MIDLAND CITY COUNCIL
MINUTES
February 14, 2023

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., February 14, 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 – Reverend Bob Hennagin, Episcopal Church of the Holy Trinity

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 “Midland RSVP Day”

   Midland RSVP presented an honorary check to the City in the amount of $1,642,705.50 representing the value of the volunteer hours in 2022.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

   4a. BRIEFING SESSION OF JANUARY 24, 2023

   4b. REGULAR SESSION OF JANUARY 24, 2023

5. 007-2023 – MOTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED NOVEMBER 20, 2019, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; AND AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED JULY 28, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; SAID AMENDMENTS PROVIDING FOR THE REMOVAL OF THE PERMIAN BASIN QUALITY OF PLACE CONSERVANCY AS AGENT FOR THE CITY OF MIDLAND, TEXAS, REGARDING CERTAIN MATTERS OF DESIGN RELATING TO PHASE 1 AND PHASE 2 OF THE HOGAN PARK MASTER PLAN PROJECT (DISTRICT 2) (GENERAL SERVICES)

10. 2023-016 – RESOLUTION AUTHORIZING THE EXECUTION OF THE SEVENTH AMENDMENT TO THE INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; SAID AMENDMENT ADJUSTING THE ANNUAL FEE TO $719,135.58 AND PROVIDING FOR THE HOSTING OF INFLUENZA CLINICS; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (ADMINISTRATIVE SERVICES)

11. 009-2023 – MOTION AUTHORIZING THE EXECUTION OF SPORTS AGREEMENTS WITH THE FOLLOWING ORGANIZATIONS: BOYS AND GIRLS CLUB OF THE PERMIAN BASIN; GREATER MIDLAND FOOTBALL LEAGUE; MIDLAND JUNIOR BASEBALL ASSOCIATION, INC.; MIDLAND SOCCER ASSOCIATION, INC.; MIDLAND SOFTBALL ASSOCIATION, INC.; MIDLAND UNITED GIRLS SOFTBALL ASSOCIATION, INC.; TEXAS CRICKET CLUB; UNDER THE LIGHTS FLAG FOOTBALL LEAGUE; WEST TEXAS BMX; AND THE YMCA OF MIDLAND; SAID AGREEMENTS PROVIDING FOR THE ORGANIZATIONS' ADMINISTRATION OF RECREATIONAL PROGRAMS, SPECIAL EVENTS, AND OTHER RELATED SERVICES THROUGH THE USE OF CITY-OWNED PROPERTY AND FACILITIES (DISTRICT: ALL) (COMMUNITY SERVICES)

14. 010-2023 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF SOUTHWEST CROSSING, SECTION 20, BEING A PLAT OF A 60.008-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 40, T-2-S, T&P RR CO. SURVEY, COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 500 FEET WEST OF THE INTERSECTION OF SOUTH COUNTY ROAD 1239 AND WEST COUNTY ROAD 122) (DISTRICT: NONE) (DEVELOPMENT SERVICES)

15. 011-2023 – MOTION AUTHORIZING THE INTENT OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO ESTABLISH THE SCHEDULE FOR PROGRAM YEAR 2023 CDBG APPLICATION. (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Jack Ladd moved to approve consent agenda items 4-15, excluding items 6, 7, 8, 9, 12 and 13; 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.

6. 008-2023 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR CERTAIN VETERINARY SERVICES FOR THE ANIMAL SERVICES DIVISION AND TO NEGOTIATE AN AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (GENERAL SERVICES)

   Community Services Director Cristina Burns gave a brief overview of the item noting the reason for this proposal is due to the agreement with Dr. Jenson ending last year. Having a Veterinarian or consultant who can provide veterinary services would allow the Animal Shelter to continue to provide services until a Veterinarian is hired with the City.

   Dan Corrales moved to approve Motion No. 008-2023; 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

7. 2023-013 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR ENGINEERING SUPPORT AND ADMINISTRATIVE SERVICES TO THE CITY OF MIDLAND T-BAR RANCH WELL SYSTEM AND OTHER POTENTIAL WATER SOURCES FOR A COST OF $362,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

   Utilities Director Carl Craigo gave a brief overview of the item noting there are three tasks to this item. The first two deal with the management of the T-Bar water system, and the third is to allow Parkhill to assist in finding future water routes with Fort Stockton Water Holdings.

   Mr. Craigo answered several questions from Council clarifying the importance of having several alternate water routes, noting that if we do not it will make it more expensive to buy right-of-way in the future.

   Dan Corrales moved to amend Resolution No. 2023-013 to exclude Fort Stockton Water Holdings; seconded by Amy Stretcher Burkes.

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

ABSENT: None

Scott Dufford moved to approve Resolution No. 2023-013; seconded by Jack Ladd.

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

8. 2023-014 – RESOLUTION AWARDING A CONTRACT FOR THE PLANT FARM PONDS REHABILITATION PROJECT TO SYNAGRO OF TEXAS-CDR, INC., FOR THE AMOUNT OF $4,396,743.50; APPROVING $879,348.70 FOR CONTINGENCIES; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Utilities Director Carl Craigo gave a brief overview of the item noting when the City redid the Water Reclamation facility, TCEQ required the City to renew the discharge permit. A requirement of this discharge permit is to reline the two plant farm ponds, which is about 80 million gallons of water storage. Due to the amount of sludge within the ponds, the price was increased.

Dan Corrales moved to approve Resolution No. 2023-014; 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. 2023-015 – RESOLUTION APPROVING THE PURCHASE OF OPENGOV BUDGETING, PLANNING, REPORTING AND TRANSPARENCY PLATFORM SOFTWARE FOR THE FINANCE DEPARTMENT FROM VERTOSOFT LLC THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF $474,260.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)

Finance Director Christy Weakland gave a brief overview of the item noting this software will improve financial and budget reporting, and transparency.

Andrew Staut, representing Vertosoft LLC for the OpenGov Software, reiterated that this software will make it easier for staff and citizens to access needed information.

Dan Corrales moved to approve Resolution No. 2023-015; 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

12. 2023-017 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO MCM OPERATING, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE AND 1,550 FEET EAST OF HOLIDAY HILL ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 4) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting the well is on an existing pad and they will be using sound walls. They have included a sound survey, quiet frac and other means of keeping the noise levels down.

Mr. Jenkins also gave a brief history of MCM's wells, discussed the tank battery, flares and answered more questions from Council.

Representative Chris Hamilton, agent for MCM operating, answered questions from Council regarding the tank battery and flares. Mr. Hamilton has been in communication with Ron Jenkins and is open to meeting with citizens to hear their concerns and see how they can help with the situation.

Justin Smith, 5312 Balfour Court, Vice President of Great House HOA and a concerned resident reported the battery tanks and a huge bright flare that lights up his backyard is causing his family not to be able to enjoy their backyard. Mr. Smith also reported that his house shakes. As a spoksperson for the HOA, he has received a number of reports from the residents with the same concerns.

Matt Chitwood, COO with MCM addressed some concerns regarding flares, noting it is not coming from his flarestacks. He offered to work with other entities to help mitigate the situation. Mr. Chitwood shared what they plan to do to assist citizens with the issues.

Bryan Garvin, 5311 Balfour Court, is a citizen in the same area who voiced concerns regarding the tank battery. Mr. Garvin also reported he has had difficulty selling his house and feels it's because of these issues.

City Attorney John Ohnemiller encouraged MCM and the HOA to work with the County on this issue, as the tank battery and flarestacks are located in the County.

Chris Hamilton provided history on the original wells.

Oil & Gas Compliance Officer Ron Jenkins reported there are other companies in the area that may be flaring.

Scott Dufford moved to approve Resolution No. 2023-017; seconded by Jack Ladd.

The motion passed by the following vote:

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

13. 2023-018 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO MCM OPERATING, LLC ("OPERATOR") TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND BETWEEN 1,450 FEET AND 1,530 FEET EAST OF HOLIDAY HILL ROAD); SAID AMENDMENTS (1) AUTHORIZING PORTABLE SOUND WALLS TO BE INSTALLED ON THE NORTH AND SOUTH SIDES OF THE FRAC PUMPS, (2) REQUIRING FRAC SAND TO BE DELIVERED AND OFFLOADED USING BELLY DUMP TRUCKS, AND (3) REQUIRING UTILIZATION OF A MONOLINE / ZIPPER MANIFOLD (DISTRICT 4) (DEVELOPMENT SERVICES)

Discussion on item 12 satisfies this item.

Jack Ladd moved to approve Resolution No. 2023-018; seconded by Amy Stretcher Burkes.

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

SECOND READINGS

16. 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) (FIRST READING HELD JANUARY 24, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10371.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10371; 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

17. 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) (FIRST READING HELD JANUARY 24, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10372.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10372; 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

PUBLIC HEARINGS

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

18. 10373 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 155, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH LORAINE STREET, APPROXIMATELY 143 FEET SOUTH OF WEST 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. 10373.

Mayor Blong opened the public hearing at 11:22 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. 10373; 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. 10374 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 4, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 550 FEET SOUTH OF WEST LOOP 250), 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10374.

Mayor Blong opened the public hearing at 11:22 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. 10374; 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

20. 10375 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE AN 8.823-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, ORTLOFF ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF WESTCLIFF DRIVE, APPROXIMATELY 335 FEET SOUTH OF ANDREWS HIGHWAY); 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. 10375.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a request for the development of a senior living facility.

Mayor Blong opened the public hearing at 11:26 a.m.

Lori Dawson, 1515 Idlewilde, currently leases the building to Immigration and Customs Enforcement (ICE) and reported this could propose a problem because the building is considered a protective area. Ms. Dawson also reported on several concerns including traffic issues.

Andrew Mellen, Maverick Engineering, representing the applicant, gave an overview of the traffic issues and plans to combat those issues.

Dara Crass, 4632 Princeton, is against the item as it will increase traffic in her neighborhood and feels it will make her neighborhood unsafe. She felt she could not leave her children unattended in her own backyard because she has found people there.

David Diaz, 208 S. Marienfeld, representing Midland Community Development Corporation (MCDC), spoke in favor of the item as it would allow affordable housing for the citizens of Midland. Mr. Diaz also reported on past projects they have been a part of within the City of Midland to assist with affordable housing for seniors, noting they still look as good as the day they were built.

Byron Fender, 1600 Idlewilde Drive, owner of a dance studio had several questions but could not get anyone from the Planning Department to return his call. His questions ranged from fencing and building access to security.

Brad Schwab, VP Cornerstone Housing Group, Nebraska, reported this would be funded by bond credits through the State and are specifically only for this location.

Bobbi Jo Lucas, President, Cornerstone Housing Group, Nebraska, provided advantages to approving this item and answered the questions from Mr. Fender. Ms. Lucas also addressed comments and concerns made by speakers today on this item so they would have a better understanding of the senior community, what it would entail and how it would be a benefit to the City of Midland.

Transporation Manager Gabe McClelland confirmed a traffic study has been done and they are about 90% through the reconstruction design at Midland Drive and Andrews Highway. Once complete, the designs will go to the State. Mr. McClelland reported on the status of several traffic areas around this project.

Ms. Lucas reported that once bonds are issued you have 180 days to close. If you do not close within the allotted timeframe, the money has to be returned.

Jack Ladd moved to defer this item to the next meeting; 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

Mayor Blong recessed the meeting to go into Executive Session at 12:11 p.m.

21. 10376 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 7,464-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, CLAYDESTA PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF DESTA DRIVE AND SMITH ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER, 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)

The meeting reconvened in open session at 12:43 p.m. with all Council Members present except Stretcher Burkes.

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10376.

Mayor Blong opened the public hearing at 12:44 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10376; seconded by Jack Ladd.

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

22. 10377 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 10.817-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 158 AND STATE HIGHWAY 191); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10377.

Mayor Blong opened the public hearing at 12:45 p.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. 10377; seconded by Robin Poole.

The motion passed by the following vote:
AYE: Corrales, Poole, Blong, Dufford, Ladd, Norman

NAY: None
ABSTAIN: None
ABSENT: Stretcher Burkes

23. 10378 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 10.817-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 158 AND STATE HIGHWAY 191; 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10378.

Mayor Blong opened the public hearing at 12:47 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10378; seconded by Robin Poole.

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

24. 10379 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND BY REPEALING ORDINANCE NO. 8961, WHICH GRANTED A SPECIFIC USE DESIGNATION WITHOUT TERM THAT ALLOWED AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS ON LOT 1, BLOCK 1, CAMELOT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ELKINS ROAD, APPROXIMATELY ONE MILE NORTH OF BUSINESS INTERSTATE 20), WHICH IS PRESENTLY ZONED O-1, OFFICE 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 PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10379.

Development Services Director Chuck Harrington gave a brief overview of the item noting that the accessory building is used for brides that are being married at the facility.

Mayor Blong opened the public hearing at 12:48 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10379;

seconded by Jack Ladd.

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

25. 10380 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 4.73-ACRE TRACT OF LAND OUT OF LOT 22, BLOCK 22, WESTERN HILLS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF BEAL PARKWAY, APPROXIMATELY 154 FEET SOUTH OF BLUE HAVEN 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10380.

Mayor Blong opened the public hearing at 12:50 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10380; seconded by Robin Poole.

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

26. 10381 – AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", CHAPTER 2, "PLATS AND SUBDIVISIONS", SECTION THREE, "PLATTING PROCEDURES", SUBSECTION (D), "PRELIMINARY PLAT", SUB-SUBSECTION 11, "APPROVAL BY THE COUNCIL" OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REQUIRE COUNCIL APPROVAL OF A PRELIMINARY PLAT (1) THAT WAS APPROVED BY THE PLANNING AND ZONING COMMISSION BY OPERATION OF LAW OR (2) THAT IS A REPLAT THAT ATTEMPTS TO AMEND OR REMOVE A COMMON AREA OR GREEN SPACE THAT IS IN THE PRECEDING PLAT; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT: ALL) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10381.

City Attorney John Ohnemiller reported on the suggested amended language.

Mayor Blong opened the public hearing at 12:54 p.m. There being no one present wishing

to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10381 with the amendment to add a replat that attempts to amend or remove a common area or green space; seconded by Jack Ladd.

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

MISCELLANEOUS

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

This item was deferred because it needs a resolution.

Scott Dufford moved to defer; seconded by Dan Corrales.

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

PUBLIC COMMENT

28. 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, thanked everyone for their love and support during a difficult time in her life.

EXECUTIVE SESSION

29. 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:

a. Section 551.071, Consultation with Attorney
a.1. Discuss pending or contemplated litigation.

b. Section 551.072, Deliberation Regarding Real Property
b.1. Discuss the purchase, exchange, lease or value of real property.

c. Section 551.074, Personnel Matters

c.1. Deliberate the appointment, employment, evaluation, or duties of the City Manager.

All the business at hand having been completed, the meeting adjourned at 1:45 p.m.

PASSED AND APPROVED February 28, 2023.

Lori Blong, Mayor

ATTEST:

Amy M. Turner, City Secretary