

**MIDLAND CITY COUNCIL
MINUTES
November 14, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., November 14, 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 Jon Wymore, Livingway Four Square 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 Information Officer Jennifer Frescaz regarding Radio Upgrade and Interoperability Leading to Interlocals.

Managing Director and Chief Information Officer Jennifer Frescaz provided a brief overview of the P25 Radio Project Upgrade.

Ms. Frescaz reviewed how this project is in line with Strategic Goal number two which is to “set the standard for a safe and secure city and be the safest city in West Texas”. It’s also in line with Strategic Goal number 5 which is to “provide sound governance and fiscal management and recruit and retain a skilled and diverse workforce and to enhance the citizen experience”.

Ms. Frescaz provided the expected outcomes, community impact, project overview and project history dating back to 2014 with the purchase of the Harris Radio System. Ms. Frescaz reported on the portable and mobile coverage areas, the project accomplishments, what's upcoming and the funding for the project.

- 3b. Presentation from Assistant City Manager Jose Ortiz regarding the state of the streets.

Engineering Services Director Gabriel McClelland gave a presentation of the state of the streets within the City of Midland.

Mr. McClelland provided key accomplishments consistent with the City of Midland's strategic plan to "set the standard for a safe and secure city", goal number two. This will be accomplished by improving pedestrian and motorist safety by investing in traffic management and infrastructure. Mr. McClelland also reported the key accomplishments consistent with the City of Midland's strategic plan number six which is to "strengthen and sustain our infrastructure network".

Mr. McClelland shared that the street network in Midland is about 667 miles of paved roads versus 552 miles of paved roads in Odessa and reviewed the Cumulative Pavement Condition Index (PCI) for Midland's street network. Cities want a PCI greater than 55 and the City of Midland is at 69.

Mr. McClelland went on to review pavement management challenges the city is facing that affect the PCI such as climate (UV rays, moisture and extreme temperatures), traffic (heavy loads, high volume & rapid growth), pavement age, utility work and drainage. He also reported on recommended strategies, goals, the benefits of in-house concrete paving and the amount of funding needed to accomplish this project.

Council Member Norman thanked Mr. McClelland and the Traffic Department for the work they have done with potholes.

Council Member Ladd commended Mr. McClelland on the presentation showing the return on investment and would like to know how we as a city will get there.

Assistant City Manager Jose Ortiz reported the bond program is coming to an end and it will be a challenge to come up with the funding but all avenues of possible funding will be explored.

Mayor Blong reported that we as a city will have to find creative solutions in order for the PCI to improve.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR SESSION OF OCTOBER 24, 2023

4b. SPECIAL SESSION OF OCTOBER 26, 2023

5. 2023-156 – RESOLUTION CASTING THE CITY OF MIDLAND’S VOTES FOR DIRECTORS OF THE MIDLAND CENTRAL APPRAISAL DISTRICT FOR ROBERT MCNAUGHTON; AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE TO FILE THE APPROPRIATE DOCUMENTS **(DISTRICT: NONE) (FINANCE)**
6. 2023-157 – RESOLUTION AUTHORIZING THE PURCHASE OF A TWO YEAR RENEWAL OF MAINTENANCE FOR THE EXISTING FIREWALL DEVICES AND ANTIVIRUS SOFTWARE THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES FROM CDW GOVERNMENT LLC AT A TOTAL COST OF \$248,803.28 **(DISTRICT: NONE) (GENERAL SERVICES)**
7. 2023-158 – RESOLUTION AUTHORIZING PURCHASE OF A KOMATSU EXCAVATOR AND ASSOCIATED ATTACHMENTS FROM KIRBY-SMITH MACHINERY, INC., THROUGH BUYBOARD FOR A TOTAL COST OF \$396,151.30 **(DISTRICT: NONE) (GENERAL SERVICES)**
8. 2023-159 – RESOLUTION AUTHORIZING THE PURCHASE OF A POWER PAVER, POWER CURBER, AND ASSOCIATED EQUIPMENT FROM CORNWELL CAPITAL II DBA POWER CURBERS COMPANIES LLC THROUGH THE EQUALIS GROUP PURCHASING PROGRAM FOR A TOTAL COST OF \$990,650.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
9. 2023-160 – RESOLUTION APPROVING THE PURCHASE OF ONE (1) JOHN DEERE 6110M CAB TRACTOR, ONE (1) JOHN DEERE 1585 TERRAIN CUT COMMERCIAL FRONT MOWER, AND ONE (1) JOHN DEERE 72-INCH 7-IRON PRO COMMERCIAL SIDE MOWER FROM DEERE & COMPANY THROUGH SOURCEWELL FOR A TOTAL COST OF \$209,887.38 **(DISTRICT: NONE) (GENERAL SERVICES)**
10. 2023-161 – RESOLUTION APPROVING THE PURCHASE AND UPFITTING OF THIRTY (30) CHEVROLET TAHOES AND TWO (2) CHEVROLET SILVERADO 1500 PICKUP TRUCKS FROM CALDWELL COUNTRY CHEVEROLET, LLC, THROUGH BUYBOARD AT A TOTAL COST OF \$2,641,694.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
12. 2023-163 – RESOLUTION AUTHORIZING THE PURCHASE OF HERBICIDE FOR THE PLANT FARM FROM HELENA AGRI-ENTERPRISES, LLC OF STANTON, TEXAS, AT A TOTAL COST OF \$134,691.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
13. 2023-164 – RESOLUTION RATIFYING THE EXECUTION OF AN AGREEMENT WITH ONCOR ELECTRIC DELIVERY COMPANY LLC (“ONCOR”) FOR THE RELOCATION OF ONCOR’S FACILITIES IN CONNECTION WITH THE EXTENSION OF WEST WADLEY AVENUE AT A COST OF \$102,733.01; AND AUTHORIZING PAYMENT **(DISTRICT:**

NONE) (GENERAL SERVICES)

14. 2023-165 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS FOR THE WATER RECLAMATION FACILITY FOR FISCAL YEAR 2024 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$397,335.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
15. 2023-166 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH AVENU INSIGHTS AND ANALYTICS, LLC OF CENTREVILLE, VIRGINIA, FOR ACCOUNTING SERVICES CONCERNING SALES AND USE TAX ADMINISTRATION, HOTEL AUDITING AND FRANCHISE FEE AUDITING; AND AUTHORIZING PAYMENT **(DISTRICT: NONE) (GENERAL SERVICES)**
16. 131-2023 – MOTION AUTHORIZING THE EXECUTION OF A 2024 ROUTINE AIRPORT MAINTENANCE PROGRAM AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE TEXAS DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS IN THE AMOUNT OF \$100,000.00 FOR CERTAIN MAINTENANCE AND IMPROVEMENTS AT MIDLAND AIRPARK **(DISTRICT 4) (AIRPORTS)**
17. 2023-167 – RESOLUTION APPROVING THE PURCHASE OF FURNITURE AND ASSOCIATED EQUIPMENT FOR THE MIDLAND INTERNATIONAL AIR & SPACE PORT TERMINAL BUILDING FROM SEWCO, INC., DBA OFFICEWISE FURNITURE AND EQUIPMENT THROUGH THE INTERLOCAL PURCHASING SYSTEM AND OMNIA PARTNERS FOR A TOTAL COST OF \$203,927.33 **(DISTRICT 4) (AIRPORTS)**
19. 133-2023 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT #9 TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL AND PROVIDING THE DESIGN PHASE OF THE TERMINAL MODERNIZATION AND CHECKPOINT RELOCATION PROJECT AND THE AIRFIELD SNOW REMOVAL VEHICLES AND EQUIPMENT ACQUISITION PROJECT, APPROPRIATING FUNDING TO BOTH PROJECTS **(DISTRICT 4) (AIRPORTS)**
20. 134-2023 – MOTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN NON-EXCLUSIVE COMMERCIAL FIXED BASE OPERATOR LEASE AGREEMENT DATED MARCH 29, 2023, BETWEEN THE CITY OF MIDLAND, TEXAS, AND FRANKLIN MOUNTAIN AVIATION MAF, LLC; SAID AMENDMENT PROVIDING FOR AN EXTENSION OF THE DUE DILIGENCE EXPIRATION DATE FROM NOVEMBER 24, 2023, TO FEBRUARY 22, 2024 **(DISTRICT 4) (AIRPORTS)**
22. 136-2023 – MOTION APPROPRIATING THE SUM OF \$400,000.00 FROM THE AIRPORT UNAPPROPRIATED FUND BALANCE TO THE MULTI-FACILITY REHAB PROJECT (900308); AND TRANSFERRING THE SUM OF \$400,000.00 FROM THE MULTI-FACILITY REHAB PROJECT (900308) TO THE AIRPORT OPERATING GRANT FUND PROJECT **(DISTRICT 4) (AIRPORTS)**
23. 2023-168 – RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY

COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2024 **(DISTRICT: ALL) (CITY SECRETARY'S OFFICE)**

24. 137-2023 – MOTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO SURFACE USE AGREEMENT WITH MIDLAND-PETRO D.C. PARTNERS, LLC, REGARDING DRILLING AND PRODUCTION OPERATIONS LOCATED ON AN APPROXIMATE 16.87-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ADJACENT TO MIDLAND AIRPARK) **(DISTRICT 3) (DEVELOPMENT SERVICES)**
25. 2023-169 – RESOLUTION GRANTING VARIANCES FOR 12 OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 768 FEET AND 1,022 FEET EAST OF NORTH A STREET EXTENSION AND BETWEEN 1,817 FEET AND 2,067 FEET SOUTH OF WEST LOOP 250 NORTH); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT **(DISTRICT 3) (DEVELOPMENT SERVICES)**
26. 138-2023 – MOTION AUTHORIZING THE EXECUTION OF A SUBSURFACE USE AGREEMENT BETWEEN THE CITY OF MIDLAND AND PIONEER NATURAL RESOURCES USA, INC., REGARDING CERTAIN CITY-OWNED PROPERTY DESCRIBED AS THE SOUTH 500 FEET OF SECTION 16, BLOCK 37, T-2-S, W.T. HALCOMBE SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
27. 139-2023 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR DOWNTOWN PARKING MANAGEMENT SERVICES TO INCLUDE PAY-BY-MOBILE APPLICATION PARKING AND INCIDENTAL SERVICES FOR ON-STREET PARKING, SURFACE PARKING LOTS, AND PUBLIC PARKING SPACES LOCATED AT PARKING GARAGES, AND TO NEGOTIATE AN AGREEMENT FOR SAID SERVICES; PROVIDED HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL **(DISTRICT 2) (ENGINEERING SERVICES)**
28. 2023-170 – RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT DEED FROM PARK HILL RESOURCES, LLC, CONVEYING A 0.464-ACRE TRACT OF LAND LOCATED IN THE W.M. BALDRIDGE SURVEY NO. 17, BLOCK 37, T-2-S, ABSTRACT NO. 1065, MIDLAND COUNTY, TEXAS; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: NONE) (UTILITIES)**
29. 2023-171 – RESOLUTION AUTHORIZING THE CITY MANAGER, DEPUTY CITY

MANAGER, OR AN ASSISTANT CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO ACQUISITIONS OF REAL PROPERTY INTERESTS ON BEHALF OF THE CITY OF MIDLAND TO THE EXTENT THAT THE CITY COUNCIL PREVIOUSLY AUTHORIZED THE CITY MANAGER TO ACQUIRE REAL PROPERTY INTERESTS OR EXECUTE SUCH DOCUMENTS **(DISTRICT: ALL) (UTILITIES)**

Jack Ladd moved to approve consent agenda items 4-29, excluding items 11, 18 and 21; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

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

11. 2023-162 – RESOLUTION RESCINDING RESOLUTION 2023-115; REJECTING THE SOLE PROPOSAL RECEIVED; AND AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR THE NORTH CITIZEN COLLECTION STATION PROJECT AND THE WEST CITIZEN COLLECTION STATION PROJECT **(DISTRICT: ALL) (GENERAL SERVICES)**

Council Member Stretcher Burkes pulled this item as staff is still researching information. Staff will present at a later time.

Utilities Director Carl Craig reported the project cannot be completed as designed due to missing items because the contingency will be a lot more than 25% of the base bid.

John Darnell, 1311 W. Missouri, representing Onyx is here to answer questions.

Amy Stretcher Burkes moved to defer Resolution No. 2023-162; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Stretcher Burkes, Poole, Blong, Ladd

NAY: None

ABSTAIN: None

ABSENT: Corrales, Dufford, Norman

18. 132-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE MIDLAND AIRPARK ENTRY ROAD ENHANCEMENTS 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 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 4) (AIRPORTS)**

Airports Director Justine Ruff gave a brief overview of the item noting that when Council decided to keep Airpark open, an effort was put in to make it look better. This is also reflected in item number 21 for fencing on this agenda.

When it rains, the entrance road to Airpark floods. Midland College has the ability to close their entrance to Airpark but the City doesn't. Water flows over the bridge preventing pilots from driving in or out. This will turn the low water crossing into a bridge to make it easier to get in and out of Airpark.

Council Member Poole reported the bridge will also include a pedestrian lane.

Robin Poole moved to approve Motion No. 132-2023; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

21. 135-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE MIDLAND AIRPARK NORTH FENCE REPLACEMENT 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 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 4) (AIRPORTS)**

This item was discussed along with item number 18 on today's consent agenda.

Robin Poole moved to approve Motion No. 135-2023; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

SECOND READINGS

30. 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)** (FIRST READING HELD OCTOBER 24, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10448.

John Norman moved to approve the second and final reading of Ordinance No. 10448; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

31. 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)** (FIRST READING HELD OCTOBER 24, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10449.

This item was pulled by the applicant. No action taken.

32. 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)** (FIRST READING HELD OCTOBER 24, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10450.

This item was pulled by the applicant. No action taken.

33. 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) (FIRST READING HELD OCTOBER 24, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10451.

Amy Stretcher Burkes moved to approve the second and final reading of Ordinance No. 10451; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

34. 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)** (FIRST READING HELD OCTOBER 24, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10452.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10452; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

35. 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)** (FIRST READING HELD OCTOBER 24, 2023)

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

10453.

Scott Dufford moved to approve the second and final reading of Ordinance No. 10453; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

PUBLIC HEARINGS

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

36. 10454 – 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, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST 250 LOOP NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR COMMERCIAL AMUSEMENT (OUTDOORS); 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 3) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10454.

Development Services Director Cristina Burns gave a brief overview of the item noting the applicant is requesting a Specific Use Designation (SUD) without term for the Tailgate to be used as an outdoor entertainment facility. The current SUD is expired for alcoholic beverage sales as well as for a mobile food vendor park. This request would allow them to have their event.

Council Member Norman inquired why the SUD expired. Assistant City Manager Jose Ortiz reported he believes there was an issue with coordinating with HEB.

Development Services Director Cristina Burns reported on several other items that need to be taken care of in order to receive the SUD.

Mayor Blong opened the public hearing at 10:54 a.m.

Sean Elphick, 11 Marchelle Ct., is looking forward to being under contract in the next few weeks and would like to build everything correctly from the beginning. Mr. Elphick reported he is willing to do what it takes to come into compliance.

There being no one else wishing to speak, the public hearing was closed at 11:01 a.m.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10454; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

37. 10455 – 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, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST 250 LOOP NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A MOBILE FOOD VENDOR PARK; 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 3) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10455.

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.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10455; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

38. 10456 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST 250 LOOP NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A MOBILE FOOD VENDOR PARK AND COMMERCIAL AMUSEMENT (OUTDOOR) FACILITY FOR ON-PREMISES CONSUMPTION; 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 3) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10456.

Mayor Blong opened the public hearing at 11:03 a.m.

Sean Elphick, 11 Marchelle Ct., reported they have an event scheduled this weekend that they are obligated to pay. Mr. Elphick stated he is willing to pay the \$2,000.00 fine since he knows they will be out of compliance. They have been doing everything to get into compliance but missed the deadline.

Council Member Poole inquired if there will be extra staff to assist with parking and other issues such as traffic.

Council Member Norman agreed with Mayor Blong in that we continue to be consistent, stay in compliance and not make exceptions.

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

Jack Ladd moved to approve the first of two readings of Ordinance No. 10456; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

39. 10457 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 23.93-ACRE TRACT OF LAND OUT OF SECTION 27, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL, IN PART, AND O-1, OFFICE DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A MEDICAL CENTER AND HOSPITAL (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF KENT STREET AND WEST MICHIGAN 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 3) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10457.

Mayor Blong reported that during a meeting the CEO of the hospital discussed the

construction that is going to be taking place for the expansion of the hospital and commended the City staff for proactively working with the hospital.

Mayor Blong opened the public hearing at 11:13 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. 10457; 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

40. 140-2023 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: CHARGER 110 MIPA UNIT #H110SX AND CHARGER 120 MIPA UNIT #H120MX; SAID WELLS BEING GENERALLY LOCATED BETWEEN 2,280 FEET AND 2,310 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 483 AND 520 FEET SOUTH OF WEST I-20; PUBLIC HEARING ONLY **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Council Member Poole prepared to abstain from discussion on this item, however there was none.

Mayor Blong opened the public hearing at 11:14 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

PUBLIC HEARING ONLY – NO ACTION TAKEN.

41. 141-2023 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MUSTANG 120 MIPA UNIT #H120MX; MUSTANG 130 MIPA UNIT #H130SX; AND MUSTANG 140 MIPA UNIT #H140MX; SAID WELLS BEING GENERALLY LOCATED 1,625 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 625 AND 675 FEET SOUTH OF WEST I-20; PUBLIC HEARING ONLY **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Mayor Blong opened the public hearing at 11:15 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

PUBLIC HEARING ONLY – NO ACTION TAKEN.

42. 142-2023 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MUSTANG 150 MIPA UNIT #H150SX AND MUSTANG 160 MIPA UNIT #H160MX; SAID WELLS BEING GENERALLY LOCATED

BETWEEN 1,101 FEET AND 1,131 FEET WEST OF RANKIN HIGHWAY AND 560 FEET SOUTH OF WEST I-20; PUBLIC HEARING ONLY **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Mayor Blong opened the public hearing at 11:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

PUBLIC HEARING ONLY – NO ACTION TAKEN.

43. 10458 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 52, BLOCK 31, LONE STAR TRAILS ADDITION, SECTION 5, CORRECTION PLAT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LONE STAR LANE AND BURNETT LANE), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK; 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 1) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10458.

Development Services Director Cristina Burns gave a brief overview of the item noting the applicant is requesting a special exception to allow for a reduced rear yard setback for an accessory structure that was built without a permit because the contractor did not pull one. There is no hardship and staff recommends denial.

Mayor Blong opened the public hearing at 11:18 a.m.

Lilly Ochoa, 6800 Lone Star Lane, hired a contractor and didn't find out that a permit was not pulled until she had already paid \$30,000.00. The contractor cannot be found.

Ms. Ochoa reported that none of her neighbors had an issue with this and her Home Owners Association approved it.

There being no one else wishing to speak, the public hearing was closed at 11:22 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10458; 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

44. 10459 – AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT”, CHAPTER XI, “AIRPORT HEIGHT HAZARD AND COMPATIBLE LAND USE ZONING,” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REPLACE THE MIDLAND INTERNATIONAL AIRPORT COMPATIBLE LAND USE ZONING MAP DATED JUNE 2014 WITH THE REVISED MIDLAND INTERNATIONAL AIRPORT COMPATIBLE LAND USE 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); AND ORDERING PUBLICATION **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10459.

Development Services Director Cristina Burns reported that in 2014 the AOZ4 overlay district was established to protect the runways at Midland International Air and Spaceport. Since then there has been a great deal of growth in the northeast area of the X. This item is to amend the AOZ4 to remove the northeast area from the X to allow for development.

Airports Director Justine Ruff reported that because of the population in the area, the airport would not gain approval to be able to go in that direction.

Council Member Corrales inquired why keep the other arm of the X in which Ms. Ruff reported no one has expressed interest in the other arm of the X due to it being grandfathered in by UTPB.

Mayor Blong opened the public hearing at 11:26 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10459; 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

45. 10460 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.42-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 30, HALEY HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH MCKENZIE STREET AND WEST FRANCIS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH; 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)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10460.

Mayor Blong opened the public hearing at 11:27 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. 10460; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

46. 10461 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE SOUTH 14 FEET OF LOT 16, THE ENTIRETY OF LOT 17, AND THE NORTH 10.5 FEET OF LOT 18, BLOCK 2, TEJAS TERRACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH H STREET APPROXIMATELY 150 FEET SOUTH OF STANOLIND AVENUE), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS AND (2) A REDUCED MINIMUM REAR YARD SETBACK; 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 3) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10461.

Mayor Blong opened the public hearing at 11:28 a.m.

Dustin Van Brunt, 2101 North H. St., spoke on why they are making the request and what they are doing. He has exhausted other options for where to put a covered patio. His house faces the west so there is no shade in the backyard. This will not affect the neighbors.

There being no one else wishing to speak, the public hearing was closed at 11:32 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10461; 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

47. 10462 – AN ORDINANCE VACATING AND ABANDONING A 0.159-ACRE PORTION OF ROPE STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 1, ADOBE MEADOWS ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF ROPE STREET, APPROXIMATELY 435 FEET NORTH OF MOCKINGBIRD LANE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$477.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: 1) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10462.

Mayor Blong opened the public hearing at 11:33 a.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. 10462; 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

48. 10463 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3A, BLOCK 52, BELMONT ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 165 FEET EAST OF BELMONT STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10463.

Mayor Blong opened the public hearing at 11:34 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. 10463; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

49. 10464 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 18, BLOCK 1, EDWARDS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH DALLAS STREET, APPROXIMATELY 200 FEET NORTH OF MISSISSIPPI 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)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10464.

Mayor Blong opened the public hearing at 11:35 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. 10464; 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

50. 2023-172 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BARBECUE COOK-OFF AND MUSIC FESTIVAL ON LOT 1A, BLOCK 54, LOT 1A, BLOCK 55, A 0.86-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCK 55, A 1.26-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 54 AND 55, AND A 1.26-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO BLOCKS 54 AND 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST WALL STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS **(DISTRICT 2)**
(DEVELOPMENT SERVICES)

Development Services Director Cristina Burns gave a brief overview of the item noting the applicant is requesting a permit to hold a music festival at Centennial park. They would like to amend the closing hours on a couple of the days to 11:00 p.m. instead of 10:00 p.m.

Mayor Blong opened the public hearing at 11:37 a.m.

Russell Johnson, 2807 W. Dengar, was asked by Council Member Norman if he could be a judge. Mr. Johnson said yes.

There being no one else wishing to speak, the public hearing was closed at 11:38 a.m.

Scott Dufford moved to amend the hours of operation to end at 11:00 p.m. on April 5, 2024 and April 6, 2024 for Resolution No. 2023-172; 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

51. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (DISTRICT:NONE) (CITY SECRETARY'S OFFICE)

Dan Corrales moved to appoint Dianne Anderson to the Animal Control Advisory Commission, replacing Judge Terry Johnson; 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

John Norman moved to appoint John Trischitti III to the Midland Spaceport Development Corporation, replacing Mayor Lori Blong; 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

Dan Corrales moved to appoint Claudius Sanchez Czyzewska to the Midland Spaceport Development Corporation, replacing Council Member Poole; 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

Amy Stretcher Burkes moved to appoint David Tryson to the Midland Spaceport Development Corporation, replacing Council Member Stretcher Burkes; 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

52. 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.)

Pat De La Garza, 1104 Connell St., reported that Midland has an animal crisis and is chasing the problem instead of getting ahead of it. Ms. De La Garza reported owners are not chipping their pets and that the City should think about mandating chips in pets like the City of Houston does.

Council Member Corrales provided the date of the next animal services meeting.

EXECUTIVE SESSION

53. 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 Executive Session at 11:48 a.m.

- a. Section 551.071, Consultation with Attorney
 - a.1. Discuss pending or contemplated litigation.
- b. Section 551.074, Personnel Matters
 - b.1. Deliberate the employment, evaluation, or duties of the City Attorney.
- c. Section 551.072, Deliberation Regarding Real Property
 - c.1. Discuss the purchase, exchange, lease or value of real property.

All the business at hand having been completed, the meeting adjourned at 1:04 p.m.

PASSED AND APPROVED December 12, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary