

**MIDLAND CITY COUNCIL
MINUTES
June 9, 2020**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 09, 2020.

Council Members present: Scott Dufford, Spencer Robnett, Michael Trost, Jack Ladd, Patrick Payton, John Norman

Council Members absent: Lori Blong

Staff members present: City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris Williams

The meeting was called to order at 10:00 a.m.

OPENING ITEMS

1. Invocation – Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

Council Member Norman and Mayor Payton read and presented a proclamation celebrating Juneteenth.

CONSENT AGENDA

Shirley Howard, 405 Magnolia, reported the chairs and tables were removed from the swim parks and expressed concern for the disabled and elderly who will be there to watch their children swim.

She did add that people can bring in their own chairs. She asked for the tables and chairs to be returned. She is aware of staffing issues, and wondered why the swim parks are even going to open if there is not enough staff to run them. She suggested that there be sanitizer available for people to clean their own tables and chairs. Finally, she asked that all people leaving boards or commissions be given a plaque of recognition like she received when she went off a board.

Michael Trost moved to approve Consent Agenda items 3-10 excluding items 4 and 6; seconded by Spencer Robnett.

The motion by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd

NAY: None
ABSTAIN: None
ABSENT: Blong

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - a. REGULAR CITY COUNCIL MEETING OF MAY 26, 2020
5. 2020-100 – RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN A 0.503-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, LLANO COUNTRY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS TO ONCOR ELECTRIC DELIVERY COMPANY LLC (GENERAL SERVICES)
7. 059-2020 – MOTION ON REQUEST BY MAVERICK ENGINEERING TO DEFER PUBLIC WASTEWATER, PAVING, AND SIDEWALK IMPROVEMENTS FOR COUNTRY SKY ADDITION, SECTION 26 AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT \$134,596.00, AN AMOUNT EQUAL TO THE ESTIMATED COST TO CONSTRUCT THE PUBLIC INFRASTRUCTURE (ENGINEERING SERVICES)
8. 060-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND MID-STATES OPERATING COMPANY, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 5, 9 AND 10, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)
9. 061-2020 – MOTION AUTHORIZING THE EXECUTION OF SURFACE USE AGREEMENT WITH CROWNQUEST OPERATING, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS, 2, 4, 9, 11, 14, 16, AND 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS AND SECTIONS 19 AND 30, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)
10. 062-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CROWNQUEST OPERATING LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 2, 10, 13, 14, 20 AND 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

The following items were pulled from Consent Agenda and considered individually.

4. 2020-099 – RESOLUTION APPROVING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A VIDEO BOARD AT GRANDE STADIUM WITH DAKTRONICS, INC., THROUGH BUYBOARD, AT A TOTAL COST OF \$277,243.00; AND APPROVING \$27,757.00 FOR CONTINGENCIES;(GENERAL SERVICES)

Council Member Trost asked when was the board purchased. Parks & Recreation Manager Laurie Williams reported the old sign was not that old, but was damaged during the hail storm of 2019. All but \$52,000 of this purchase is being covered by insurance money.

Jack Ladd moved to approve Resolution No. 2020-099; seconded by John Norman.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd

NAY: None

ABSTAIN: None

ABSENT: Blong

6. 2020-101 – RESOLUTION SUPPORTING THE TOP-TIER PRIORITIZATION OF CERTAIN TEXAS DEPARTMENT OF TRANSPORTATION PROJECTS; AND SUPPORTING THE EXPANSION OF THE TEXAS DEPARTMENT OF TRANSPORTATION PORTS-TO-PLAINS STUDY (ENGINEERING SERVICES)

Council Member Trost asked if there is a cost associated with supporting this item. Engineering Services Director Jose Ortiz reported that James Beauchamp asked us to present this item at a public meeting noting Odessa approved a similar item at their last meeting. Mayor Payton added that he hopes this makes it to the Governor's desk with our preference so he knows we are serious about taking care of these issues.

Spencer Robnett moved to approve Resolution No. 2020-101; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Dufford, Norman, Ladd

NAY: Trost

ABSTAIN: None

ABSENT: Blong

SECOND READINGS

11. 10086 – 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 (DEVELOPMENT SERVICES) (First reading held May 26, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10086.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10086; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd

NAY: None
ABSTAIN: None
ABSENT: Blong

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

12. 063-2020 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO COG OPERATING LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MASK HZ UNIT NO.1007JH; MASK HZ UNIT NO. 1007SH; MASK HZ UNIT NO. 1008MH; AND MASK HZ UNIT NO. 1009JH; SAID WELLS BEING GENERALLY LOCATED BETWEEN 2,260 FEET AND 2,380 FEET EAST OF NORTH GARFIELD STREET EXTENSION AND 243 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

13. 064-2020 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PARSLEY ENERGY OPERATIONS, LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: HOGAN 1-24-E-2609H AND HOGAN 1-24-G-2613VH; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1900 FEET AND 1870 FEET NORTH OF EAST LOOP 250 NORTH AND 1,381 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:17 a.m.

Chris Hamilton of Parsley Energy noted he was available to answer questions.

There being no one else wishing to speak, the public hearing was closed at 10:18 a.m.

14. 10087 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1,BLOCK 1, ROPER ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-1, OFFICE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF BRIARWOOD AVENUE AND NORTH COUNTY ROAD 1250); 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(DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10087.

Mayor Payton opened the public hearing at 10:18 a.m.

Tyler West, 7401 Briarwood, reported they bought this property a year and a half ago and it has a long history of serving churches and non-profits. Their intent is to continue that legacy by serving foster children. This is to true-up the zoning so they can continue to serve Midland. Mayor Payton asked Mr. West to elaborate on the foster care system and child welfare asking if he had any words of caution. Mr. West noted that the system is in crisis.

Abuse continues to happen even in quarantine, it's just happening behind closed doors. The child welfare world is expecting quite an issue when school resumes as teachers are the number one reporters of abuse.

There being no one else wishing to speak, the public hearing closed at 10:21 a.m.

Spencer Robnett moved to approve the first of two readings of Ordinance No. 10087; seconded by Jack Ladd.

The motion by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd

NAY: None

ABSTAIN: None

ABSENT: Blong

15. 065-2020 – RECEIVE PUBLIC COMMENTS, GUIDANCE AND RECOMMENDATIONS REGARDING THE 2020-2021 CDBG GRANT APPLICATION SUBMISSION AND THE FIVE YEAR CONSOLIDATED PLAN GOALS (DEVELOPMENT SERVICES)

CDBG Manager Isaac Garnett reported this is the second public hearing. He reported they have moved \$97,000.00 to the Home Buyers Assistance Program based on comments received at the first public hearing. All other programs remain and the numbers were reviewed.

Council Member Robnett asked if the street paving project could be handled through General Fund or the road bond project. Following discussion, City Manager Courtney Sharp reported they would take a look to see what could be done.

Mayor Payton opened the public hearing at 10:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

16. 066-2020 – RECEIVE PUBLIC COMMENTS, GUIDANCE AND RECOMMENDATIONS REGARDING THE 2020-2024 ANALYSIS OF IMPEDIMENTS TO FURTHERING FAIR HOUSING CHOICE (DEVELOPMENT SERVICES)

CDBG Manager Isaac Garnett reported this is a tool that complements the previous item and gives a picture of the affordable housing situation. It shows the issues we are facing and where improvements are needed and shares successes.

Mayor Payton opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

MISCELLANEOUS

17. 10088 – AN ORDINANCE AMENDING TITLE III, “DEPARTMENTS”, CHAPTER 1, “WATER DEPARTMENT”, SECTION 2, “RATES”, OF THE CITY CODE OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (UTILITIES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10088.

Council Member Trost asked if this item was opening up the taps for water four days a week. Utilities Director Carl Craig reported after the highest tier is lowered they will begin to advertise the increased watering days. It will go into effect June 29, 2020.

Michael Trost moved to approve the first of two readings of Ordinance No. 10088.; seconded by Jack Ladd.

The motion by the following vote:

AYE: Payton, Robnett, Trost, Dufford, Norman, Ladd

NAY: None

ABSTAIN: None

ABSENT: Blong

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 10:31 a.m.

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

All the business at hand having been completed, the meeting adjourned at 11:25 a.m.

PASSED AND APPROVED June 23, 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary