

**MIDLAND CITY COUNCIL
MINUTES
June 23, 2020**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 AM, June 23, 2020.

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

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

The meeting was called to order at 10:05 a.m.

OPENING ITEMS

1. Invocation – Pastor Nathan Headrick, Midland Church of God
2. Pledge of Allegiance

CONSENT AGENDA

Spencer Robnett moved to approve the Consent Agenda items 3-14, excluding items 5, 6, 7, 12, 13, and 14; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - a. REGULAR CITY COUNCIL MEETING OF JUNE 9, 2020

4. RESOLUTION APPROVING A CONTRACT WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE REPLACEMENT OF THE CENTRAL FIRE STATION ROOF, THROUGH SOURCEWELL EZIQC, AT A TOTAL COST OF \$313,780.51; AND APPROVING \$15,689.03 FOR CONTINGENCIES (GENERAL SERVICES)
8. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MAXWELL ASPHALT, INC., IN THE AMOUNT OF \$440,175.00 FOR THE MAF NORTHWEST TAXILANE AND EXECUTIVE APRON REHAB PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (AIRPORT)
9. MOTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THAT CERTAIN COMMERCIAL HANGAR LEASE AGREEMENT WITH THE MIDLAND DEVELOPMENT CORPORATION REGARDING CERTAIN REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND DESCRIBED AS LOTS 1B AND 8, BLOCK 13, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS (CITY MANAGER'S OFFICE)
10. MOTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN LEASE AGREEMENT WITH THE MIDLAND DEVELOPMENT CORPORATION REGARDING CERTAIN REAL PROPERTY LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT AND DESCRIBED AS LOT 7, BLOCK 13, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS (CITY MANAGER'S OFFICE)
11. MOTION APPROVING A PROPOSED PRELIMINARY PLAT OF WEST TERMINAL ADDITION, SECTION 10, BEING A REPLAT OF LOTS 9 AND 11, BLOCK 5, WEST TERMINAL ADDITION, SECTION 4, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST COUNTY ROAD 100, APPROXIMATELY 605 FEET EAST OF SOUTH COUNTY ROAD 1295 (DEVELOPMENT SERVICES)

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

5. RESOLUTION AUTHORIZING THE PURCHASE OF ONE THOUSAND (1,000) THREE (3) CUBIC YARD RESIDENTIAL CONTAINERS, THREE HUNDRED (300) THREE AND A HALF (3.5) CUBIC YARD COMMERCIAL CONTAINERS, ONE HUNDRED (100) ONE AND A HALF (1.5) CUBIC YARD CONTAINERS FOR RESIDENTIAL AND THREE (3) THIRTY-FIVE (35) CUBIC YARD COMMERCIAL REFUSE COMPACTORS FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$670,700.00 (GENERAL SERVICES)

Council Member Ladd noted he pulled items 5, 6, and 7. He asked if the budget is in a deficit. City Manager Courtney Sharp reported it is not in a deficit. This is an enterprise fund that is self-supporting. This is an annual purchase.

Michael Trost moved to approve Resolution No. 2020-103; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: None

6. RESOLUTION APPROVING A CONTRACT WITH PALOMAR MODULAR BUILDINGS LLC, THROUGH BUYBOARD, FOR THE CONSTRUCTION OF A MULTIPURPOSE BUILDING AT WASHINGTON PARK, FOR A TOTAL COST OF \$261,612.00; APPROVING \$13,080.00 FOR CONTINGENCIES; AND APPROPRIATING \$400,000.00 FOR SAID PROJECT (GENERAL SERVICES)

Council Member Ladd asked why this needed to be done right now instead of next year. General Services Director Regina Stephenson reported the building needs renovation. It is leased out and is not very usable in its current condition. There were funds set aside to do the wellness center at the fire station, but they have put that aside to do this project. Council Member Ladd asked if we are receiving less sales tax than projected. City Manager Courtney Sharp stated we are \$2 to \$3 million down from what was budgeted, but that could be made up through other means.

Spencer Robnett moved to approve Resolution No. 2020-104; seconded by John Norman.

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

7. RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOLER EQUIPMENT SERVICE, INC., IN THE AMOUNT OF \$872,310.00 FOR THE MAF CONCRETE APRON REHAB PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT (AIRPORT)

Council Member Ladd asked if 90% of this project was covered by FAA. Airports Director Justine Ruff reported it was covered 100% by FAA. The project is to replace the joint sealant that is coming up between the concrete blocks on the apron where the airplanes pass.

Spencer Robnett moved to approve Resolution No. 2020-105; seconded by John Norman.

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

12. MOTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND COSTCO WHOLESALE CORPORATION ("COSTCO"); SAID AMENDMENT CHANGING COSTCO'S DEADLINE TO ACQUIRE CERTAIN PROPERTY FROM JUNE 30, 2020, TO OCTOBER 30, 2020 (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington reported the applicant asked this item be pulled late yesterday afternoon.

13. RESOLUTION ACCEPTING GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE ON BEHALF OF THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING GRANT PROGRAM IN THE AMOUNT OF \$93,553.00 AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS REQUIRED TO ACCEPT GRANT FUNDS; SAID FUNDS TO BE USED BY THE MIDLAND FIRE DEPARTMENT TO PURCHASE PORTABLE AND MOBILE RADIOS AND PROTECTIVE EQUIPMENT (FIRE)

Council Member Trost asked if these funds are targeted for the fire department. Fire Chief Chuck Blumenauer reported they worked with Harris to get this grant and it was applied specifically for the Fire Department radios and personal protective equipment.

David Rosen, 5002 Thames Court, is glad to hear that the fire department has solicited these funds specially for PPE and other equipment. He asked Council to look into getting other grants that may help the Health Department get free COVID testing for the citizens.

Cathy Broadrick, 5914 Ashton, felt radios should not be covered by COVID funds but instead should be covered by the City. She felt money should instead be spent on personal protective equipment so they can help the people.

Council Member Trost asked the Fire Chief about the grant application. Fire Chief Chuck Blumenauer reported they worked directly with Harris, the company who the City gets their radios from. Harris applied for the grant on behalf of the City putting in the request for what the city requested.

Spencer Robnett moved to approve Resolution No. 2020-107; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

14. RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR THE FISCAL YEAR 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM; SAID FUNDING SHALL BE USED TO PURCHASE EQUIPMENT FOR THE MIDLAND POLICE DEPARTMENT FOR THE PURPOSE OF RESPONDING TO THE CORONAVIRUS PANDEMIC (POLICE)

Council Member Trost asked specifically what the funds will be used for. Police Chief Seth Herman reported it will be for PPE including defoggers for squad cars, face masks, gloves, and infrared thermometers for crowd areas.

Sara Spector reported she hopes the money will be used to protect the police noting that at County facilities people are not properly wearing masks.

Spencer Robnett moved to approve Resolution No. 2020-108; seconded by Michael Trost.

The motion by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

15. 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) (First reading held June 09, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10087.

Lori Blong moved to approve the second and final readings of Ordinance Number 10087; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

16. 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) (First reading held June 9, 2020)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10088.

Utilities Director Carl Craig reported this item will lower the top tier for water rates from \$54 to \$19.65. The ordinance will go into affect the beginning of July. People will be allowed to water four days a week. When asked why watering seven days a week was not allowed,

he responded that if everyone were using the system at once, it would be hard to keep the water tanks full. If the system were designed to allow everyone to water every day, it would be too cost prohibitive.

Jack Ladd moved to approve the second and final reading of Ordinance Number 10088; seconded by Spencer Robnett.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

17. RECEIVE PUBLIC COMMENTS, GUIDANCE AND RECOMMENDATIONS REGARDING THE 2020-2024 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ANALYSIS OF IMPEDIMENTS (AI) TO FAIR HOUSING CHOICE AND TO AFFIRMATIVELY FURTHER FAIR HOUSING STUDY (DEVELOPMENT SERVICES)

CDBG Manager Isaac Garnett reported the study correlates with the consolidated plan. After the public hearing it will be out in the public for 30 days. This is not just for fair housing, but for affordable housing, and how that correlates to the City. Council Member Blong asked what adjustments have been made. Mr. Garnett reported he is continuing to review the data sets and they will come back to Council in July for Council to adopt the resolution approving it.

Mayor Payton opened the public hearing at 10:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

MISCELLANEOUS

18. AN ORDINANCE AMENDING TITLE I, "ADMINISTRATIVE", CHAPTER 7, "MUNICIPAL COURT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING SECTION 20, "REIMBURSEMENT FEE FOR CREDIT OR DEBIT CARD PAYMENTS"; CONTAINING A CUMULATIVE CLAUSE; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE (MUNICIPAL COURT)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10089.

Presiding Judge Tim Meek reported the ordinance is to allow Municipal Court to pass on credit card fees to the defendant paying their fines to the court. It is not mandatory that they pay by credit card, but an option. This will save the court approximately \$42,000.00.

Spencer Robnett moved
to approve the first of two readings of Ordinance No. 10089.

; seconded by Lori Blong.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None
ABSENT: None

All the business at hand having been completed, the meeting adjourned at 00:00 a.m.

PASSED AND APPROVED July 14, 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary