

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

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on March 24, 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., March 24, 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 10:00

1. Invocation - Jon Slayden, Hope Community Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

CONSENT AGENDA

Trost spoke at length with Mr. Williams and Robert about ones that have lots of money attached to them but all payable over a period of time. This isn't money up front.

4. Approved a motion approving the following minutes:

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

- a. Regular City Council Meeting of February 25, 2020

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

- b. Regular City Council Meeting of March 9, 2020

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

5. Approved a resolution approving the purchase of a Transit 350 Cargo Van with sewer equipment from Chastang Enterprises - Houston, LLC. dba Chastang Ford through Buyboard contract #601-19 for a total cost of \$248,172.00 for the General Services

Department. (PURCHASING)

RESOLUTION NO. 2020 - 056

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

RESOLUTION NO. 2020 - 057

RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN CITY-OWNED REAL PROPERTY TO MIDLAND VISIONS 2000; SAID REAL PROPERTY DESCRIBED AS LOTS 13-18, BLOCK 176, SOUTHERN ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY DESCRIBED AS 101 EAST FLORIDA AVENUE); AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE, AND FILE ALL AGREEMENTS AND DOCUMENTS NECESSARY FOR THE CONVEYANCE OF SAID PROPERTY; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, ALL INSTRUMENTS OF CONVEYANCE

Ladd pulled opinoin on selling property right now. Property values lowered would like to wait. if arguement for why not curious. Erika Munoz requested to put out for bid. Robnett when we did this property . MORris dont remember exact time got a pretty good bid on it. John O bids opened Feb 12. Ladd intended purpose. Erika it is anon profit org for offices.

Council Member Ladd moved to adopt Resolution No. 2020 - 057; seconded by Council Member Trost.

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

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

RESOLUTION NO. 2020 - 058

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6,

9, 10, 18, 21; seconded by Council Member Blong.

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

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

RESOLUTION NO. 2020 - 059

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

RESOLUTION NO. 2020 - 060

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

Robnett how necessary project is. Aske same on 10. 2.5M approp budgeted , single bid. feel this is omething can wait. Robert maintenance items on street budgeted item asked for rejection of bids didn't feel like prices were in line. Erika sole bidder been same sole bidder for past 3 years. Robert 60 % lower important to get project done suggest go ahead. Will be starting in the street but cad flows spread out during summer months but not all at one time. 15% better estimate.

Robnett taking pause given size of item understand paid out over year don't think met a week ago and staff working ont his any discretionary will ahve to be looked at starting with this item. will be boting against don't think waiting a little time. Ladd don't disagree for same reason. Will this save us money in long run if implement or will it hurt down road because didn't do. Robert Patrick prolonging items can bring about decay but nobody knows if will come in cheaper. May fall on Jose expertise oil prices falling could be less espensive. One thing jobs less expensive over time. Blong don't want to delay too long have deferred maint not ins upport of deferring a long time wait 60-90 days. Ladd lets get it rebid. Erika have bids out for min of 14 days. Trost this is a question might have for Jose what would a 3 month delay do to this as far as wear and tear on untreated roads? any consequences.

Jose one challenged apply during warmer months can't apply in winter will delay another year if in cold. Couple months not an issue.

Trost remember when served on City Council rviously did that very thing lets wait and see what happens and prices did not go down. Got behind the 8 ball and still haven't recovered. Suggest not try to delay things it just doesn't help. Payton nobody knows in an hour if it changes. Payton defer to 30 days and see where we are and go out to bid.

Robert will need to reject all bids to be able to rebid. Robert rejecting now.

John like language incorporated to reject all bids.

Council Member Robnett moved to adopt Resolution No. 2020 - 060; seconded by Council Member Trost.

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

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

RESOLUTION NO. 2020 - 061

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

Council Member Robnett moved to adopt Resolution No. 2020 - 061; seconded by Council Member Ladd.

see again in 30 days.

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

Ohnemiller authorize rebid.

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

RESOLUTION NO. 2020 - 062

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

AUTHORIZING PAYMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

13. Approved a motion authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc. (PSC), to provide design and engineering services for the Briarwood Water Main Relocation Project for the Utilities Department at a total cost not to exceed \$121,611.00. (PURCHASING)

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

RESOLUTION NO. 2020 - 063

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

15. Approved a motion to authorize the Director of Airports to advertise a request for proposals for janitorial services at the Midland International Air & Space Port and negotiate an agreement for said services; provided, however, that said agreement shall

not become effective until approved by the City Council. (AIRPORTS)

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

16. Approved a motion authorizing the Director of Airports to negotiate and execute an amendment to the Lease Agreement with Signature Flight Support regarding certain City-owned real property described as a 0.411-acre tract out of Lot 1A, Block 13, Midland International Airport Industrial Park, City of Midland, Midland County, Texas; said amendment to provide for the expansion of the leased premises. (AIRPORTS)

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

17. Approved a resolution approving and adopting Amended Bylaws of the Midland Development Corporation. (CITY MANAGER'S OFFICE)

RESOLUTION NO. 2020 - 064
RESOLUTION APPROVING THE AMENDED BYLAWS OF THE MIDLAND
DEVELOPMENT CORPORATION

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

RESOLUTION NO. 2020 - 065
RESOLUTION RATIFYING AND APPROVING MAYOR PATRICK N. PAYTON'S
ORDER DECLARING A LOCAL STATE OF DISASTER FOR THE CITY OF MIDLAND,
TEXAS; AND CONSENTING TO THE CONTINUATION OF SAID DECLARATION

Payton have letter that replaces this. John O handed out. New declaration putting into place everything in Governor's order. Does not have an extensive list of exceptions. Seeing what citizens are already doing he will be prepared as new resolution what will do in City in interim love to hear other comments.

Ladd is this essentially following orders of Governor if were to change orders tomorrow this will change is too. John O resolution language makes clear if Governor modifies existing order then subject will be modified as well. Blong take a moment to read since seeing for first time. Trost not to exceed. John this resolution extends the mayor original declaration. That is background information. went into effect March 18.

Payton first few paragraphs are delineated . Currently the governors order was through April 3rd your auth will stay in place until terminated by the Council. The way drafted is declaration stays in place but terms are with new resolution. John O resol stays in effect until terminated by Council or Mayor in effect in perpetuity until terminated. the 7 days was original authority of Mayor to make the declaration. One thing want to be mindful of is declaration auth stay in affect until terminated by Mayor or Council. Governor is thorough April 3rd you may have to revisit prior to April 3rd. The resolution . Robnett amend resolution to vote on revised resolution.

Trost asking if Council could we be more strict. John O yes. We can amend as we go along (Trost). John O can be more strict. Payton specific items want to be more strict on? Robnett no interest at this point in adopting more strict that Governor form what he knows right now. Norman going more strict on things that exempt. Trost all saying is way reading some of this enforceability becomes an issue. Can we cover enforceability at this opint. Payton depends on what need to enforce. Ladd grocery stores are exempted. Payton every order everything is exempted that already having conversations bout. right now can go to big box store there is no delineated when use term shelter in place there are 6 pages what that doesn't mean. Talked to hospital respirators available and drive around and see what citizens are doing you see police chief they are pretty empty. PRetty slow what is going on happy with citizens. Little concern about jump on palce band wagon as longa s 6 pages of exceptions. What is enforceable need to be concern if see unrestricted in grocery store. Asked chamber to reach out to all partners to be self policing. not sure big box stores haven't gotten more strict than around rest of state.

Ladd his plan to implement Dallas shelter in place order with the following changes require all big box stores and grocery stores to 100 people or less. They also do not allow banks to be open have banks remain open as long as maintaining good guidelines. We have a medical community not kept up with growth already. If not enough incubators for new york not enough here. may be on our own for a while stricter measures need to be mtaken. Can get ahead of the curve. A lot co communities wish they could go back in time to prevent these things. We have opportunity is 2 week break on these things. That would allow medical community time to diagnosed. There is no enforceability but this is to send a message and ask all to self regulate.

Norman from everything we are doing now under goveornors order what would be different. Ladd requesting big box and grocery stores to limit to 100 people. Trost beileive if make it mandatory that could be constituted as a crime if you don't ahere to guidelines. Trost that is perview of PD or other law enforcement agencies. Don't ever advise citizens to do enforcement themselves. Is this enforceable how would we do that. Police Chief Seth Herman legally yes, practically no, not at this point in time. Longer we go on the more families are together the more juveniles are out of school and we see uptick in crim. Jeveniles broking into cars 20 guns sotlen last week. Extremely hard to enforce. Conscious if oncern about a big box store send officer to ask to enforce. Trost concern about police capabilities don't want to put undue streess. Crime will go up when you put restrictions in place. Seth liability will rest on management of store if someone refuses to leave then that is enforceable. Patrick when find out all ammos stores sold out in community. NOt just under virus warning streess but massive stress from economy how concern as police chief with citizens buying up all ammo in community repeatedly and additional stress of enforcement. Seth concern is all ammo epeople stress level some sort of reactive. Payton already seen it at

big box store here in town whatever date it is standing in line saying you can't go in. Seth nothing to that level. Anyone who is doing something with toilet paper. think a comforting mechanism anticipating the worst don't think it's going to come to that. People legally capable of buying ammo don't foresee them being big concern. Ladd can we constitutionally shut down a gun store?. Seth concern if want an uprising, that would be it.

Payton can we put some of the things are of utmost concern to you it is primary the stores. Can we put in our resolution a strong recommendation to all retail outlets and big box stores that they give their best effort of crowd minimization of no more than 100 in a store at a time. Square footage. Can we know what we see our community doing to be able to watch what people are bring down on their community. Trost nicely put but need to be more firm and say this would be required. Payton I am not going to issue citations because 105. I may walk into a store and young 18 year old guarding door just let 6 people in. Along we want to do the thing that is most effective think seeing cities around united states making different policies. Seeing people respond to request. As we have conversations with chamber seeing responsiveness to that. Don't know that mandate would be effective and incites more frustration in community. Prefer to move in way that is request and let that be the extent of it. John O point to governors order references while people may still gather in variety of places has to be done that all necessary precautions think that allows for avenue for Council to visit with big box stores to say too many people or steps you need to take to mitigate against what facing. Along we are not in adversarial or angry relationship between city and business and would like to keep it that way. . Trost agree primary concern is health of community at this point.

Trost go further and say but have to remember small business may who employs up to 8 people what about them how are they going to survive need to be concerned about them. What are we going to do to help these small business. Ladd talking about tax relief. Trost among other things this would impose a real tough burden on staff. We do have money in reserve that will help for certain time. Ladd to that I would say hold off on couple of weeks to see what federal government does. Robnett point of order get back to resolution.

Payton what are exceptions want to be cognizant of watching other cities wrestle with this it's the same in all resolutions to protect small business. Dallas essential retail food service grocery warehouse conv farmers market livestock restaurants to go. schools for meals to students. extensive list. named essential services. Payton drive up and down streets and see citizens taking seriously what asked to do or do we have to go through a series. Along agree and in favor of accepting this as proposed the only thing concerned what is procedural enactment every time governor updates. where is language. John O language referring to is on top of page 2 notes council shall comply with governors order as may be amended, etc. Robnett does it matter if we adopt this order. Are we going to adopt anything more stringent. Want to keep declaration in place to have Mayor to have authority. Robnett anybody has specific amendments.? John O vote on amendments separate. once worked through those come back to revised resolutions. Council needs to pass so declaration order doesn't go away. amendments first.

Council Member Ladd moved to amend the motion by mandate if a person is found to have been diagnosed with COVID 19 that family members also be required to shelter in place to isolate themselves. ; seconded by .; seconded by Council Member Trost.

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

Council Member Robnett moved to adopt Resolution No. 2020 - 065 including governors order for City of Midland.; seconded by Council Member Trost.

in Dallas order community memers cannot go to work school or any other function for 2 weeks. is that your intent? yes. Robnett feel arbitrary don't need to get in weeds. People will naturally do this and best practices of medical facility. this would be included in chain of contact form emdical field. Norman what about experts. Payotn depeds on which epert talking to.

Blong authorizing Mayor to extend change for period of 7 days then vote gain. John O if approve this remains in effect until terminated and mayor has authority. Council has ato get to gether and approve law recognizign inc ase of emrgy time is of essence sometimes council can't meet for ameeeting. The lawse incase of emrgency lets mayor make declaration in case of emerg but only in place for 7 days. Adequate itme for Council consider. Robnett John O one declaration stay in effect until terminated. Mayor can make other interim proclamdtons or orders. Blong and council approve. Trost this resolution. Your directing today following governors order.

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

What timeline do we have to talka bout future of small businesses? Payton ask city staff to put together suggestions.. Robert understand possibility of suspending sales tax collection or abatement to help busienss hurt by crisis. Trost hotels across board one had zero income.

Patrick can research what able to do. It takes time to enact in declaration one of most importnat things is to receive state and federal funds. done all you can up to this point no can reserach and see other options. This would be un precedented but see what options available. Trost how much time do you need. Robert patrick trying not to have meetings in person set up for electronic session. Payton send file to see finding. One week to research.

19. Approved a motion authorizing the execution of an amendment to that certain Sponsorship License Agreement for the Baseball Stadium at the Scharbauer Sports Complex with American Momentum Bank (formerly known as Security Bank); said amendment shall provide for American Momentum Bank's assumption of Security Bank's rights, covenants and obligations under the Sponsorship License Agreement. (COMMUNITY SERVICES)

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

20. Approved a resolution approving the issuance of permits to Parsley Energy Operations,

LLC, for the drilling of oil and gas wells, being Hogan 1-25-A-2601H located 755 feet from the south line and 389 feet from the west line, Massey Unit 2415H located 785 feet from the south line and 390 feet from the west line, Massey Unit 2614H located 815 feet from the south line and 390 feet from the west line and Massey A Unit 2611H located 845 feet from the south line and 390 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (said wells are generally located between 755 feet and 845 feet north of East Loop 250 North and between 389 and 390 feet east of North Lamesa Road). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 066

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 755 FEET AND 845 FEET NORTH OF EAST LOOP 250 NORTH AND BETWEEN 389 AND 390 FEET EAST OF NORTH LAMESA ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

21. Approved a resolution granting a variance to Ordinance 8769 (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Lot 7, Block 1, Kalpower Estates, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located at 4700 Trobaugh Boulevard, approximately 700 feet north of Briarwood Avenue and 510 feet east of Trobaugh Boulevard), by permitting construction of residential buildings where no portion of any structure is closer than 450 feet of an existing oil and gas well (Pecan Acres #22c #1). (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 067

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

Robnett saw operator did not object to variance we try to get a letter on file from the operator. Chuck. never really force operator to did not get a response in writing. Believe its 50 feet inside 500 foot get in situation (Robnett). neither want to write a letter and say they are okay. Homeowner told us they got it verbally but don't have form oeprator. John O happened on at least one prior occassion. Legal council don't want them to pput in writing.

Ron Jenkins typically try to have letter form oeprator and developer wants letter all we

have is courts honor. Ron spoke with Callon compnay they do not intend to protest will let it go.

Council Member Robnett moved to adopt Resolution No. 2020 - 067; seconded by Council Member Trost.

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

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

RESOLUTION NO. 2020 - 068

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

RESOLUTION NO. 2020 - 069

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

RESOLUTION NO. 2020 - 070

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

LAW ENFORCEMENT AGENCIES; AND APPROPRIATING FUNDS

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

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

Council Member Robnett moved to approve Consent Agenda items 4 - 25 excluding 6, 9, 10, 18, 21; seconded by Council Member Blong.

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

SECOND READINGS

26. Consider an ordinance on second reading on a request by Sara Bradshaw, for a zone change from PD, Planned District for an Office Center to O-1, Office District, 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) (First reading held on February 25, 2020)

ORDINANCE NO. 10058

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 6, LILLY HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF ANDREWS HIGHWAY AND TARLETON STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

sr rco 10058

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10058 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd.

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

27. Consider an ordinance on second reading on a request by Western International (BGC Midland DNTN Land Acquisition, LLC) for a vacation of the 0.496-acre portion of West Indiana Avenue right-of-way, 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) (First reading held on February 25, 2020)

ORDINANCE NO. 10059

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

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

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10059 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

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

28. Consider an ordinance on second reading on a request by Elsa Marquez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District 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) (First reading held on February 25, 2020)

ORDINANCE NO. 10060

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, LESS THE SOUTH 10 FEET, BLOCK 26, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH TYLER STREET, APPROXIMATELY 100 FEET SOUTH OF EAST TEXAS AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10060.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10060 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

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

29. Consider an ordinance on second reading amending Title II, "Commissions and Boards," Chapter 10, "Animal Control Advisory Commission," Section 2, "Membership,"

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. (COMMUNITY SERVICES) (First reading held on February 25, 2020)

ORDINANCE NO. 10061

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

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

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10061 in accordance with the Charter of the City of Midland; seconded by Council Member Norman.

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

30. Consider an ordinance on second reading appointing the City of Midland Municipal Court Presiding Judge effective March 24, 2020; and authorizing the Mayor to execute an employment agreement. (ADMINISTRATIVE SERVICES) (First reading held on March 9, 2020)

ORDINANCE NO. 10063

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10062.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10063 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

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

PUBLIC HEARINGS

31. Hold a public hearing and consider an ordinance on a request by Cumberland & Western Resources, LLC, for the initial zoning of a 37.9539 - acre tract of land 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 Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10064

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 37.9539-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-22, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 158, APPROXIMATELY 2,372 FEET NORTH OF STATE HIGHWAY 191; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10064.

Council Member Trost moved approval of the first of two readings of Ordinance No. 10064 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

oph cph 10:04

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

32. Hold a public hearing and consider an ordinance on a request by Cornerstone Funding, LLC for a Zone Change from PD, Planned District for an Office Center to an Amended PD, Planned Development District for an Office Center on Lot 1A, Block 2, Grassland Estates West, Section 2, City and County of Midland, Texas (generally located on the southwest corner of the intersection of Homestead Boulevard and Hereford Boulevard). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10065

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1A, BLOCK 2, GRASSLAND ESTATES WEST, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF HOMESTEAD BOULEVARD AND HEREFORD BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10065.

Mayor Payton opened the public hearing at 10:05 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10065 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd.

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

33. Hold a public hearing and consider an ordinance on a request by Midland Community Development Corporation for a Zone Change from C, Commercial District, to SF-3, Single Family Dwelling District, on Lot 9, Block 9, Greenwood Addition, Section 2, City and County of Midland, Texas (generally located on the east side of South Stonewall Street, approximately 173 feet south of East Indiana Avenue). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10066

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 9, GREENWOOD ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 173 FEET SOUTH OF EAST INDIANA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10066.

Mayor Payton opened the public hearing at 11:24 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

David Diaz, doanted to making available to someone here in town. Dont know if can hand out list of different developments done with city 150 houses and 2 apt complexes City been involved generated over 45M worth of taxable real estate and make known since council is new do ahave another agend item in executive session mcdc has name in hat as non profit need city's partnership to be able to continue to develop affordable housing.

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

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10066 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd.

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

34. Hold a public hearing and consider an ordinance on a request by 87th Street Partners, LLC, for the initial zoning of a 64.52-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located approximately 733-feet west of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10067

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 64.52-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN MF-22, MULTIPLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY

LOCATED APPROXIMATELY 733 FEET WEST OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND THOMASON DRIVE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

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

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

Council Member Trost moved approval of the first of two readings of Ordinance No. 10067 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd.

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

35. Hold a public hearing and consider an ordinance on a request by Edward Martinez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on Lot 7, Block 24, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas (generally located on the northeast corner of the intersection of East New York Avenue and South Benton Street). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10068

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 7, BLOCK 24, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF EAST NEW YORK AVENUE AND SOUTH BENTON STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10068.

Mayor Payton opened the public hearing at 11:28 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10068 in accordance with the Charter of the City of Midland; seconded by Council Member Ladd.

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

36. Hold a public hearing and consider an ordinance on a request by Joe Dominguez, for a Zone Change from a LI, Light Industrial, to a SF-3, Single Family Dwelling, on Lots 15 and 16, Block 133, Southern Subdivision, City and County of Midland, Texas (generally

located on the east side of South Weatherford Drive, approximately 866-feet southwest of East Industrial Drive). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10069

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 15 AND 16, BLOCK 133, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WEATHERFORD STREET, APPROXIMATELY 86 FEET NORTH OF EAST WASHINGTON AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10069.

Mayor Payton opened the public hearing at 10:06 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10069 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett.

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

37. Hold a public hearing and consider an ordinance on a request by Irma Ogle for a zone change from PD, Planned District for a Shopping Center, to RR, Regional Retail District, on Lots 5A and 5B, Block 3, Westridge Park Addition, Section 14, City and County of Midland, Texas (generally located on the northwest corner of the intersection of Tradewinds Boulevard and Deauville Boulevard). (DEVELOPMENT SERVICES)

ORDINANCE NO. 10070

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5A AND 5B, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND DEAUVILLE BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10070.

Mayor Payton opened the public hearing at 11:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10070 in accordance with the Charter of the City of Midland; seconded by Council

Member Blong.

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

38. Hold a public hearing and consider an ordinance of the City of Midland, Texas, amending the Tall City Tomorrow Comprehensive Plan as authorized by Chapter 213 of the Texas Local Government Code so as to revise the thoroughfare plan; providing a savings and severability clause; and providing an effective date of May 1, 2020. (ENGINEERING SERVICES)

ORDINANCE NO. 10071

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

Deputy City Secretary SueAnn Reyes read the caption of Ordinance 10071.

Chuck need to upgrade thats what this revision does this is a staff revision.

Mayor Payton opened the public hearing at 11:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10071 in accordance with the Charter of the City of Midland; seconded by Council Member Trost.

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

MISCELLANEOUS

39. Approved a motion appealing the Building Official's denial of a sign permit application by Ginamarie Soto, on Lot 5A, Block 33, Northgate Addition, Section 15, City and County of Midland, Texas (generally located on the northwest corner of the intersection of North Midland Drive and West Loop 250 North). (DEVELOPMENT SERVICES)

Gina Marie Soto W Loop 250, followed guidelines of other gyms of how franchise opens put final siding and did same and contractor did not get a permit put it up without knowledge, lack of knowledge.

Chuck Harrington request stated is to put what call temporary signs are intended for sale never intended to be permanent if are suppoed to be included in total count for building. Wound up witha total of allowed 99.,3 this is 165.1. Asked for this is protect the sun interior. From staff perspective not a hardship, other ways to protect interior of building. It does not meet hardhsip requirement.

Norman what are other ways protect interior, chuck alot of palces use tinting on window to keep sunf rom coming in or alter the exterior. Signage on window is what exceeds

their total./

Gina Marie reasoning behind that is majority children not looking in and seeing children is primary goal. Its the children very much told by the franchise. Bottom half can't see into it at all but top part can see in. Gives protection of who is walking in. ON bottom can actually look in to ensure can't see it. 20% sun 80% privacy. If had side panel and multi purpose room. do take in foster kids and want to protect. Took down little gym sign on front of door it's supposed to be same material as other windows. It does get hot and the matts get hot too hot for them to sit there close to window. Payton are these signs permanent or do they change. Gina this is typical how franchise does it. Payton dont tend to disagree with staff inclined to ask for firgivenss and grant exception. going through enough to not have to worry. Spency one got cuaght up in code this is not obstructing view this is reasonable request.

jGina opening in Odessa next eyar.

Council Member Robnett moved to appeal the Building Official's denial of a sign permit application by Ginamarie Soto, on Lot 5A, Block 33, Northgate Addition, Section 15, City and County of Midland, Texas (generally located on the northwest corner of the intersection of North Midland Drive and West Loop 250 North).; seconded by Council Member Ladd.

Norman denail wasn't because of too many signs? Chuck denail based on square footage of total signs of building.

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

EXECUTIVE SESSION

recess 11:32 a.m.

40. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

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

All 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