

**MIDLAND CITY COUNCIL
MINUTES
January 10, 2023**



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

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

Council Members absent: None

Staff members present: City Manager Robert Patrick, City Attorney John Ohnemiller, Deputy City Manager Morris Williams Jr, Assistant City Manager Tina Jauz

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

OPENING ITEMS

1. Invocation – Pastor Anthony Paredes, Homeline Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

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

- 3a. Presentation of the 2022 Christmas Parade Awards

Awards were presented for the 2022 Christmas Parade winners as follows:

Judges' Creativity went to FC Traffic Control

Best Lighted Band went to San Jacinto Band

Best lighted Float went to Unlimited Carpets

Third Place Overall went to BSA Scouts Troop 719

Second Place Overall went to McCoys Building Supply

First Place Overall went to Zumba Fitness

The Salvation Army was honored in the efforts to help make the Christmas Tree Lighting a success. They generously provided free hot chocolate for the past two

Christmas Tree Lighting events.

3b. Presentation of Proclamation for "Crime Stoppers Month"

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR SESSION OF DECEMBER 13, 2022

10. 2023-006 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL 10 OIL AND GAS WELLS LOCATED IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 375 FEET AND 376 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,040 FEET AND 1,220 FEET EAST OF TODD DRIVE EXTENSION); 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)
11. 2023-007 – RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, A SUBSURFACE USE AGREEMENT GRANTING TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") A SUBSURFACE EASEMENT LOCATED ON A CITY-OWNED TRACT OF LAND DESCRIBED AS THE SOUTH 150 FEET OF THE SOUTHWEST QUARTER OF SECTION 20, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FOR THE PURPOSE OF DRILLING, COMPLETING, PRODUCING, TRANSPORTING PRODUCTION THROUGH, PLUGGING AND ABANDONING WELLBORES UNDER, ACROSS AND THROUGH SAID TRACT OF LAND TO BENEFIT OIL AND GAS PRODUCTION FROM WELLS DRILLED OR TO BE DRILLED BY OPERATOR, ITS SUCCESSORS OR ASSIGNS ON LANDS LOCATED IN SECTIONS 29 AND 32, BLOCK 33, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (DEVELOPMENT SERVICES)
12. 001-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-002) BETWEEN THE CITY OF MIDLAND AND GRAND PRIX PIPELINE LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9, AND 16, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

Dan Corrales moved to approve Consent Agenda items 4-12, excluding item(s) 5, 6, 7, 8, 9; 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

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

5. 2023-001 – RESOLUTION AWARDED A CONTRACT FOR THE WEST WADLEY AVENUE EXTENSION PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$6,702,090.50; APPROVING \$670,209.05 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT-RELATED COSTS; TRANSFERRING AND APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 4) (GENERAL SERVICES)

Engineering Services Director Jose Ortiz gave a brief overview of the item reporting the Wadley project will be extended from where it currently is near Stonegate Church to the west of State Highway 158. Mr. Ortiz also gave an overview of the construction timeline of the project.

Amy Stretcher Burkes moved to approve Resolution No. 2023-001; 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

6. 2023-002 – RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, GT DISTRIBUTORS, INC., AND BLACK HILLS AMMUNITION, AT A TOTAL COST OF \$269,550.60 (DISTRICT: NONE) (GENERAL SERVICES)

Police Chief Seth Herman gave a brief overview of the item noting the ammo from the lower bidder can create a danger to the public due to over-penetration of the round.

Dan Corrales moved to approve Resolution No. 2023-002; 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

7. 2023-003 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC / HIBBS & TODD, INC., FOR THE WATER PURIFICATION PLANT SOLIDS HANDLING IMPROVEMENTS PROJECT FOR THE UTILITIES DEPARTMENT FOR AN AMOUNT OF \$577,000.00; APPROVING \$57,700.00 FOR CONTINGENCIES; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Utilities Director Carl Craigo gave a brief overview of the item noting this will get rid of the drying beds and cake the dirt which will alleviate the current issues.

Mr. Craigo also reported on what will help in the event there is another issue with the water plant like the one last week. He explained what happened to make them shut the water plant down and how they plan to mitigate the possibility of it happening in the future.

Council Member Corrales and Mayor Blong thanked Mr. Craigo for how he handled the water crisis last week. Mr. Craigo attributed the thanks to the Utilities department.

Dan Corrales moved to approve Resolution No. 2023-003; 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

8. 2023-004 – RESOLUTION APPROVING A CONTRACT WITH MUSCO CORPORATION DBA MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED FIELD LIGHTING AT ASTOUND FOOTBALL STADIUM FOR A TOTAL COST OF \$719,765.00; APPROVING \$30,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID CONTRACT (DISTRICT 4) (GENERAL SERVICES)

Community Services Director Cristina Burns gave a brief overview of the item noting they are retrofitting their existing lighting to LED lighting which makes it more efficient to power on and off.

General Services Director Regina Stephenson reported on the different purchasing cooperatives the City of Midland works with and explained how the process works.

Ms. Burns reported the cost savings will be around \$38,000 over a ten-year period. Musco also provides a twenty-five year warranty and are willing to come out if problems occur.

Ms. Burns added that most of the fixtures will remain and only bulbs will need to be replaced.

Amy Stretcher Burkes moved to approve Resolution No. 2023-004; 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

9. 2023-005 – RESOLUTION APPROVING A CONTRACT WITH HOHENBERGER, INC., DBA CSI: LUBBOCK, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF ACCESS CONTROL AND CAMERA SYSTEMS AT THE ASTOUND STADIUM, BEAL PARK, AND THE ARMORY FOR A TOTAL COST OF \$169,658.62; AND

APPROPRIATING AND TRANSFERRING FUNDS (DISTRICT: ALL) (GENERAL SERVICES)

Council Member Norman requested information regarding locations.

Chief Information Officer Jennifer Frescaz reported that camera systems are typically placed at entrances, exits and where high dollar equipment will be stored.

Community Services Director Cristina Burns reported that currently, Beal Park is the only one being looked at due to a lot of vandalism at that location. Ms. Burns also reported that cameras will also be located by the baseball complex, Beal Ranch House and some at the concession stand area just to name a few.

John Norman moved to approve Resolution No. 2023-005; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

13. 10359 – AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING A 29.782-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND STATE HIGHWAY 158) AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2023-01 FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (DISTRICT 4) (CITY MANAGER) (FIRST READING DECEMBER 13, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10359.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10359; 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

14. 10360 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 1A, BLOCK 14, CRESTGATE ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE

INTERSECTION OF FIELDER STREET AND WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A VETERINARIAN CLINIC; 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) (FIRST READING DECEMBER 13, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10360.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10360; 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

15. 10361 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 21, BLOCK 22, CRESTGATE ADDITION, SECTION 36, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDLAND AND BLUEBIRD LANE), BY PERMITTING AN INCREASED MAXIMUM HEIGHT OF AN ACCESSORY BUILDING; 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 DECEMBER 13, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10361.

Robin Poole moved to approve the second and final reading of Ordinance No. 10361; 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:

16. 10362 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1A AND 5, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO AN

AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST HIGHWAY 80, APPROXIMATELY 250 FEET WEST OF 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10362.

Development Services Director Chuck Harrington gave a brief overview of the item noting the original PD did not include this use so they would like to amend the PD to include the go cart track and maintenance building.

Development Services Director Chuck Harrington introduced Rolandrea Russell as the new Development Services Assistant Director.

Mayor Blong opened the public hearing at 10:34 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. 10362; 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

17. 002-2023 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO MCM OPERATING, LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL MB-7H; SAID WELL BEING GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE AND 1,550 FEET EAST OF HOLIDAY HILL ROAD; PUBLIC HEARING ONLY (DISTRICT 4) (DEVELOPMENT SERVICES)

Mayor Blong recused herself on item # 17 and left the dais.

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this request is a well from MCM Energy who had a well expire and they are getting a new application for the expired well.

Mayor Pro Tem John Norman opened the public hearing at 10:37 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Chris Hamilton, Fort Worth, agent for the applicant, reported there are no changes to the well pad or location but they did upgrade the sound study and added additional sound protection. Mr. Hamilton described several additional upgrades they are doing for this well site.

There being no one else wishing to speak, the public hearing was closed at 10:39 a.m.

This was a public hearing only. No action taken.

18. 10363 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 5,792-SQUARE FOOT PORTION OF THE WEST 90 FEET OF LOTS 10, 11 AND 12, BLOCK 61, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH CARRIZO STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10363.

Mayor Blong opened the public hearing at 10:40 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. 10363; 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

19. 10364 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 8, BLOCK 30, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 90 FEET NORTH OF EAST PENNSYLVANIA 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10364.

Mayor Blong opened the public hearing at 10:41 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. 10364;

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

20. 10365 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 12, BLOCK 21, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MADISON STREET AND EAST ILLINOIS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10365.

Mayor Blong opened the public hearing at 10:42 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. 10365; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Corrales

21. 10366 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,763-SQUARE FOOT PORTION OF LOT 6A, BLOCK 62, BELMONT ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 478 FEET WEST OF SOUTH TERRELL STREET), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10366.

Council Member Poole inquired if hours were set to serve alcohol can they be changed in the future if they decide they would like to stay open later.

City Attorney John Ohnemiller reported they could close earlier but they cannot stay open later to serve alcohol. If they want to extend their hours, they would need to reapply.

Mayor Blong opened the public hearing at 10:44 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. 10366; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

22. 10367 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 37.65-ACRE TRACT OF LAND OUT OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, OFFICE CENTER, RECREATION CENTER, AND SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, OFFICE CENTER, RECREATION CENTER, AND SHOPPING CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THOMASON DRIVE AND SOUTH LOOP 250 WEST); 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. 10367.

Eric West, Parkhill, gave an overview of the project noting they would like to change the current PD to include a flexible mixed-use development entertainment and entertainment retail.

Mayor Blong opened the public hearing at 10:56 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10367 with the amendment to change the Ordinance, Subsection J, Committee from “one or more members of City Council” to “two or more members of City Council”; 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

23. 10368 – 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, CAMELOT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ELKINS ROAD, APPROXIMATELY 6,200 FEET NORTH OF EAST STATE HIGHWAY 80), WHICH IS PRESENTLY ZONED O-1, OFFICE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A SPECIAL EVENTS CENTER 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10368.

Development Services Director Chuck Harrington gave a brief overview of the item noting this project is a conversion to a special event center. They would now like to be able to serve alcohol.

When asked about the status of changes requested by Council so that items such as this no longer need Council approval, Mr. Harrington reported that the Ordinance has been created and sent to Legal for review.

Mayor Blong opened the public hearing at 11:03 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. 10368; 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

24. 10369 – AN ORDINANCE VACATING AND ABANDONING A 0.034-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 2, 3 AND 4, BLOCK 1, RICHARDSON-ABILENE STREET ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 120 FEET SOUTH OF BUTLER AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,956.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10369.

Development Services Director Chuck Harrington gave a brief overview of the item noting whenever something like this is vacated it goes to the adjoining property owners and is split down the middle. In this case, it is the same owner on both sides. His intent is to slow the traffic down in his area.

Mayor Blong opened the public hearing at 11:07 a.m.

Aaron Patino, 927 N. Baird St., reported on his intent to eliminate the flow of traffic. His alley goes between his two homes and is not behind the home. He has no plans to do any construction.

There being no one else wishing to speak, the public hearing was closed at 11:09 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10369; 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

25. 10370 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 1.00-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 7, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF TANFORAN AVENUE AND ORIOLE DRIVE), BY PERMITTING A REDUCED MINIMUM LOT AREA; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10370.

Development Services Director Chuck Harrington gave a brief overview of the item noting that when this whole area was annexed it was annexed as AE. The applicant would like to plat his property but can not because the property is one acre and AE requires a minimum of two acres. Staff has changed their process of automatically making all new annexed property AE which will avoid this situation in the future.

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.

Robin Poole moved to approve the first of two readings of Ordinance No. 10370; 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

MISCELLANEOUS

26. 003-2023 – MOTION AUTHORIZING THE ENGINEERING SERVICES DEPARTMENT TO MANAGE THE DESIGN OF A TRAFFIC SIGNAL FOR THE INTERSECTION OF MOCKINGBIRD LANE AND MAGELLAN STREET; AND APPROPRIATING AND TRANSFERRING THE SUM OF \$150,000.00 FROM THE GENERAL FUND TO A PROJECT ACCOUNT FOR SAID PURPOSE (DISTRICT 1) (ENGINEERING SERVICES)

Engineering Services Director Jose Ortiz reported that staff went out to evaluate the area to see what could be done to make it safer and gave a brief history of how the traffic increased there over time.

Traffic Manager Gabe McClellen reported on their interim safety plans for the area such as installing street lights and radar feedback signs.

The request today is to design the light, which will take about six months and another six months to construct.

Steveanna Gonzales, 1322 Pavilion Parkway, reported her daughter died crossing the street at this intersection. Ms. Gonzales is in favor of a light going up.

Mayor Blong gave condolences to Ms. Gonzales and her family.

Mary Lujan, 3705 Roosevelt, voiced concerns about the intersection and suggested a four-way stop be put in or a warning sign. Ms. Lujan is in favor of this item.

Consuelo Duff, 4708 Pleasant Drive, voiced concerns about the intersection and suggested a camera be put in place at least until a light gets put up.

Lucy Sisniega, 5408 Crowley Blouvard, is in support of this item and voiced her concerns.

Scott Dufford moved to approve Motion No. 003-2023; seconded by Dan Corrales.

The motion passed by the following vote:

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

27. MOTION APPOINTING A MAYOR PRO TEMPORE (DISTRICT: NONE) (CITY SECRETARY'S OFFICE)

Jack Ladd moved to appoint John Norman as Mayor Pro Tem; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

28. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (CITY SECRETARY'S OFFICE)

Scott Dufford moved to defer the appointment of Midland Development Corporation Board members to the next meeting; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

Dan Corrales moved to appoint Ross Schumann to the Zoning Board of Adjustments and Airport Zoning Board of Adjustments; 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

PUBLIC COMMENT

29. 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.)

Lucy Sisniega, 5408 Crowley Blouvard, spoke on behalf of applicants for Boards and Commissions and asked that the Council review the applications and provide the applicants with guidance regarding how the process is conducted.

Dean Maltsberger, 2904 Sand Hill Circle, spoke in support of the Fire/PD Training Center. Mr. Maltsberger also reported that Hogan park has many stickers and moles and is not being maintained.

EXECUTIVE SESSION

30. 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 to Executive Session at 11:32 a.m.

a. Section 551.072, Deliberation Regarding Real Property

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

b. Section 551.074, Personnel Matters

b.1. Deliberate the appointment, employment, evaluation, reassignment, duties or discipline of the City Manager

All the business at hand having been completed, the meeting adjourned at 1:59 p.m.

PASSED AND APPROVED January 24, 2023.

Lori Blong, Mayor

ATTEST:

Amy M. Turner, City Secretary