

**MIDLAND CITY COUNCIL
MINUTES
February 11, 2020**

REGULAR SESSION

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 11, 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 B. Love III (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: 1-6, 8-13, 15-16, 18-27, 30, 7, 14, 17, 28, 29

Mayor Payton called the meeting to order at 10:00 a.m.

OPENING ITEMS

1. Invocation - Monsignor Larry Droll, St. Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Interim Finance Director Jennifer Fung presented the Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association for the City's Fiscal Year 2018 Comprehensive Annual Financial Report
 - b. Keith Stretcher, representative of the Eleventh District Court of Appeals, Eastland, Texas, thanked the Council for allowing the Eleventh District Court of Appeals to use the chambers for their hearings. He stated 40 percent of their cases came from the Permian Basin area and allowing them to use the chamber made to very convenient

Mayor Payton presented Council Member Love with gifts.

CONSENT AGENDA

Council Member Love moved to approve Consent Agenda items 4 – 30 excluding 7, 14, 17, 28 and 29; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

4. Approved a motion approving the following minutes:
 - a. Regular City Council meeting of January 28, 2020
5. Approved a resolution approving the sole source purchase of thirty-five (35) mobile radios from Daily and Wells Communications, Inc. for a total cost of \$140,780.50 for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2020 - 033

RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF THIRTY-FIVE L3 HARRIS MOBILE RADIOS FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT FROM DAILEY AND WELLS COMMUNICATIONS, INC., FOR A TOTAL COST OF \$140,780.50

6. Approved a resolution approving the purchase of three (3) fire squad trucks from Metro Fire Apparatus Specialists, Inc. through Houston-Galveston Area Council (HGACBuy) for a cost of \$989,999.00 for the Fire Department for the Garage Division. (PURCHASING)

RESOLUTION NO. 2020 - 034

RESOLUTION APPROVING THE PURCHASE OF THREE (3) FIRE SQUAD TRUCKS FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$989,999.00

8. Approved a resolution extending the termination date in Resolution 2017-037 to August 14, 2020 for Construction Material Testing Services for the Engineering Services Department. (PURCHASING)

RESOLUTION NO. 2020 - 035

RESOLUTION EXTENDING TO AUGUST 14, 2020, THE TERM OF THE AUTHORIZATION GRANTED BY RESOLUTION NO. 2017-037 SO AS TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH BEYOND ENGINEERING AND TESTING, LLC (FORMERLY KNOWN AS RRC POWER & ENERGY, LLC) TO PROVIDE PROFESSIONAL SERVICES TO ASSIST THE CITY WITH CONSTRUCTION MATERIALS TESTING AS NEEDED

9. Approved a motion authorizing the City Manager or the City Manager's designee to advertise a request for qualifications for construction material testing services associated with construction projects citywide and to negotiate professional services agreements with two firms for said services; provided, however, that said agreements shall not become effective until approved by the City Council. (PURCHASING)

10. Approved a resolution approving a professional services agreement with HDR Engineering, Inc. for engineering services for the 2017 Midland Water Pollution Control Plant Rehabilitation Project for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 036

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. TO PROVIDE CONSULTING AND ENGINEERING SERVICES FOR THE 2017 MIDLAND WATER POLLUTION CONTROL PLANT REHABILITATION PROJECT FOR THE UTILITIES DEPARTMENT AT AN AMOUNT NOT TO EXCEED \$276,750.00

11. Approved a resolution awarding a contract for the citywide access control and coordinating camera system to Advanced Connections, Inc. (ACI) for the Communication and Information Systems Department. (PURCHASING)

RESOLUTION NO. 2020 - 037

RESOLUTION AWARDING A CONTRACT FOR THE CITYWIDE ACCESS CONTROL AND COORDINATING CAMERA SYSTEM TO ADVANCED CONNECTIONS INC., FOR A TOTAL COST NOT TO EXCEED \$317,080.00 AND APPROVING \$63,416.00 FOR CONTINGENCIES

12. Approved a resolution awarding a contract for FY2020 Sweeping Project for the Transportation Division. (PURCHASING)

RESOLUTION NO. 2020 - 038

RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2020 STREET SWEEPING PROJECT TO MISTER SWEEPER LP OF DALLAS, TEXAS, AT A TOTAL COST NOT TO EXCEED \$119,600.00; AND AUTHORIZING PAYMENT

13. Approved a resolution approving a professional services agreement with HDR Engineering, Inc. for engineering services for the 2020 Permit Compliance Agreement for the Utilities Department. (PURCHASING)

RESOLUTION NO. 2020 - 039

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE CONSULTING AND ENGINEERING SERVICES FOR THE 2020 PERMITTING ASSISTANCE PROJECT FOR THE UTILITIES DEPARTMENT AT AN AMOUNT NOT TO EXCEED \$64,600.00; AND APPROVING \$15,000.00 FOR CONTINGENCIES

15. Approved a motion to appropriate additional funding to the project named MAF Rehabilitate Northwest Taxilane and Executive Apron in the sum of \$20,000.00 from Airport Operating Fund (500) Unappropriated Fund balance (35650) to the MAF Rehab Northwest Taxilane and Executive Apron Project (700242-505). (AIRPORTS)

16. Approved a motion to appropriate funding to the project named MAF Rehabilitate North, Terminal and South Apron Concrete Pavement in the sum of \$20,000.00 from the Airport Operating Fund (500) Unappropriated Fund Balance (35650) to the MAF Rehab North, Terminal and South Apron Concrete Pavement Project (700241-505). (AIRPORTS)

18. Approved a motion authorizing the execution of a sports agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES)
19. Approved a motion authorizing the execution of a sports agreement with the YMCA of Midland, to administer programs, special events, and services related to various sports activities for youth and adults. (COMMUNITY SERVICES)
20. Approved a motion authorizing the execution of a sports agreement with Midland Softball Association, Inc., to administer programs, special events, and services related to youth softball. (COMMUNITY SERVICES)
21. Approved a motion authorizing the execution of a sports agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES)
22. Approved a motion authorizing the execution of a sports agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES)
23. Approved a motion authorizing the execution of a sports agreement with the Midland Soccer Association, Inc., to administer programs, special events, and services related to soccer activities. (COMMUNITY SERVICES)
24. Approved a motion authorizing the execution of a sports agreement with Midland United Girls Softball Association, Inc., to administer programs, special events, and services related to softball activities. (COMMUNITY SERVICES)
25. Approved a motion authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES)
26. Approved a motion authorizing the execution of a sports agreement with the Midland Junior Baseball Association, Inc., to administer programs, special events, and services related to baseball activities. (COMMUNITY SERVICES)
27. Approved a motion authorizing the execution of a sports agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket activities. (COMMUNITY SERVICES)
30. Approved a motion authorizing and executing a Right-of-Way License between the City of Midland and WPX Energy Permian LLC, said Right-of-Way License is for entering the City of Midland's property for the purpose of installing, operating, repairing, maintaining and removing an overhead electrical power, and to have the right to ingress and egress at convenient points for such purpose; the powerline is located within City of Midland's T-Bar Ranch property, Section 25, Block C-23, Abstract 1395, Section 2, Block C-24, Abstract 1396, Public School Lands Survey Winkler County, Section 12, Block C-24, Abstract 1028, Loving County, Texas. (UTILITIES)

The following items were pulled from Consent and considered individually:

7. Consider a resolution approving a Change Order One (1) to the Spraberry Farm Labor Contracting Services contract for the Utilities Department. (PURCHASING) (Deferred from January 28, 2020.)

RESOLUTION NO. 2020 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER TO THE CONTRACT WITH KEVIN COOK DBA KEVIN COOK FARMS, OF STANTON, TEXAS, REGARDING THE SPRABERRY FARM LABOR CONTRACTING SERVICES; SAID CHANGE ORDER TO PROVIDE FOR ADDITIONAL WORK BASED ON THE UNIT PRICES IN THE CONTRACT; AND AUTHORIZING PAYMENT THEREFOR IN AN AMOUNT NOT TO EXCEED \$275,000.00

Council Member Blong thanked Utilities Director Carl Craigo for giving her a bigger picture of Spraberry Farm and stated that it was within the contingency. Council Member Trost noted that even with it being within the contingency it was well below the amount.

Council Member Love moved to approve Resolution No. 2020 – 026; seconded by Council Member Trost. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

14. Consider a motion authorizing the execution of Amendment #13 to Parkhill, Smith & Cooper's Professional Services Agreement, and appropriate necessary funds. (AIRPORTS)

Mayor Payton thanked Airport Director Justine Ruff for snow removal at the airport. Council Member Robnett asked if there was a general master plan for the airport and if not, could there be one? Airport Director Justine Ruff stated they did have an airport master plan that they update regularly, and they were about to update it. She stated the things they were doing were in that plan. Council member Robnett stated a lot was going on and he just wanted to make sure she had the resources she needed. Ms. Ruff stated the plan was updated last in 2010 or 2012. Council Member Ladd asked about the car rental agreements. Ms. Ruff stated they were looking at it within the amendment and that profits have increased in the last few years. She stated they were looking for them to partner with us for something bigger and better in the future.

Council Member Robnett moved to authorize the execution of Amendment #13 to Parkhill, Smith & Cooper's Professional Services Agreement, and to appropriate necessary funds; seconded by Council Member Love. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider a resolution reappointing David Byrd to the Midland Downtown Park Conservancy Board of Directors. (COMMUNITY SERVICES)

RESOLUTION NO. 2020 - 040

RESOLUTION REAPPOINTING DAVID BYRD TO THE MIDLAND DOWNTOWN PARK CONSERVANCY BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND DOWNTOWN PARK CONSERVANCY

Council Member Trost asked for more information. Council Member Love stated Mr. Byrd was the former superintendent of Hogan Golf Course.

Council Member Love moved to approve a Resolution No. 2020-040; seconded by Council Member Blong; The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

28. Consider a resolution authorizing the Mayor and City Manager to execute The United States Department of Housing and Urban Development contract for loan guarantee assistance under Section 108 of the Housing and Community Act of 1974. (DEVELOPMENT SERVICES)

RESOLUTION NO. 2020 - 041

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION AND AMENDMENTS THERETO AND ALL UNDERSTANDINGS AND ASSURANCES CONTAINED THEREIN TO THE SECTION 108 LOAN GUARANTEE PROGRAM FOR THE FUNDING OF THE PARKS AVENUE HEIGHTS II REGION PROJECT IN THE AMOUNT OF \$3,000,000.00 UNDER SECTION 108 OF THE HOUSING AND COMMUNITY ACT OF 1974; AUTHORIZING TO ACT IN CONNECTION WITH THE APPLICATION TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY BE REQUIRED; AND AUTHORIZING THE EXECUTION OF SUCH DOCUMENTS AS MAY BE REQUIRED IN ORDER TO IMPLEMENT THE APPLICATION AND ISSUE DEBT OBLIGATIONS PURSUANT THERETO, PROVIDED THAT THE AUTHORIZATION REQUIRED MAY BE GIVEN AFTER THE APPLICATION, BUT PRIOR TO THE EXECUTION REQUIRED BY 24 CFR § 570.705(b)

Council Member Robnett stated this would be something unique with CDBG and asked for an explanation as to why this made sense to do it now rather than later. Development Services Director Chuck Harrington stated United States Department of Housing and Urban Development did a presentation about infield lots and this was one of them. The problem was that it would have to be expanded over years. Staff did some research on cost and that Community Development Director Isaac Garnett was very successful in approaching HUD which gives a you a basic advanced against CDBG pay of \$300,000 per year and that the money cannot be carried over. If the money was not spent, they would take it back. Staff came up with this program where they can use the money to repay it and it would not affect any of the other programs and they would still have \$500 thousand available for other projects. Council Member Dufford stated they could still use bricks and mortar for other projects and thanked Mr. Garnett for looking into the project. Mr. Harrington stated this would bring us close 60 lots. Council Member Blong asked that if over the next 15 years we would be repaying this money would we still be receiving more money from CDBG. Mr. Harrington stated yes. Council Member Blong asked if we are allocating all this money were there other project we would have to cut. Mr. Harrington stated we would still have money to use from projects that would need to be cut. Council Member Blong, thanked Mr. Garnett for his efforts. Assistant City Manager Robert Patrick stated there was a bit of a struggle in this area and that it was a challenge. Mayor Payton visited with HUD in DC and one of the things they were watching closely was this money. He thanked staff for finding these projects as we were being watched on how this money was spent.

Council Member Blong moved to approve a Resolution No. 2020-041; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost,

Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: Love. ABSENT: None.

29. Approved a motion on request by Newton Engineering, to defer water, wastewater and sidewalk improvements for Southwest Crossing, Section 5, and to waive the corresponding financial security guarantee valued at \$1,951,998.00, an amount equal to the estimated cost of construction. The subject property is generally located to the west of SCR 1232 and approximately 2600 feet south of Cholla Road, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES)

Council Member Blong stated this was concerning to her that we continue to defer these projects. She felt we were getting into a situation where we were leaving stuff for our kids to clean up. Engineer Matt Carr stated they had been working with this particular developer and it would be paved to City standards. He stated they were also going to be doing other things that would prepare for the extension of utilities and widening part of the trail. Council Member Blong inquired if the sleeve was already in the proposal? Mr. Carr stated they were being requested to have it put in but that it was not specified in the deferral. They have verbally approved. Council Member Blong stated she would like that it be put in the motion intentionally. Council Member Ladd asked how many housings were in the project and that he understood developers and the city are coming from with the ETJ but that we should ask ourselves if the ETJ was just a buffer zone. He stated he would like to table this item for more information. Engineer Director Jose Ortiz stated someone had to maintain and that we do have to have conversations with the county and start having conversations with recent commissioners. Council Member Love stated there was a third entity, the water district and that that in itself became a challenge with annexing to the south. Mr. Ortiz stated how do we handle these projects and then how do we move forward. Council Member Blong stated we needed to involve developers in the conversation on a regular basis. Council Member Love stated he also suggested we make sure the community is involved with this.

Robert Anderson, 10716 SHW 191, representing Anderson Construction. Council Member Blong asked if he had any feedback. Mr. Anderson stated the area was all industrial with no housing and they he would be putting in a sleeve. He stated he would like to move on with it and that we would be putting in all that they had discussed. Council Member Ladd asked if this was not housing? Mr. Anderson stated it was all industrial and that it was a long way to bring water and sewer per the deferral. Council Member Ladd stated he would like the sleeve. Council Member Blong stated the question they were asking was bigger than this one project. Council Member Robnett asked if the item was deferred would they be able to do something in the next few weeks as he did not want to defer them too long. Council Member Dufford stated he would rather have this as a bigger discussion at the retreat and discuss it with the County. He stated he felt deferring it today would do a disservice to Mr. Anderson. Mr. Robnett asked if this was 105-acre development and Mr. Ortiz stated it was and that they were also providing a paved roadway and not quite as much of a deferral as before. Council Member Robnett stated he did think they needed more time to look at it but that he thought they were all going to go with the same decision on this project and would like to move forward. He stated what he was hearing was that they were okay with moving forward with this item but that they needed more discussion for future items of this sort.

Mayor Payton stated he had no problem accepting Mr. Andersons word regarding he improvements

Council Member Love moved to approve a motion on request by Newton Engineering, to defer water, wastewater and sidewalk improvements for Southwest Crossing, Section 5, and to waive the corresponding financial security guarantee valued at \$1,951,998.00, an amount equal to the estimated cost of construction. The subject property is generally located to the west of SCR 1232 and approximately 2600 feet south of Cholla Road, outside the corporate limits of the City of Midland, in Midland County.; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

SECOND READINGS

31. Consider an ordinance on second reading on a request by MARC INC., for a zone change from SF-1, Single Family Dwelling District, to PD, Planned Development District for an Office Center, generally located on the northwest corner of the intersection of North "A" Street and Ventura Drive. (DEVELOPMENT SERVICES) (First reading held January 28, 2020)

ORDINANCE NO. 10049

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 4, "A" STREET COMMUNITY CENTER, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH "A" STREET AND VENTURA DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10049.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 10049 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, Love, Payton, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: Dufford.

32. Consider an ordinance on second reading on a request by Schumann Engineering Co. Inc., for a zone change from SF-1, Single Family Dwelling District, to SF-3, Single Family Dwelling District, generally located on the southwest corner of the intersection of College Avenue and South L Street. (DEVELOPMENT SERVICES) (First reading held January 28, 2020)

ORDINANCE NO. 10050

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1 AND 2, BLOCK 114, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF COLLEGE AVENUE AND SOUTH L 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 Jan Hamilton read the caption of Ordinance No. 10050.

Council Member Love approve the second and final reading of Ordinance No. 10050 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Payton, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: Blong, Dufford.

33. Consider an ordinance on second reading on a request by Jose Chavez for a zone change from a MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, generally located on the east side of South Tyler Street, approximately 66 feet north of East Missouri Avenue. (DEVELOPMENT SERVICES) (First reading held January 28, 2020)

ORDINANCE NO. 10051

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 8, BLOCK 32, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH TYLER STREET, APPROXIMATELY 66 FEET NORTH OF EAST MISSOURI 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 Jan Hamilton read the caption of Ordinance No. 10051.

Council Member Love moved to approve the second and final reading of Ordinance No. 10051 in accordance with the Charter of the City of Midland; seconded by Council Member Robnett. The motion carried by the following vote: AYE: Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: Blong.

34. Consider an ordinance on second reading on a request by Midland CDC for a zone change from SF-2, Single-Family Dwelling District, in part; and SF-3, Single-Family Dwelling District, in part, to TH, Townhouse Dwelling District, generally located on the southwest corner of the intersection of West Estes Avenue and North Main Street. (DEVELOPMENT SERVICES) (First reading held January 28, 2020)

ORDINANCE NO. 10052

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.780-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, AND SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST ESTES AVENUE AND NORTH MAIN 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 Jan Hamilton read the caption of Ordinance No. 10052.

Council Member Love moved to approve the second and final reading of Ordinance No. 10052 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, Love, Payton, Dufford, Robnett. NAY: None. ABSTAIN: None. ABSENT: Ladd.

PUBLIC HEARINGS

35. Hold a public hearing and consider an ordinance on a request by Jason Heller for a zone change from PD, Planned District for a Shopping Center to an amended PD, Planned Development District for a Shopping Center, generally located on the northwest corner of the intersection of West Business I-20 Frontage Road and Tradewinds Boulevard. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10053

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1A, BLOCK 1, CYCLES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST BUSINESS INTERSTATE 20 FRONTAGE ROAD AND TRADEWINDS 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 Jan Hamilton read the caption of Ordinance 10053.

Council Member Robnett moved approval of the first of two readings of Ordinance No. 10053 in accordance with the Charter of the City of Midland; seconded by Council Member Love. The motion carried by the following vote: AYE: Blong, Trost, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

36. Hold a public hearing and consider an ordinance on a request by Cora Lechler for a zone change from a C, Commercial District to SF-3, Single-Family Dwelling, generally located approximately 421 feet west of Cotton Flat Road and approximately 865 feet north of West Francis Avenue. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10054

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE NORTH 1/2 OF THE WEST 1/3 OF TRACT 1, SNIVELY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED APPROXIMATELY 421 FEET WEST OF COTTON FLAT ROAD AND APPROXIMATELY 865 FEET NORTH OF WEST FRANCIS 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 Jan Hamilton read the caption of Ordinance 10054.

Development Services Director Chuck Harrington gave an explanation of the zone change and stated that because of the comprehension plan staff was opposed to it. The item did go to Planning and Zoning and that they did approve. There were no letters of objections. Staff is opposed. Council Member Love stated he did not have a problem with modular homes, but he did agree with staff that in the rush to get affordable housing there are houses just popping up everywhere and that he did not think a house was appropriate there.

Mayor Payton opened public hearing at 11:08 a.m.

Cora Lechler stated she was the owner of lots in the area. Council Member Robnett asked for explanation of why there were houses there. Mr. Harrington stated it was because of the new zoning. Discussion ensued regarding the zoning and existing situations. Council Member Love asked Mr. Harrington if there was no street. Mr. Harrington confirmed there was no street. Council Member Love asked Fire Chief Charles Blumenauer if he had any concerns in getting in and out due to an emergency. Fire Chief Blumenauer stated that without seeing exactly where it was at he could not tell but that at the end of the day they would get access as long as they had access to water, they were good. Council Member Blong asked if they did not approve it today would she be able to appeal in a year. City Attorney John Ohnemiller stated they would have to look at the application date. He stated that if her application beat the amendment date then she is vested with respect to the provision which precluded her from coming back in a year.

Ms. Lechler stated she had to change to a modular home which she was already approved for, she is currently living in an RV.

Council Member Love asked if she had plans to sell. If there were plans for any other development, he did not see a problem with it.

Mayor Payton closed the public hearing at 11:20 a.m.

Council Member Love moved approval of the first of two readings of Ordinance No. 10054 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, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

37. Hold a public hearing and consider an ordinance on a request for the annexation of a 40.0492-acre tract of land, generally located on the west side of State Highway 158, approximately 2,372 feet north of State Highway 191. ETJ-Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES)

ORDINANCE NO. 10055

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 40.0492-ACRE TRACT OF LAND OUT OF 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); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10055

Development Services Director Chuck Harrington gave a brief overview of the item noting it was considered a voluntary annexation and recommend approval. There were no letters of objection. Mayor Payton asked if this was part of the Wadley extension. Engineering Services Director Jose Ortiz stated they should be running concurrently.

Mayor Payton opened the public hearing at 11:20 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Love moved approval of the first of two readings of Ordinance No. 10055 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, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

MISCELLANEOUS

38. Discussion and consideration of all matters incident and related to the issuance and sale of "City of Midland, Texas, General Obligation Bonds, Series 2020", including the adoption of an ordinance authorizing the issuance of such bonds. (FINANCE)

ORDINANCE NO. 10056

DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF MIDLAND, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2020", INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH BONDS.

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10056

Interim Finance Director Jennifer Fung gave an overview of the general obligation bonds noting the interest rate was 2.0489 percent compared to the previous 3.28 percent.

George Williford, Hilltop Securities referred to the booklet handed out to Council and summarized the references in the booklet provided.

Council Member Robnett moved approval of the first and only reading of Ordinance No. 10056 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, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

39. Discussion and consideration of all matters incident and related to the issuance and sale of "City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2020", including the adoption of an ordinance authorizing the issuance of such certificates of obligation. (FINANCE)

ORDINANCE NO. 10057

DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF MIDLAND, TEXAS, TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020", INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION.

Council Member Love moved approval of the first and only reading of Ordinance No. 10057 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, Love, Payton, Dufford, Robnett, Ladd. NAY: None. ABSTAIN: None. ABSENT: None.

PUBLIC COMMENT

- 40. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.(Please limit comments to three minutes or less.)

Council Member Love stated he encouraged Council to support the conference sponsored Ms. Shirly Howard.

Shirly Howard, 405 E. Magnolia, stated her group was very active in the community since 1952. She came before the Council for support of her event on March 19, 2020. In 2018 the Chambers of Commerce went to Houston with a bid to bring this conference to Midland and that her group was chosen to host the event out of three different states. They could not do it alone and have reached out to businesses and talked to many of the Council Members for support. They are asking for \$5,000.00 from the City. They cannot pull this off alone. They will be hosing 300 to 500 people. On behalf of her organization she thanked Mr. Love for all he has done.

Mayor Payton recessed the meeting to Executive Session at 11:36 a.m.

EXECUTIVE SESSION

- 41. 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.

All the business at hand having been completed, the meeting adjourned at 1:35 p.m.

PASSED AND APPROVED the 25th day of February 2020.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary