

**MIDLAND CITY COUNCIL
MINUTES
October 24, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 24, 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 10:01 a.m.

OPENING ITEMS

1. Invocation – Pastor Darin Wood, First Baptist Church of Midland
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 “Michael Crain Day”
 - 3b. Presentation of Proclamation for “Municipal Court Week”
 - 3c. Presentation of Proclamation for “World Polio Day”
 - 3d. Presentation from Budget Manager Alyssa Coppens regarding the 5-year forecast for fixed costs.

Alyssa Coppens, Budget Manager, gave a brief overview of the Budget Breakdown: 5-Year Forecast. Ms. Coppens reviewed Forecasting, which involves predicting the financial future, assumptions and educated guesses, informed decision-making and

educated decision making.

Ms. Coppens also briefly reviewed the Strategic Plan, Goals, Action Items, Budget Recap for FY2024, Forecasting Assumptions and Expenses vs Revenue to FY 2029.

- 3e. Presentation from the Midland Skatepark Association.

Dustin Johnson, Midland Skatepark Association, gave a brief overview of Beal Park Skate Park improvements such as the water fountain, skateboard repair station and shaded benches. Several members of Council thanked Mr. Johnson who also presented a check to the City.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. WORK SESSION OF OCTOBER 10, 2023
 - 4b. REGULAR SESSION OF OCTOBER 10, 2023
7. 2023-146 – RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE 410 P-TIER BACKHOE LOADER FROM YELLOWHOUSE MACHINERY CO. THROUGH SOURCEWELL FOR A TOTAL COST OF \$168,197.66 **(DISTRICT: NONE) (GENERAL SERVICES)**
8. 2023-147 – RESOLUTION AUTHORIZING PURCHASE OF A TEREX EVOQUIP COBRA 230R IMPACT CRUSHER FROM POWERSCREEN TEXAS, INC., THROUGH BUYBOARD FOR A TOTAL COST OF \$591,533.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
9. 2023-148 – RESOLUTION APPROVING THE PURCHASE OF SIXTY (60) BUNKER COATS AND SIXTY (60) BUNKER PANTS FROM DOOLEY TACKABERRY, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$276,445.20 **(DISTRICT: NONE) (GENERAL SERVICES)**
10. 2023-149 – RESOLUTION APPROVING THE PURCHASE OF AN AMBULANCE AND ASSOCIATED EQUIPMENT FROM STERLING MCCALL FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$362,276.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
11. 2023-150 – RESOLUTION APPROVING THE PURCHASE OF A SPARTAN METRO PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF \$1,448,347.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
12. 2023-151 – RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED THIRTY (130) 2024 YAMAHA ELECTRIC GOLF CARTS FROM YAMAHA GOLF CAR COMPANY

THROUGH BUYBOARD AT A TOTAL COST OF \$559,000.00; AND AUTHORIZING THE TRADE-IN OF ONE HUNDRED THIRTY (130) CITY-OWNED YAMAHA DRIVE 2 GOLF CARTS **(DISTRICT 2) (GENERAL SERVICES)**

13. 2023-152 – RESOLUTION AUTHORIZING THE PURCHASE OF 130,000 POUNDS OF SODIUM PERMANGANATE - 20% SOLUTION NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2024 FROM UNIVAR SOLUTIONS USA INC. FOR A TOTAL COST OF \$223,600.00; AND RESCINDING THE PORTIONS OF RESOLUTION 2023-116 IN CONFLICT WITH THIS RESOLUTION **(DISTRICT: NONE) (GENERAL SERVICES)**
14. 124-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A NEW LIFT STATION AT THE I-20 WILDLIFE PRESERVE FOR THE WALL STREET SEWER DIVERSION, 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 FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS **(DISTRICT: ALL) (GENERAL SERVICES)**
15. 125-2023 – MOTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MOTRAN ALLIANCE, INC. **(DISTRICT: ALL) (CITY MANAGER)**
18. 2023-153 – RESOLUTION AUTHORIZING THE EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INCORPORATED, THE SALVATION ARMY OF MIDLAND, THE MIDLAND COUNTY HOSPITAL DISTRICT, SENIOR LIFE MIDLAND, INC., MISSION HEALTH CARE, INC., HELLINGHAUSEN HOPE, INC., THRIVING UNITED, INC., AND CHURCH ON WHEELS, INC.; AUTHORIZING THE FUNDING OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS FOR A TOTAL COST OF \$1,268,782.00; AND APPROPRIATING AND ALLOCATING FUNDS **(DISTRICT: ALL) (DEVELOPMENT SERVICES)**
19. 128-2023 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF PIONEER NATURAL RESOURCES USA ADDITION, BEING A PLAT OF AN 87.55-ACRE TRACT OF LAND OUT OF SECTIONS 33 AND 40, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1140 AND EAST STATE HIGHWAY 80) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
22. 2023-155 – RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$52,686.00 FROM THE FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE OFFICE OF JUSTICE PROGRAMS FOR THE

UNITED STATES DEPARTMENT OF JUSTICE; SAID GRANT FUNDS SHALL BE USED TO PURCHASE FLOCK LICENSE PLATE CAMERAS FOR THE POLICE DEPARTMENT; AND APPROPRIATING SAID GRANT FUNDS **(DISTRICT: ALL) (POLICE)**

Jack Ladd moved to approve consent agenda items 4-22, excluding items 5, 6, 16, 17, 20 & 21; 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

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

5. 2023-144 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF A FITNESS COURT FOR DENNIS THE MENACE PARK FROM NATIONAL FITNESS CAMPAIGN LP FOR A TOTAL COST OF \$105,000.00 **(DISTRICT 2) (GENERAL SERVICES)**

Community Services Assistant Director Laurie Williams gave a brief overview of the item noting this is for a fitness court for Dennis the Menace Park from the National Fitness Campaign. Ms. Williams gave an update on improvements that have been done at the park.

Scott Dufford moved to approve Resolution No. 2023-144; 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

6. 2023-145 – RESOLUTION AUTHORIZING PURCHASE OF A WIRTGEN W 120 XTI COLD MILLING MACHINE FROM KIRBY-SMITH MACHINERY, INC., THROUGH BUYBOARD FOR A TOTAL COST OF \$502,269.45 **(DISTRICT: NONE) (GENERAL SERVICES)**

Council Member Corrales pointed out the City is repaving some of their own roads and thanked staff for their work.

Dan Corrales moved to approve Resolution No. 2023-145; 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

16. 126-2023 – MOTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KLJ ENGINEERING, LLC **(DISTRICT: ALL) (CITY MANAGER)**

ITEM PULLED NO ACTION TAKEN

17. 127-2023 – MOTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SPECIAL OLYMPICS TEXAS, INC., TO HOST FALL CLASSIC EVENTS IN THE CITY OF MIDLAND BEGINNING IN OCTOBER 2024; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL **(DISTRICT: ALL) (COMMUNITY SERVICES)**

Community Services Director Cristina Burns gave a brief overview of the item noting they would like funds for the next five years. Midland's portion would be \$250,000.00 per year.

Abigail Davis, VisitMidland, gave a brief overview of the item noting they have run some economic impact numbers which came out to about 1.8 million in overall economic impact.

Reagan Hinojos, 201 N. Loop 250, spoke in favor of this item and the positive impact the Special Olympics has on individuals and the community.

John Norman moved to approve Motion No. 127-2023; 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

20. 129-2023 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF YMCA ADDITION, SECTION 1, BEING A PLAT OF A 25.195-ACRE TRACT OF LAND OUT OF SECTIONS 23 AND 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF GOLDEN GATE DRIVE AND MOCKINGBIRD LANE) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Council Member Corrales made comments regarding infrastructure and making smart decisions when it comes to planning for growth in the City of Midland.

Assistant City Manager Jose Ortiz gave a brief overview of the item noting the changes that are coming and where these changes currently are with regard to the planning of the road maintenance work.

City Manager Tommy Gonzalez reported on how the strategic plan will assist with a comprehensive plan, five-year Capital Improvement Plan (CIP).

Brad Swindig, 4900 Kingsboro, Director of COM, spoke in favor of the YMCA and the work

they do.

Mindy Hamm, 5801 Longhorn Lane, spoke in favor of this item and provided examples why.

Barbara Wood, 5500 Golden Gate Drive, has no problem with the YMCA but does have a problem with the current roadways in the area.

Andy Torres, 6413 W. Conchos Lane, he is not anti YMCA and spoke on what the YMCA did for him. However, he does not feel this is the right neighborhood for the new YMCA.

Stephen Brumley, 7100 West County Road 44, reported he is not against the YMCA but is against the location because of the noise and traffic it will bring.

Kylie Roman, 6606 Patriot Parkway, spoke in favor of the YMCA coming to this location due to the number of children that have to commute so far to get to the other facility.

Audrey Burkholder, 6406 Mockingbird Lane, spoke in opposition of this item due to traffic safety issues.

Allison King, 1212 Humble, spoke in favor of the YMCA to provide quality childcare for working moms.

Mason Burkholder, 6406 Mockingbird Lane, spoke in opposition of this item due to the traffic and wanting a safe environment for he and his little sister.

Dorota Anderson, 2608 Hughes St., spoke in favor of the YMCA coming to this location.

Jordan Fietz, 6507 Montero Lane, spoke in opposition of the YMCA coming to this location.

David Duree, 86 Shiloh, spoke in favor of this item.

Kathy Hobart, 6501 Montero Lane, spoke in opposition of this item for this location.

Gabriel Zertuche, 4322 Thomason Drive, spoke in favor of the YMCA in this location.

Kevin Hunstable, 1404 Bedford, spoke in opposition of this item due to lack of communication.

Mark Pace, 3 Deerfield Dr., spoke in favor of the YMCA in this location.

Elizabeth Harris-Jurado, 6022 Spahn St., is an employee of the YMCA and spoke in favor of this item.

Christine Bearden, 800 N. Big Spring, spoke in favor of the YMCA and its' afterschool program.

John Burkholder, 6406 Mockingbird Lane, spoke in opposition of this item due to safety

concerns.

Devon Copeland, 4415 Northcrest Drive and Aquatics Director for the YMCA , spoke in favor of the item noting the need for water safety training.

Abby Borrego, 2513 Wyatt Way, works at the YMCA and spoke in favor of the item.

Amanda Torres, 6413 Los Conchos Lane, spoke against the location but not against the YMCA as a whole. Ms. Torres is concerned about traffic safety.

Brittany Roberts, 3907 Crestline Ave., spoke in favor of the YMCA. Ms. Roberts is also an employee of the YMCA.

Marissa Nally, 2817 Haynes Drive, spoke in favor of the YMCA and all it has done for herself and her children.

Nolan Bradshaw, 6515 Gladiola, provided several reasons he is speaking in opposition of the YMCA coming to this location.

Clint Williamson, 1410 Country Club Dr., spoke in favor of the YMCA coming to expand the Midland community.

Jessica Lindemood, 5213 Quicksand Dr., spoke in favor of the YMCA and the fact that they offer scholarships and other beneficial services.

Dean Snidow, 1204 Telluride Dr., current Chairman of the Board of Directors for the YMCA. Mr. Snidow spoke in favor of the YMCA and what the new location will bring to Midland.

Juan Coronado, 2301 Homeland Court, spoke in favor of the YMCA and all it does.

Edwin Jackson, 444 W. Pine, works for the YMCA and spoke in favor of it and all of the services it provides.

Cade Grigsby, 1311 Lawson Ave., spoke in favor of the YMCA coming to this location.

Zach Nygaard, 1805 Tennessee Ave., spoke in favor of the YMCA. Spoke on less drive time for the children and less downtown traffic.

Mireya Mendez, 2408 Cimmaron Ave., is currently the teen director of the YMCA and spoke in favor of the YMCA.

Maddi Meier, 1805 Tennessee, is the sports director at the YMCA and spoke in favor of the YMCA to expand in the North side of town.

Renee Page, future resident of Midland, spoke in favor of the YMCA coming to Midland.

Jodi Bradshaw, 6515 Gladiola, spoke in opposition of this item and reported on several issues such as pipelines running under the land.

Lisa Jebson, 4415 Fairbanks Drive, spoke in favor of the YMCA coming to this location. Lisa is also an employee of the YMCA.

Amy Evans, 4506 Lenox, spoke in favor of the YMCA and all the YMCA has done for her.

Danny Ratliff, 6418 Chaps Lane, spoke in opposition of the YMCA from an engineering & common sense standpoint.

Bryan Williams, 417 E. Dormard, childcare coordinator at the YMCA, spoke in favor of the YMCA.

Beth Ryan, 1920 Centerview Lane, spoke in favor of the YMCA.

Assistant City Manager Jose Oritz reported there are conditions of the preliminary plat that need to be addressed prior to the final plat such as Mockingbird, Avalon and Goldengate. These streets need to be brought up to standards before the final plat can be approved.

Community Services Director Cristina Burns reported that childcare requires the use of an SUD.

Assistant City Manager Tina Jauz reported childcare over two hour per day may need to advance to the next step of an SUD.

Council Member Stretcher Burkes would like to have a discussion with the YMCA board as infrastructure can not chase development.

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

The motion passed by the following vote:

AYE: Poole, Blong, Dufford, Ladd, Norman

NAY: Stretcher Burkes, Corrales

ABSTAIN: None

ABSENT: None

21. 2023-154 – RESOLUTION ESTABLISHING A POLICY LIMITING ELIGIBILITY FOR SERVICE ON CITY BOARDS AND COMMISSIONS WITH FINAL DECISION-MAKING AUTHORITY (**LEGAL**)

Council Member Poole reported that she asked City Attorney John Ohnemiller to draw up a resolution limiting people from serving on more than one decision making board.

Robin Poole moved to approve Resolution No. 2023-154; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

23. 10445 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 54.008-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,550 FEET SOUTH OF STATE HIGHWAY 191, AND APPROXIMATELY 1,725 FEET EAST OF FARM-TO-MARKET ROAD 1788), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AN INSTITUTION FOR THE CARE OF ALCOHOLIC, PSYCHIATRIC, OR NARCOTIC PATIENTS; 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)** (FIRST READING HELD ON OCTOBER 10, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10445.

Scott Dufford moved to approve the second and final reading of Ordinance No. 10445; 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

24. 10446 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 55, BLOCK 8, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR HOUSING DEVELOPMENT TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED EAST OF TEJAS, APPROXIMATELY 175 FEET WEST OF SIOUX COURT); 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 1) (DEVELOPMENT SERVICES)** (FIRST READING HELD ON OCTOBER 10, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10446.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10446; 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

25. 10447 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 2 AND 3, LLANO ESTACADO ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM CE, COUNTRY ESTATE DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 340 FEET WEST OF AVALON 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 **(DISTRICT 3) (DEVELOPMENT SERVICES)** (FIRST READING HELD ON OCTOBER 10, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10447.

Armando Arana 6407 Aster Ave., spoke again against a Dollar Store coming to this location. Mr. Arana spoke at a previous Council Meeting.

The last time this item came to Council it didn't need a supermajority vote. Now, they have 54% of objections so it needs a supermajority.

THIS ITEM ACTUALLY FAILED DUE TO NOT HAVING A SUPERMAJORITY VOTE.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10447; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Poole, Dufford, Ladd, Norman

NAY: Stretcher Burkes, Corrales, Blong

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

26. 10448 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, CREATING TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO, CITY OF MIDLAND, TEXAS **(DISTRICT: 2 & 3) (COMMUNITY SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10448.

Natalie Moore, TIRZ Consultant with David Pettit Economic Development LLC., provided a brief history of the Midland Downtown Tax Increment Reinvestment Zone (TIRZ) and is proposing TIRZ number two. Ms. Moore reviewed the creation process which Chapter 311 outlines. Ms. Moore reported on Development Projects, Projected Tax Revenue and Projected Annual Tax Revenue. Ms. Moore also proposed project cost for public utilities parking and transit improvements, street and intersection improvements, pedestrian enhancements, open space, parks and recreation, economic development grants and administrative cost.

Ms. Moore reported the proposed next steps will be the creation of an ordinance. There will also need to be a TIRZ Board consisting of 7 members appointed by the City Council which may include the Mayor and members of Council.

City Manager Tommy Gonzalez reported there have been discussions with the Hospital District, Midland County, Midland College and a meeting has been set up with MISD.

Ms. Moore also reported what it would look like if other taxing entities joined the TIRZ and future revenues.

City Manager Tommy Gonzalez reported this is also in conjunction with the Overlay District.

Council Member Ladd clarified that the City may have a second TIRZ if necessary to improve other areas. Council Member Ladd also thanked staff for the work they have done to report on this information.

Mayor Blong opened the public hearing at 2:32 p.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. 10448; 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. 10449 – AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY, LOCATED WITHIN BLOCK 127, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTH OF EAST KENTUCKY AVENUE, APPROXIMATELY 100 FEET WEST OF SOUTH LAMESA ROAD); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$12,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10449.

Mayor Blong opened the public hearing at 2:33 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. 10449; 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

28. 10450 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 THROUGH 6 AND A 0.138-ACRE TRACT OF LAND, BLOCK 127, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH LAMESA ROAD AND EAST KENTUCKY AVENUE), BY PERMITTING A METAL SCREENING FENCE IN LIEU OF A MASONRY SCREENING WALL; 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)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10450.

Community Services Director Cristina Burns gave a brief overview of the item noting it is related to item 27 that was just approved. The applicant would like a special exception to the required masonry fence so they don't have to build another fence. They have worked with the neighbors on this.

Mayor Blong opened the public hearing at 2:36 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. 10450; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

29. 10451 – 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)** (DEFERRED FROM SEPTEMBER 26, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10451.

Community Services Director Cristina Burns gave a brief overview of the item noting this request is to change lot size. They would like to replat one lot into two in an AE district which requires a minimum of two acres. Staff has received several letters of rejection and is

recommending denial.

Mayor Blong opened the public hearing at 1:04 p.m.

Don Neil, 4414 Tanforan, spoke in opposition of this item.

Shane Hoffman, 4709 Woodbar Court, owner of the property in question, spoke with several neighbors who didn't have a problem with what he would like to do with his property.

There being no one else wishing to speak, the public hearing was closed at 1:11 p.m.

THIS ITEM PASSED BY A SUPERMAJORITY WHICH WAS NEEDED.

Mayor Blong recessed the City Council Meeting for a quick lunch at 1:11 p.m. and reconvened the meeting at 2:06 p.m. picking up at item number 21.

Robin Poole moved to approve the first of two readings of Ordinance No. 10451.; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Ladd

ABSENT: None

30. 10452 – AN ORDINANCE VACATING AND ABANDONING A 0.42-ACRE PORTION OF NORTH N STREET RIGHT-OF WAY AND A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY, EACH LOCATED ADJACENT TO OR WITHIN BLOCK 11, HIGHLAND PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH N STREET AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$75,592.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10452.

Mayor Blong opened the public hearing at 2:37 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10452; 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

MISCELLANEOUS

31. 10453 – AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT” OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING CHAPTER 1A, “CENTENNIAL ENTERTAINMENT OVERLAY DISTRICT” SO AS TO ESTABLISH AN OVERLAY ZONING DISTRICT; ESTABLISHING PROVISIONS RELATED TO LAND USE AND DEVELOPMENT WITHIN SAID OVERLAY ZONING DISTRICT; AMENDING THE ZONING MAP; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF DECEMBER 1, 2023; AND ORDERING PUBLICATION **(DISTRICT: ALL) (DEVELOPMENT SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10453.

Assistant City Manager Jose Ortiz reported no changes have been made since presentation was done.

Mayor Blong reported there are a group of people with interest in downtown who will reach out to City staff for conversations.

City Manager Tommy Gonzalez reported on community updates he has received.

Dan Corrales moved to approve Ordinance No. 10453; 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

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

During the P&Z portion of appointments Lucy Sisnegia, Midland, spoke about her concerns as to why there was a delay in appointments and why she could not serve on the MDC board.

Council Member Ladd asked Ms. Sisnegia if she was reappointed to P & Z would she serve. Ms. Sisnegia asked if she could choose. Eventually, Ms. Sisnegia said yes.

After all appointments were made, Heather Bredimus, 4013 Fiarwood, requested an understanding of what happened during the P&Z portion of board appointments.

John Norman moved to appoint Michelle Evans to the Midland Housing Authority Commission; 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

Robin Poole moved to appoint Neville Peyton to the Midland housing Authority Commission; seconded by Scott Dufford.

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

Dan Corrales moved to reappoint Daniel Norwood and Joseph Sanchez to the Midland-Odessa Urban Transit District Board and to appoint Randall Milloy to the Midland-Odessa Urban Transit District Board to replace Brian Stubbs; 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

Scott Dufford moved to appoint Layton Hargesheimer to the Oil and Gas Advisory Committee to replace Court Adkins; 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

Jack Ladd moved to reappoint Lucy Sisniega to the Planning and Zoning commission; seconded by Scott Dufford.

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

Amy Stretcher Burkes moved to appoint John Burkholder to the Planning and Zoning Commission to replace Diane Williams; 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

Dan Corrales moved to appoint Brennan Berry to the Planning and Zoning commission to replace Zachary Deck; 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

Dan Corrales moved to appoint Joshua Sparks to the Planning and Zoning Commission as an alternate to replace Beverly Dillow; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

Amy Stretcher Burkes moved to appoint Rachael Walker to the Zoning Board of Adjustment and Airport Zoning Board of Adjustment; 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

Robin Poole moved to appoint Elizabeth Moore to the Zoning Board of Adjustment and Airport Zoning Board of Adjustment; 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

Jack Ladd moved to appoint Elvie Brown to the Midland Development Cooperation; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Poole, Blong, Dufford, Ladd

NAY: Corrales

ABSTAIN: Stretcher Burkes, Norman

ABSENT: None

PUBLIC COMMENT

33. 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.)

EXECUTIVE SESSION

34. 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 Council Meeting to go into Executive Session at 1:12 p.m. The Council Meeting reconvened at 2:06 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.

All the business at hand having been completed, the meeting adjourned at 3:19 p.m.

PASSED AND APPROVED November 14, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary