

**MIDLAND CITY COUNCIL
MINUTES
December 17, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., December 17, 2024.

Council Members present: Eric Davidson, Amy Stretcher Burkes, Robin Poole, Lori Blong, Scott Dufford, Jack Ladd, John Norman

Council Members absent: None

Staff members present: City Attorney John Ohnemiller, Deputy City Manager Morris Williams Jr., Assistant City Manager Jose Ortiz

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

OPENING ITEMS

1. Invocation – Pastor Daniel Stephens, Mid-Cities Church.
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:
 - 3a. Recognition of outgoing Council members.
 - 3b. Recognition of Stephen Castle for his work on the Finance Committee.
 - 3c. Presentation to recognize ExxonMobil.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF NOVEMBER 12, 2024.
 - 4b. SPECIAL SESSION OF NOVEMBER 19, 2024.

4c. SPECIAL SESSION OF DECEMBER 10, 2024

5. 129-2024 – MOTION AUTHORIZING PAYMENT IN THE SUM OF \$730,000 TO MIDLAND-ODESSA URBAN TRANSIT DISTRICT; SAID PAYMENT BEING THE CITY OF MIDLAND'S FISCAL YEAR 2025 LOCAL MATCH PURSUANT TO THE INTERLOCAL AGREEMENT EXECUTED IN ACCORDANCE WITH RESOLUTION NO. 2001-227 **(DISTRICT: NONE) (FINANCE) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
6. 2024-187 – RESOLUTION AWARDING A CONTRACT FOR THE REMOVAL OF THE CURRENT FIRE ALARMS AND SPRINKLERS AND THE INSTALLATION OF NEW FIRE ALARMS AND SPRINKLERS AT ASTOUND BROADBAND STADIUM AND MOMENTUM BANK BALLPARK TO HENTHORN COMMERCIAL CONSTRUCTION THROUGH BUYBOARD FOR A COST OF \$540,473.13; APPROVING \$50,000.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
7. 2024-188 – RESOLUTION REJECTING THE BIDS RECEIVED FOR THE FISCAL YEAR 2025 CITYWIDE CONCRETE PROGRAM; AND AUTHORIZING RE-ADVERTISEMENT FOR COMPETITIVE BIDS **(DISTRICT: ALL) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
8. 2024-189 – RESOLUTION APPROVING A CONTRACT WITH LOWE'S HOME CENTERS, LLC, THROUGH THE OMNIA COOPERATIVE FOR THE CDBG ENERGY EFFICIENCY CONSERVATION PROJECT FOR AN AMOUNT NOT TO EXCEED \$121,640.00 **(DISTRICT: ALL) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
9. 2024-190 – RESOLUTION APPROVING THE PURCHASE OF TWO (2) PICKUP TRUCKS FOR THE CITY OF MIDLAND COMMUNITY SERVICES OFFICERS AND ONE (1) BOMB TRUCK FROM SEWELL FAMILY OF COMPANIES, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$237,211.60 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
10. 2024-191 – RESOLUTION APPROVING THE PURCHASE OF A FOLEY 633 ACCU-PRO REEL GRINDER, A FOLEY 672 ACCU-PRO BED KNIFE GRINDER, AND A MULTI PRO 5800-G SPRAY RIG FROM PROFESSIONAL TURF PRODUCTS, LP, THROUGH BUYBOARD AT A TOTAL COST OF \$166,098.78 **(DISTRICT 2) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
11. 2024-192 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ASPHALT PATCH TRUCK FOR THE TRANSPORTATION DIVISION FROM KINLOCH EQUIPMENT AND SUPPLY, INC. THROUGH OMNIA PARTNERS FOR A TOTAL COST OF \$265,035.00 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

13. 2024-194 – RESOLUTION RATIFYING THE PURCHASE OF SIX HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS FROM LOWE'S HOME CENTERS, LLC, FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$58,500.00 **(DISTRICT: ALL) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
14. 2024-195 – RESOLUTION APPROVING THE PURCHASE OF A SEWER JET TRUCK AND ASSOCIATED COMPONENTS FROM HOUSTON FREIGHTLINER INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF \$294,374.84 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
15. 130-2024 – MOTION APPROVING A CONSULTANT SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MODE COMMUNICATIONS, LLC **(DISTRICT: NONE) (CITY MANAGER) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
16. 131-2024 – MOTION APPROVING AN AMENDMENT TO TASK ORDER NO. 1 UNDER THAT CERTAIN MASTER RESEARCH AND DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MITRE CORPORATION **(DISTRICT: NONE) (CITY MANAGER) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
17. 132-2024 – MOTION APPROVING AN AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KIMLEY-HORN AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES RELATED TO THE WIDENING AND IMPROVING OF STATE HIGHWAY 158 FROM SINCLAIR AVENUE TO WADLEY AVENUE, AND FROM WADLEY AVENUE TO BRIARWOOD AVENUE **(DISTRICT 4) (CITY MANAGER) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
19. 133-2024 – MOTION APPROVING THE RECEIPT AND FILING OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR (PY23) 2023/2024. **(DISTRICT: ALL) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
20. 2024-197 – RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH THE MIDLAND COUNTY HOSPITAL DISTRICT; AND ALLOCATING FUNDS **(DISTRICT: ALL) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
21. 2024-198 – RESOLUTION GRANTING VARIANCES FOR SIX 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 1,992 FEET AND 2,027 FEET EAST OF NORTH A STREET AND BETWEEN 620 FEET AND 670 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 1) (DEVELOPMENT SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**

22. 134-2024 – MOTION AUTHORIZING THE EXECUTION OF A PARK AMENITY NAMING RIGHTS AGREEMENT WITH EXXONMOBILE CORPORATION; SAID AGREEMENT PROVIDING FOR EXXONMOBILE CORPORATION'S FINANCIAL CONTRIBUTION TO THE BEAL PARK RENOVATION PROJECT AND RECEIPT OF NAMING RIGHTS TO CERTAIN IMPROVEMENTS TO BE CONSTRUCTED AT BEAL PARK; AND APPROPRIATING \$1,750,000.00 TO THE BEAL PARK RENOVATION PROJECT **(DISTRICT 4) (PARKS AND RECREATION) (QUALITY OF LIFE AND PLACE)**
23. 2024-199 – RESOLUTION ACCEPTING A FY2024 BODY-WORN CAMERA PROGRAM GRANT IN THE AMOUNT OF \$8,313.46 AWARDED THROUGH THE OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION FOR THE PURCHASE OF BODY-WORN CAMERAS AND DIGITAL STORAGE SYSTEMS; APPROVING MATCHING FUNDS IN THE AMOUNT OF \$2,771.15; AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS; AND APPROPRIATING GRANT FUNDS **(DISTRICT: ALL) (POLICE) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
26. 137-2024 – MOTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH MIDLAND COUNTY PROVIDING FOR THE MIDLAND COUNTY FIRE MARSHAL'S OFFICE'S PARTICIPATION ON THE MIDLAND POLICE BOMB SQUAD **(DISTRICT: NONE) (POLICE) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
27. 138-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (24-329-015) BETWEEN THE CITY OF MIDLAND AND CORONADO MIDSTREAM LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 23 AND 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT 4) (UTILITIES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
28. 139-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (24-317-017) WITH ETC NORTH PERMIAN MIDSTREAM, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, MARTIN COUNTY **(DISTRICT 1) (UTILITIES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

29. 140-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND PIONEER NATURAL RESOURCES USA, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, MARTIN COUNTY **(DISTRICT 1) (UTILITIES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

Eric Davidson moved to approve consent agenda items 4-32, excluding items 12, 18, 24, 25, 30, 31 & 32; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

12. 2024-193 – RESOLUTION APPROVING THE PURCHASE OF THIRTY (30) UPFITTED CHEVROLET TAHOES AND ONE (1) CHEVROLET TAHOE UPFITTED FOR K9 USE FROM SEWELL FAMILY OF COMPANIES, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$2,628,858.00

Council Member Norman expressed his appreciation for purchasing local.

John Norman moved to approve Resolution No.2024-193; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

18. 2024-196 – RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH THRIVING UNITED, INC.; AND ALLOCATING FUNDS

Planning & Development Officer Elizabeth Triggs reported this is a Community Development Block Grant (CDBG) for 2024 awarded to Thriving United for \$83,000 on a reimbursement basis to cover the cost for certified support specialists. The Consolidated Annual Performance and Evaluation Report (CAPER) reveals that Thriving United has met and exceeded its requirements and addressed concerns.

Cecilia Reyes, 612 Bunker Hill Road, spoke in favor of this item and provided information about the program.

Jenn McMorris, 3300 Wedgewood Street, spoke in favor of this item and the importance of Thriving United.

Robin Poole moved to approve Resolution No.2024-196; seconded by Amy Stretcher

Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

24. 135-2024 – MOTION ACCEPTING A DONATION IN THE AMOUNT OF \$140,000.00 FROM BUSTIN' FOR BADGES; SAID FUNDS SHALL BE USED FOR THE PURCHASE OF NECESSARY EQUIPMENT FOR THE MIDLAND POLICE DEPARTMENT; AND AUTHORIZING THE APPROPRIATION OF \$140,000.00 IN THE POLICE TECHNOLOGY AND EQUIPMENT FUND UPON THE CITY OF MIDLAND'S RECEIPT OF SAID FUNDS

Interim Police Chief Greg Snow gave a brief overview of the item noting they are honored for the support. He also reported items 24 and 25 on this agenda are together with regard to being the same funding source.

Eric Davidson moved to approve Motion No.135-2024; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

25. 136-2024 – MOTION ACCEPTING A DONATION IN THE AMOUNT OF \$25,000.00 FROM CONOCOPHILLIPS; SAID FUNDS SHALL BE USED FOR THE PURCHASE OF NECESSARY PROTECTIVE EQUIPMENT FOR THE MIDLAND POLICE DEPARTMENT; AND AUTHORIZING THE APPROPRIATION OF \$25,000.00 IN THE POLICE TECHNOLOGY AND EQUIPMENT FUND UPON THE CITY OF MIDLAND'S RECEIPT OF SAID FUNDS

Interim Police Chief Greg Snow discussed this item along with item number 24 on this agenda.

John Norman moved to approve Motion No.136-2024; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

30. 141-2024 – MOTION AUTHORIZING THE CITY MANAGER, THE DEPUTY CITY MANAGER OR AN ASSISTANT CITY MANAGER (COLLECTIVELY, THE "CITY MANAGER'S OFFICE") TO ACCEPT, ON BEHALF OF THE CITY OF MIDLAND, A GIFT DEED QUITCLAIMING UNTO THE CITY A 2.328-ACRE TRACT OF LAND AND A 5.014-ACRE TRACT OF LAND OUT OF SECTION 19, BLOCK 38, T-1-S, T&P RR CO.

SURVEY, MIDLAND COUNTY, TEXAS, FROM PARSLEY MINERALS, LLC; AND AUTHORIZING THE CITY MANAGER'S OFFICE TO EXECUTE ALL DOCUMENTS NECESSARY FOR SUCH ACCEPTANCE

Council Member Eric Davidson pulled items 30, 31 and 32 and would like to know how the land will be used. Council Member Davidson also thanked Pioneer.

Assistant City Manager Jose Ortiz reported this will help with the east/west corridor north of the loop.

Council Member Ladd thanked Exxon for the donation and explained that an overpass may be created allowing drivers to exit the loop properly to get to I-20. He also reported on other benefits and improvements that may be made to the north side.

Mayor Blong thanked Daniel Pender and his team for the work they have done.

Eric Davidson moved to approve Motion No.141-2024; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

31. 142-2024 – MOTION AUTHORIZING THE CITY MANAGER, THE DEPUTY CITY MANAGER OR AN ASSISTANT CITY MANAGER (COLLECTIVELY, THE "CITY MANAGER'S OFFICE") TO ACCEPT, ON BEHALF OF THE CITY OF MIDLAND, A GIFT DEED QUITCLAIMING UNTO THE CITY A 0.516-ACRE TRACT OF LAND OUT OF SECTION 20, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FROM PARK HILL RESOURCES LLC; AND AUTHORIZING THE CITY MANAGER'S OFFICE TO EXECUTE ALL DOCUMENTS NECESSARY FOR SUCH ACCEPTANCE

This item was discussed with item #30.

Eric Davidson moved to approve Motion No.142-2024; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

32. 143-2024 – MOTION AUTHORIZING THE CITY MANAGER, THE DEPUTY CITY MANAGER OR AN ASSISTANT CITY MANAGER (COLLECTIVELY, THE "CITY MANAGER'S OFFICE") TO ACCEPT, ON BEHALF OF THE CITY OF MIDLAND, A GIFT DEED QUITCLAIMING UNTO THE CITY A 5.46-ACRE TRACT OF LAND OUT OF SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FROM PIONEER NATURAL RESOURCES USA, INC.; AND AUTHORIZING THE CITY

MANAGER'S OFFICE TO EXECUTE ALL DOCUMENTS NECESSARY FOR SUCH ACCEPTANCE

This item was discussed with item #30.

Eric Davidson moved to approve Motion No.143-2024; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

33. 10577 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 5, BLOCK 34, NORTHGATE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF NORTHBROOK LANE, APPROXIMATELY 720 FEET NORTHWEST OF WEST LOOP 250 NORTH); 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 (FIRST READING HELD NOVEMBER 12, 2024) **(DISTRICT 1) (DEVELOPMENT SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

Deputy City Secretary Rachel Guentensberger read the caption of Ordinance No. 10577.

John Norman moved to approve the second and final reading of Ordinance No. 10577; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

34. 10578 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 8, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST DORMARD AVENUE), 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 (FIRST READING HELD NOVEMBER 12, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE & PLACE)**

Deputy City Secretary Rachel Guentensberger read the caption of Ordinance No. 10578.

John Norman moved to approve the second and final reading of Ordinance No. 10578; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

35. 10579 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,100-SQUARE FOOT PORTION OF LOT 1, BLOCK 1, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 330 FEET SOUTHEAST OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND WEST WADLEY AVENUE), 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 (FIRST READING HELD NOVEMBER 12, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Rachel Guentensberger read the caption of Ordinance No. 10579.

John Norman moved to approve the second and final reading of Ordinance No. 10579; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

36. 10580 – 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 THREE, CITY OF MIDLAND, TEXAS (FIRST READING HELD NOVEMBER 12, 2024) **(DISTRICT 4 & EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Rachel Guentensberger read the caption of Ordinance No. 10580.

John Norman moved to approve the second and final reading of Ordinance No. 10580; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: Poole

ABSTAIN: None

ABSENT: None

Assistant City Manager Jose Ortiz provided an update regarding meeting with other entities of Midland who may wish to participate in the TIRZ. Midland County will participate.

Council Member Ladd and Council Member Amy Stretcher Burkes thanked Midland County for their support.

37. 10581 – 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 FOUR, CITY OF MIDLAND, TEXAS (FIRST READING HELD NOVEMBER 12, 2024) **(DISTRICT 4 & EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Rachel Guentensberger read the caption of Ordinance No. 10581.

Eric Davidson moved to approve the second and final reading of Ordinance No. 10581; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

38. 10582 – 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, CAVENDER ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF ARLINGTON ROAD AND DEAUVILLE BOULEVARD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; 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**

Mayor Pro Tem Ladd read the caption of Ordinance No. 10582.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for a Specific Use Designation (SUD) without term for Cavender Mercedes-Benz to operate as a car dealership. The P&Z Committee recommends approval.

Mayor Pro Tem Ladd opened the public hearing at 11:00 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Robin Poole moved to approve the first of two readings of Ordinance No. 10582; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

39. 10583 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,500-SQUARE FOOT PORTION OF BLOCKS 21 AND 22, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND WEST SCHARBAUER AVENUE), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A LOUNGE 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) (QUALITY OF LIFE & PLACE)**

Mayor Pro Tem Ladd read the caption of Ordinance No. 10583.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for an SUD for alcohol sales. The P&Z Committee and staff recommends approval.

Mayor Pro Tem Ladd opened the public hearing at 11:03 a.m.

Council Member Norman recognized and appreciates that the owners are local.

There being no one else wishing to speak, the public hearing was closed at 11:05 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10583; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

40. 10584 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 18 AND 19, BLOCK 1, SKYVIEW DEVELOPMENT, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST LOOP 250 NORTH AND TODD 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 1) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Mayor Pro Tem Ladd read the caption of Ordinance No. 10584.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting it is a rezoning request. The current owner is about to sell the property and the new owner would like to be able to develop the area. Staff recommends approval.

Mayor Pro Tem Ladd opened the public hearing at 11:10 a.m.

Janet Hall, 4001 Irving Drive, spoke in opposition of this item and feels this is going to be a dangerous high traffic area.

Assistant City Manager Jose Ortiz reported a right of way has been acquired but not the entire parcel for the purpose of the overpass at Todd Drive. This is to address traffic concerns which are a regional issue.

Planning & Development Officer Elizabeth Triggs reported there is a site plan attached to the ordinance along with conditions.

Council Member Dufford suggested to defer this item until more information is received.

Robyn Houston, 2912 Shanks Drive, lives on the corner of Todd and Shanks, spoke about how dangerous this will be.

Assistant City Manager Jose Ortiz reported staff can review this item further and bring more information back to Council.

There being no one else wishing to speak, the public hearing was closed at 11:26 a.m.

Scott Dufford moved to defer the first of two readings of Ordinance No.10584; seconded by Robin Poole.

The motion passed by the following vote:

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

MISCELLANEOUS

41. 10585 – AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF MIDLAND, TEXAS, PROVIDING FOR COMPENSATION THEREFOR, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC **(DISTRICT: ALL) (DEVELOPMENT SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

Rachel Guentensberger read the caption of Ordinance No. 10585.

Intergovernmental Relations Officer Lindsey Adams reported this is a standard agreement with Oncor that will require three readings. This is the first of the three readings.

John Norman moved to approve the first of three readings of Ordinance No. 10585; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

42. 144-2024 – MOTION GRANTING PRINCE SIGNS LLC'S APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR LOT 1A, BLOCK 1, PAVILION PARK, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND EAST MOCKINGBIRD LANE) **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

John Norman moved to approve Motion No.144-2024; seconded by Eric Davidson.

The motion passed by the following vote:

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

Planning & Development Officer Elizabeth Triggs reported this is a sign appeal request for Kent Companies. Staff recommends approval as the City Code allows this item to come to Council for discussion/approval.

43. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS
(DISTRICT: NONE) (CITY SECRETARY)

Mayor Pro Tem Ladd inquired of Council if they would like to defer this item so that the new Council Members may participate.

Lucy Sisniega, 5408 Crowley Blvd, is asking Council to reconsider having the board reapply to the Planning and Zoning Commission. Ms. Sisniega reported there is a strong board now.

John Norman moved to defer; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

PUBLIC COMMENT

44. 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.)

Deborah Morris, 3108 Loma Drive, is representing Victory Outreach and would like the removal of a trespass citation with regard to a non-profit, Langtry Village, in Midland. Ms. Morris described the incident. Deputy City Manager Morris Williams reported he will look into it and report back to Council.

EXECUTIVE SESSION

45. 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 Pro Tem Ladd recessed the City Council meeting to go into Executive Session at 11:48 a.m.

a. Section 551.087, Deliberate Economic Development Negotiations

a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

b. Section 551.074, Personnel Matters

- b.1. Deliberate the appointment of members to the Midland Development Corporation board of directors and the Planning and Zoning Commission.

All the business at hand having been completed, the meeting adjourned at 12:46 p.m.

PASSED AND APPROVED January 14, 2025.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary