

**MIDLAND CITY COUNCIL
MINUTES
January 9, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 09, 2024.

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 Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:

- 3a. Presentation of The BTE Leadership Awards.

Mayor Blong recognized City of Midland employees with Be The Energy (BTE) Leadership awards.

- 3b. Presentation of the 2023 Christmas Parade Awards.

Mayor Blong presented winners of the 2023 Christmas Parade floats with awards.

- 3c. Presentation of Proclamation for “Crime Stoppers Month”

Mayor Blong presented a proclamation in recognition of Crime Stoppers Month.

- 3d. Presentation of Proclamation for “11U All-Stars AYF Black Gold Conference Football Team Day”

Mayor Blong presented a proclamation in recognition of 11U All-Stars AYF Black Gold Conference Football Team Day.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR SESSION OF DECEMBER 12, 2023

5. 001-2024 – MOTION ACCEPTING A DONATION IN THE AMOUNT OF \$40,000.00 FROM MEC PETROLEUM CORP. AND A DONATION IN THE AMOUNT OF \$132,755.84 FROM CHEVRON; SAID FUNDS TO BE USED FOR FIRE DEPARTMENT EQUIPMENT **(DISTRICT: NONE) (FINANCE)**

Council Member Dufford recognized Chevron for their donation to the City of Midland.

Fire Chief and Managing Director Chuck Blumenauer gave a brief overview of the item noting the purchase is for seven Lucas Chest Compression Systems which are automated chest compression devices. These devices will greatly assist the Firefighters/EMS in their job functions.

Scott Dufford moved to approve Motion No. 001-2024; 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

6. 2024-001 – RESOLUTION APPROVING A CONTRACT WITH RAINDROP PRODUCTS, LLC, THROUGH SOURCEWELL, FOR THE RESTORATION OF THE DOUG RUSSELL POOL AND WASHINGTON POOL WATER SLIDES FOR A TOTAL COST OF \$118,791.75; AND APPROVING \$11,883.25 FOR PROJECT RELATED EXPENSES **(DISTRICT: ALL) (GENERAL SERVICES)**
7. 002-2024 – MOTION AUTHORIZING THE EXECUTION OF A INTERLOCAL AGREEMENT WITH KEYSTONE PURCHASING NETWORK, CENTRAL SUSQUEHANNA INTERMEDIATE UNIT; SAID AGREEMENT PROVIDING FOR CERTAIN COOPERATIVE PURCHASING SERVICES THROUGH THE PROGRAMS ADMINISTERED BY KEYSTONE PURCHASING NETWORK **(DISTRICT: NONE) (GENERAL SERVICES)**
8. 2024-002 – RESOLUTION AWARDING A CONTRACT FOR PROJECT MANAGEMENT SOFTWARE AND IMPLEMENTATION SERVICES TO PROCORE TECHNOLOGIES, INC., FOR A TOTAL COST NOT TO EXCEED \$1,091,685.49 **(DISTRICT: NONE) (GENERAL SERVICES)**

Chief Information Officer and Managing Director Jennifer Frescaz gave a brief overview of the item noting this is mostly construction management software which will primarily be used for Engineering. General Services and Information Technology will also be able to utilize the software.

Jack Ladd moved to approve Resolution No. 2024-002; 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

9. 2024-003 – RESOLUTION AWARDED A CONTRACT IN THE AMOUNT OF \$4,190,089.15 FOR THE CONSTRUCTION OF A NEW LIFT STATION AT THE I-20 WILDLIFE PRESERVE FOR THE WALL STREET SEWER DIVERSION PROJECT TO EDGARDO MADRID & ASSOCIATES, LLC; APPROVING \$628,512.77 FOR CONTINGENCIES; AND APPROPRIATING AND TRANSFERRING FUNDS **(DISTRICT: ALL) (GENERAL SERVICES)**

Utilities and Managing Director Carl Craigo gave a brief overview of the item noting this will remedy the problem at the I-20 Wildlife Preserve because it will relieve the sewer system that goes west of Wall Street and send excess water to a new sewer location.

Jack Ladd moved to approve Resolution No. 2024-003; 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

10. 2024-004 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC., FOR A CONDITION ASSESSMENT OF THE WATER PURIFICATION PLANT FOR A TOTAL COST OF \$322,825.00 **(DISTRICT: ALL) (GENERAL SERVICES)**
11. 2024-005 – RESOLUTION AWARDED A CONTRACT IN THE AMOUNT OF \$1,907,219.00 FOR THE POLICE DEPARTMENT RENOVATIONS AND CENTRAL FIRE STATION ADDITION PROJECT TO MID-TEX OF MIDLAND, INC.; AND APPROVING \$381,444.00 FOR PROJECT RELATED EXPENSES **(DISTRICT: ALL) (GENERAL SERVICES)**
12. 2024-006 – RESOLUTION AWARDED A CONTRACT IN THE AMOUNT OF \$6,791,500.00 FOR THE OPERATION AND MAINTENANCE OF THE WATER PRODUCTION AND TRANSMISSION FACILITIES AT THE T-BAR WELL FIELD AND THE CLEARWATER WELL FIELD TO PARKHILL, SMITH & COOPER OPERATIONS, LLC

D/B/A PSC WATER OPERATING COMPANY (DISTRICT: NONE) (GENERAL SERVICES)

Robin Poole moved to defer Resolution No. 2024-006; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

Staff pulled this item as it is not ready to be discussed. It will be brought back at a later time.

13. 2024-007 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF SEVEN (7) LUCAS CHEST COMPRESSION SYSTEMS FROM STRYKER SALES CORPORATION FOR A TOTAL COST OF \$132,755.84 **(DISTRICT: NONE) (GENERAL SERVICES)**
14. 2024-008 – RESOLUTION AWARDING A CONTRACT FOR THE FISCAL YEAR 2024 MILL AND INLAY PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$8,628,119.36; APPROVING \$431,405.97 FOR CONTINGENCIES; AND AUTHORIZING PAYMENT **(DISTRICT: ALL) (GENERAL SERVICES)**
15. 2024-009 – RESOLUTION AMENDING THE CITY OF MIDLAND PERSONNEL POLICIES SO AS TO (1) CHANGE “MENTAL HEALTH LEAVE” TO “BE HEALTHY DAYS” AND ESTABLISH A POLICY THEREFOR AND (2) REQUIRE AN EMPLOYEE WHO SEEKS ADMINISTRATIVE REVIEW OF AN ADVERSE ACTION TO PROVIDE AN EMAIL ADDRESS AND TELEPHONE NUMBER IN THE EMPLOYEE’S NOTICE OF APPEAL **(DISTRICT: NONE) (ADMINISTRATIVE SERVICES)**
16. 2024-010 – RESOLUTION GRANTING VARIANCES FOR TWO 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 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,280 FEET AND 2,310 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 483 AND 520 FEET SOUTH OF WEST INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
17. 2024-011 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 11, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 1,625 FEET EAST OF RANKIN

HIGHWAY AND BETWEEN 625 AND 675 FEET SOUTH OF WEST INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

18. 003-2024 – MOTION APPROVING, WITH STAFF’S RECOMMENDED CONDITIONS, A PROPOSED PRELIMINARY PLAT OF GREENWOOD INDUSTRIAL PARK, SECTION 6, BEING A REPLAT OF LOTS 2A, 2B, AND 2C, RE-SUBDIVISION OF LOT 2, 26.450 ACRES, GREENWOOD INDUSTRIAL PARK, SECTION 5, AND LOT 1, BLOCK 2, GREENWOOD INDUSTRIAL PARK, SECTION 5, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST COUNTY ROAD 1110, APPROXIMATELY 765 FEET WEST OF NORTH COUNTY ROAD 79) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
19. 004-2024 – MOTION APPROVING, WITH STAFF’S RECOMMENDED CONDITIONS, A PROPOSED PRELIMINARY PLAT OF CARROLLWOOD ADDITION, SECTION 3, BEING A 34.50-ACRE TRACT OF LAND LOCATED IN SECTION 24, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH COUNTY ROAD 1232, APPROXIMATELY 385 FEET NORTH OF WEST COUNTY ROAD 134.) (EXTRA TERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
20. 2024-012 – RESOLUTION DELEGATING TO THE CITY MANAGER, DEPUTY CITY MANAGER, ASSISTANT CITY MANAGERS, DIRECTOR OF ENGINEERING SERVICES, DIRECTOR OF UTILITIES, AND DIRECTOR OF CAPITAL IMPROVEMENT PROJECTS THE CITY COUNCIL’S AUTHORITY TO DETERMINE THE METHOD OF PURCHASE THAT PROVIDES THE BEST VALUE FOR THE CITY FOR PROCUREMENTS RELATED TO CAPITAL IMPROVEMENT PROJECTS; ESTABLISHING LIMITS OF THE DELEGATION; AND REQUIRING NOTICE OF THE DELEGATION TO BE GIVEN **(DISTRICT: ALL) (ENGINEERING SERVICES)**

Engineering Services Director Gabriel McClelland gave a brief overview of the item noting this delegates Council authority to City staff to determine the best purchase method to include selection criteria like experience and history on complex projects.

Mayor Blong reported this will assist with project timelines but would like to know if the full delegation from Council is necessary.

Council Member Poole reported it is important for Council to continue to see all of the bid information.

Engineering Services Director Gabriel McClelland reported the goal is to have specific goal criteria included in the agenda item for each project.

Council Member Dufford confirmed this will allow Council to choose the best but, not necessarily the lowest bid.

Council Member Corrales inquired if this affects other departments.

City Attorney John Ohnemiller reported this strictly applies to Capital Improvement Projects (CIP).

Engineering Services Director Gabriel McClelland reported this will delegate authority to the Capital Improvements Project team for all CIP projects.

Council Member Corrales would like to see bidding issues resolved with all bids, not just CIP bids.

General Services Director Regina Stephenson gave a brief overview of the item noting there are other ways/avenues for the bidding process.

Council Member Corrales would like this to be comprehensive across the board for all departments.

City Manager Tommy Gonzalez reported they will look into it and bring back some additional recommendations for all bids.

Amy Stretcher Burkes moved to approve Resolution No. 2024-012; 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

21. 005-2024 – MOTION AUTHORIZING THE ACCEPTANCE OF ADDITIONAL GRANT FUNDS FROM THE DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$66,930.00 TO ASSIST THE CITY OF MIDLAND HEALTH SERVICES DIVISION (THE “CITY”) WITH THE FUNDING AND SUSTAINABILITY OF THE PUBLIC HEALTH WORKFORCE; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY ACCEPTANCE DOCUMENTS; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO DEPOSIT SAID GRANT FUNDS INTO THE GENERAL FUND **(DISTRICT: ALL) (FIRE)**
22. 006-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (24-329-001) WITH PINNACLE DOS PICOS LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**

Scott Dufford moved to approve consent agenda items 4-22 excluding items 5, 8, 9, 12 and 20; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: Corrales

SECOND READINGS

23. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10465.

John Norman moved to approve the second and final reading of Ordinance No. 10465; 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

24. 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 (FIRST READING HELD DECEMBER 12, 2023) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10466.

John Norman moved to approve the second and final reading of Ordinance No. 10466;

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

25. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10467.

Scott Dufford moved to approve the second and final reading of Ordinance No. 10467; 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

26. 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)** (FIRST READING HELD DECEMBER

12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10468.

Council Member Dufford abstained from discussion and vote on this item.

Amy Stretcher Burkes moved to approve the second and final reading of Ordinance No. 10468; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Dufford

ABSENT: None

27. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10469.

Robin Poole moved to approve the second and final reading of Ordinance No. 10469; 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

28. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10470.

John Norman moved to approve the second and final reading of Ordinance No. 10470; 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

29. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10471.

John Norman moved to approve the second and final reading of Ordinance No. 10471; 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

30. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10472.

John Norman moved to approve the second and final reading of Ordinance No. 10472; 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

31. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10473.

Scott Dufford moved to approve the second and final reading of Ordinance No. 10476; 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

32. 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) (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10474.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10474; 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

33. 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)** (FIRST READING HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10475.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10475; 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

34. 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)** (FIRST READING

HELD DECEMBER 12, 2023)

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10476.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10476; 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

35. 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 (FIRST READING HELD DECEMBER 12, 2023) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10478.

John Norman moved to approve the second and final reading of Ordinance No. 10478; 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

36. 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)** (FIRST READING HELD DECEMBER 12, 2023) **(DISTRICT 2) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10479.

John Norman moved to approve the second and final reading of Ordinance No. 10479; 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

37. 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)** (FIRST READING HELD DECEMBER 12, 2023) **(QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10480.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10480; 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

38. 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 (FIRST READING HELD DECEMBER 12, 2023) **(DISTRICT: NONE) (FINANCE) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10481.

City Manager Tommy Gonzalez reported that the vote taken by the Firefighters this summer

goes into affect this January at the same time the Council's vote goes into affect.

John Norman moved to approve the second and final reading of Ordinance No. 10481; 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

PUBLIC HEARINGS

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

39. 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-1-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)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10477.

Landon Ochoa, Senior Planner, gave a brief overview of the item noting this request is from Robert Grahmn who is requesting to rezone the property for a housing development. Staff recommends approval.

Mayor Blong opened the public hearing at 10:57 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10477; 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

40. 10482 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 9.36-ACRE TRACT OF LAND OUT OF TRACT 5, CITY VIEW ACRES, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH JACKSON STREET, APPROXIMATELY 170 FEET SOUTH OF CLOVERDALE ROAD);

ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10482.

Landon Ochoa, Senior Planner, gave a brief overview of the item noting this is a request from Midland Community Healthcare Services for an annexation for future development of a medical clinic. Staff recommends approval.

Mayor Blong opened the public hearing at 10:58 a.m.

Conrad Coleman, 500 S. Carver, Board President of Midland Community Health Services, including the Coleman Clinic. Mr. Coleman reported they have outgrown their location on S. Florida. Their current plans are to build a new clinic on S. Jackson which is why they would like to be annexed into the City. Mr. Coleman also reported the bariatric dental chair allows for support for large individuals and may be the only one in West Texas.

Kelly Stout, 2300 Boyd, member of the Board of Directors at MCHS would like to be considered to have lenience on filing fees for this project.

Mayor Blong directed staff to work with MCHS regarding lenience on filing fees.

There being no one else wishing to speak, the public hearing was closed at 11:04 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10482; 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

41. 10483 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.36-ACRE TRACT OF LAND OUT OF TRACT 5, CITY VIEW ACRES, MIDLAND COUNTY, TEXAS, AS AN LR, LOCAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH JACKSON STREET, APPROXIMATELY 170 FEET SOUTH OF CLOVERDALE ROAD; 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: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10483.

Assistant City Manager Jose Ortiz gave a brief overview of the item noting there is no action on this item regarding fees but they will visit with the developer and the applicant to see what fees may be adjusted.

Mayor Blong opened the public hearing at 11:07 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. 10483; 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

42. 007-2024 – 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 11:08 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

PUBLIC HEARING ONLY, NO ACTION TAKEN.

43. 008-2024 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELL: CHARGER #H130SS; SAID WELL BEING GENERALLY LOCATED 2,538 FEET EAST OF SOUTH GARFIELD STREET AND 319 FEET NORTH OF WEST COUNTY ROAD 111 **(PUBLIC HEARING ONLY) (DISTRICT 2) (DEVELOPMENT SERVICES)**

Council Member Poole abstained from discussion on this item.

Mayor Blong opened the public hearing at 11:08 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

PUBLIC HEARING ONLY, NO ACTION TAKEN.

44. 10484 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 11, BLOCK 3, OF THE CRESTLAWN 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 SOUTH SIDE OF WEST COWDEN AVENUE, APPROXIMATELY 215 FEET

WEST OF NORTH PECOS 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)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10484.

Mayor Blong opened the public hearing at 11:09 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. 10484; 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

45. 10485 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM ON LOT 2, BLOCK 1, LEGION ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS. (GENERALLY LOCATED ON THE SOUTH SIDE OF VETERANS AIRPARK LANE, APPROXIMATELY 1,110 FEET WEST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SUCH PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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. 10485.

Mayor Blong opened the public hearing at 11:11 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. 10485; 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

46. 10486 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 1,

WESTERN MESA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF NEELY AVENUE, APPROXIMATELY 165 FEET EAST OF NORTH L STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK AND A REDUCED MINIMUM SIDE YARD SETBACK ON THE EAST SIDE OF THE PROPERTY; 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) (QUALITY OF LIFE AND PLACE) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10486.

Mayor Blong opened the public hearing at 11:12 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10486; 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

47. 10487 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,360-SQUARE FOOT PORTION OF LOT 8, BLOCK 2, LONE STAR BUSINESS PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND MAVERICK LANE), WHICH IS PRESENTLY ZONED LR, LOCAL 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)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10487.

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.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10487; 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

MISCELLANEOUS

48. 2024-013 – RESOLUTION ADOPTING A BEAL PARK IMPROVEMENT FUNDING PLAN; AND AUTHORIZING THE ALLOCATION OF FUNDS AS SPECIFIED THEREIN **(DISTRICT 4) (FINANCE)**

Interim Community Services Director Laurie Williams gave a presentation on this item. Ms. Williams reported on the Strategic Goal Connections with regards to Goal 3 and Goal 5, the community impact and the conceptual master plan for the entire park. Ms. Williams also reported on all of the phases of this project.

Finance Director Christy Weakland provided information on the funding of this project by reviewing the four-year Beal Park Plan for fiscal years 2024, 2025, 2026 & 2027.

Matthew Voss, 2208 Whitney Drive, reported on tournaments that are brought into Midland and how this project will allow for more and larger tournaments.

Scott Dufford moved to approve Resolution No. 2024-013; 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

49. 2024-014 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$1,118,000.00 WITH DUNAWAY ASSOCIATES LP FOR ARCHITECTURAL, DESIGN, AND ENGINEERING SERVICES FOR THE BEAL PARK PHASE 1A & 1B RENOVATION AND CONSTRUCTION PROJECT; APPROVING THE AMOUNT OF \$76,375.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES)**

Assistant City Manager Jose Ortiz gave a brief overview of the item noting there is enough funding to move forward with phase II planning.

Robin Poole moved to approve Resolution No. 2024-014; 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

50. 009-2024 – MOTION APPEALING THE BUILDING OFFICIAL’S DENIAL OF A SIGN PERMIT APPLICATION BY PRINCE SIGNS LLC ON LOT 10A, BLOCK 7, WESTRIDGE PARK, SECTION 46, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 380 FEET EAST OF AVALON DRIVE) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

Daniel Humbert, Planner, gave a brief overview of the item noting the applicant completed a permit for a new wall sign on the side of the building for the West Texas Urgent Care Center on Andrews Highway. This sign will be larger than the maximum allowed and they are requesting permission for it.

Kevin Fryer, 5500 New Castle, representing Urgent Care, reported on the location of the sign.

Jack Ladd moved to approve Motion No. 009-2024; 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

51. 010-2024 – MOTION APPEALING THE BUILDING OFFICIAL’S DENIAL OF A SIGN PERMIT APPLICATION BY PRINCE SIGNS LLC ON LOT 4, BLOCK 2, BRIARWOOD ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 85 FEET WEST OF NORTHCREST DRIVE) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

Daniel Humbert, Planner, reported the applicant is requesting an additional wall sign that is larger than the maximum allowed.

Kevin Fryer, 5500 New Castle Dr., reported on the requested sign.

Mayor Blong inquired if the sign can not be illuminated so not to disrupt people in their homes.

Mr. Fryer reported that the sign can be put up without being illuminated.

Jack Ladd moved to approve Motion No. 010-2024 as long as the sign is not illuminated; 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

52. 011-2024 – MOTION APPOINTING A MAYOR PRO TEMPORE (**DISTRICT: ALL**) (**CITY SECRETARY'S OFFICE**)

Dan Corrales moved to appoint Jack Ladd as Mayor Pro Tempore; 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

PUBLIC COMMENT

53. 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.)

Shirley Howard, 405 Magnolia, reported that on January 15th the MLK luncheon will be presented by the Negro Business Professional Women Club of Midland and all Council are invited. Ms. Howard also reported that the State Convention for the Negro Business Professional Women Club will be held in Midland on March 15th.

EXECUTIVE SESSION

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

Mayor Blong recessed the City Council Meeting to Executive Session at 11:59 a.m.

a. Section 551.072, Deliberation Regarding Real Property

a.1. Discuss the purchase, exchange, lease or value of real property.

b. Section 551.087, Deliberate Economic Development Negotiations

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

All the business at hand having been completed, the meeting adjourned at 1:34 p.m.

PASSED AND APPROVED January 23, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary