

**MIDLAND CITY COUNCIL
MINUTES
September 26, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., September 26, 2023.

Council Members present: Amy Stretcher Burkes, Dan Corrales, 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, Deputy City Manager Morris Williams Jr., Assistant City Manager Tina Jauz, Assistant City Manager Jose Ortiz

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

OPENING ITEMS

1. Invocation – Pastor John Wymore, Livingway Four Square Church
2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. REGULAR SESSION OF SEPTEMBER 12, 2023
4. 2023-120 – RESOLUTION ACCEPTING THE PROPOSALS SUBMITTED BY UMR FOR THIRD PARTY BENEFITS ADMINISTRATION SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT INCLUDING SELF-INSURED MEDICAL, DENTAL, AND VISION CLAIMS ADMINISTRATION, LARGE CASE MANAGEMENT/PRECERTIFICATION, PREFERRED PROVIDER ORGANIZATION, PHARMACY BENEFIT MANAGER RETAIL/MAIL ORDER, AND SECTION 125 CLAIMS ADMINISTRATION; AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL CONTRACTS AND DOCUMENTS NECESSARY TO EFFECT THE CITY'S ACCEPTANCE OF SAID PROPOSALS; AND AUTHORIZING PAYMENT **(DISTRICT: NONE) (GENERAL SERVICES)**

5. 2023-121 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC / HIBBS & TODD, INC., FOR PROJECT MANAGEMENT SERVICES FOR THE CONSTRUCTION OF A NEW CAUSTIC CHEMICAL FEED SYSTEM AT THE WATER PURIFICATION PLANT FOR A TOTAL COST OF \$247,500.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
6. 2023-122 – RESOLUTION AWARDING A CONTRACT FOR THE UTILITY EXTENSION PROGRAM 06 PROJECT TO BOLER EQUIPMENT SERVICE, INC., FOR AN AMOUNT NOT TO EXCEED \$2,000,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS **(DISTRICT: ALL) (GENERAL SERVICES)**
7. 2023-123 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ONYX GENERAL CONTRACTORS, LLC, FOR CONSTRUCTION MANAGER-AT-RISK SERVICES RELATED TO THE DOUG RUSSELL BATH HOUSE PROJECT FOR A TOTAL COST OF \$10,500.00 **(DISTRICT 3) (GENERAL SERVICES)**
8. 2023-124 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE THREE YEAR CONTRACT WITH HACH COMPANY FOR MAINTENANCE OF HACH EQUIPMENT AT AN ANNUAL COST OF \$264,302.15 **(DISTRICT: NONE) (GENERAL SERVICES)**
9. 2023-125 – RESOLUTION AWARDING A CONTRACT FOR THE MIDLAND MANHOLE REHABILITATION PROGRAM - PHASE 1 PROJECT TO RED DEER CONSTRUCTION, LLC, FOR AN AMOUNT NOT TO EXCEED \$2,000,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS **(DISTRICT: ALL) (GENERAL SERVICES)**
10. 2023-126 – RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR FLEXIBLE SPENDING ACCOUNT, DEPENDENT CARE, COBRA, RETIREE BILLING AND HEALTH REIMBURSEMENT ACCOUNT SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT **(DISTRICT: NONE) (GENERAL SERVICES)**
11. 2023-127 – RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR A BENEFITS ADMINISTRATION SYSTEM FOR THE ADMINISTRATIVE SERVICES DEPARTMENT **(DISTRICT: NONE) (GENERAL SERVICES)**
12. 2023-128 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC, FOR PROJECT MANAGEMENT, COORDINATION, SURVEY, AND DESIGN SERVICES FOR UTILITIES CONFLICTS CREATED BY THE TEXAS DEPARTMENT OF TRANSPORTATION HIGHWAY I-20 EXPANSION FOR A TOTAL COST OF \$120,000.00 **(DISTRICT: ALL) (GENERAL SERVICES)**
16. 115-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-044) WITH CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 37, T-3-S, T&P RR CO. SURVEY,

MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**

Dan Corrales moved to approve Consent Agenda items 3 – 16, excluding items 13, 14 & 15; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

13. 113-2023 – MOTION AUTHORIZING THE CITY MANAGER AND THE CHAIRMAN OF THE MIDLAND DEVELOPMENT CORPORATION (MDC) TO NEGOTIATE AN AMENDED MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MDC, AND C. HODGES DEVELOPMENT SERVICES L.L.C. OR ITS ASSIGNEE, BASS PRO OUTDOOR WORLD, L.L.C., TO PROVIDE FOR (1) A 50% CITY SALES TAX REBATE FOR TEN YEARS, (2) \$250,000 FROM THE CITY'S HOTEL-MOTEL FUND OVER TEN YEARS, AND (3) \$5.5 MILLION IN MDC FUNDING FOR INFRASTRUCTURE COSTS (SUBJECT TO MDC BOARD APPROVAL); AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AMENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND BASS PRO OUTDOOR WORLD, L.L.C., TO PROVIDE FOR A 100% CITY PROPERTY TAX ABATEMENT FOR TEN YEARS; AND PROVIDING THAT ANY SUCH AGREEMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE MIDLAND CITY COUNCIL **(DISTRICT 4) (CITY MANAGER)**

Bob Crites, 606 E. Broadway, expressed his concerns about how negotiations took place regarding this item and had several questions for Council.

Chris Ginsbach, 2305 Shell Ave., had questions for Council Member Corrales and spoke in favor of Bass Pro Shop coming to Midland.

Stephen Lowery, 4509 Corsair Ct., spoke in favor of Bass Pro Shop coming to Midland.

Wes Finch, 3602 Cardinal Lane, spoke in favor of Bass Pro Shop coming to Midland.

Clint Williamson, 1410 Country Club Drive, spoke in favor of Bass Pro Shop coming to Midland.

Coy Haynes, Dallas, spoke in favor of Bass Pro Shop and what the City will lose if they let the deal fall through.

Mayor Blong reported that several individuals completed cards stating they are in support of Bass Pro Shop and one was in opposition.

Mayor Blong recessed this item until after discussion in Executive Session.

The City Council meeting reconvened at 1:24 p.m. with Assistant City Manager Jose Ortiz giving a brief overview of this item. Mr. Ortiz discussed past projects ahead of development; reviewed major and minor developments and estimated total projected developments. Mr. Ortiz also discussed the return on investment for years one through five and six through ten along with additional benefits and the positive impact this development would have on the City of Midland.

John Norman moved to approve Motion No. 113-2023; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: Corrales

ABSTAIN: None

ABSENT: None

14. 114-2023 – MOTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF MIDLAND AND FIREHAWK AEROSPACE, INC., REGARDING CERTAIN CITY-OWNED PROPERTY LOCATED IN WINKLER AND LOVING COUNTIES, TEXAS **(DISTRICT: NONE) (CITY MANAGER)**

ITEM PULLED BY APPLICANT. NO ACTION TAKEN.

15. 2023-129 – RESOLUTION APPROVING THE TRANSFER OF 14 OIL AND GAS WELL PERMITS FROM MCM OPERATING, LLC (“OPERATOR”) TO FIREBIRD ENERGY II, LLC (“TRANSFeree”); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Scott Dufford moved to approve Resolution No. 2023-129; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Poole, Dufford, Ladd, Norman

NAY: None

ABSTAIN: Blong

ABSENT: None

SECOND READINGS

17. 10435 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING

A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION **(DISTRICT 2) (DEVELOPMENT SERVICES)** (FIRST READING HELD SEPTEMBER 12, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10435.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10435; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

18. 10436 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS 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)** (FIRST READING HELD SEPTEMBER 12, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10436.

John Norman moved to approve the second and final reading of Ordinance No. 10436; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

19. 10437 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 3, MELODY ACRES, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TANFORAN AVENUE, APPROXIMATELY 200 FEET EAST OF ORIOLE DRIVE), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION **(DISTRICT 4) (DEVELOPMENT SERVICES)** (FIRST READING HELD SEPTEMBER 12, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10437.

Don Neill, 4414 Tanforan Ave., spoke in opposition of this item. Mr. Neill reported that he and the residents would like the area to stay the same and keep the space they have.

Andrew Mellen, 1909 W. Wall St., Maverick Engineering, representing the owner Shane Huffman reported they would like to split the lot into two and receive an exception before the planning process begins.

Interim Development Services Director Rolandrea Russell reported some properties were annexed under an acre while others were not. Ms. Russell also explained the breakdown of the number of people who objected.

Mr. Neill spoke again to expound on this item at the request of Council Member Norman.

Andrew Mellen, Maverick Engineering, spoke again to answer questions from Council.

Shane Huffman, 4709 Woodbark Ct., explained what his goals were when they bought the land and reported he plans to build on a smaller section of his property and sell the two acre lot.

City Attorney John Ohnemiller suggested deferring this item so that it can be reviewed further.

Dan Corrales moved to defer the second and final reading of Ordinance No. 10437; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 10438 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR BLOCKS 202 AND 203, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH COLORADO STREET AND WEST DAKOTA AVENUE), BY PERMITTING A REDUCED MINIMUM SEPARATION OF ACCESSORY BUILDINGS FROM THE PRINCIPAL BUILDING; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (**DISTRICT 2**) (**DEVELOPMENT SERVICES**) (FIRST READING HELD SEPTEMBER 12, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10438.

John Norman moved to approve the second and final reading of Ordinance No. 10438;

seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

21. 10439 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 0.448-ACRE TRACT OF LAND AND A 6.292-ACRE TRACT OF LAND, BOTH OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS; THE 0.448-ACRE TRACT BEING GENERALLY LOCATED NORTH OF STATE HIGHWAY 191, APPROXIMATELY 490 FEET WEST OF STATE HIGHWAY 158; THE 6.292-ACRE TRACT BEING GENERALLY LOCATED WEST OF STATE HIGHWAY 158, APPROXIMATELY 540 FEET NORTH OF STATE HIGHWAY 191; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: NONE) (DEVELOPMENT SERVICES)** (FIRST READING HELD SEPTEMBER 12, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10439.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10439; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

22. 10440 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 0.448-ACRE TRACT OF LAND AND A 6.292-ACRE TRACT OF LAND, BOTH OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; THE 0.448-ACRE TRACT BEING GENERALLY LOCATED NORTH OF STATE HIGHWAY 191, APPROXIMATELY 490 FEET WEST OF STATE HIGHWAY 158; THE 6.292-ACRE TRACT BEING GENERALLY LOCATED WEST OF STATE HIGHWAY 158, APPROXIMATELY 540 FEET NORTH OF STATE HIGHWAY 191; 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: NONE) (DEVELOPMENT SERVICES)** (FIRST READING HELD SEPTEMBER 12, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10440.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10440; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

23. 10441 – AN ORDINANCE CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT” BY ADDING CHAPTER 1A, “CENTENNIAL ENTERTAINMENT OVERLAY DISTRICT” SO AS TO ESTABLISH AN OVERLAY ZONING DISTRICT AND PROVISIONS RELATED TO LAND USE AND DEVELOPMENT WITHIN SAID OVERLAY ZONING DISTRICT AND TO AMEND THE ZONING MAP ACCORDINGLY; PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE **(DISTRICT: ALL) (DEVELOPMENT SERVICES)** (FIRST READING HELD SEPTEMBER 12, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10441.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10441; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

24. 10442 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 54.008-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,550 FEET SOUTH OF STATE HIGHWAY 191, AND APPROXIMATELY 1,725 FEET EAST OF FARM-TO-MARKET ROAD 1788); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10442.

Mayor Blong opened the public hearing at 11:02 a.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. 10442; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

25. 10443 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 54.008-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 1,550 FEET SOUTH OF STATE HIGHWAY 191, AND APPROXIMATELY 1,725 FEET EAST OF FARM-TO-MARKET ROAD 1788; 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: NONE) (DEVELOPMENT SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10443.

Mayor Blong opened the public hearing at 11:03 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10443; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

26. 10444 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE TRINITY TOWERS MANOR, SECTIONS 1, 2 AND 3, AND ARBOR PARK, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, AND MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LOOP 250 AND SUNSHINE PARKWAY); 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)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10444.

Interim Development Services Director Rolandrea Russell gave a brief overview of the item noting it is for the Manor Park Community to expand the boundaries of their planned development to include a zoned tract of land and to amend site plans to include a

greenhouse.

Mayor Blong opened the public hearing at 11:05 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Amy Stretcher Burkes moved to approve the first of two readings of Ordinance No. 10444; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

27. 2023-130 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BENEFIT CONCERT ON LOT 1, BLOCK 19, ELMWOOD ADDITION, SECTION 3, LOT 2A, BLOCK 19, ELMWOOD ADDITION, SECTION 7, LOTS 13 THROUGH 20, BLOCK 6, S. W. ESTES ADDITION, AND LOT 1A, BLOCK 5, S. W. ESTES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WHITAKER STREET AND WEST KANSAS AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Interim Development Services Director Rolandrea Russell gave a brief overview of the item noting it is for a temporary land use permit for the YMCA for their 75 Anniversary to hold a benefits concert.

Mayor Blong opened the public hearing at 11:07 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve Resolution No. 2023-130; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

28. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS **(DISTRICT: ALL) (CITY SECRETARY'S OFFICE)**

John Norman moved to appoint Kevin Nelson, Randall Milloy, Tucker Schneemann and Dillon Custer to the Barbara & George H.W. Bush Convention Center Advisory Board; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: None

At the end of the Council Meeting during Public Comment, (item 30) Lucy Sisniega, Midland, voiced her concerns regarding the attendance of P&Z Board members and the need to appoint new or additional members to the board. Ms. Sisniega reported that she is willing to continue serving if Council so desires.

29. 116-2023 – MOTION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO SETTLE LITIGATION STYLED TRINITY PROPERTY CONSULTANTS, LLC V. CITY OF MIDLAND, ET AL. (COUNTY COURT AT LAW, MIDLAND COUNTY, TEXAS; CAUSE NO. CC24658) **(LEGAL)**

Jack Ladd moved to approve Motion No. 116-2023; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC COMMENT

30. 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.)

Heather Bredimus, 4013 Fairwood Dr., wanted to speak on item number 13. Ms. Bredimus is in support of Bass Pro Shop but not with the current deal.

Coy Haynes, Dallas, spoke again in support of Bass Pro Shop coming to Midland and what can happen if this deal is not done.

Skip Sites, 2000 Seaboard Ave., spoke in support of Bass Pro Shop coming to Midland.

Lucy Sisniega, Midland, commented on Boards & Commissions. See item 28.

EXECUTIVE SESSION

31. 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 11:23 a.m.

- a. Section 551.071, Consultation with Attorney
 - a.1. Discuss pending or contemplated litigation.

- b. Section 551.087, Deliberate Economic Development Negotiations

- b.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.

All the business at hand having been completed, the meeting adjourned at 1:34 p.m.

PASSED AND APPROVED October 10, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary