

**MIDLAND CITY COUNCIL
MINUTES
March 18, 2025**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 18, 2025.

Council Members present: John Burkholder, Amy Stretcher Burkes, Robin Poole, Lori Blong, Brian Stubbs, 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 Jose Ortiz, City Governance Officer/City Secretary Marcia Bentley-German

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

OPENING ITEMS

1. Invocation-Pastor David McReynolds, Stonegate Fellowship
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 Proclamation for “ MJ Dinkins Day”.
 - 3b. Presentation by City Manager Tommy Gonzalez regarding water update.

City Manager Tommy Gonzalez gave a brief presentation of the recent water events that took place in Midland in early March. Mr. Gonzalez reviewed the strategic goal connections and possible changes to the capital improvement plan. Mr. Gonzalez reviewed Midland’s water systems, such as, the Colorado River Municipal Water District (CRMWD), T-Bar Ranch, and the North Midland Water Treatment Facility. He reported on the Water capacity flow chart and the Million Gallons per Day (MGD) for each water source to include Peggy Sue, T-Bar, CRMWD, Clear Well, the Water Treatment Facility, as well as, what went wrong.

Mr. Gonzales gave a brief overview of Zebra Mussels and what they can and cannot do. He reported on community engagement, water distribution and an “after action” review of the positives and negatives that took place. Finally, Mr. Gonzalez reported on key takeaways such as improved coordination, contractor management, shorter notice, redundancy, risk analysis and things to do moving forward. These include immediate actions, policy and operational improvements.

Council was able to make comments and ask questions during this presentation.

- 3c. Presentation by Budget Manager Alyssa Coppens regarding fixed costs and capital needs of the City.

Budget Manager Alyssa Coppens provided a brief presentation of the upcoming budget for the City of Midland fiscal year 2025-2026.

- 3d. Presentation by Director of Engineering Gabe McClelland regarding roads update.

Engineering Services Director Gabriel McClelland gave a brief presentation of the item noting the strategic goal connections, partnerships with TXDOT as well as others and Midland Development Corporation (MDC). Mr. McClelland reviewed looking ahead, Midland County investment and a shared commitment.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

- 4a. REGULAR SESSION OF FEBRUARY 25, 2025

7. 2025-042 – RESOLUTION APPROVING A CONTRACT WITH MUSCO CORPORATION DBA MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED FIELD LIGHTING FOR THE BEAL PARK IMPROVEMENT PROJECT FOR A TOTAL COST OF \$1,740,106.00; APPROVING \$174,014.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
8. 2025-043 – RESOLUTION APPROVING A CONTRACT WITH HYDROMAX USA LLC THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR VALVE AND FIRE HYDRANT MAINTENANCE AND REPAIR SERVICES FOR A TOTAL COST OF \$1,400,000.00 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
9. 2025-044 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOLER EQUIPMENT SERVICE, INC., IN THE AMOUNT OF \$1,098,000.00 FOR THE MIDLAND AIRPARK AVGAS SELF-FUEL SYSTEM INSTALLATION PROJECT AT MIDLAND AIRPARK; AND APPROPRIATING AND TRANSFERRING FUNDS FOR SAID PROJECT **(DISTRICT 1) (AIRPORTS) (TRANSPARENT & CONSISTENT**

COMMUNICATION)

10. 027-2025 – MOTION APPROVING MIDLAND COUNTY HOSPITAL DISTRICT'S APPOINTMENTS OF STEPHEN BOWERMAN AND ABRAHAM BEJIL TO THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE NUMBER TWO (DISTRICT 2 & 3) **(DEVELOPMENT SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
11. 2025-045 – RESOLUTION AUTHORIZING AN ADOPTION PARTNER AGREEMENT WITH PETSMART CHARITIES, INC., TO PARTICIPATE IN THE PETSMART CHARITIES ADOPTION PROGRAM **(DISTRICT: ALL) (FIRE) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
13. 028-2025 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (25-329-006) BETWEEN THE CITY OF MIDLAND AND PIONEER NATURAL RESOURCES USA, INC. REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 8 AND 9, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
14. 029-2025 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (25-329-007) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 2 AND 11, BLOCK 38, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
15. 030-2025 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (25-329-008) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
16. 031-2025 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (25-329-009) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
17. 032-2025 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (25-495-010) BETWEEN THE CITY OF MIDLAND AND WPX ENERGY PERMIAN, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 25 AND 26, BLOCK C-23 AND SECTION 27, BLOCK 74, P.S.L. SURVEY, WINKLER COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

FISCAL MANAGEMENT)

Robin Poole moved to approve consent agenda items 4-17, excluding items 5, 6 & 12; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

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

5. 2025-040 – RESOLUTION AWARDING A CONTRACT FOR DOWNTOWN PARKING MANAGEMENT AND MOBILE APPLICATION SERVICES TO ACE PARKING III, LLC FOR THE DEVELOPMENT SERVICES DEPARTMENT; SAID CONTRACT BEING FOR A ONE-YEAR TERM, WITH AN OPTION FOR THE CITY TO RENEW SAID CONTRACT FOR UP TO FIVE ADDITIONAL ONE-YEAR TERMS; THE COST OF THE INITIAL TERM BEING AN AMOUNT NOT TO EXCEED \$285,950.00; AND AUTHORIZING PAYMENT

Planning & Development Officer Elizabeth Triggs gave a brief presentation regarding downtown parking management agreements, goals, strategic plan alignment, agreement overview to include the contract term, cost, equipment financing, dedicated enforcement and a self-sustaining model.

Mrs. Triggs reported there will be a two phase implementation. One is a six month implementation phase for consulting services and the other is for ongoing operations for parking management services. Mrs. Triggs also reviewed key benefits for downtown and the next steps.

John Burkholder moved to approve Resolution No. 2025-040; seconded by John Norman.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Norman

NAY: Ladd

ABSTAIN: None

ABSENT: None

6. 2025-041 – RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED SEVENTY-SIX (176) ELITE IIIA SOFT BODY ARMOR VESTS, EACH COMPRISED OF A CARRIER, FRONT AND BACK PLATES, AND ACCESSORIES FOR THE MIDLAND POLICE DEPARTMENT FROM ANGEL ARMOR, LLC, THROUGH BUYBOARD FOR A TOTAL COST OF \$597,903.14

Police Chief Greg Snow gave a brief overview of the item noting that in the past, the body armor vests (which need to be replaced about every five years) were donated to the Police Department. Chief Snow emphasized that this purchase will come in under budget.

Brian Stubbs moved to approve Resolution No. 2025-041; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

12. 2025-046 – RESOLUTION ACCEPTING A GRANT AWARD FROM THE FMH FOUNDATION IN THE AMOUNT OF \$1,000,000.00; SAID GRANT SHALL BE UTILIZED TO UPGRADE THE PLANNED AMPHITHEATER FEATURE AT BEAL PARK AS PART OF THE BEAL PARK RENOVATION PROJECT; AND APPROPRIATING SAID GRANT FUNDS

Council Member Amy Stretcher Burkes and Parks and Recreation Director Laurie Williams thanked the FMH Foundation for the award.

Ms. Williams gave a brief overview of the item noting they were invited to submit for the FMH Foundation grant and it was awarded to the City of Midland.

Mayor Blong thanked former Council Member Scott Dufford for his work with this project.

Brian Stubbs moved to approve Resolution No. 2025-046; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

18. 10604 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 8, AND THE NORTH 39.7 FEET OF LOT 9, BLOCK 2, HUNTINGTON PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MABERRY STREET AND SINCLAIR AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK ON THE NORTH 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 (FIRST READING HELD ON FEBRUARY 25, 2025) **(DISTRICT 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10604.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10604; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

19. 10605 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,523-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK, 2ND SECTION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD APPROXIMATELY 120 FEET SOUTH OF MAXWELL DRIVE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL 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 (FIRST READING HELD ON FEBRUARY 25, 2025) **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE & PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10605.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10605; seconded by John Burkholder.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

20. 10606 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,512-SQUARE FOOT PORTION OF LOT 5A, BLOCK 1, GATEWAY PLAZA ADDITION, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH TRADEWINDS BOULEVARD 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 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE &**

PLACE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10606.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for an SUD for alcohol sales.

Please note, this item is located in District 4, not District 1.

Mayor Blong opened the public hearing at 11:46 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. 10606; seconded by John Norman.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

21. 10607 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; ESTABLISHING AN EFFECTIVE DATE OF APRIL 9, 2025; AND ORDERING PUBLICATION **(DISTRICT: ALL) (FINANCE) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10607.

Finance Reporting Manager Jamie Barton gave a brief overview of the item noting that fee schedule language was added.

Robin Poole moved to approve the first of two readings of Ordinance No. 10607; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

22. 10608 – AN ORDINANCE AMENDING TITLE V, “BUSINESS REGULATIONS” OF THE CITY OF MIDLAND, TEXAS, BY ADDING CHAPTER 13, “MASSAGE ESTABLISHMENTS”, SO AS TO ESTABLISH CERTAIN REQUIREMENTS THAT MUST BE SATISFIED TO OPERATE A BUSINESS THAT ADVERTISES OR OFFERS MASSAGE THERAPY OR OTHER MASSAGE SERVICES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND DOLLARS

(\$2,000.00); ESTABLISHING AN EFFECTIVE DATE THAT SHALL BE 30 DAYS AFTER THE DATE OF ADOPTION OF THIS ORDINANCE; AND ORDERING PUBLICATION **(DISTRICT: ALL) (DEVELOPMENT SERVICES) SAFE AND SECURE CITY**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10608.

Mayor Blong reported there are a lot of illicit massage parlors in Midland and that staff is working with others in the community and at the State level to address concerns. Mayor Blong thanked staff for putting components in place to address this issue.

Planning & Development Officer Elizabeth Triggs reported these massage parlors are an issue in all of Texas. Midland Police Department has been taking the lead on this. This ordinance will help as it amends title five of the Midland code. This does not apply to all massage parlors, only the ones operating illegally.

The purpose of this ordinance is to establish licensing requirements for restricted massage establishments, enhance regulatory oversight and disrupt criminal activity associated with the illicit massage businesses.

Mayor Blong wants the community to understand that this issue is tied to human trafficking, money laundering and organized crime. The Citizens are the ones being harmed.

City Manager Tommy Gonzalez reported on legislation of this issue.

Council Member Amy Stretcher Burkes read about House Bill 3579 that was passed in the 88th legislature and went into affect September 1, 2023 which means that the Texas Department of Licensing and Regulations (TDLR) Executive Director may issue an emergency order halting the operation of any massage establishment if law enforcement or TDLR believes that human trafficking is occurring at that establishment. There have been 21 executive orders issued within the state of Texas but not one of those was from Midland. Council Member Amy Stretcher Burkes would like to make sure that the City of Midland Police Department can use this tool to assist with this issue.

Senior Assistant City Attorney Nicholas Toulet-Crump reported that yes, the City of Midland Police Department and it's Peace Officers may take action and enforce chapter 20A of the Texas Penal Code. Also, Chapter 455 of the Texas Occupations Code specifically authorizes Peace Officers and Peace Officers that are employed by political subdivisions to enforce that chapter.

Council Member Poole would like the public to be made aware of the massage parlors on the list.

Discussion ensued between Council and the City Attorney regarding how to legally request this information.

Police Chief Greg Snow provided a brief report on their processes for identifying the illegal

operations.

Planning & Development Officer Elizabeth Triggs reported that roughly 37 out of 50 massage parlors in Midland may be operating illegally.

John Burkholder moved to approve the first of two readings of Ordinance No. 10608; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Burkholder, Stretcher Burkes, Poole, Blong, Stubbs, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC COMMENT

23. 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.)

EXECUTIVE SESSION

24. 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 go into Executive Session at

- a. Section 551.071, Consultation with Attorney
 - a.1. Discuss matters in which the duty of the attorney(s) 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.
- b. Section 551.074, Personnel Matters
 - b.1. Deliberate the employment, evaluation, and duties of the City Manager, City Attorney, City Secretary, Municipal Court Presiding Judge and Municipal Court Associate Judge.

All the business at hand having been completed, the meeting adjourned at 3:13 p.m.

PASSED AND APPROVED April 8, 2025.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary