MIDLAND CITY COUNCIL
MINUTES
October 8, 2024

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 08, 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, Deputy City Manager Morris Williams Jr., Assistant City Manager Jose Ortiz

The meeting was called to order at 10:04 a.m.

OPENING ITEMS

1. Invocation – Pastor Phil Teaney, Home Line Baptist 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 of Proclamation for "Municipal Court Week".

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

   4a. REGULAR SESSION OF SEPTEMBER 24, 2024

6. 2024-158 – RESOLUTION APPROVING THE PURCHASE OF A SPARTAN CAFS PUMPER ON A METRO STAR CHASSIS AND ASSOCIATED EQUIPMENT FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH SOURCEWELL FOR A TOTAL COST OF $1,991,053.00; AND APPROPRIATING AND TRANSFERRING FUNDS **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND**

GOVERNANCE & FISCAL MANAGEMENT)

7. 2024-159 – RESOLUTION APPROVING THE PURCHASE OF THREE (3) AMBULANCES AND ASSOCIATED EQUIPMENT FROM STERLING MCCALL FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF $1,194,295.00 **(DISTRICT: NONE) (GENERAL SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**

8. 2024-160 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JONES BROS. DIRT & PAVING CONTRACTORS, INC., IN THE AMOUNT OF $19,995,195.40 FOR THE MIDLAND AIRPARK AIRFIELD IMPROVEMENTS PROJECT AT MIDLAND AIRPARK AIRPORT; AND APPROPRIATING AND TRANSFERRING FUNDS FOR SAID PROJECT **(DISTRICT 1) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**

9. 2024-161 – RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO VERIFY AND ATTEST TO THE SUFFICIENCY OF CERTAIN FUND BALANCES HELD BY THE CITY OF MIDLAND DEPARTMENT OF AIRPORTS; AUTHORIZING THE CITY ATTORNEY TO CERTIFY THAT THE PROCEEDINGS AND MANNER OF ACCEPTANCE AND EXECUTION OF THE GRANT AGREEMENT COMPLY WITH APPLICABLE LAW; SAID VERIFICATION, ATTESTATION, AND CERTIFICATION SHALL BE MADE FOR THE PURPOSE OF EFFECTUATING THE CITY OF MIDLAND'S PARTICIPATION IN THE AIRPARK AIRFIELD IMPROVEMENTS PROJECT AT MIDLAND AIRPARK AIRPORT; AND AUTHORIZING THE DIRECTOR OF AIRPORTS TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE AIRFIELD IMPROVEMENTS PROJECT AT MIDLAND AIRPARK AIRPORT **(DISTRICT 1) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**

11. 2024-162 – RESOLUTION AUTHORIZING THE SUBMISSION OF A JOINT APPLICATION WITH MIDLAND COUNTY FOR FISCAL YEAR 2024 BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS TOTALING $40,515.00, WITH THE CITY OF MIDLAND TO RECEIVE $30,515.00 AND MIDLAND COUNTY TO RECEIVE $10,000.00; RATIFYING THE EXECUTION OF AN AGREEMENT REGARDING THE DIVISION OF SAID GRANT FUNDS; AUTHORIZING THE MAYOR AND THOSE HOLDING THE TITLE OF "GRANT WRITER" OR "COMPLIANCE MANAGER" TO ACCEPT, REJECT, ALTER, OR TERMINATE SAID GRANT FUNDING; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF SAID GRANT FUNDING **(DISTRICT: ALL) (POLICE) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**

12. 113-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (24-329-014) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC; REGARDING CITY-OWNED PROPERTY DESCRIBED AS COTTON FLAT ROAD BETWEEN SECTIONS 3 AND 4, BLOCK 39, T-2-S, T&P RR CO.

SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT 2) (UTILITIES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

John Norman moved to approve Consent Agenda items 4-12, excluding items 5 & 10; 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

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

5. 111-2024 – MOTION ALLOCATING THE SUM OF $100,000 FROM THE 2024 OPERATING BUDGET OF THE GENERAL FUND TO A PROJECT FOR DOWNTOWN REVITALIZATION

   Assistant City Manager Jose Ortiz gave a brief overview of the item noting approval of this motion will set aside funds for numerous downtown projects consistent with the master plan; an example is the Wall Street lighting project.

   City Manager Tommy Gonzalez gave a brief report on some of the upcoming developments for downtown such as lighting during Christmas and new signage. There are also other developments in the works.

   Eric Davidson moved to approve Motion No. 111-2024; 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

10. 112-2024 – MOTION AUTHORIZING THE ACCEPTANCE OF A FUTURE DONATION OF A CEDRIC BENSON STATUE TO BE PLACED INSIDE ASTOUND BROADBAND STADIUM AT THE SCHARBAUER SPORTS COMPLEX; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS AND INSTRUMENTS FOR THE ACCEPTANCE OF SAID FUTURE DONATION

    Parks and Recreation Director Laurie Williams gave a brief overview and presentation of the item noting John A. White III would like to donate a bronze statue in honor of Cedric Benson as an excellent professional athlete.

    Discussion of the location of the statute ensued and Council voted to amend the motion language so that if desired, the statue could be placed inside or around Astound Stadium.

John Norman moved to approve Motion No. 112-2024 as amended removing or changing the location; seconded by Eric Davidson.

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:

13. 10570 – AN ORDINANCE VACATING AND ABANDONING THE PUBLIC RIGHT-OF-WAY ON A CITY-OWNED 0.497-ACRE TRACT OF LAND LOCATED ADJACENT TO LOT 4, BLOCK 5, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 365 FEET EAST OF THE INTERSECTION OF PLISKA DRIVE AND NORTH SERVICE ROAD); RETAINING A NONEXCLUSIVE UTILITY EASEMENT; PROVIDING THAT THE CITY SHALL RETAIN OWNERSHIP OF THE AFOREMENTIONED TRACT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

    Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10570.

    Planning & Development Officer Elizabeth Triggs gave a brief overview noting items 13 and 14 are related. They are both vacations of right of ways to make room for the new addition to the terminal at the airport.

    Mayor Blong opened the public hearing at 10:24 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

    Robin Poole moved to approve the first of two readings of Ordinance No. 10570; seconded by Eric Davidson.

    The motion passed by the following vote:
    AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman
    NAY: None
    ABSTAIN: None
    ABSENT: None

14. 10571 – AN ORDINANCE VACATING AND ABANDONING THE PUBLIC RIGHT-OF-WAY ON A CITY-OWNED 0.611-ACRE TRACT OF LAND LOCATED ADJACENT TO LOT 1A, BLOCK 13, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF LA FORCE BOULEVARD AND SLOAN FIELD BOULEVARD); RETAINING A NONEXCLUSIVE UTILITY EASEMENT; PROVIDING THAT THE CITY SHALL RETAIN OWNERSHIP OF THE AFOREMENTIONED TRACT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10571.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting it is related to the previous item (number 13). The subject Right of Way is located south of the terminal and utilities will need to be relocated. Staff recommends approval.

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

Robin Poole moved to approve the first of two readings of Ordinance No. 10571; 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

15. 114-2024 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO COG OPERATING, LLC ("OPERATOR") FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MASK HZ UNIT #1001BH; MASK HZ UNIT #1001JH; MASK HZ UNIT #1002LH; MASK HZ UNIT #1003BH; MASK HZ UNIT #1003JH; MASK HZ UNIT #1004LH; MASK HZ UNIT #1004MH; MASK HZ UNIT #1006JH; MASK HZ UNIT #1007LH; MASK HZ UNIT #1008JH; AND MASK HZ UNIT #1008MH; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1,365 FEET AND 2,045 FEET WEST OF NORTH A STREET EXTENSION AND BETWEEN 1,057 FEET AND 1,097 FEET NORTH OF PASSAGE WAY EXTENSION - PUBLIC HEARING ONLY **(DISTRICT 1) (DEVELOPMENT SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for 11 new oil and gas well permits that will be granted to COG LLC.

Oil & Gas Officer Garrick Clayton reported on the traffic plan that comes off of Hwy 349. No public streets will be utilized.

Mayor Blong opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

PUBLIC HEARING ONLY; NO ACTION TAKEN.

MISCELLANEOUS

16. 2024-163 – RESOLUTION APPROVING A CONTRACT WITH HENTHORN COMMERCIAL CONSTRUCTION, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF DOORBELL SECURITY SYSTEMS FOR THE DOORBELL SECURITY SYSTEMS PROJECT FOR A TOTAL COST OF $182,339.40 **(DISTRICT 2) (GENERAL SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**

ITEM PULLED BY STAFF; NO ACTION TAKEN.

Council Member Ladd shared concerns about the price of the Ring doorbell system and would like more details.

17. 2024-164 – RESOLUTION APPROVING A CONTRACT WITH FIELDTURF USA, INC., THROUGH THE EQUALIS GROUP PURCHASING PROGRAM, FOR THE RENOVATION OF THE DOUG RUSSELL BATH HOUSE AND PARKING LOT FOR A TOTAL COST OF $6,563,439.45; APPROVING $328,172.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 3) (GENERAL SERVICES) (QUALITY OF LIFE AND PLACE)**

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is a request for City Council to approve the contract with the contractor. Mrs. Triggs reported the Doug Russell Bath House will now be called the Doug Russell Aquatic Center. Mrs. Triggs also reviewed the community impact this will have, the history of the pool which was constructed in 1962, the cost to renovate in past years and the revised quote of the Aquatic Center which is now $6.1M.

Parks and Recreation Director Laurie Williams reported they are ready to get started and can break ground as soon as possible.

Justin Gilmore, Level 5 Architect, spoke on the existing parking lot which now allows cars to flow through to the other side lot without going back into traffic.

Eric Davidson moved to approve Resolution No. 2024-164; seconded by Scott Dufford.

The motion passed by the following vote:
AYE: Davidson, Stretcher Burkes, Poole, Blong, Dufford, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: None

18. 10572 – AN ORDINANCE AMENDING TITLE III, “DEPARTMENTS”, CHAPTER 1, “WATER DEPARTMENT”, SECTION 2, “RATES”, SECTION 25, “TERMINATION PROCEDURES”, AND SECTION 27, “SEPTAGE WASTE HAULER DISCHARGES AND FEES”, OF THE CITY CODE OF MIDLAND, TEXAS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION **(DISTRICT: ALL) (UTILITIES) (TRANSPARENT & CONSISTENT COMMUNICATION)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10572.

Utilities Director Carl Craigo gave a brief overview of the item noting the rates, such as water rates, will be separated to make the processes cleaner.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10572; 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

19. 2024-165 – RESOLUTION NOMINATING A CANDIDATE FOR THE MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND CENTRAL APPRAISAL DISTRICT **(DISTRICT: NONE) (FINANCE) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

City Council went into Executive Session to discuss this item and reconvened at 11:44 a.m. to vote on this item.

Scott Dufford moved to approve Resolution No. 2024-165 by nominating John Scharbauer to the Midland Central Appraisal District Board of Directors; 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

20. 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, shared comments regarding the golf course.

EXECUTIVE SESSION

21. 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 City Council Meeting at 10:56 a.m. to go into Executive session and discuss item number 19.

a. Section 551.074, Personnel Matters

a.1. Deliberate the nomination of a member to the Midland Central Appraisal District board of directors.

All the business at hand having been completed, the meeting adjourned at 11:45 a.m.

PASSED AND APPROVED October 22, 2024.

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Lori Blong, Mayor

ATTEST:

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Marcia Bentley-German
City Governance Officer/City Secretary