

**MIDLAND CITY COUNCIL
MINUTES
August 27, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 27, 2024.

Council Members present: Eric Davidson, Amy Stretcher Burkes, Robin Poole, Lori Blong, Scott Dufford, Jack Ladd, John Norman

Council Members absent: None

Staff members present: City Manager Tommy Gonzalez, City Attorney John Ohnemiller

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

OPENING ITEMS

1. Invocation – Father Bala Anthony Govindu, St. Stephen's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:
 - 3a. Presentation from Chief of Staff Taylor Novak regarding updates on Chalk the Block.

Chief of Staff Taylor Novak gave a brief presentation on the upcoming Chalk the Block event that will take place downtown this October.

Immediately following the presentation, Mayor Blong moved to item number 25.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF AUGUST 13, 2024
 - 4b. REGULAR SESSION OF AUGUST 14, 2024
5. 2024-131 – RESOLUTION AUTHORIZING THE PURCHASE OF D-CELL LIGHTING FOR

THE SCHARBAUER SPORTS COMPLEX FROM WHOLESALE ELECTRIC SUPPLY OF HOUSTON, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, AT A TOTAL COST OF \$278,965.00; APPROVING \$40,600.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

6. 2024-132 – RESOLUTION RATIFYING THE PROCUREMENT OF CONSTRUCTION SERVICES FROM MIDESSA UNDERGROUND OF MIDLAND, TEXAS, FOR THE EMERGENCY REPAIR OF THE STORM DRAIN LOCATED IN SANTA ROSA DRIVE; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$103,355.36 **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
7. 090-2024 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE LANDFILL ACCESS ROAD PROJECT, SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS MOTION, AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS AND TO NEGOTIATE AN AGREEMENT FOR SAID WORK; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL. **(DISTRICT: NONE) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
8. 2024-133 – RESOLUTION AWARDDING A CONTRACT FOR THE WEST CITIZEN COLLECTION STATION PROJECT TO ONYX GENERAL CONTRACTORS, LLC, FOR A COST OF \$3,670,288.40; APPROVING \$734,057.68 FOR CONTINGENCIES; AND APPROPRIATING FUNDS **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
9. 091-2024 – MOTION AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER WITH FORVIS MAZARS, LLP FOR PROFESSIONAL AUDIT SERVICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; AND RATIFYING THE EXECUTION OF AN ENGAGEMENT LETTER WITH FORVIS, LLP FOR PROFESSIONAL AUDIT SERVICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
11. 2024-134 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOLER EQUIPMENT SERVICE, INC., IN THE AMOUNT OF \$4,344,835.00 FOR THE MAF RECONSTRUCT ASPHALT AIR CARRIER APRON PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING AND TRANSFERRING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**

12. 093-2024 – MOTION AUTHORIZING THE EXECUTION OF A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND DOWNTOWN FARMERS MARKET, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES **(DISTRICT 2) (CITY MANAGER) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
15. 2024-135 – RESOLUTION GRANTING A VARIANCE FOR A 53.86-ACRE TRACT OF LAND OUT OF LOT 8, BLOCK 2, PAVILION PARK ADDITION, SECTION 7, AND SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE, APPROXIMATELY 1,700 FEET EAST OF THE INTERSECTION OF SOLOMON LANE AND COOPER CREEK ROAD), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 300 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS **(DISTRICT 1) (DEVELOPMENT SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
16. 2024-136 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION (THE “COMPANY”) REGARDING THE COMPANY’S 2024 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO THE COMPANY AND CITIES’ LEGAL COUNSEL **(DISTRICT: ALL) (DEVELOPMENT SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
18. 097-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (24-329-012) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX L.L.C.; REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS. **(DISTRICT: NONE) (UTILITIES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
19. 2024-137 – RESOLUTION AUTHORIZING THE CITY MANAGER, DEPUTY CITY MANAGER, OR ASSISTANT CITY MANAGER (COLLECTIVELY, THE “CITY MANAGER’S OFFICE”) TO EXECUTE ALL AGREEMENTS AND DOCUMENTS AND TAKE ALL ACTIONS NECESSARY (1) TO CONVEY TO THE STATE OF TEXAS (THE “STATE”) A

DRAINAGE EASEMENT IN, ALONG, UPON AND ACROSS A 0.1676-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 38, T-2-S, AND SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, AND A 0.3208-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND (2) TO CONVEY TO THE STATE A 0.6887-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 38, T-2-S, T&P RR CO. SURVEY, AND A 0.0850-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER'S OFFICE TO ACCEPT, ON BEHALF OF THE CITY, CONSIDERATION FOR THE CONVEYANCES TOTALING \$174,985.00; SAID CONVEYANCES BEING AUTHORIZED BY SECTION 203.055 OF THE TEXAS TRANSPORTATION CODE AND BEING FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC IMPROVEMENTS ALONG OR NEAR INTERSTATE 20 **(DISTRICT 2) (UTILITIES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

The following item(s) were pulled from consent agenda and considered individually.

10. 092-2024 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMEMORATIVE AIR FORCE, INC., TO PROVIDE FOR THE 2024 AIRSHO AT MIDLAND INTERNATIONAL AIR & SPACE PORT

Council Member Poole reported on the upcoming AirSho and thanked Gena Linebarger for the partnership with the Fly Into Fall event.

Robin Poole moved to approve Motion No. 092-2024; seconded by John Norman.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

13. 094-2024 – MOTION AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND PROVIDING FOR THE WIDENING OF THAT CERTAIN PORTION OF AVALON DRIVE LOCATED BETWEEN BRIARWOOD AVENUE AND MOCKINGBIRD AVENUE; AND AUTHORIZING PAYMENT FOR SAID AGREEMENT

Wendell Creech, 6516 Dahlia, spoke on issues with traffic. Mr. Creech also spoke on item number 25.

City Attorney John Ohnemiller reported the plat covers a portion of Avalon.

Midland Development Corporation Director Sara Harris reported the work that's being proposed under the economic development agreement is the portion between Mockingbird and Briarwood.

Eric Davidson moved to approve Motion No. 094-2024; seconded by Amy Stretcher

Burkes.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

14. 095-2024 – MOTION AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND LS BRENTWAY LLC AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103

Al Escamilla, 5802 Grassland Court, spoke in favor of this item and economic development within Midland.

Asif Rafeek, 5621 Hathaway Court, spoke in favor of this item and economic development within downtown Midland.

Jacobe Kendrick, 3400 Limestone Lane, spoke in favor of this item.

Council Member Eric Davidson inquired about the hyperlocality model?

Al Escasmillia reported the hyperlocality aspect will be used to source items/needs locally within the community.

Council Member Poole reported why she is voting no. It's not about the project itself.

Midland Development Corporation Director Sara Harris gave a brief presentation of this item. Mrs. Harris spoke on the history of the building being the first high-rise in Midland as a hospital. Mrs. Harris reported on what to expect next, how the incentive is structured, the \$1.25 million upon certifying, 50% at completion of the project, \$3.75 million upon receipt of the certificate of occupancy, property tax abatement, hot tax reimbursement, term of agreement being 10 years, financial breakdown and the total incentive package.

City Manager Tommy Gonzalez reported this project is performance based and there is a need for one or two more hotels downtown.

Al Escamilla reported they are further along than the six months listed and he has spent the last three months working with the Hilton on this project. He will share updates next week with everyone after the Hilton has had time to review the information. There will be room for 60 jobs between the hotel and the restaurant.

Mark Wagner, 2806 Ann Drive, wants to know what happened to the DoubleTree.

Mayor Blong reported there are restrictions from the State how monies may be spent for this project and as far as the DoubleTree is concerned, they would need to speak for themselves.

Scott Dufford moved to approve Motion No. 095-2024; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Blong, Dufford, Ladd, Norman

NAY: Poole

ABSTAIN: None

ABSENT: None

17. 096-2024 – MOTION AUTHORIZING THE EXECUTION OF SPORTS AGREEMENTS WITH THE FOLLOWING ORGANIZATIONS: BOYS AND GIRLS CLUB OF THE PERMIAN BASIN; GREATER MIDLAND FOOTBALL LEAGUE; POW5R SPORTS LEAGUE; MIDLAND JUNIOR BASEBALL ASSOCIATION, INC.; MIDLAND SOCCER ASSOCIATION, INC.; MIDLAND SOFTBALL ASSOCIATION, INC.; MIDLAND UNITED GIRLS SOFTBALL ASSOCIATION; TEXAS CRICKET CLUB; UNDER THE LIGHTS FLAG FOOTBALL LEAGUE; WEST TEXAS BMX; AND THE YMCA OF MIDLAND. SAID AGREEMENTS PROVIDING FOR THE ORGANIZATIONS' ADMINISTRATION OF RECREATIONAL PROGRAMS, SPECIAL EVENTS, AND OTHER RELATED SERVICES THROUGH THE USE OF CITY-OWNED PROPERTY AND FACILITIES.

Council Member Dufford reported he pulled this item so Council Member Norman could abstain.

Council Member Amy Stretcher Burkes was away from the dias during the vote but wanted to make sure everyone knew she was in support of this item.

Jack Ladd moved to approve Motion No. 096-2024; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Davidson, Poole, Blong, Dufford, Ladd

NAY: None

ABSTAIN: Norman

ABSENT: Stretcher Burkes

20. 098-2024 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND COUNTY UTILITY DISTRICT FOR THE DISCHARGE OF WASTEWATER INTO THE CITY OF MIDLAND WASTEWATER COLLECTION SYSTEM

Utilities Director Carl Craigo reported this agreement has to be renewed every ten years and it's a revenue generator for the City.

Jack Ladd moved to approve Motion No. 098-2024; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Davidson, Poole, Blong, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Stretcher Burkes

Robin Poole moved to approve consent agenda items 4-20, excluding items 10, 13, 14, 17 & 20; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

21. 10555 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 10.00-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND ARLINGTON ROAD); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10555.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10555; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

22. 10556 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 10.00-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND ARLINGTON 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 (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10556.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10556; seconded by John Norman.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford

23. 10557 – AN ORDINANCE MAKING CERTAIN FINDINGS PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE; AUTHORIZING AND DIRECTING THE MAYOR OR THE CITY MANAGER TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO CONVEY A 3.74-ACRE TRACT OF LAND OUT OF BLOCKS 29 AND 36, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (THE “PROPERTY”), TO MIDLAND SOUP KITCHEN MINISTRY (“GRANTEE”) IN EXCHANGE FOR GRANTEE’S AGREEMENT TO USE THE PROPERTY IN A MANNER THAT PRIMARILY PROMOTES A PUBLIC PURPOSE OF THE CITY; SAID PROPERTY BEING A PORTION OF HIDALGO PARK THAT IS MOSTLY UNIMPROVED AND BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF ORCHARD LANE AND CARVER STREET; SAID CONVEYANCE BEING CONDITIONED ON APPROVAL BY A MAJORITY OF VOTES RECEIVED AT AN ELECTION; AND ORDERING PUBLICATION (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10557.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10557; seconded by John Norman.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

24. 10558 – AN ORDINANCE AMENDING TITLE I , “ADMINISTRATIVE” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ADD CHAPTER 14, “TERMINATION OF CAMPAIGN TREASURER APPOINTMENT”; SAID CHAPTER ESTABLISHING A PROCESS BY WHICH TO TERMINATE THE CAMPAIGN TREASURER APPOINTMENT OF AN INACTIVE CANDIDATE OR POLITICAL COMMITTEE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT: ALL) (CITY SECRETARY’S OFFICE) (TRANSPARENT & CONSISTENT COMMUNICATION)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10558.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10558; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: None

PUBLIC HEARINGS

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

25. 10559 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 1, BLOCK 1, YMCA ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF AVALON DRIVE AND MOCKINGBIRD LANE), WHICH IS PRESENTLY ZONED AE, AGRICULTURAL ESTATE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A CHILD-CARE: DAY-CARE CENTER; 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 **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10559.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for a Specific Use Designation (SUD) without term for a childcare/daycare center at the YMCA. It only applies to a seven acre portion of land. Mrs. Triggs reviewed the state code and the SUD description and how it ties into the Tall City Tomorrow Comprehensive Plan.

There were letters of objection received regarding traffic which triggered the requirement of a supermajority vote by Council for approval; meaning, six Council votes are needed for this item to pass. The objections percentage was 31.8%. The City is working to assist with the traffic concerns. Staff recommends approval subject to a number of recommended conditions.

Mayor Blong opened the public hearing at 10:38 a.m.

Andy Torres, 6413 Los Conchos Lane, spoke in opposition of this item due to increased traffic concerns but reported he is not against the YMCA.

Amy Evans, 4506 Lennox, spoke on behalf of working parents in the area and their need for childcare.

Kevin Hunstable, 1404 Bedford, spoke in opposition of this item due to staffing, safety and other issues. He reported he is not against the YMCA itself.

Adrian Vega, Education Director for the Education Partnership of the Permian Basin

(Odessa), spoke in favor of this item advocating to provide more childcare seats. Mr. Vega spoke on Childcare Deserts and that Midland County has 5 “deserts”. Mr. Vega reported this is an economic issue and the State of Texas is losing about nine billion dollars per year in funding due to the lack of childcare services.

Barbara Aylor, 6408 Gladiola Avenue, spoke in opposition of this item due to traffic and timing but not against the YMCA .

Christine Bearden, 800 N. Big Spring, CEO of YMCA, reported that not approving the SUD will allow the YMCA to take in an unlimited number of children. With the SUD, the YMCA would be limited to 200 children. Ms. Bearden spoke on all of the positive aspects of the YMCA with regard to having a childcare facility.

Jodi Bradshasw, 6515 Gladiola Avenue, spoke in opposition of this item due to private street easement violations.

William Tripp Edwards, 1202 Country Club, spoke in favor of this item for the childcare need in Midland.

Maddie Nygaard, 1805 W. Tennessee Avenue, spoke in favor of this item. Ms. Nygaard has children that attend the YMCA and spoke on the positive aspects of the Mother’s Day Out program.

Elizabeth Harris, 6022 Spahn Street, spoke in favor of this item. Ms. Harris reported the YMCA self-reports for transparency and explained why the YMCA is needed for children and parents.

David Duree, 6200 Olympic Court, spoke in favor of this item.

Wendall Creech, 6516 Dahlia Avenue, spoke in opposition of this item due to the streets not being wide enough to support traffic.

Beth Ryan, 1920 Centerview Lane, spoke in favor of this item and the need for childcare. Ms. Ryan reported the YMCA is listening and addressing the traffic concerns.

There being no one else wishing to speak, the public hearing was closed at 11:17 a.m.

Council Member Amy Stretcher Burkes had questions regarding cost of the roads and timeline for the work to be done.

Fire Marshal James Howard reported he hasn’t identified anything regarding the fire code that would be a violation.

City Attorney John Ohnemiller reported that regarding the private roads, city staff pulled documents relating to the background of the roads and historical information. They also looked at case law similar to this and are comfortable with Council proceeding to vote today if they so choose.

City Manager Tommy Gonzalez reported the number is \$4.5 million on the full public pathway to provide road access.

Council Member Norman reported he is in support of the YMCA and has sent his son there.

Council Member Eric Davidson inquired about traffic timing/completion prior to Fall of 2025.

City Manager Tommy Gonzalez reported it will be a challenge but they will work hard to meet the deadlines.

Mayor Blong reported the traffic all over town is difficult but we must stay on top of the growth and plan ahead.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10559; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

26. 10560 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1A, BLOCK 97, ORIGINAL TOWN ADDITION, SECTION 26, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH BAIRD STREET AND EAST INDIANA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10560.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting it is a zone change request for the future development of the Justice of the Peace Office building.

Mayor Blong opened the public hearing at 12:10 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10560; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None
ABSENT: None

PUBLIC COMMENT

27. 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.)

Mark Wagner, 2806 Ann Drive, presented Ordinance number 6855 from July, 1988 regarding restrictions for Ranchland Hills Golf Course. Mr. Wagner reported he will attend MISD's board meeting to express his disappointment.

EXECUTIVE SESSION

28. 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:

Mayor Blong recessed the meeting to go into Executive Session at 12:13 p.m.

a. Section 551.087, Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

b. Section 551.074, Personnel Matters

b.1. Deliberate the appointment of members to the Planning and Zoning Commission.

All the business at hand having been completed, the meeting adjourned at 1:23 p.m.

PASSED AND APPROVED September 10, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary