

**MIDLAND CITY COUNCIL
MINUTES
December 12, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., December 12, 2023.

Council Members present: Amy Stretcher Burkes, Dan Corrales, Robin Poole, Lori Blong, Jack Ladd, John Norman

Council Members absent: Scott Dufford

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 Pat Bryant, Travis 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 from Director of Finance Christy Weakland regarding Budget update.

Finance Director Christy Weakland gave a brief overview of Goals 4, 5 and 6 of the Strategic Plan, forecasting assumptions and challenges. Ms. Weakland also reviewed the 5-year financial forecasting, financial discipline and possible revenue sources.

City Manager Tommy Gonzalez provided additional information regarding the airport fund, the general fund and an FFA finding.

Finance Director Christy Weakland reported the City is looking at best practices for additional revenue sources.

- 3b. Presentation from Assistant to the City Manager Taylor Novak regarding a pilot small business expansion incentive program.

Assistant to the City Manager Taylor Novak gave a brief overview of a pilot Small Business Development Policy the city is reviewing. The policy directly connects to Goal 1 and the City of Midland's vision. Ms. Novak reported how the community will be impacted, reviewed national small business facts and challenges to small businesses such as access to capital and regulatory hurdles. Ms. Novak also reported on current federal-level small business incentives, comparable Texas city small business incentives and proposed small business incentive ideas for Midland.

- 3c. Presentation of The BTE Leadership Awards.

Mayor Blong presented City of Midland employees with the Be The Energy (BTE) Award from the following departments for their outstanding work:

Code Enforcement for dilapidated buildings; Community Development; Engineering and Parks/Transportation Pothole Project. No one from Parks was able to attend so another presentation for them will take place at the January 9, 2024 Council Meeting.

CONSENT AGENDA

- 4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF OCTOBER 17, 2023
 - 4b. REGULAR SESSION OF NOVEMBER 14, 2023
- 5. 2023-173 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE CONTRACT WITH FLOCK GROUP INC D/B/A FLOCK SAFETY FOR THE PURCHASE AND INSTALLATION OF THIRTY-THREE (33) FLOCK LICENSE PLATE CAMERAS FOR A TOTAL COST OF \$103,950.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
- 6. 2023-174 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTINGENT FEE CONTRACT WITH MCCREARY VESELKA BRAGG & ALLEN P.C. (THE "FIRM") OF ROUND ROCK, TEXAS, FOR LEGAL SERVICES REGARDING THE COLLECTION OF VARIOUS DELINQUENT ACCOUNTS RECEIVABLE; AND AUTHORIZING PAYMENT **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
- 7. 2023-175 – RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE WHEEL LOADER WITH A GRAPPLE BUCKET FROM YELLOWHOUSE MACHINERY CO. THROUGH SOURCEWELL FOR A TOTAL COST OF \$212,685.00 **(DISTRICT: NONE) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
- 9. 2023-177 – RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN CONTRACT WITH AXON ENTERPRISES, INC., FOR

BODY WORN CAMERA SYSTEMS FOR THE POLICE DEPARTMENT; AND AUTHORIZING PAYMENT FOR SAID SECOND AMENDMENT **(DISTRICT: NONE) (GENERAL SERVICES)**

10. 2023-178 – RESOLUTION AUTHORIZING THE EXECUTION OF A MUTUAL TERMINATION AND RELEASE AGREEMENT WITH ONYX GENERAL CONTRACTORS, LLC, REGARDING THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT FOR THE PERFORMANCE OF CONSTRUCTION MANAGER-AT-RISK SERVICES FOR THE DOUG RUSSELL POOL BATH HOUSE PROJECT **(DISTRICT 2) (GENERAL SERVICES)**
12. 2023-180 – RESOLUTION APPROVING A CONTRACT WITH RINGCENTRAL, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE OF THE RINGCENTRAL CONTACT CENTER PLATFORM FOR A TOTAL COST OF \$693,545.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
13. 2023-181 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF THE HUMAN RESOURCES INFORMATION SYSTEM SUITE FROM GOVERNMENTJOBS.COM, INC., D/B/A NEOGOV FOR A TOTAL COST OF \$782,302.30 AND APPROPRIATING FUNDS **(DISTRICT: NONE) (GENERAL SERVICES)**
14. 2023-182 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF A LEICA RTC360 LASER SCANNER SYSTEM AND ASSOCIATED SERVICES FROM COLLISION FORENSIC SOLUTIONS, LLC, FOR A TOTAL COST OF \$123,984.60 **(DISTRICT: NONE) (GENERAL SERVICES)**
16. 2023-184 – RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF ONE-YEAR MAINTENANCE AND LICENSE RENEWAL FOR THE UTILITY BILLING MANAGEMENT SYSTEM FROM SMARTWORKS, A DIVISION OF N. HARRIS COMPUTER CORPORATION FOR A TOTAL OF \$102,693.88 **(DISTRICT: NONE) (GENERAL SERVICES)**
18. 2023-185 – RESOLUTION AMENDING THE CITY OF MIDLAND PERSONNEL POLICIES SO AS TO (1) REFLECT THE CITY’S CURRENT MISSION, VISION, AND GUIDING PRINCIPLES, (2) REVISE THE DEFINITION OF “DEPARTMENT MANAGERS”, AND (3) REQUIRE AN EMPLOYEE WHO SEEKS ADMINISTRATIVE REVIEW OF AN ADVERSE ACTION TO PERSONALLY ATTEND HIS OR HER APPEAL HEARING; AND PROVIDING AN EFFECTIVE DATE OF DECEMBER 13, 2023 **(DISTRICT: NONE) (ADMINISTRATIVE SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
19. 144-2023 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 10 TO THE PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING AN ADDITIONAL APPROPRIATION OF \$139,600 TO THE AIRLINE RATES AND CHARGES ANALYSIS PROJECT AT MIDLAND

INTERNATIONAL AIR & SPACE PORT **(DISTRICT 4) (AIRPORTS)**

20. 145-2023 – MOTION APPROVING A CONSULTANT SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH & COOPER, INC. DBA PARKHILL FOR SERVICES RELATED TO THE PREPARATION OF A DOWNTOWN MASTER PLAN **(DISTRICT 2) (CITY MANAGER) (QUALITY OF LIFE AND PLACE)**
24. 148-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PRELIMINARY PLAT OF HARMONY SCHOOL ADDITION, SECTION 1, BEING A 30.96-ACRE TRACT OF LAND LOCATED IN SECTION 19, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF EAST LOOP 250, APPROXIMATELY 115 FEET EAST OF MEADOWSIDE STREET) **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
25. 149-2023 – MOTION APPROVING THE RECEIPT AND FILING OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2022/2023 **(DISTRICT: ALL) (DEVELOPMENT SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
26. 2023-187 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MIDLAND COUNTY HOSPITAL DISTRICT FOR SAID HOSPITAL DISTRICT TO PARTICIPATE IN TAX INCREMENT REINVESTMENT ZONE NUMBER TWO **(DISTRICT 2 & 3) (DEVELOPMENT SERVICES)**
28. 150-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH ENDEAVOR ENERGY RESOURCES, L.P., (23-329-046) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**

Dan Corrales moved to approve consent agenda items 4-28, excluding items 8, 11, 15, 17, 21, 22, 23 & 27; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

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

8. 2023-176 – RESOLUTION RESCINDING RESOLUTION NO. 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)**

(STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)

Solid Waste Director Jeffery Arhlett gave a brief overview of the item noting once they rebid, construction usually takes six to nine months.

Dan Corrales moved to approve Resolution No. 2023-176; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

11. 2023-179 – RESOLUTION APPROVING A CONTRACT WITH FIELDTURF USA, INC., THROUGH THE EQUALIS GROUP PURCHASING PROGRAM, FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE REYES MASHBURN NELMS PARK BASEBALL FIELD COMPLEX, AND THE PURCHASE AND INSTALLATION OF NEW FIELD TURF FOR FIELDS 1-4, 5, AND 8 AT REYES MASHBURN NELMS PARK FOR A TOTAL COST OF \$12,547,425.00; AND APPROPRIATING FUNDS FOR SAID PROJECT

Interim Community Services Director Laurie Williams gave a report on the development of Reyes, Mashburn, Nelms parks and reported this will allow Eastern Little League to have turf fields.

Council Member Corrales commented on the positive aspects of this item.

Clay Zachery, 403 Skywood, spoke in favor of this item and the need for a rebuild of the facility/fields.

Jarvis Connally, 1420 E. Jax, President at Eastern Little League would love to have this item passed for the kids.

Aaron Patino, 927 N. Baird Street, does not want to lose sight of the economic impact of this item; more quality fields means more money and will be a benefit to everyone.

Tommy Hawkins, 4487 Hackberry, spoke in favor of this item and how this will help Midland bring even more and bigger sporting events.

Clarissa Benavides Silva, 1101 Cedar Creek Road, spoke in favor of this item and how it will be great for the children in Midland.

John Norman moved to approve Resolution No. 2023-179; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

15. 2023-183 – RESOLUTION APPROVING A CONTRACT WITH MUSCO CORPORATION DBA MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED FIELD LIGHTING AT THE REYES MASHBURN NELMS PARK BASEBALL FIELDS FOR A TOTAL COST OF \$1,757,088.00; AND APPROPRIATING FUNDS FOR SAID CONTRACT

This item was addressed in item number 11.

Dan Corrales moved to approve Resolution No. 2023-183; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

17. 143-2023 – MOTION AUTHORIZING THE EXECUTION OF A REVOCABLE LICENSE AGREEMENT WITH MIDLAND DOWNTOWN FARMERS' MARKET REGARDING CITY-OWNED PROPERTY DESCRIBED AS (I) THE PORTION OF COLORADO STREET LOCATED NORTH OF OHIO AVENUE AND SOUTH OF TENNESSEE AVENUE AND (II) BLOCK 7, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS

Council Member Corrales spoke about complaints regarding ADA accessibility and the need to fix the problem so that people who may be in wheelchairs won't have an issue accessing the farmers market.

Mayor Blong reported this is also an area identified for a future TIRZ investment.

Dan Corrales moved to approve Motion No. 143-2023; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

21. 2023-186 – RESOLUTION AUTHORIZING THE APPLICATION OF DEVELOPMENT FEES THAT WILL BE PAID BY MIDLAND INDEPENDENT SCHOOL DISTRICT IN CONNECTION WITH THE DEVELOPMENT OF THREE NEW SCHOOLS TO THE CONSTRUCTION OF PUBLIC IMPROVEMENTS NEAR THE LOCATIONS OF THE SCHOOLS

Assistant City Manager Jose Ortiz gave a brief overview of the item noting this is to set up an account for any fees collected within new school zones to be utilized for future infrastructure needs within their location.

Dr. Stephanie Howard, Midland ISD Superintendent, thanked Council and reported Memorial has been opened back up.

John Norman moved to approve Resolution No. 2023-186; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

22. 146-2023 – MOTION APPROVING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$150,000.00 AWARDED BY SCHLUMBERGER LIMITED DBA SLB; SAID GRANT FUNDS TO BE USED FOR THE CONSTRUCTION AND INSTALLATION OF CERTAIN PLAYGROUND EQUIPMENT, SOLAR LIGHTING, AND OTHER AMENITIES AT GRASSLANDS PARK

Interim Community Services Director Laurie Williams introduced Jay Christensen & Catherine Yanez of Schlumberger Limited (Permian Basin) who presented a check in the amount of \$150,000.00 to the Grassland Park project.

Amy Stretcher Burkes moved to approve Motion No. 146-2023; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

23. 147-2023 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SPECIAL OLYMPICS TEXAS, INC., TO PROVIDE FOR THE ESTABLISHMENT AND ADMINISTRATION OF THE FALL CLASSIC ATHLETIC COMPETITION IN THE CITY OF MIDLAND, TEXAS, AND THE GREATER PERMIAN BASIN

Reagan Hinojos, 3603 Anetta, spoke in favor of this item and thanked Council for all the work put into the Special Olympics agreement.

Jeanette Thorne, Amarillo, spoke in favor of this item and the opportunities this brings to the athletes in Midland.

Council Member Corrales commented how much it means to have something like this in West Texas.

Robin Poole moved to approve Motion No. 147-2023; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

27. 2023-188 – RESOLUTION AUTHORIZING THE EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS PROVIDING FOR CERTAIN IMPROVEMENTS TO STATE HIGHWAY 158; THE TOTAL ESTIMATED PROJECT COST BEING \$2,914,082.00; THE CITY’S ESTIMATED SHARE OF THE PROJECT COST BEING \$2,759,460.00; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY A COPY OF THIS RESOLUTION TO THE STATE OF TEXAS **(DISTRICT 4) (ENGINEERING SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

Utilities Director Carl Craigo gave a brief overview of the item noting the project will build the ultimate intersection for 158 and Briarwood.

Assistant City Manager Jose Ortiz reported there are multiple phases and the hope is for some phases to be completed in 2024 and at the latest 2026.

Mayor Blong reported they had the opportunity to meet with Chairman Bugg of the TxDOT Commission who spoke of the priority projects.

Dan Corrales moved to approve Resolution No. 2023-188; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

SECOND READINGS

29. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10454.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10454; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

30. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10455.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10455; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

31. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10456.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10456;

seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

32. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10457.

Robin Poole moved to approve the second and final reading of Ordinance No. 10457; 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

33. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10458.

John Norman moved to approve second and final reading of Ordinance No. 10458; seconded by Robin Poole.

The motion passed by the following vote:

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

34. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10459.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10459; seconded by Robin Poole.

The motion passed by the following vote:

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

35. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10460.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10460; seconded by John Norman.

The motion passed by the following vote:

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

36. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10461.

Robin Poole moved to approve the second and final reading of Ordinance No. 10461; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

37. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10462.

John Norman moved to approve the second and final reading of Ordinance No. 10462; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

38. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10463.

John Norman moved to approve the second and final reading of Ordinance No. 10463; 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

39. 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)** (FIRST READING HELD NOVEMBER 14, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10464.

John Norman moved to approve the second and final reading of Ordinance No. 10464; 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

PUBLIC HEARINGS

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

40. 10465 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE AN 80.91-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 500 FEET WEST OF HIGHLAND BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION **(DISTRICT 4) (DEVELOPMENT**

SERVICES) (QUALITY OF LIFE AND PLACE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10465.

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

Kevin Dawson, 5118 Ashdown Place, spoke in favor of this item and the positive impact this project will bring to the citizens of Midland.

There being no one else wishing to speak, the public hearing was closed at 11:20 a.m.

Council Member Norman is 110% in support of this item.

Mayor Blong thanked the leadership of Boot Lake Ranch.

Council Member Amy Stretcher Burkes also thanked Mr. Dawson and the leadership.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10465; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

41. 10466 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 51.097-ACRE TRACT OF LAND LOCATED ON LOT 1, BLOCK 21, GRASSLAND ESTATES, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 2,500 FEET SOUTH OF W. WADLEY AVENUE AND 1,600 FEET WEST OF GRASSLAND BOULEVARD), WHICH IS PRESENTLY ZONED AE, AGRICULTURAL ESTATE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A WILDLIFE REHABILITATION CENTER; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10466.

Mayor Blong opened the public hearing at 11:23 a.m.

Kevin Dawson, 5118 Ashdown Place, reported that many people want a zoo in Midland. Mr. Dawson also reported this will be the 5th largest zoo in the State of Texas.

Mayor Blong reported the City of Midland is also the 5th largest Metropolitan Statistical

Area (MSA) in Texas.

Chuck Harrington, ZooMidland, 18 Desta Drive, gave a presentation of ZooMidland, showed the logo and reported they are incorporated.

Council Member Amy Stretcher Burkes reported some citizens have had concerns regarding drainage and the safety of animals in this climate.

Chuck Harrington reported a drainage study has already been conducted and work will begin as soon as plats come in. The animals will be from all over the world and will be accustomed to our climate. No cold weather animals will be at the zoo.

There being no one else wishing to speak, the public hearing was closed at 11:31 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10466; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

42. 10467 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 22,000-SQUARE FOOT PORTION OF LOT 12, BLOCK 3, GATEWAY PLAZA ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LIBERTY DRIVE AND STARBOARD DRIVE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT 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 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10467.

Mayor Blong opened the public hearing at 12:20 p.m. There being no one wishing to speak, the public hearing was closed at 12:21 p.m.

John Norman moved to approve the first of two readings of Ordinance No. 10467; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None
ABSENT: Dufford, Ladd

43. 10468 – 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, BUSH TENNIS CENTER ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE APPROXIMATELY 431 FEET WEST OF SANTA ROSA DRIVE), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RECREATION 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 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10468.

Mayor Blong opened the public hearing at 12:22 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. 10468; seconded by Dan Corrales.

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

44. 10469 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,363-SQUARE FOOT PORTION OF LOT 1A, BLOCK 1, PAVILION PARK, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST MOCKINGBIRD LANE AND NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT 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 1) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10469.

Mayor Blong opened the public hearing at 12:23 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. 10469; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

45. 10470 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,337-SQUARE FOOT PORTION OF LOT 1, BLOCK 1, MYATT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT 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) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10470.

Mayor Blong opened the public hearing at 12:24 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. 10470; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

46. 10471 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.245-ACRE TRACT OF LAND OUT OF LOTS 5 AND 6, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH D 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 3) (DEVELOPMENT**

SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10471.

Mayor Blong opened the public hearing at 12:25 p.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. 10471; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

47. 10472 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 11, 12, AND 13, BLOCK 55, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST ILLINOIS AVENUE AND NORTH MCDONALD 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 4) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10472.

Mayor Blong opened the public hearing at 12:26 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. 10472; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

48. 10473 – AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT”, CHAPTER 13, “MUNICIPAL DRAINAGE UTILITY” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO (1) EXEMPT OPEN-ENROLLMENT CHARTER SCHOOLS FROM DRAINAGE CHARGES AND (2) REMOVE THE EXPIRATION DATE OF DRAINAGE CHARGES; PROVIDING FOR CRIMINAL ENFORCEMENT AND A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION **(DISTRICT: ALL) (ENGINEERING SERVICES) (STRENGTHEN AND**

SUSTAIN OUR INFRASTRUCTURE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10473.

Engineering Services Director Gabriel McClelland gave a brief overview of the item noting the item follows up the presentation from September regarding drainage. There are almost \$6 million in projects planned. This is set to go away in 2028 and it is recommended to remove the sunset to continue the projects.

Mayor Blong opened the public hearing at 12:28 p.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. 10476; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

49. 10474 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 12, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-1, OFFICE DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF BRYANT STREET APPROXIMATELY 125 FEET NORTH OF HART 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) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10474.

Mayor Blong opened the public hearing at 12:29 p.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. 10474; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Stretcher Burkes, Poole, Blong, Norman

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

50. 10475 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,115-SQUARE FOOT PORTION OF LOT 4A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE

NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT 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 1) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10475.

Mayor Blong opened the public hearing at 12:30 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Poole inquired of a previous discussion to remove the alcohol designations from the Council agendas. City Manager Tommy Gonzalez reported it will be worked on.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10475; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

51. 10476 – AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 97, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN EAST KENTUCKY AVENUE AND EAST INDIANA AVENUE, APPROXIMATELY 188 FEET EAST OF SOUTH MAIN STREET); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$7,514.00; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10476.

Mayor Blong opened the public hearing at 12:33 p.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. 10476; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

52. 10477 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 3.86-ACRE TRACT OF LAND, OUT OF SECTION 35, BLOCK 40, T-I-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED APPROXIMATELY 230 FEET NORTH OF CASTLEWOOD DRIVE, AND APPROXIMATELY 620 FEET WEST OF HOMELAND 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 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10477.

Development Services Director Cristina Burns gave a brief overview of the item noting the applicant is wanting to rezone the properties from regional retail to single family dwelling districts.

Mayor Blong opened the public hearing at 12:35 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Amy Stretcher Burkes moved to defer the first of two readings of Ordinance No. 10477; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

53. 10478 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 10, BLOCK 140, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST NEW YORK AVENUE, APPROXIMATELY 210 FEET EAST OF SOUTH MINEOLA STREET), BY PERMITTING A REDUCED MINIMUM FRONT 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 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10478.

Mayor Blong opened the public hearing at 12:36 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. 10478;

seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

54. 10479 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 7.84-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 390 FEET EAST OF SOUTH FAIRGROUNDS ROAD), 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 **(QUALITY OF LIFE AND PLACE) (DISTRICT 2) (DEVELOPMENT SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10479.

Mayor Blong opened the public hearing at 12:37 p.m.

Chase Dunnam, 1702 Douglas Avenue, representing the Forrest Brothers would like to maximize the usable land with a 10 foot setback instead of a 20 foot setback as there will be large trucks coming on the premises.

There being no one else wishing to speak, the public hearing was closed at 12:40 p.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10479; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

55. 10480 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 11 AND 12, BLOCK 8, WESTRIDGE PARK ADDITION, SECTION 27, CORRECTION PLAT, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WINDHAVEN DRIVE, APPROXIMATELY 400 FEET SOUTH OF DEAUVILLE BOULEVARD), BY PERMITTING A REDUCED MINIMUM FRONT 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 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10480.

Mayor Blong opened the public hearing at 12:41 p.m.

Andrew Melland, Maverick Engineering, reported why they need this item to pass.

There being no one else wishing to speak, the public hearing was closed at 12:43 p.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10480; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

MISCELLANEOUS

56. 10481 – AN ORDINANCE INCREASING THE CITY OF MIDLAND’S EMPLOYER CONTRIBUTION RATE TO THE MIDLAND FIREMEN’S RELIEF AND RETIREMENT FUND FROM 22.2 PERCENT TO 24.2 PERCENT OF THE PARTICIPATING EMPLOYEES’ GROSS PAY; PROVIDING AN EFFECTIVE DATE OF JANUARY 1, 2024; AND ORDERING PUBLICATION **(DISTRICT: NONE) (FINANCE) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10481.

Don Cameron, 1607 Monterrey Drive, spoke on the need for accountability.

Eric Stewart, President of Firefighters Council, agrees that accountability is very important.

Mayor Blong made comments and invited Council to have dialogue. Mayor Blong reported the statute was formed legislatively in 1937. Mayor Blong provided the history of the fund and reported things need to change and solutions must be found.

Finance Director Christy Weakland provided information regarding the study that was put together since 2022 of the warnings and suggestions.

Several Council Members voiced their concerns and request.

Mayor Blong reported the actuarial study will provide a more accurate number. Mayor Blong also reported on the cash infusion discussion and the difference between it and a pension obligation bond.

City Manager Tommy Gonzalez reported the financial number the City is facing is in the \$40,000,000.00 range. The actuarial review will provide a more definitive number.

City Attorney John Ohnemiller reported on the board statue and the makeup of the board.

More discussion ensued regarding the statue.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10481; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

57. 2023-189 – RESOLUTION AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO SETTLE LITIGATION STYLED CITY OF MIDLAND, TEXAS V. TIMBER FLOYD, ET AL. (142ND JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS; CAUSE NUMBER CV56771) **(LEGAL)**

Dan Corrales moved to defer Resolution No. 2023-189; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

58. 2023-190 – RESOLUTION AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO SETTLE THE RAILROAD COMMISSION PROCEEDING BETWEEN THE CITY OF MIDLAND, TEXAS, AND PILOT WATER GATHERING DELAWARE, LLC **(LEGAL)**

Dan Corrales moved to approve Resolution No. 2023-190; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

PUBLIC COMMENT

59. 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.)

John Sensibaugh, 2001 Harvard Avenue, voiced concerns and would like for Council to make sure the Code Department rulings are enforced.

Sara Donaldson, 4649 Fountain Lane, Odessa, is the campus instructional coach at Harmony Public Schools. Ms. Donaldson spoke on Harmony Public Schools and the excitement of bringing the schools to Midland.

Emme Moreno, 1304 Wesbook Avenue, Odessa, spoke on how the school has helped her. Ms. Moreno is an 8th grade student at Harmony.

Dr. Kamil Yilmaz, El Paso, spoke on Harmony Public Schools and how the school can help others.

EXECUTIVE SESSION

60. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

Mayor Blong recessed the meeting to go into Executive Session at 12:53 p.m.

The Council Meeting was reconvened at 3:02 p.m. to take up items 57 and 58.

- a. Section 551.087, Deliberate Economic Development Negotiations
 - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- b. Section 551.071, Consultation with Attorney
 - b.1. Discuss pending or contemplated litigation.
- c. Section 551.074, Personnel Matters
 - c.1. Deliberate the employment, evaluation, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.

All the business at hand having been completed, the meeting adjourned at 3:05 p.m.

PASSED AND APPROVED January 9, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary