

**MIDLAND CITY COUNCIL
MINUTES
January 24, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., January 24, 2023.

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

Council Members absent: Jack Ladd

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 Bob Pase, Grace Lutheran 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 Proclamation for “School of World Missions Foundation Day”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF JANUARY 9, 2023
 - 4b. BRIEFING SESSION OF JANUARY 10, 2023
 - 4c. REGULAR SESSION OF JANUARY 10, 2023

8. 2023-010 – RESOLUTION AWARDED A CONTRACT FOR THE GARFIELD STREET UTILITY BOND PROJECT TO ENTRENCH, INC., FOR AN AMOUNT OF \$5,810,010.00; APPROVING \$581,001.00 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT RELATED EXPENSES; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT 3) (GENERAL SERVICES)

Dan Corrales moved to approve the Consent Agenda items 4-11, excluding item(s) 5, 6, 7, 9, 10, 11; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

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

5. 2023-008 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MARTINEZ ARCHITECTS, LP, FOR ARCHITECTURAL, DESIGN AND ENGINEERING SERVICES FOR THE CENTRAL FIRE STATION WELLNESS CENTER AND POLICE DEPARTMENT RENOVATIONS FOR A COST OF \$168,000.00 AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Fire Chief Chuck Blumenaur gave a brief overview of the item noting this has been part of the long term plan to improve the Wellness Center.

General Services Director Regina Stephenson reported the age of the Police Department has a lot to do with the need for a major renovation. The Facilities division keeps track and notifies the team of issues.

Dan Corrales moved to approve Resolution No. 2023-008; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

6. 2023-009 – RESOLUTION AWARDED A CONTRACT FOR THE IDLEWILDE DRIVE STORM DRAIN IMPROVEMENTS PROJECT TO BOLER EQUIPMENT SERVICE, INC., OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,932,184.00; APPROVING \$193,218.40 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT-RELATED EXPENSES; TRANSFERRING AND APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 4) (GENERAL SERVICES)

Transportation Manager Gabe McClelland gave a brief history of the item noting there has been an existing storm drain pipe at Manor Park for more than 20 years that is not in

service but had the understanding that one day it would be extended and put into service. This will cause a regional drainage improvement and will help take some of the stormwater off Wadley.

Amy Stretcher Burkes moved to approve Resolution No. 2023-009; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

7. 004-2023 – MOTION TO AUTHORIZE THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR EXECUTIVE SEARCH FOR CITY MANAGER SERVICES ASSOCIATED WITH THE RECRUITMENT AND SELECTION OF A QUALIFIED INDIVIDUAL FOR THE POSITION OF CITY MANAGER AND TO NEGOTIATE AN AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)

John Norman moved to defer Motion No. 004-2023; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

9. 2023-011 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH RANDAL SCOTT ARCHITECTS, INC., FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE MIDLAND PUBLIC SAFETY TRAINING FACILITIES PHASE 1 IMPROVEMENTS PROJECT FOR A COST OF \$2,500,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Fire Chief Chuck Blumenaur reported this facility would be a premier training facility in the entire area. It would allow the City to save money by not sending employees away for training. This will create revenue from people coming in for training from the surrounding cities.

Dan Corrales moved to approve Resolution No. 2023-011; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

10. 005-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-495-003) WITH TARGA DELAWARE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 2, BLOCK C-24, AND SECTIONS 22 AND 25, BLOCK C-23, PSL WINKLER COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

Utilities Director Carl Craigo gave a brief overview of the item noting a pipeline is being updated and a new one is being put in. Mr. Craigo confirmed this is not a common carrier and the infrastructure is not near the T-Bar Ranch water operations.

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

The motion passed by the following vote:

AYE: Poole, Blong, Dufford, Norman

NAY: Corrales, Stretcher Burkes

ABSTAIN: None

ABSENT: Ladd

11. 006-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-495-004) WITH TARGA NORTHERN DELAWARE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 27, BLOCK 74, ABSTRACT 1380, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY TEXAS (DISTRICT: NONE) (UTILITIES)

Dan Corrales moved to approve Motion No. 006-2023; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Poole, Blong, Dufford, Norman

NAY: Corrales, Stretcher Burkes

ABSTAIN: None

ABSENT: Ladd

SECOND READINGS

12. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10362.

John Norman moved to approve the second and final reading of Ordinance No. 10362; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

13. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10363.

John Norman moved to approve the second and final reading of Ordinance No. 10363; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

14. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10364.

John Norman moved to approve the second and final reading of Ordinance No. 10364; seconded by Dan Corrales.

The motion passed by the following vote:

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

15. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10365.

John Norman moved to approve the second and final reading of Ordinance No. 10365; seconded by Dan Corrales.

The motion passed by the following vote:

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

16. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10366.

John Norman moved to approve the second and final reading of Ordinance No. 10366; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

17. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10367.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10367; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

18. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10368.

Robin Poole moved to approve the second and final reading of Ordinance No. 10368;

seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

19. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10369.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10369; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

20. 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) (FIRST READING HELD JANUARY 10, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10370.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10370; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None
ABSENT: Ladd

PUBLIC HEARINGS

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

21. 10371 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 THROUGH 8, THE SOUTH 38 FEET OF LOT 9, AND A 0.067-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BLOCK 17, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LR, LOCAL RETAIL DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOMA DRIVE AND SCHARBAUER 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10371.

Mayor Blong opened the public hearing at 12:46 p.m. There being no one present wishing to speak, the public hearing was closed at 12:46 p.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10371; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

22. 10372 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 4, BERKSHIRE PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SINCLAIR AVENUE AND NORTH N STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE EAST SIDE OF THE LOT; 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10372.

Mayor Blong opened the public hearing at 12:47 p.m.

Mark Wellen, 5110 Daventry Place, stated he is available to answer questions or concerns.

There being no one else wishing to speak, the public hearing was closed at 12:48 p.m.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10372; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

MISCELLANEOUS

23. 2023-012 – RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT AND LEASE AGREEMENT WITH THE PERMIAN BASIN QUALITY OF PLACE CONSERVANCY FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF CERTAIN IMPROVEMENTS TO HOGAN PARK (DISTRICT 2) (COMMUNITY SERVICES)

Mayor Blong moved this item up to discuss first since many community members were in the Council Chamber to speak.

A motion was made by Scott Dufford to defer to the next meeting. The motion died for lack of a second.

Jeff Beard, 4507 Teakwood, would like to defer this item to the next meeting so all districts could be represented in the vote.

Lynn Rodgers, 1409 Chestnut Ave, serves on the Parks and Recreation Committee. Ms. Rodgers' main concern is lack of representation and lack of access.

Kari Dingler, 4505 Bent Tree Trail, spoke in favor of the item and explained why the project would be good for Midland.

Lori Forbus, 4213 Baybrook Place, is concerned that the city is rushing into this project and is against the item.

Roy Geer, 2606 W. Shandon Ave, spoke in favor of the park to invest in the people.

William Dodson, 6011 San Bernard, spoke against the item and asked Council to answer his questions.

Jeff Beard, 4507 Teakwood, answered questions that were raised by Mr. Dodson. Mr. Beard reported that Half & Luck Design is who the City hired. Mr. Beard also stated the Conservancy has not received any funds from the City and answered more questions from Council. Staff also answered questions from Council.

Ramon Najer, 720 N. Tilden, spoke against the item. Mr. Najer is for improvement of parks

but against this approach.

Dean Maltberger, 2904 Sanhill Circle, spoke against this item and feels a project of this size should come before the voters.

Sandra Evans, 3502 Mockingbird Lane, spoke against the item and stated the City should take bids for a project of this size.

Tommy Hawkins, 4487 Hackberry Ct., President and Tournament Director of the Midland Softball Association, spoke on considering the future of the kids with regard to playing sports and what this project could do for the youth. Mr. Hawkins invited everyone to attend opening day on Feb 18th. Mr. Hawkins also spoke on the amount of funds these tournaments bring to the City.

City Manager Robert Patrick reported that the money from the tournament would go to the conservancy but the Hotel Occupancy Tax would come to the City which would be two different revenue streams.

Community Services Director Cristina Burns, reported that since there is a sports association agreement with Midland Softball Association there is no charge for rental fees.

Eliel Rosa, 3603 Humble Ave, spoke to why he is against this item and asked Council to vote no.

Deputy City Manager Morris Williams clarified Community Services Director Cristina Burns' comment; the City does not charge rental fees but does collect tournament fees.

Cathie Broten, 6100 Dunbarton, spoke against this item and feels like there is no transparency and that the project is being rushed.

Mark Dingler, 4505 Bent Tree Trail, spoke in favor of this item. Mr. Dingler reported a delay of two weeks for the project is fine but due to fundraising needs, a decision should be made soon since the deadline is this summer and a lot of the money will go away if there are no commitments. Mr. Dingler and Jeff Beard answered additional questions, including funding questions from Council.

Kay Shrader, 6402 Driftwood Dr., spoke against the item but is in favor of improving parks without the need of a contract with the conservancy.

Jessica Sparkman, 2804 Boardwalk Ave., spoke in favor of this item and encouraged Citizens to go to the MRT to read a lot of information on Hogan Park.

Edward Mayberry, 1712 Pavilion Parkway, asked that the conservancy do another Townhall meeting at the MLK Center to inform the public.

Deputy City Manager Morris Williams reported that last year there was \$19,000 in revenue from tournament fees and \$31,000 in lights and field rentals. Community Services Director Cristina Burns reported an average of \$1.1 million is spent on the cost to maintain the park.

Council Member Dufford gave a history of how all of this came about and how this would benefit the kids and grandkids of the City of Midland.

A motion was made by Scott Dufford to defer to the next meeting. The motion died for lack of a second.

Each Council Member was able to speak regarding this item and share their concerns.

City Attorney John Ohnemiller spoke on exclusivity and how it can be managed through a contract.

Lucy Sisniega, 5408 Crowley Blvd., had a question regarding the Open Meetings Act and Executive Session. City Attorney John Ohnemiller explained that Executive Session is closed to the public by law as long as it fits certain qualifications

John Norman moved to approve Resolution No. 2023-012; seconded by Dan Corrales.

The motion failed by the following vote:

AYE: Blong, Dufford

NAY: Corrales, Poole, Norman, Stretcher Burkes

ABSTAIN: None

ABSENT: Ladd

Mayor Blong recessed the Council Meeting for a break at 12:16 p.m. and reconvened the meeting at 12:23 p.m. to take up the Consent Agenda.

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

John Elphick, 4002 Blakemore Court, reported that he applied for the Midland Development Corporation board and is available for questions.

Scott Dufford moved to defer this item until after Executive Session; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

Following Executive Session, Mayor Blong reconvened the Council Meeting in open session at 3:26 p.m. with all Council Members present except Council Member Ladd.

Robin Poole moved to appoint Zachary Deck to the vacancy on the Midland Development Corporation Board; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: Ladd

Scott Dufford moved to reappoint Lourcey Sams and Jill Pennington to the Midland Development Corporation Board; seconded by Dan Corrales.

The motion passed by the following vote:

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

PUBLIC COMMENT

25. 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.)

There were no citizens present wishing to speak.

EXECUTIVE SESSION

26. 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 12:52 p.m.

- a. Section 551.074, Personnel Matters
 - a.1. Deliberate the appointment of members to the Midland Development Corporation board of directors.
 - a.2. Deliberate the appointment, employment, evaluation, or duties of the City Manager.
- b. Section 551.072, Deliberation Regarding Real Property
 - b.1. Discuss the purchase, exchange, lease or value of real property.
- c. Section 551.071, Consultation with Attorney
 - c.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

All the business at hand having been completed, the meeting adjourned at 3:27 p.m.

PASSED AND APPROVED February 14, 2023.

Lori Blong, Mayor

ATTEST:

Amy M. Turner, City Secretary