the City Manager's designee to advertise a request for qualifications for professional services for on call engineering services for the Utilities Department; authorizing the City Manager or the City Manager's designee to negotiate professional services agreements for said services; and providing that said agreements shall not become effective until approved by the City Council. (PURCHASING)

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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.

6. Approved a motion authorizing the execution of Change Order Two (2) with Red Deer Construction, LLC regarding the Midland Meter Program 01; said change order to be in an amount not to exceed \$200,000.00 and to provide for additional work to replace existing water meters with new water meters throughout the City on an as-needed basis. (PURCHASING)

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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. Approved a motion authorizing the execution of Change Order Three (3) with Red Deer Construction, LLC regarding the Water, Wastewater, & Fire Hydrant Taps Expanded Program 04; said change order to be in an amount not to exceed \$140,000.00 and to provide for additional work to construct small utility projects and service laterals throughout the City on an as-needed basis. (PURCHASING)

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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.

8. Approved a motion authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc., to provide engineering and maintenance services at the Paul Davis Wellfield for the Utilities Department for a total cost not to exceed \$134,800.00. (PURCHASING)

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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.

9. Approved a resolution authorizing the employment of the law firm of Cotton Bledsoe Tighe & Dawson, P.C. to represent the City of Midland in a lawsuit styled Yadira Uranga v. Midland Odessa Urban Transit District, et al., in the United States District Court for the Western District of Texas, Midland-Odessa Division, Civil Action No. 7:20-CV-00021. (CITY ATTORNEY'S OFFICE)

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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.

10. Approved a resolution authorizing the execution of a Chapter 312 Tax Abatement

Agreement between the City of Midland and RIMT Property, LP regarding a 1.742-acre tract of land out of Block 93, Original Town Addition, City and County of Midland, Texas. (CITY ATTORNEY'S OFFICE)

RESOLUTION NO. 2020 - 043

RESOLUTION AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT WITH RIMT PROPERTY, LP AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE (THE "AGREEMENT") REGARDING A 1.742-ACRE TRACT OF LAND OUT OF BLOCK 93, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (THE "PROPERTY"); SAID PROPERTY BEING LOCATED WITHIN TAX ABATEMENT REINVESTMENT ZONE NUMBER 2018-03 (THE "REINVESTMENT ZONE"); SAID REINVESTMENT ZONE BEING LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST MISSOURI AVENUE; THE OWNER OF THE PROPERTY BEING RIMT PROPERTY, LP; THE APPLICANT FOR TAX ABATEMENT BEING RIMT PROPERTY, LP; THE IMPROVEMENTS INCLUDED IN THE AGREEMENT BEING GENERALLY DESCRIBED AS A HOTEL HAVING A MINIMUM OF 110 ROOMS AND ACCESSORY USES ASSOCIATED THEREWITH; THE ESTIMATED COST OF SAID IMPROVEMENTS BEING NOT LESS THAN \$15,000,000.00; AND DIRECTING THE CITY MANAGER TO DELIVER A WRITTEN NOTICE OF THE CITY'S INTENTION TO ENTER INTO THE AGREEMENT, OR ENSURE THAT SUCH A NOTICE HAS BEEN DELIVERED, TO THE PRESIDING OFFICER OF THE GOVERNING BODY OF EACH APPROPRIATE TAXING UNIT AT LEAST SEVEN DAYS PRIOR TO THE EXECUTION OF THE AGREEMENT

Blong wanted to hear breakdown of what requested and will look like on dollar amounts. Robert Patrick requesting 10 year 100% ad valorem of 36.7145 cents are current val of \$15 M ten year total 547,000. Requested donated ROW 43,000 and street enhancements need to take place for development of property to improve downtown area included. cap on agreement is almost 750,000 cap. Robnett only resolution is abatement. correct. Payton project revenue HOT. Robert project staff projection 2.6M over 10 year period they may have update numbers.

John O vacation ord will be a public hearing item but if Council wanting to do anything that affects agreement provision without charging a fee need to take that up now it is a deal point.

Michael Mohoney 15275 Adison TX. relative to abatement, there are several things going on with property development entity owns both sites. Public street running in middle . proposal to amek private street to enable development of both of those property. private drive open to public for circulation. There is a water and sewer line running north south that has to be moved to periphery. In total 1.5 M asking city to help fund via long term tax abatement. With that in mind capped at 750,00. how quickly will be based on valuation. Estimating cost 22M but won't know exactly until get there. Robnett persuing additional tax abatements other entities. Michael County hospital and Midland College everybody but school. Lori for ROW understanding not vacated that property without asking money unless mitigating. Michael cost to move existing utilities. Robert provided cost estimates over \$1M it is substantial. Robnett where to requests sit with other entities. Michael this is first and then send letter to other entities and visit with then to ask for their consideration. Met with County judge. John O any time City provides tax abatement must notify other entities. Robnett any other abatements in

place. Only one for Midway Hotel. Dufford have provided incentives for other businesses. Ladd why need private driveway. Michael private to ties two sites together. There is a roundabout that will provide access to each property and have private parking along the driveway. Ladd at this moment only talking about ROW or also discussing abatements. John talking about everything in agreement. If you want to charge a fee for ROW then that needs to be in the agreement. Blong supportive of abatement at level but feel its a benefit but not supportive of keeping \$43,000 in there. Dufford that portion of Indiana is not traveled it is like an alley. Blong want it to not become a precedent. If we made Concho pay for their property don't want new precedent. Blong would be built simultaneously. Michael south track first northern track after development. Ladd theoretically possible second hotel will not be built. Robert all assumptions built on one hotel. Robnett if you don't see additional abatements? Michael live with 750,000. Ladd understand told Council not in need of any abatements. Michael has financial ability to do without but appropriate because moving public utilities. Proposal for phase II tract under discussion at this time. Dufford when asked that question don't think we knew about water and sewer lines moved at 1.5 when comments made didn't know utilities needed to be moved. Ladd retail space? Michael no. Ladd will there be a restaurant or bar, Michael residence in by Marriott free breakfast and school hour no third party operated restaurant. Ladd goal of second hotel. Michael yes full service restaurant. Trost if what contingent. Michael if tribute under considerate and fees coming in market. could be years or never. hope is very soon.

Council Member Trost moved to adopt Resolution No. 2020 - 044; seconded by Council Member Dufford.

Robnett vote against think property tax abatements and 380 have been extraordinary circumstances over 50M don't have TIRZ any more perfect use for TIRZ.

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

11. Approved a motion authorizing the City Manager to negotiate a land exchange with Midland College; and providing that any agreement must be approved by the City Council before becoming effective. (CITY ATTORNEY'S OFFICE)

Trost ask Robnett for clarification. Robnett please don't get ahead to hopefully initial formal conversation between city and college for drill wells on college surface city has land in other locations to trade or replace to access minerals in city's best interest. Hoping to find way to help facility access. City has big interest in seeing well drilled.

Council Member Robnett moved to approve Approved a motion authorizing the City Manager to negotiate a land exchange with Midland College; and providing that any agreement must be approved by the City Council before becoming effective.; 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.

12. Approved a resolution authorizing the execution of an Economic Development Agreement with Kepler Aerospace, LTD., as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 044

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KEPLER AEROSPACE, LTD., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

Robnett record vote still against space port cost to get was \$25M don't ocntinue to enter.

Council Member Robnett moved to adopt Resolution No. 2020 - 045; seconded by Council Member Dufford.

Blong appreciate efforts of MDC in best int of city

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

13. Approved a resolution authorizing the execution of a commercial sublease agreement with Kepler Aerospace, LTD., regarding certain real property located at Midland International Air & Space Port and described as a certain portion of Lot 1A, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 045

RESOLUTION APPROVING A COMMERCIAL SUBLEASE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KEPLER AEROSPACE, LTD., REGARDING CERTAIN CITY-OWNED REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND DESCRIBED AS A CERTAIN PORTION OF LOT 1A, BLOCK 13, INDUSTRIAL PARK REGIONAL AIR TERMINAL, UNIT 12, MIDLAND, MIDLAND COUNTY, TEXAS

no futher

Council Member Trost moved to adopt Resolution No. 2020 - 046; seconded by Council Member Dufford.

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

14. Approved a resolution supporting Mayor Patrick N. Payton's membership of the Permian Basin Regional Planning Commission's Board of Directors. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 046

RESOLUTION IN SUPPORT OF MAYOR PATRICK N. PAYTON'S MEMBERSHIP OF THE PERMIAN BASIN REGIONAL PLANNING COMMISSION'S BOARD OF DIRECTORS

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; seconded by Council Member Blong.

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

15. Approved a resolution establishing a regular City Council meeting to be held on March 9, 2020. Consider a resolution approved the March 09, 2020 City Council Meeting as a Regular Meeting. (CITY SECRETARY'S OFFICE)

RESOLUTION NO. 2020 - 047

RESOLUTION ESTABLISHING A REGULAR CITY COUNCIL MEETING TO BE HELD ON MARCH 9, 2020

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; seconded by Council Member Blong.

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

16. Approved a motion accepting a donation in the amount of (i) \$2,000.00 from Vandergriff Group Architects and (ii) \$1,000.00 from the Hancock Group; said funds to be used for the new Animal Shelter Design and Build Project; and allocating said funds to the Animal Shelter Design and Build Project (900265). (COMMUNITY SERVICES)

Blong pulled to say thank you kind of public private on project when benefits so many midlanders. Tina thank approp.

Council Member Trost moved to approve accepting a donation in the amount of (i) \$2,000.00 from Vandergriff Group Architects and (ii) \$1,000.00 from the Hancock Group; said funds to be used for the new Animal Shelter Design and Build Project; and allocating said funds to the Animal Shelter Design and Build Project (900265); seconded by Council Member Robnett.

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

17. Approved a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Edge Housing Development; the applicant is DDC Merritt Edge, Ltd.; the proposed development is located at 205 Corporate Drive providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED MERRITT EDGE HOUSING DEVELOPMENT; THE APPLICANT IS DDC MERRITT EDGE, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT 205 CORPORATE DR; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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.

18. Approved a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Sunset Housing Development; the applicant is DDC Merritt Sunset, Ltd.; the proposed development is located at Thomason Drive and Beal Parkway; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED MERRITT SUNSET HOUSING DEVELOPMENT; THE APPLICANT IS DDC MERRITT SUNSET, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT THOMASON DR AND BEAL PKWY; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Trost this and 19 clarificaition on word supporting what does it mean overall. Chuck nothing financially just support locating projec tin midland. to get tdhca loan.

Council Member Robnett moved to adopt Resolution No. 2020 - 049; 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. Approved a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Gardens Housing Development; the applicant is DDC Merritt Gardens, Ltd.; the proposed development is located at 5606 Starboard; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS SUPPORTING THE PROPOSED MERRITT GARDENS HOUSING DEVELOPMENT; THE APPLICANT IS DDC MERRITT GARDENS, LTD.; THE PROPOSED DEVELOPMENT IS LOCATED AT 5606 STARBOARD; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY THE RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Council Member Robnett moved to adopt Resolution No. 2020 - 050; 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.

20. Approved a resolution approving the issuance of permits to Diamondback E&P LLC, for

the drilling of oil and gas wells, being BILLINGS UNIT 807WA located 310 feet from the south line and 1,432 feet from the east line, BILLINGS UNIT 808LS located 309 feet from the south line and 1,373 feet from the east line, BILLINGS UNIT 808WB located 310 feet from the south line and 1,393 feet from the east line, BILLINGS UNIT 819MS located 310 feet from the south line and 1,413 feet from the east line, Section 8, Block 39, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said wells are generally located between 409 and 410 feet north of Green Tree Boulevard extension and between 1,373 and 1,432 feet west of North Midkiff Road extension.) (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 050

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 409 FEET AND 410 FEET NORTH OF THE GREEN TREE BOULEVARD EXTENSION AND BETWEEN 1,373 FEET AND 1,432 FEET WEST OF THE NORTH MIDKIFF ROAD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

Blong abstain.

Council Member Robnett moved to adopt Resolution No. 2020 - 051; seconded by Council Member Trost.

ron will put up sound walls during fracing 24 ft.

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

21. Approved a motion on request by Maverick Engineering to defer public water, wastewater, and sidewalk improvements for Wakefield Addition and to waive the corresponding financial security guarantee valued at \$23,135.00, an amount equal to the estimated cost to construct the public infrastructure. (ENGINEERING SERVICES)

Noah Trammel, 5306 Ellen Jane Way, speak in favor reason trying to defer way all way across itnerstate have to dirll i20 for water and sewer trying to build warehouse cost takes completely out of game.

Council Member Robnett moved to approve Approved a motion on request by Maverick Engineering to defer public water, wastewater, and sidewalk improvements for Wakefield Addition and to waive the corresponding financial security guarantee valued at \$23,135.00, an amount equal to the estimated cost to construct the public infrastructure.; 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.

22. Approved a resolution approving the purchase of real property of a 2.5 acres tract out of Northwest corner of Section 5, Block 38, T-2-S, City of Midland, Midland County, Texas. (UTILITIES)

RESOLUTION NO. 2020 - 051

RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY DESCRIBED AS A 2.5 ACRE TRACT OUT OF THE NORTHWEST CORNER OF SECTION 5, BLOCK 38, T-2-S, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID REAL PROPERTY INTEREST, PURCHASE TITLE INSURANCE AND POLICIES AND HOLD THE CLOSING FOR SAID ACQUISITION; APPROPRIATING FUNDS; AUTHORIZING PAYMENT FOR SAID REAL PROPERTY INTEREST, TITLE INSURANCE POLICY AND CLOSING COSTS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

Ladd clarify why purchasing property as opposed to ROW. Craig couple reasons first every large sewer line goes through property no clear easement. New NE water collection line need bore pit to get underhighway. Trying to turn all lines into one line cost saving. Can sell once done.

Council Member Robnett moved to adopt Resolution No. 2020 - 052; 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.

23. Approved a motion authorizing the execution of a sanitary sewer discharge license agreement with Baker Hughes Oilfield Operations, Inc. at 2605 Market Street, Building A, Midland, Texas. (UTILITIES)

Council Member Robnett moved to approve Consent Agenda items 4 - 23 excluding 10, 11, 12, 13, 16, 18, 19, 20, 21, 22; 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.

SECOND READINGS

24. Consider an ordinance on a second reading on a request by Jason Heller for a zone change from PD, Planned District for a Shopping Center to an amended PD, Planned Development District for a Shopping Center on Lot 1A, Block 1, Cycles Addition, Section 2, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of West Business I-20 Frontage Road and Tradewinds Boulevard. Council District 4) (DEVELOPMENT SERVICES) (First reading held February 11, 2020.)

ORDINANCE NO. 2020 - 052

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1A, BLOCK 1, CYCLES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST BUSINESS INTERSTATE 20 FRONTAGE ROAD AND TRADEWINDS 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. 10053.

Council Member Trost moved to approve the second and final reading of Ordinance No. 10053 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, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Robnett.

25. Consider an ordinance on a second reading on a request by Cora Lechler for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling District on the North ½ of the West 1/3 of Tract 1, Snively Addition, City and County of Midland, Texas. (Generally located approximately 421-feet west of Cotton Flat Road and approximately 865-feet north of West Francis Avenue. Council District 2) (DEVELOPMENT SERVICES) (First reading held February 11, 2020.)

ORDINANCE NO. 10053

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH 1/2 OF THE WEST 1/3 OF TRACT 1, SNIVELY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED APPROXIMATELY 421 FEET WEST OF COTTON FLAT ROAD AND APPROXIMATELY 865 FEET NORTH OF WEST FRANCIS 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. 10054.

Council Member Trost moved to approve the second and final reading of Ordinance No. 10054 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, Payton, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: Robnett.

26. Consider an ordinance on second reading on a request for the annexation of a 40.0492-acre tract of land located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located on the west side of State Highway 158, approximately 2,372 feet north of State Highway 191. ETJ, Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES) (First reading held February 11, 2020.)

ORDINANCE NO. 10054

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 40.0492-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40,

T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 2,372 FEET NORTH OF STATE HIGHWAY 191); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10055.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10055 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

27. Hold a public hearing and consider an ordinance on a request by Sara Bradshaw, for a zone change from PD, Planned District for an Office Center to O-1, Office District, on Lots 3, and 4, Block 6, Lily Heights, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Andrews Highway and Tarleton Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10055

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.

ph 10:58 cph

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10058 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

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

28. Hold a public hearing and consider an ordinance on a request by Western International (BGC Midland DNTN Land Acquisition, LLC). for a vacation of the 0.496-acre portion of W. 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. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10058

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 No. 10059.

Ladd no opposition ot hotel but ddid have problem with abatement. Question on vacation of ROW is it necessary do they still need it if only build one hotel or is second hotel why need. Chuck would have to revise their site plan. Showed plan of what has been submitted. Ladd if the second hotel never built is this necessary. chuck it could be done without doing but would have to redesign whole site plan. Bong does the space allow for number of keys as well as required parking space if don't go acorss treet. Robert if add additional hotel more parking space needed elseware. Chuck could still use other site for off street parking.

Mayor Payton opened the public hearing at 11:01 a.m. Michael Mohoney parking on west side of roundabout based on existing parking requirements that parking necessary for current hotel if don't have reconfiguration willb e short on parking for current hotel only 111 keys. Off of inidiana sitll access to Big Spring. Other thing noteworth about \$43,-000 one other requirement with this development is installaiton of trees and landscaping on both sites. for public improvements. Blong much more attractive area in town.

There being no one else wishing to speak, the public hearing was closed at 11:02 a.m.

Council Member Trost moved approval of the first of two readings of Ordinance No. 10059 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford.

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

29. Hold a public hearing and consider an ordinance 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 on Lot 3, less the south 10-feet, Block 26, Moody Addition, City and County of Midland, Texas. (Generally located on the west side of North Tyler Street, approximately 100-feet south of East Texas Avenue.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10059

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 No. 10060.

Mayor Payton opened the public hearing at 11:03 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. 10060 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.

30. Hold a public hearing and consider a resolution on a request by Manuel Rebecchi, for a Temporary Land Use Permit for an Acrobatic Show, on Lot 9, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas. (Generally located on the south side of West Loop 250 North approximately 1,116 feet west of North Midkiff Street.). (DEVELOPMENT SERVICES)

RESOLUTION NO. 10060

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN ACROBATIC SHOW ON LOT 9, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 1,116 FEET WEST OF NORTH MIDKIFF ROAD); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

Development Services Director Chuck Harrington gave a brief overview noting application to operation thru for acrobatic circus this morning provided letter of objection from JC Penny who is property owner. The application mall signed as owner thinking they had approval. Staff no problem what proposing location doesn't work. The mall representative here to address. Norman does JC penny own entire mall parking lot. showed on map aof penny's lot.

Mayor Payton opened the public hearing at 11:05 a.m.

Brenda Scott 307 Stanton Tx, marketin director Midland Park Mall. Much to my surprise got objection this morning. Advised by okay they do own certain portions. There was not ideal location on their own part that is generic letter sign. Thought had additional approval best location was to utilize the majority of their parking lot but do have location can relocate where carnival was May of 2017 on front of parking lot which is fully owned can get new site plan. John O did we went out public notice to folks. Chuck yes that notice area will change with new location. chuck yes so need to start over. Chuck part of problem is next 2 weeks time constraint.

There being no one else wishing to speak, the public hearing was closed at 11:08 a.m.

Dufford event goes away unless file again but won't have chance to review. There is no way around? John O got to essentially reject have to redo all notification impossible to

do. Chuck do have a process for tlh but most specially new ones bring to Council first. This ia new event Courtney asked to bring to Council. . John O can delegate to CM is there enough time to get new notice and new site plan. should have time to get notices out have to run mapping on it. Event stats in 13 days. chuck if delegate to staff to change location. Trost is it really a change of location. yes because change location.

Chuck in new process cm auth to verify notification 10 days can send out pretty quick.

Council Member Robnett moved to adopt Resolution No. 2020 - 053 with amendment and delegate to CM for approval.; 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.

MISCELLANEOUS

31. Consider 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 10061number of commission members to seven (7); containing a cumulative clause; containing a savings and severability clause; and ordering publication (COMMUNITY SERVICES)

ORDINANCE NO. 2020 - 053

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 No. 10061.

Community Services Director Tina Jauz, preparing for opening of new Animal Services Facility and want to beef up increase numbers and get engaged to work on before opening.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10061 in accordance with the Charter of the City of Midland; seconded by Council Member Norman.

Norman something in place right now to talks about attendance of people on the board. One of themhigh percentage of people gone. Payton there is some have just come on commission two folks are brand new member. Dufford make most appointments in fall and have asked people to resign if attendance below 75%.

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

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

Need MDC and Spaceport Development Corporation. HOpe reviewing packets in

relationship to MDC think at this time 7 applications. Spoken to MDC and asked them to consider going back to board and asked for change in by-laws of no more than 7. Asked if Council in support of amend to 7. Council consensus to support. Direction can be communicated. Message conveyed. Trost did they miss January February meeting. John Trischitti Mr Bownds cancelled Feb meeting waiting on additional board members. wait and do onboarding for new board member didn't have anything couldn't wait a month. what are reasons to cancel. John O MDC standing resolution can cancel typically happened no items ready to discuss quorum issue. Ladd asked Sara something to add Sara Harris according to bylaws required to meet at least quarterly.

Payton what kind of time do you need to review applications stop what have take what we have review and give chance to make more phone calls suggestion on time. Robnett agreed to revisit this meeting need to give more time March meeting scheduled Monday March 9 can revisit board and commission appointment of board and commissions. Payton would like to push into April for simple reason gives staff more time to talk with staff about applications want to make sure comfortable with information and staff is giving recommendations. Not a hill or bridge to die on April. John O articles of inc will have to amended have to be filed with SOS still relaying on SOS to get back showing in favor. Can we temporarily appoint someone from Council to fill until such a time. John O having sat on that board for over 4 years he knows Council can be on that board. Ladd nominate Ms. Bong

Council Member Ladd moved to appoint Council Member Blong to temporarily fill vacancy on MDC board ; 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.

Zachary Deck experience with NASA and other things related to Government work. Blong also know Zack Deck and would feel comfortable.

Council Member Robnett moved to appoint Zachary Deck and Frank Trzian to Midland Spaceport Development Corporation; seconded by Council Member Ladd.

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

PUBLIC COMMENT

33. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

Keith Dial, Odessa, Simply here to speak going to report back results and Carrie Patterson results on west texas event, second event thanked for help. held at horseshoe arena almost 400 animals spayed and neutered at event. Reminded of speech two things continue to be mindful of. One west tex exceptionalism hope program begin that type of behavior spoke to and second thing is not complain so much get off bottoms and work that's how we feel spay west texas was born two events so far next in

Odessa back in April in Midland and may ask for help. Thank you appreciate comments helped get rolling.

Karen Patterson 4921 NCR 1147 Midland, fix west Texas believe in high volume low cost spay neuter. Midland moving into no kill as break ground on new animal shelter. accomplished in past few months amassed large volume of donors and volunteers supporting no salary except vet and vet techs trying to make difference in overpopulation. HOpefully tell by picture how much it takes to put this event on. boots on ground get hands duty working with neighborhood to help community. Metrics provided to residence 398 animals avg cost of \$75 before the voucher in 3 days. Did 800 or so vaccinations. Majority of animals not current on rabies 90% all now current. next clinic March 12-15 in Odessa partners with city and PD behind PD not just to Odessa also appointments for Midland. Are looking for location April 23-26 who make work is free location. Ask consider loaning free location need City's support. Looking to garnering support to help amend current spay and neuter voucher and reduce barriers preventing low income families from obtaining voucher. County already done need help to make accessible to everyone.

Dustin Johnson, 700 McDonald, skate park association been emailing since snow drains not working sitting in water lights going off early hoping to do same thing. A lot more current out on weekends no where to sit except ledges hoping by summer have benches out there for somewhere for adults to sit who are watching. Beal Park,

Shirley Howard, 405 E Magnolia, congrats welcome Norman. Thank you to each for all do in community. Also coming to update on upcoming event in March. Here before last time what putting on is leadership conference in reference to education, technology encouraging to get out in community to help city and community. Being represented from 7 different states in south. Getting overwhelming looking at 3-500 already over 500. overwhelming to her. Think about doing the national here not if she has to do it. Came and asked for assistance from City of \$5,000 thank already stepped up to plate not gotten to \$5,000 going to need at least \$5,000 to make small group to go into personal treasury in success. Thank you do need volunteers if anyone willing to volunteer MPD will do workshops for youth about gun violence and suicides. Made happen to have workshops. Do not have a youth club but invited different churches to be part of workshops.

EXECUTIVE SESSION

recess to Executive Session 11:44 a.m.

34. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section 551.071, Consultation with Attorney
 - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

- b. Section 551.072, Deliberation Regarding Real Property
 - b.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.
- c. 551.074 Personnel Matters
 - c.1. Deliberate the appointment and duties of the Municipal Court Presiding Judge and interview candidates for said position.

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

PASSED AND APPROVED the __ day of ____, 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary