

**MIDLAND CITY COUNCIL
MINUTES
May 12, 2020**

BRIEFING SESSION

The City Council convened in a Briefing Session in the basement conference room, City Hall, Midland, Texas, at ____ a.m. on May 12, 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., May 12, 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 Robnett moved to approve Consent Agenda items 3 - 10 excluding 4, 5, 6, 8; 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 April 28, 2020

Council Member Robnett moved to approve Consent Agenda items 3 - 10 excluding 4, 5, 6, 8; 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.

4. Approved a resolution awarding a contract for the Thomason Drive Water Main Replacement Utility Bond Project for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 081

RESOLUTION AWARDING A CONTRACT FOR THE THOMASON DRIVE WATER MAIN REPLACEMENT UTILITY BOND PROJECT TO EDGARDO MADRID & ASSOCIATES, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF \$2,154,636.46; ALLOCATING FUNDS; AND AUTHORIZING PAYMENT

Ladd question about contract reading through terms didn't understand one question about taesting and weather contractors would pay. Who does the tests for the system. Jose ORtiz typically have contractors pay for and provided by toh city and contractors do have capability to provide more testing if needed. Jose we work with contractors to figure out who is appropriate person. Have contract with Beyond to do our own testing. Ladd source of concern was on LA street no subbase and so cconcerned we might need to be doing our own testing had experience this week Carl helping with water main just wondering who is testing what and if itss getting done. Jose increased our capability to do our own testing and have contract for city. Ladd understanding is honor

system now. Robert Patrick do have inspectors on site and get core samples. Jose testing, have inspectors out inspecting all work when samples are pulled and distributed to agencies that provide testing dthat allows us to assure doing appropriate.

Council Member Ladd moved to adopt Resolution No. 2020 - 081; 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 execution of a memorandum of understanding between the Midland Development Corporation and the City of Midland; said memorandum of understanding to provide for the marketing of certain City-owned real property located at the Midland International Air & Space Port. (CITY MANAGER'S OFFICE)

Council Member Trost moved to adopt Resolution No. NUMBER>; seconded by Council Member Blong.

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

6. Approved a resolution implementing a Voluntary Early Retirement Incentive Program (VERIP) for eligible City of Midland employees. The maximum number of employee participants shall be twenty (20). (ADMINISTRATIVE SERVICES)

RESOLUTION NO. 2020 - 082

RESOLUTION AUTHORIZING THE ADOPTION OF THE 2020 VOLUNTARY EMPLOYEE RETIREMENT INCENTIVE PROGRAM; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTION NECESSARY FOR THE IMPLEMENTATION OF THE PROGRAM; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL ASSOCIATED DOCUMENTS AND AGREEMENTS

Ladd pulled curious do we know 20 participants already? If approved today app will be online to all eligible employees open until May 27th to apply. Ladd concern that one particular division be cleaned out? Mark that is reason for 3 levels of review dept mgr, is it possible that engineering already has no engineers. that many may apply but maynot be approved. Ladd are we having trouble replacing? Mark hopefully prevent layoffs or furloughs only to accelerate someone's itnerest in retiring. Dufford 3 times done no oe taken us up on offer. Ladd essentially money saving measure. Marrk there are at least 5 this go around folks calling and asking. Robnett what is vacation payout now. Mark able to cap out at 160 hours typiically pay out vacation time regardless if in program or not.

Council Member Robnett moved to adopt Resolution No. 2020 - 082; 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.

7. Approved a resolution authorizing the Mayor, City Manager, and City Attorney to accept

and execute the Coronavirus Aid, Relief, and Economic Security (CARES) Act grant for the Community Development Block Grant in the amount of \$570,875.00 (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 083

RESOLUTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO ACCEPT AND EXECUTE THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT GRANT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$570,875.00

Council Member Robnett moved to approve Consent Agenda items 3 - 10 excluding 4, 5, 6, 8; 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 resolution authorizing the execution of a capital improvements development agreement with THF Midland Leased Housing Associates II, Limited Partnership for the construction of certain capital improvements related to the development of Riverbend Addition, City and County of Midland, Texas; and authorizing payment in the amount of \$177,444.90; said agreement being authorized by Chapter 212, Subchapter C, and Chapter 395, Subchapter B of the Texas Local Government Code. (ENGINEERING SERVICES)

RESOLUTION NO. 2020 - 084

RESOLUTION AUTHORIZING THE EXECUTION OF A CAPITAL IMPROVEMENTS DEVELOPMENT AGREEMENT WITH THF MIDLAND LEASED HOUSING ASSOCIATES II, LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS RELATED TO THE DEVELOPMENT OF RIVERBEND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$177,444.90; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 212, SUBCHAPTER C, AND CHAPTER 395, SUBCHAPTER B OF THE TEXAS LOCAL GOVERNMENT CODE

Trost need clarification of what it means. Jose Ortiz there was need at city level to see loop system come in to adjacent resident win win to get system in Robnett any cities require increase in size. Jose not done enough research truly case by case. Robert law doesn't allow if not for that particular dev city has to pay for upsizing.

Council Member Robnett moved to adopt Resolution No. 2020 - 084; 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.

9. Approved a motion authorizing the execution of a right-of-way license between the City of Midland and Targa Pipeline Mid-Continent Westex LLC, regarding city-owned property described as Sections 4 and 9, Block 39, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES)

Council Member Robnett moved to approve Consent Agenda items 3 - 10 excluding 4, 5, 6, 8; 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 of the City Council of the City of Midland, Texas, nominating Plains All American Pipeline, L.P., to the Office of the Governor, Economic Development and Tourism, through the Economic Development Bank as an Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; providing an effective date; and designating a liaison for the communication with interested parties. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 085

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, NOMINATING PLAINS ALL AMERICAN PIPELINE, L.P., TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING AN EFFECTIVE DATE; AND DESIGNATING A LIAISON FOR THE COMMUNICATION WITH INTERESTED PARTIES

Council Member Robnett moved to approve Consent Agenda items 3 - 10 excluding 4, 5, 6, 8; 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

11. Consider an ordinance on second reading on a request by Cork & Pig Tavern – Ally Village, LLC, for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant, on a 5,460 square foot portion of Lot 2, Block 1, Corporate Plaza, Section 21, City and County of Midland, Texas (generally located on the south side of Spring Park Drive, approximately 685-feet east of North Big Spring Street). (DEVELOPMENT SERVICES) (First reading April 28, 2020)

ORDINANCE NO. 10074

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,460-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, CORPORATE PLAZA, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF SPRING PARK DRIVE, APPROXIMATELY 685 FEET EAST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS

(\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10074.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10074 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.

12. Consider an ordinance on second reading request by Alexandra Brinker for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, on a 4,472 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (generally located on the southeast corner of the intersection of North Garfield Street and Castleford Road). (DEVELOPMENT SERVICES) (First reading April 28, 2020)

ORDINANCE NO. 10075

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,472-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF NORTH GARFIELD STREET AND CASTLEFORD ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10075.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10075 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.

13. Consider an ordinance on second reading on a request by Jorge Chavez for a zone change from MF-22, Multiple-Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 14, Block 1, Eastover Addition, City and County of Midland, Texas (generally located on the east side of North Adams Street, approximately 80-feet south of East Illinois Avenue). (DEVELOPMENT SERVICES) (First reading April 28, 2020)

ORDINANCE NO. 10076

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF

MIDLAND TO REZONE LOT 14, BLOCK 1, EASTOVER 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 EAST SIDE OF NORTH ADAMS STREET, APPROXIMATELY 80 FEET SOUTH OF EAST ILLINOIS 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. 10076.

Council Member Blong moved to approve the second and final reading of Ordinance No. 10076 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.

14. Consider an ordinance on second reading on a request by Midland Platinum II, LLC., for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a bar, on Lot 2A, Block 3, Westridge Park Addition, Section 10, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 300-feet south of Andrews Highway.) (DEVELOPMENT SERVICES) (First reading April 28, 2020)

ORDINANCE NO. 10078

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 2A, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TRADEWINDS BOULEVARD, APPROXIMATELY 300 FEET SOUTH OF ANDREWS HIGHWAY), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10078.

Council Member Ladd moved to approve the second and final reading of Ordinance No. 10078 in accordance with the Charter of the City of Midland; 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.

15. Consider an ordinance on a second reading on a request by Elvira Garcia for a zone change from RR, Regional Retail District, to SF-3, Single-Family Dwelling District, on

Lots 13 and 14, Block 145, Southern Addition, City and County of Midland, Texas. (Generally located on the east side of South Baird Street, approximately 110-feet north of East Pennsylvania Avenue.) (DEVELOPMENT SERVICES) (First reading April 28, 2020)

ORDINANCE NO. 10079

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 13 AND 14, BLOCK 145, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH BAIRD STREET, APPROXIMATELY 110 FEET NORTH OF EAST PENNSYLVANIA 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. 10079.

Council Member Norman moved to approve the second and final reading of Ordinance No. 10079 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.

16. Consider an ordinance on a second reading on a request by Maverick Engineering for a zone change from PD, Planned District for a Housing Development to an amended PD, Planned Development District for a Housing Development on Lots 19 through 31, Block 5; Lots 1 through 16, Block 8; Lots 1 through 9, Block 9; and Lots 1 through 4, Block 10; all out of Quail Ridge Addition, Section 6, Lots 10 through 20, Block 9; Lots 5 through 18, Block 10; and Lots 1 through 14, Block 11; all out of Quail Ridge Addition, Section 7; a 7.432-acre portion of Lot 1, Block 1, Quail Ridge Addition; and a previously vacated 0.004 acre portion of Beachwood Street right-of-way, Quail Ridge Addition, Section 2; City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of Chukar Lane and Beachwood Street. Council District 2) (DEVELOPMENT SERVICES) (First reading April 28, 2020)

ORDINANCE NO. 10080

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 19 THROUGH 31, BLOCK 5, LOTS 1 THROUGH 16, BLOCK 8, LOTS 1 THROUGH 9, BLOCK 9, AND LOTS 1 THROUGH 4, BLOCK 10, QUAIL RIDGE ADDITION, SECTION 6, LOTS 10 THROUGH 20, BLOCK 9, LOTS 5 THROUGH 18, BLOCK 10, AND LOTS 1 THROUGH 14, BLOCK 11, QUAIL RIDGE ADDITION, SECTION 7, A 7.432-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, QUAIL RIDGE ADDITION, AND A 0.004-ACRE TRACT OF LAND OUT OF QUAIL RIDGE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHUKAR LANE AND BEACHWOOD 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. 10080.

Council Member Blong moved to approve the second and final reading of Ordinance No. 10080 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 establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (First reading April 28, 2020)

ORDINANCE NO. 10081

AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10081.

Council Member Blong moved to approve the second and final reading of Ordinance No. 10081 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

18. Hold a public hearing and consider an ordinance on a request by Patrick Brown, for a zone change from AE, Agricultural Estate District, to PD, Planned Development District for a Housing Development on Lots 2 and 3, Block 1, Jaden Kate Addition, City and County of Midland, Texas. (Generally located on northwest corner of the intersection of North Elkins Road and Arapahoe Road.) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10082

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 2 AND 3, BLOCK 1, JADEN KATE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE

INTERSECTION OF NORTH ELKINS ROAD AND ARAPAHOE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10082.

Mayor Payton oph 10:20 a.m.

Patrick Brown , 212 Bayberry Parkway representing staffing? ministry is already functioning recov res on Robin Lane and across from courthouse. Ladd working petting zoo. Patrick 2 elpaca, couple geese and goat. Dufford great ministry.

Council Member Ladd moved approval of the first of two readings of Ordinance No. 10082 in accordance with the Charter of the City of Midland; seconded by Council Member Blong.

cph 10:21 a.m.

Trost confused. Payton to build rehab place. Trost keep changing the agricultural parameters as we go along keep chomping away do we have much of those districts yet. Chuck there is considerable amount on outskirts of town anticipate will develop and have other zoning. ag been way of past.

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

19. Hold a public hearing and consider an ordinance on a request by Maverick Engineering for a zone change from a PD, Planned District for an Office Center to PD, Planned Development District for a Housing Development on Lot 2A, Block 1, Corporate Plaza, Section 20, City and County of Midland, Texas. (Generally located on the north side of Corporate Drive, approximately 550-feet east of North Big Spring. Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10083

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2A, BLOCK 1, CORPORATE PLAZA, SECTION 20, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTH SIDE OF CORPORATE DRIVE, APPROXIMATELY 550 FEET EAST OF NORTH BIG SPRING 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. 10083.

Mayor Payton oph 10:23 a.m.

Andrew Mellen Maverick Engineering this is a senior family housing residencee

discussed a couple of times with staff agree on parking situation and operations of this facility. Want to discuss if any concerns about not meeting those particular code parameters for parking as 62 and older living there. Hoping Colby can get on line to discuss operations version all been laid out city standards.

There being no one else wishing to speak, the public hearing was closed at 10:25 a.m.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10083 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. Hold a public hearing and consider an ordinance on a request by Jose Ramos for a Zone Change from MF-22, Multiple-Family Dwelling District, to SF-3, Single Family Dwelling District, on Lot 12, Block 30, Moody Addition, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of S. Carver Street and E. Wall Street. Council District 2) (DEVELOPMENT SERVICES)

ORDINANCE NO. 10084

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 30, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH CARVER STREET AND EAST WALL 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. 10084.

Mayor Payton opened the public hearing at 10:26 a.m.

Beverly Harrington 478 East Golf Course property ?? belonged to grandparents two vacant lots passed in 70s no will, her and brother taking care of property not sure what procedure is to keep it or stop what is going on. It was a homestead. Not sure what to do on this. Dufford are you saying you own this property. Chuck Harrington have to check filed the owners we checked as applicant. Beverly owns 101 and 103 S Carver. Chuck at this point have to recommend to defer to review ownership.

There being no one else wishing to speak, the public hearing was closed at 10:28 a.m.

Council Member Dufford moved to defer; 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

21. Approved a resolution authorizing the City Manager to execute an Untreated Groundwater Supply Contract with Fort Stockton Holdings. (UTILITIES)

RESOLUTION NO. 2020 - 086

RESOLUTION AUTHORIZING THE EXECUTION OF AN UNTREATED GROUNDWATER SUPPLY CONTRACT BETWEEN THE CITY OF MIDLAND AND FORT STOCKTON HOLDINGS, L.P.

Courtney Sharp back when drought first stated the 3 cities came together to figure out what resources could combine to address drought. Quickly determined that have to depend on ourselves to fight drought. Issue was what's in store for next 50-100 years. We hired Scott Hibbs and his company to help throw out a net go help us find water resources in next year searched every spot that has water that is somewhat close to 3 cities and come up with water source that is renewable and again this is combination of 10 years worth of work for water source for kids and grandkids to depend on.

Scott Hibbs courtney did great recap of partnership. before today is culmination of effort long term water supply as generational water supply that positions 3 cities to be well covered in the event of future droughts. There may be one worse than one just came out of. been worked on with cm and ca. happy to answer any questions. very critical and very important contract. Robnett nice conversation last night regarding the contract and how it plays into water agreement today and how it plays out please recap with what I talked about and how comfortable with agreement to capitalize on water resource. Scott Hibbs several protections within contract considering that provide City and other two cities protection that this is truly long term water contract. looking at permits with ft stockton and middle pecos water conservation. Have to have production permit, transportation permit (water leave county and be used by cities). The state water code until ch 36 provides provisions that these two permits need for permit to proceed those permits are subject to automatic renewals. Unless there is a change that holder of permit trying to make the code required auto renew. Production renews 3-5 years and transportation agmts about 30 year. Feel comfortable working through legal that this is viable contract for 90 plus years. Ladd could interested 3rd party challenge renewal? Scott understanding if permit is being renewed and permit hold in terms of permit it cannot be challenged. He is comfortable with all conversations of legal staff and ft stockton holdings that in good shape. first renewal that has to happen is ongoing now, it is up for renewal and ft stockton has requirement to pay renewal there are provisions that if it is not renewed the contract will become null and void. Ladd not concern with this renewal but with 30 years when pipeline in ft stockton. Take comfort is energy partnership has developed from get go. has significant political support in austin and water regulatory support groundwater law in texas is somewhat of wild card but anticipate if made investment in permits and infrastructure that ability for someone to undo are virtually non existence. Robnett talked about that last night going to have have bond holders comfortable. Something is reasonable acceptable risk to secure. Courtney might say in code there are two things one is if 30 years from now infrastructure in place if contract is not renewed the district has to pay economic damages for it. second existing pumping historical pumping data we are more than comfortable with this. Along how many other entities are participating with ft stockton holdings to get water. Scott Hibbs partnership is only entity ft stockton holdings is working with. Contract is for total amount they have available to export from county. Along is that clear and no challenges can they sell the excess elsewhere. Ladd more a

short term provision until can get pipeline out there. Courtney talka bout addiitonal water resources. Scott Hibbs 28,400 acre feet under consideration there are no other municipapl customers that can use that water. In short term in contract allow ftt stockton to use for industrial purposes and it is readily available that could be supplied by Ft. stockton but city gets cost of that water. Ft stockton holdings also haave permits for another 19,000 aacre feet used by ft stocktoon for irrigation that water is not permitted for municipal use outside of the county.

Council Member Robnett moved to adopt Resolution No. 2020 - 086; seconded by Council Member Ladd.

Trost we start paying within 60 days of contract paying for approx 2 2.5 per year jsut to hold water. Scott it is a tke or pay contract. Carl we took into consideratio price of contract and rates. Robert Patrick goes up to 55 cents at time we will take the water one way to look at paying half price for hold on water until we need it. Trost with State water district they have moeny to laon have we examined that. Caarl when we go to build will examine. Courtney because of our bond ratings our int rate is significantly cheaper but will examine at the time that we need to get a loan or issue debt and see what is best option for customers. Trost right now 3-6 months our rates will be extremely low wouldn't it be prudent to examine even if doing infrastructure debt to it now rather than waitiing how many years. Courtney we constantly have an eye out on that at this point in time all 3 cities arre good on our water. it might be 3,4,10 years one ccity needs to pull trigger, constantly looking at interest rates. pull trigger if one city doesnt have neough water to supply. Payton if and when approve 21 the clock will start ticking on us and be in consideraation. Payton ddon't want to wait for drought need to have tthe gun loaded then alreedy starting lcock and want to make sure water is available.

Robnett goes a long ways towards securing long term water future irrows 60s with magruder and perry worked to this point bigg win for city and others.

payton ecomic future depnds on this.

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 authorizing the City Manager to enter into an Interlocal Agreement between City of Midland, City of San Angelo and City of Abilene for the supply of Untreated Groundwater. (UTILITIES)

RESOLUTION NO. 2020 - 087

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND, THE CITY OF ABILENE, AND THE CITY OF SAN ANGELO

Council Member Robnett moved to adopt Resolution No. 2020 - 087; seconded by Council Member Trost.

John O interlocal straigh forward partial assignemnt of water rates just secured provides 3 parties will split infrastructure cost to deve based on amunt of water allocated to that part. Trost based on what talked about contract to move forward as quickly as possible, other two cities on board if move ahead. John o if agree obligated to pay their

portion. John O question taken up down the road local govt corp potentially created by parties to address issues of what point move forward with infrastructure. San Angelo mtg 11 abilene 11 15 but getting good indications good to go. If issue will let you know. John O no sign unless and until signed by other parties. Robnett but what about ground water supply contract. John O won't get signed right after meeting can bring it back. contingent on signature. Courtney a lot of moving parts. Payton if other two municipalities decide not okay can revisit. Dufford can go alone if have to. Along the benchmarks where contracts renew unclear how that works if move forward and in 30 years don't want to be in partnership anything to renegotiate or committing our grandchildren to relationship. John O can be another issue taken up that corporation will manage this. John O right now no water contract with term and interlocal that makes assignment and working out details as go down road. Along understanding this particular only addressing paying for infrastructure and allocation of percentages. Ladd can we afford to go at this alone without help of other two? Norman is there a downside to doing it alone. Robnett for 10 years all working to put this together bigger downside strength in numbers if Texas water game more customers that are beneficiaries harder for judge to change. because of that chance long term of working out details. Ladd San Angelo and Abilene have access to have access to more water sources than we ever could. my concern missing out on real opportunity wish had all that water. understand strength in numbers but Midland is strong on its own. concern water might be precious and might have to share. Courtney this water is way more than we need and so strength in numbers each paying 1/3. We need our partners to help us out on that infrastructure cost. Hear what saying but plenty of water for all 3 cities. It's one of those that again been in for past 10 years looking for solution for all 3 cities and best solution come up with. Trost we were approached by Ft. Stockton and issues with permits so couldn't work with district with water at time and that is when entered into agreement so this is not first time Council has seen this Ft Stockton holdings wanting to work a deal. If we do go on own can we sell portions to other municipalities why should we not want to do that. Robnett don't want to commit to exposure without ensure. Dufford gives tremendous amount of leverage for next 100 years and need to move forward. Trost saying do this with partnerships. Dufford leverage with CRMWD renegotiate in 8-9 years good for us to control this water with the partnership.

Ladd probably the most important vote have on Council creating a corporation. The three cities together will create a new corporation.

Along what portion of conversations take place are we as Council assigning over to CM and CA. CA those decisions come back to Council.

Robnett anything in there not happy with pretty strong positions we can do without them but they can't do without us. John O the form very happy with. what Midland wanted in is in.

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

Ladd if go in with partnership do not need the extra water. Courtney based on consultants have told him, yes more than need.

23. Approved a motion authorizing the City Manager to develop and implement temporary hotel occupancy tax collection payment rules and regulations so as to permit hotels (as

defined in the Midland City Code) to make such collection payments to the City of Midland in an untimely manner without incurring penalties or interest. (CITY MANAGER'S OFFICE)

Trost when give directions to City Manager only applies to those who are currently current on HOT if in arrears that would be suggestion then dont qualify to get payments structured for hotel occupancy tax. Only for those who are current and remain current since in difficult time this is for all hotels and motels in city hotel occupancy is below 10%. Everyother business having trouble making ends meet merely opportunity to pay out over period of time without penalty and interest to accrue. caveats already in arreras more than one quarter then not eligible to participate and must at least put down 25% of your HOT taxes in current quarter that is due. those are caveats not across board because have one have to be proven over period of time that ogod corp citizen.

Shafek Dijaoni 4113 Bradcliff Court, appreciate time?? asked couple council emmbers to look into that our business has gone from about 800,000 - 900,000 to less than 90,000. cash flow dried up just paing staff. asked our tax if for one quarter is over 150,000 normally have through cash flows and happened end of march and april died don't have money but always paid taxes on time and largest tax payer occupancy wise in city don't want to get penalized asked Council to see if City would be kind enough not to penalize 15% penalty so don't get into penalties. Made some payments not everything we need to pay not asking for forgiveness just think during difficult time partner with us knowing good stewards before and will be going forward once corona 19 not hampering us. Robnett problem iss because first quarter revenues due are paid by second quarter revenues. Shafek normally have reserves but our nut every month to break even is almost 600,000 when go down tto 90,000 thaat is our electric and water. Dufford penalties are normally 15% for being one day late. Ladd this will help keep people employed. Shafek wont have to worry about. Payton do you count hot tax towards revenue? Shafek no. Courtney Sharp the HOT tax is collected by hotels charged by TX and City and limited on what can use it for. It's not supposed to be uused for hotels to supplement their own cost/ Very sympathetic strange times all due respect it is a tx that they collect they shoulnd't be using for their own purpose it is just a passthrough. shouldbent used o & M purpose. should just be passed through to city and staate. Robnett do we collect states portion. no. Trost not asking for forgiveness just asking to pay out over period of time and waive penalties and interest. Courtney agree but there shoulnd't be any ned to wait. John O what courtney is saying tax is imposed on guest not on hotel hotel collects and passes through to City. Shafek reality of life HOT goes into account which is same as revenue we've always paid but this time where business like light switch that went off. Do I pay my workers or is there something there. They are in survival mode never done that used money for other things. When you have to pay workers not liek City where you ahve reserves it is a business based on cash flows . jsut asking to not be penalized. Payton essentially a deferred loan, don't see liquor taxes being negated for liquor tax, Shafek state has deferred if put down 25% and allow until July to pay taxes. Robnett question from any other hotelyers? Dont want tto create a bigger issue that other local hotels will then. Shafek not just for him some able to pay some were not. going forward now tax bill will be easy to take out of cash flow but 150,000 for one tax. Dufford paid quarterly so first quarter this year was good. Is this something that's happened across state? Robert Patrick to his knowledge the state has not. Courtney that is correect State has deferred any penalties and given extra time to pay it just boilss down to philisophical, its a tax that

is collected from customers and shouldn't be used for 07m, Payton repeating the state is doing something we've already learned can dictate concerned locally doing something. Dufford when it says incurring penalties who gets the penalties and interest. John O only talking about city's portion. State is waiving penalty on their portion. Blong what is due date? April 30th. Blong can we defer and get a fuller picture with state before making decision. what is two more weeks. Dufford deferring our portion state has already deferred their portion. Norman Courtney said that is true.

Council Member Blong moved to defer to next meeting; seconded by Council Member Robnett.

Morris Williams state until July 15. Ladd are we going to to penalty. If do in two weeks could make it retroactive if necessary (Payton).

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

Payton not been dropped we will pick it up again in two weeks. Shafek add a lot more burden. Payton there is a burden on every single business.

24. Consider ordinance appointing a new City of Midland Municipal Court Associate Judge effective May 26, 2020; and authorizing the Mayor to execute an employment agreement with the new Associate Judge. (CITY MANAGER'S OFFICE)

ORDINANCE NO. 10085

AN ORDINANCE APPOINTING A NEW CITY OF MIDLAND MUNICIPAL COURT ASSOCIATE JUDGE EFFECTIVE MAY 26, 2020; AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH THE NEW ASSOCIATE JUDGE

reconv 12/23

Council Member Trost moved approval of the first of two readings of Ordinance No. 10085 in accordance with the Charter of the City of Midland appointing William Frost; 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.

25. Consider a resolution authorizing the conveyance of certain City-owned real property described as an 11.72-acre tract located in Section Thirteen (13), Block Thirty-nine (39), Township 1 South, T&P RR Co. Survey, City and County of Midland, Texas; 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. (PURCHASING)

RESOLUTION NO. 2020 - 088

RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN CITY-OWNED REAL PROPERTY DESCRIBED AS AN 11.72-ACRE TRACT LOCATED IN SECTION THIRTEEN (13), BLOCK THIRTY-NINE (39), TOWNSHIP 1 SOUTH, T&P RR CO.

SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS; 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

Council Member Robnett moved to adopt Resolution No. 2020 - 088 with amendment retaining 2.5 acres of Loop 250 frontage; seconded by Council Member Norman.

awarding to Solr

Blong have to abstain? John O can for appearance sake.

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

adj 12:29 p.m.

EXECUTIVE SESSION

recess to go to exec session at 11:19 a.m.

26. 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, T1-S, T&P RR Co. Survey, City and County of Midland, Texas.

b. Section 551.074, Personnel Matters

- b.1. Deliberate the appointment and duties of the Municipal Court Associate 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

