

**MIDLAND CITY COUNCIL
MINUTES
April 14, 2020**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on April 14, 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., April 14, 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 a.m.

1. Invocation -
2. Pledge of Allegiance

CONSENT AGENDA

3. Approved a motion approving the following minutes:

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

- a. Regular Meeting of March 24, 2020

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

- b. Special Meeting of March 31, 2020

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

- c. Special Meeting of April 7, 2020

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

4. Approved a resolution ratifying the emergency repair of an 8" water main on C Street between Louisiana Avenue and Cuthbert Street for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 071

RESOLUTION RATIFYING AND APPROVING THE EMERGENCY REPAIR OF A WATER MAIN LOCATED ON C STREET BETWEEN LOUISIANA AVENUE AND CUTHBERT AVENUE BY BOLER EQUIPMENT SERVICE, INC., FOR A TOTAL COST OF \$254,138.00; AND APPROVING \$50,827.60 IN CONTINGENCY FUNDS

Ladd curious why no subbase under road. Carl don't know when milled up tested more streets and 2 or 3 more have no subbase. Ladd was that hwo done then. Carl no don't know contracto can ask. Ladd how long ago. Craigo 80s.

Council Member Ladd moved to adopt Resolution No. 2020 - 071; 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 bids for the Landfill Cells five (5) and six (6) Project. (PURCHASING)

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

6. Approved a resolution approving the sole source purchase of eCitation software and fifty-three (53) electronic ticket writers from Tyler Technologies, Inc. for the Police Department. (PURCHASING)

RESOLUTION NO. 2020 - 072

RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF FIFTY-THREE (53) ELECTRONIC TICKET WRITERS FOR THE POLICE DEPARTMENT FROM TYLER TECHNOLOGIES, INC., FOR A TOTAL COST OF \$168,915.00

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

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

RESOLUTION NO. 2020 - 073

RESOLUTION AWARDING A CONTRACT FOR THEVARIOUS TRAFFIC SIGNAL IMPROVEMENTSPROJECT TO THE SOLE BIDDER, WILLIS ELECTRICCO., LP OF ABILENE, TEXAS, AT A TOTAL COST OF\$1,008,397.50; APPROPRIATING FUNDS; ANDAUTHORIZING PAYMENT

Ladd remember in last meeting dealing with issues put off few expenses on road works to see if could get a better bid now construcion prices gone down, should rebid or go ahead. Mike Pacelli that was for road maintnenace did not consider to be issue on htis particular one bidder in 6 years never more than one bidder. Sent out to a lot of people one company does signal from Abilene to all of west texas. pricing higher but only game in town. Ladd unlikely to go down. Mike the reason brought back again part to do traffic on Texas relating to park holding up construcion at park to finish signal and another 55-56% signal work 2017 road bond not general fund could not be used for anything else. anyway. Trost question cornered the market any idea why other companies are not bidding? Mike answers heard a few years back when talked to firms in Dallas area even if could work together do in a few weeks really had to do with labor market and travel can't get local qualified work have to bring from Dalls put in hotel. Cost ofr this type of work that doesn't have high margin. pretty busy in that part of state.

Council Member Robnett moved to adopt Resolution No. 2020 - 073; seconded by Council Member Ladd.

Trost since part of road bond construction of downtown park kind of on hold until signal done at corner there on Texas and Colorado. Mike when did here is 3 different proejects combined and bid as one project. 55% bond related at bankiehad highway and Midkiff and another portion 35% that is at Texas/Colorado Texas/Loraine portion funded out of proeject account that is related to park.

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 Director of Airports to advertise a request for bids for the MAF Rehabilitate North, Terminal and South Apron Concrete Pavement Project. (AIRPORTS)

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

9. Approved a motion authorizing the Director of Airports to advertise a request for bids for the MAF Rehabilitate Northwest Taxi Lane and Executive Apron Project. (AIRPORTS)

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

10. Approved a resolution authorizing legal fees related to oil and gas matters to be paid from the General Liability Fund (702730) Legal Fees (53410) budget account. (CITY ATTORNEY'S OFFICE)

Ladd what kiond of legal fees incur with these? John O typically housekeepign matter

typically when use outside matter it is litigation paid by insurer. Also have in recent years oil and gas activities increased city was involved in oil and gas matters. Retained outside Council board cert o7g atty to help. one benefit to city is typically operators are midstream operators have reimbursed. Gotten fre board cert o7g operator. for efficiency this says for litigation or related o7g matters paid out of same account. thats all this does.

Council Member Robnett moved to adopt Resolution No. 2020 - 074; 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.

11. Approved a resolution approving the issuance of an Operating Certificate for XPress Routes Limousine Service. (POLICE)

RESOLUTION NO. 2020 - 074

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR RIDEY TRANSPORTATION INC. DBA XPRESS ROUTES TO OPERATE A TAXICAB BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

12. Approved a motion accepting a Fiscal Year 2019 grant award modification from the High Intensity Drug Trafficking Areas Program in the total amount of \$53,552.00; and appropriating the amount of \$53,552.00 from the General Fund (001) Unappropriated Fund Balance (35650) to the FY2019 HIDTA Grant Project (700224-005). (POLICE)

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

13. Approved a motion accepting a Fiscal Year 2020 grant award from the High Intensity Drug Trafficking Areas Program in the amount of \$158,737.00; and appropriating the amount of \$158,737.00 from the General Fund (001) Unappropriated Fund Balance (35650) to the FY2020 HIDTA Grant Project (700272). (POLICE)

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

14. Approved a motion authorizing the appropriation of \$5,568.50 from the Police

Technology and Equipment Fund (075) Unappropriated Fund Balance (35650) to the Minor Equipment / Tools (075110-52120) account; said funds being the proceeds from the sale of outdated service weapons and court-awarded firearms. (POLICE)

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

15. Approved a motion authorizing the execution of a Right-of-Way License between the City of Midland and Fasken Oil and Ranch, Ltd. regarding City-owned property described as Section 30, Block 39, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

Council Member Ladd moved to approve Consent Agenda items 3 - 15 excluding 4, 7, 10; 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.

SECOND READINGS

16. Consider an ordinance on second reading 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) (First reading held on March 24, 2020)

ORDINANCE NO. 2020 - 075

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 No. 10064.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10064 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, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider an ordinance on second reading 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) (First reading held on March 24, 2020)

ORDINANCE NO. 10064

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 No. 10065.

Council Member Robnett moved to approve the second and final reading 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, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

18. Consider an ordinance on second reading 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) (First reading held on March 24, 2020)

ORDINANCE NO. 10065

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 No. 10066.

Council Member Robnett moved to approve the second and final reading 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, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

19. Consider an ordinance on a second reading 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) (First reading held on March 24, 2020)

ORDINANCE NO. 10066

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 No. 10068.

Council Member Blong moved to approve the second and final reading 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, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

20. Consider an ordinance on second reading 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) (First reading held on March 24, 2020)

ORDINANCE NO. 10068

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 No. 10069.

Council Member Robnett moved to approve the second and final reading of Ordinance

No. 10069 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.

21. Consider an ordinance on second reading 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) (First reading held on March 24, 2020)

ORDINANCE NO. 10069

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 No. 10070.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10070 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.

22. Consider an ordinance on second reading 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) (First reading held on March 24, 2020)

ORDINANCE NO. 10070

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 No. 10071.

Council Member Robnett moved to approve the second and final reading of Ordinance

No. 10071 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

23. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC for the drilling of the following oil and gas wells: Charger #H110WB; Charger #H115WA; Mustang #H145WA; Mustang #H150WB; Mustang #H155WA; and Mustang #H160WB; said wells being generally located between 862 feet and 2,050 feet west of Rankin Highway and between 590 feet and 620 feet north of Dayton Road. (DEVELOPMENT SERVICES)

O&G Compliance Officer Ron Jenkins gave a brief overview of the item noting wells permitted in past permits expired July of 18 nothing dif from origina permits asking for same information. existing wells pads already drilled in area no complaints no cobj same variance. Robnett permit expire with City or RR com. Ron w/City

Payton oph 10:23 a.m. cph

24. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Permian Deep Rock Oil Co., LLC for the drilling of the following oil and gas well: Charger #H125WA; said well being generally located 2,433 feet west of South Garfield Street and 320 feet north of West County Road 111. (DEVELOPMENT SERVICES)

O&G Compli offcer ron siml to other wells prev permitted 2018 well sites everything same same variance same rcirc.

oph 10:25 a.m. cph

25. Hold a public hearing regarding the proposed granting of oil and gas well permits to Endeavor Energy Resources, L.P. for the drilling of the following oil and gas wells: Bankhead 4-33 Unit 2A #253; Bankhead 4-33 Unit 2A #261; Bankhead 4-33 Unit 2A #271; Bankhead 4-33 Unit 2A #272; and Bankhead 4-33 Unit 2A #281; said wells being generally located between 590 feet and 591 feet north of West I-20 and between 1,179 feet and 1,279 feet east of South Midkiff Road. (DEVELOPMENT SERVICES)

O&G Ron Jenkins gave a brief overview of the item noting wells brought by endeavor they have surface agreement sound study rec put up 260 foot 24 foot high sound wall toe ast nearcommercial structure. asking for variances they do have noj from surface owner has two surface areas there no structures noted nearby waterwells and eyesore on frontage. similar variances as in past. one pit multiple wells landscaping impede future dev surface owner. Surface owner did not want city landscaping plans.

oph 10:27 a.m. cph

Trost commercial property owner says he's okay with landscape variance. Ron they worked otu surface agreement and he does not want our landscaping as part of his requirement. Trost what is staff rec is to approve. Ron right now info only.

26. Hold a public hearing and consider an ordinance on a request by YMCA of Midland for a vacation of the 0.2825-acre portion of alley right-of-way, located adjacent to Lot 2, Blocks 19, Elmwood Addition, Section 3, and Lots 1 through 12, Block 6, S. W. Estes Addition, City and County of Midland, Texas. (Generally located on the north side of W. Kansas Street, approximately 481-feet east of N. Big Spring Street. Council District 3) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10071

AN ORDINANCE VACATING AND ABANDONING A 0.2825-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 2, BLOCK 19, ELMWOOD ADDITION, SECTION 3, AND LOTS 1 THROUGH 12, BLOCK 6, S. W. ESTES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST KANSAS AVENUE, APPROXIMATELY 481 FEET EAST OF NORTH BIG SPRING STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$24,608.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10072.

Development Services Director Chuck Harrington gave a brief overview of item requesting to vacation row for future expansion plans. There was some utilities vacation require maintain utility easement until all have been moved. value \$24,608. staff rec approval. Ladd why did traffic oppose? Chuck not opposing vacating worried about fact of dead end alley. Ladd dead end alley mean turn around in alley. Chuck could be examined for elimination in general. Ladd some reason they want to expand in that direction when they so much other room. Chuck no indication. Christian Beardon. The board looking to build daycare center to serve midland identified as vital need. Toe east of alley building not on alley directly to east but would like to give easement if needed but would like alley to go from daycare to main facility of ymca. Ladd do we have any other one way alleys. Ladd thank for all done for daycare for first responders and blong for helping to get that set up. Robnett what if waived \$24,000 would you use same amount to daycare. Christine can share that with them. Ladd what would an easement look like? Harrington any utility can still maintain their own utilities until located.

Payton oph 10:32 a.m. cph

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10072 in accordance with the Charter of the City of Midland with amendment to waive \$24,000 vacation fee in exchange for YMCA using fees for childcare or daycare.; 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.

27. Hold a public hearing and consider an ordinance on a request by Midland (King) DTP, LLC, for a zone change from LI, Light Industrial District to C, Commercial District on Lots 3 and 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of Garden City Highway and King Street.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10072

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 2, OVERSTREET ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO C, COMMERCIAL DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GARDEN CITY HIGHWAY AND KING 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. 10073.

Chuck zone change to ubild retail store prop cur vacant 9000 sq ft retail. rev by all depts and approved. sepcial study area han't ocmpeletly need to change light office and other commercial this is first step in that. We had typo in ther eorig said one loj there are no loj.

Payton oph 10:35 a.mn. cph

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10073 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, Dufford, Ladd, Norman. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

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

Council Member Robnett moved to appoint Anette Jensen to ANimal Services.; 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.

Council Member Ladd moved to make Lori Blong liason to mdc; 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.

Robnett quick update on if come in for interview for MDC might be appoint today but put a lot on hold to have itnerviews and discuss in Executive session.

Blong had itnerviews set up with some people cancelled for obvious reasons had some phoen conversation if other people are itnerested in interviewing that would be reasonable. Robnett would like to have zoom meeting. intent of last few months adding new seats.

Trost clarified want to hold interviews. correct. Last meeting discussed said want t more applications. Payton if move to executive need repost would be two weeks away. Don;t want to put off others.

payton suggest move on rest and discuss mdc to executive session in two weeks for MDC. Trost if we hold interviews for one that is more important. think all board should be considered equal and don't want to send that message. Ohnemiller to be clear board members appointments you can discuss in exec have to be final decision making auth considered a public office mdc p7z. whereas boards advisory in nature those boards can't be discussed in executive session.

Payton MDC most applicants of any one and nearly doubled in size iat same time deals with issues as others ina dvisory role.

trost moved to appoint Loury Sams to Mdc withdrew his motion so can be considered in exec session in two weeks.

Council Member Blongmove MDC consideration to exec session in two weeks; 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.

blong question about spaceport put together to manage a grant received and grant been expended so paying for a yearly audit that would have to move money from gf to pay for audit for this board would be in favor of restructure to remove need for audit for a grant that moeny is no longer present and restructure under airport and spaceport board as adivsory board there. Robnett can airport serve as spaceport. Blong propose under Justine Management airport board spaceport would be advisory of airport. Include justine and have further conversation on. John O dissolving spaceport corporation it is a sperate entity that would take care of audit. and then upon dissolution of it think Lori had discussed airport board having a subcommittee that would advise on spaceport related matters.

Courtney Sharp contracted governors office not anticipating any more funds to be allocated to spaceport at this point in time. We did advise them that we would have subcommittee and be ready to stand up toa self standing committee if need be if more funds come in future. The requirement to meet twice a year and nothing to talka bout and budget issues for audit. John O rrequired to meet 4 times a eyar. Payton considerdissolution of spaceport development and make a subcommittee. Presenting something not discussed and bring bakc for conversation later. Make an agenda item for future. Lori unnecessary expense lets evaluate the best structure to move forward. Payton bring back in two weeks. John o start process to dissolve it.

Council Member moved to appoint make Johbn Norman Llason to p&R; seconded by Council Member .

EXECUTIVE SESSION

recess to executive session 10:59 a.m.

29. 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