

**MIDLAND CITY COUNCIL
MINUTES
March 28, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., March 28, 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 10:01 a.m.

OPENING ITEMS

1. Invocation – Senior Pastor Lonnie Phillips, Fellowship Community 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 “Resolution of Appreciation for Midland Autism Awareness Month”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. BRIEFING SESSION OF FEBRUARY 28, 2023
 - 4b. REGULAR SESSION OF FEBRUARY 28, 2023
 - 4c. SPECIAL SESSION OF MARCH 10, 2023

5. 2023-027 – RESOLUTION OF APPRECIATION FOR AUTISM AWARENESS MONTH (DISTRICT: NONE) (CITY ATTORNEY'S OFFICE)
6. 2023-028 – RESOLUTION AWARDED A CONTRACT FOR THE REPLACEMENT OF A FENCE AT THE REYES MASHBURN NELMS PARK TURF FIELDS IN THE AMOUNT OF \$78,285.00 TO HORNET FENCE LLC; APPROVING \$7,829.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS (DISTRICT 2) (GENERAL SERVICES)
7. 2023-029 – RESOLUTION AWARDED A CONTRACT FOR THE CITY OF MIDLAND PAVING, ALLEYS, STREETS AND SIDEWALKS 04 PROJECT TO REECE ALBERT, INC. OF SAN ANGELO, TEXAS, AT A COST OF \$1,518,091.00; APPROVING \$151,809.10 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT-RELATED EXPENSES; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 2) (GENERAL SERVICES)
8. 2023-030 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE THREE-YEAR CONTRACT WITH STRYKER SALES, LLC, FOR PREVENTATIVE MAINTENANCE SERVICES FOR THE FIRE DEPARTMENT AT A TOTAL COST OF \$138,818.50 (DISTRICT: NONE) (GENERAL SERVICES)
9. 2023-031 – RESOLUTION AWARDED A THREE YEAR CONTRACT FOR A CITYWIDE INTERNET SERVICE PROVIDER TO FIBER PLATFORM LLC, D/B/A UNITE PRIVATE NETWORKS, LLC, FOR A TOTAL COST NOT TO EXCEED \$385,272.00 (DISTRICT: NONE) (GENERAL SERVICES)
10. 2023-032 – RESOLUTION APPROVING THE SELECTION OF 1919 ARCHITECTS, P.C., CHAPMAN HARVEY ARCHITECTS, INC., JSA ARCHITECTS, INC., PARKHILL SMITH & COOPER, INC., DBA PARKHILL, AND VANDERGRIF GROUP ARCHITECTS, P.C., TO PROVIDE THE CITY OF MIDLAND, TEXAS, WITH PROFESSIONAL ARCHITECTURAL SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED FIVE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER EXECUTED IN ACCORDANCE WITH SUCH AN AGREEMENT SHALL NOT EXCEED \$150,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH EACH AGREEMENT SHALL NOT EXCEED \$500,000.00 PER AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
11. 2023-033 – RESOLUTION APPROVING THE PURCHASE OF EIGHT HUNDRED (800) THREE (3) CUBIC YARD RESIDENTIAL REFUSE CONTAINERS, THREE HUNDRED (300) THREE AND A HALF (3.5) CUBIC YARD COMMERCIAL REFUSE CONTAINERS AND FIVE (5) ROLL-OFF OPEN TOP CONSTRUCTION REFUSE CONTAINERS FROM ROLL-OFFS USA THROUGH BUYBOARD AT A TOTAL COST OF \$828,400.00 (DISTRICT: NONE) (GENERAL SERVICES)

12. 2023-034 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR THE EMERGENCY REPAIR OF THE WATER MAIN ALONG HIGHWAY 158 BY KOPPL SERVICES, INC., FOR A TOTAL COST OF \$342,868.76 (DISTRICT 4) (GENERAL SERVICES)
13. 2023-035 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR THE EMERGENCY REPAIR OF THE WATER MAIN ALONG HIGHWAY 158 BY RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF \$333,613.72 (DISTRICT 4) (GENERAL SERVICES)
14. 2023-036 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR THE EMERGENCY DREDGING OF THE WATER PURIFICATION PLANT RESERVOIR BY RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF \$250,235.12 (DISTRICT 2) (GENERAL SERVICES)
15. 2023-037 – RESOLUTION AUTHORIZING THE EXECUTION OF TASK ORDER NUMBER 12 WITH DUNAWAY ASSOCIATES, LLC, FOR THE BEAL PARK MASTER PLAN IMPLEMENTATION PROJECT; SAID TASK ORDER TO BE IN THE AMOUNT OF \$43,400.00; AND APPROPRIATING FUNDS FOR SAID TASK ORDER (DISTRICT 4) (GENERAL SERVICES)
16. 017-2023 – MOTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE MIDLAND DEVELOPMENT CORPORATION FOR THE STATE HIGHWAY 191 WASTEWATER MAIN EXTENSION PROJECT, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE (DISTRICT 4) (CITY MANAGER)
17. 018-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE SH-191 WASTEWATER MAIN EXTENSION PROJECT, SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS MOTION, AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS (DISTRICT 4) (GENERAL SERVICES)
18. 019-2023 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER 1 WITH PARKHILL SMITH AND COOPER SERVICES DBA PARKHILL REGARDING THE MIDLAND T-BAR WELLFIELD REMEDIATION PLAN; SAID CHANGE ORDER TO BE IN THE AMOUNT OF \$151,330.73 AND TO PROVIDE INCREASE PUMP CAPACITY FOR WELLS #5, #6, AND #7; AND ADDITIONAL WATER HOLDING POND WORK; AND APPROPRIATING FUNDS FROM THE UTILITIES FUND FOR SAID PROJECT. (DISTRICT: NONE) (GENERAL SERVICES)
19. 2023-038 – RESOLUTION APPROVING A THREE-YEAR CONTRACT WITH RUBICON GLOBAL LLC THROUGH SOURCEWELL, FOR THE RUBICON SMARTCITY PROGRAM

FOR A TOTAL COST OF \$559,657.00 AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT: NONE) (GENERAL SERVICES)

20. 2023-039 – RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS VEHICLES FOR THE GENERAL SERVICES DEPARTMENT FOR A TOTAL COST OF \$1,452,367.00 (DISTRICT: NONE) (GENERAL SERVICES)
21. 2023-040 – RESOLUTION SELECTING FRANKLIN MOUNTAIN MAF, LLC, TO EQUIP AND OPERATE A NON-EXCLUSIVE COMMERCIAL FIXED BASE OPERATION AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE COMMERCIAL FIXED BASE OPERATOR LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND FRANKLIN MOUNTAIN MAF, LLC (DISTRICT 4) (AIRPORTS)
22. 2023-041 – RESOLUTION AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT WITH C. HODGES DEVELOPMENT SERVICES, L.P., AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE (THE “AGREEMENT”) REGARDING A CERTAIN TRACT OF LAND LOCATED IN SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (THE “PROPERTY”); SAID PROPERTY BEING LOCATED WITHIN TAX ABATEMENT REINVESTMENT ZONE NUMBER 2023-01 (THE “REINVESTMENT ZONE”); SAID REINVESTMENT ZONE BEING LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND STATE HIGHWAY 158; THE OWNER OF THE PROPERTY AND THE APPLICANT FOR TAX ABATEMENT BEING C. HODGES DEVELOPMENT SERVICES, L.P.; THE IMPROVEMENTS INCLUDED IN THE AGREEMENT BEING GENERALLY DESCRIBED AS BUILDING(S) CONTAINING AT LEAST 55,000 SQUARE FEET OF SPACE TO BE USED FOR RETAIL USES, RESTAURANT USES, AND OTHER SERVICES AND USES ASSOCIATED THEREWITH; THE ESTIMATED COST OF SAID IMPROVEMENTS BEING NOT LESS THAN \$15,000,000.00; AND DIRECTING THE CITY MANAGER TO DELIVER A WRITTEN NOTICE OF THE CITY’S INTENTION TO ENTER INTO THE AGREEMENT, OR ENSURE THAT SUCH A NOTICE HAS BEEN DELIVERED, TO THE PRESIDING OFFICER OF THE GOVERNING BODY OF EACH APPROPRIATE TAXING UNIT AT LEAST SEVEN DAYS PRIOR TO THE EXECUTION OF THE AGREEMENT (DISTRICT 4) (CITY MANAGER)
23. 2023-042 – RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION, AND C. HODGES DEVELOPMENT SERVICES, L.P., REGARDING THE DEVELOPMENT OF A CERTAIN 17.345-ACRE TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 4) (CITY MANAGER)
24. 2023-043 – RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$50,000.00 FROM THE NATIONAL FITNESS CAMPAIGN TO ASSIST THE CITY OF MIDLAND PARKS DIVISION WITH THE CONSTRUCTION AND INSTALLATION OF A FITNESS COURT AT DENNIS THE MENACE PARK; AUTHORIZING THE CITY

MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY GRANT ACCEPTANCE DOCUMENTS; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (COMMUNITY SERVICES)

25. 2023-044 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, IN SUPPORT OF THE KEEP MIDLAND BEAUTIFUL ISLAND BEAUTIFICATION PROJECT; AUTHORIZING THE EXECUTION OF A MULTIPLE USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO PERMIT THE INSTALLATION, MAINTENANCE, AND OPERATION OF A PUBLIC SCULPTURE WITHIN STATE HIGHWAY RIGHT-OF-WAY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL LEGAL DOCUMENTS AND INSTRUMENTS NECESSARY AND APPROPRIATE TO PERMIT THE INSTALLATION, MAINTENANCE, AND OPERATION OF SAID PUBLIC SCULPTURE WITHIN STATE HIGHWAY RIGHT-OF-WAY (DISTRICT 2) (COMMUNITY SERVICES)
26. 020-2023 – MOTION AUTHORIZING THE EXECUTION OF AN OPTION AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND ATHLETIC SYNDICATE, INC. REGARDING THE LEASE OF LAND LOCATED AT THE SCHARBAUER SPORTS COMPLEX (DISTRICT 4) (COMMUNITY SERVICES)
27. 021-2023 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS, A PROPOSED PRELIMINARY PLAT OF WESTRIDGE PARK, SECTION 50, BEING A REPLAT OF LOT 4, BLOCK 5, WESTRIDGE PARK, SECTION 6 AND LOTS 3A AND 4, BLOCK 6, WESTRIDGE PARK, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND LOOP 250 FRONTAGE ROAD) (DISTRICT 4) (DEVELOPMENT SERVICES)
28. 2023-045 – RESOLUTION ACCEPTING A FISCAL YEAR 2023 GRANT AWARD FROM THE SOUTHWEST BORDER HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM IN THE AMOUNT OF \$145,052.00; SAID GRANT SHALL BE USED TO ENHANCE AND COORDINATE DRUG CONTROL EFFORTS AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; AND APPROPRIATING SAID GRANT FUNDS (DISTRICT: NONE) (POLICE)
29. 022-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-009) WITH ENLINK NORTH TEXAS GATHERING, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 2 AND 11, BLOCK X, HP HILLIARD AND SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 3) (UTILITIES)
30. 023-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-010) WITH CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
31. 024-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE

(23-329-011) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WEST-TEX LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 9, AND 10, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

32. 025-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-013) WITH CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
33. 026-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-014) WITH MIDLAND-PERMIAN PIPELINE LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 9, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
34. 2023-046 – RESOLUTION ESTABLISHING AN APPROPRIATION POLICY FOR OIL AND GAS REVENUES GENERATED BY CITY-OWNED PARK PROPERTY (DISTRICT: ALL) (COMMUNITY SERVICES)
35. 027-2023 – MOTION APPOINTING MORRIS WILLIAMS JR. AS THE INTERIM CITY MANAGER EFFECTIVE MAY 1, 2023, AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE INTERIM CITY MANAGER (DISTRICT: ALL) (ADMINISTRATIVE SERVICES)

Dan Corrales moved to approve all Consent Agenda items as no items were excluded; 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

SECOND READINGS

36. 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) (FIRST READING HELD FEBRUARY 28, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10375.

Scott Dufford moved to approve the second and final reading of Ordinance No. 10375; 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

37. 10382 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 1, BLOCK 27, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST OHIO AVENUE AND NORTH COLORADO STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A COFFEE SHOP AND 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 2) (DEVELOPMENT SERVICES) (FIRST READING HELD FEBRUARY 28, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10382.

Scott Dufford moved to approve the second and final reading of Ordinance No. 10382; 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

38. 10383 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,988-SQUARE FOOT PORTION OF LOTS 1 AND 2 AND THE EAST 23.5 FEET OF LOT 3, BLOCK 65, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH LORAIN STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS 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 FEBRUARY 28, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10383.

John Norman moved to approve the second and final reading of Ordinance No. 10383; 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

39. 10384 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,781-SQUARE FOOT PORTION OF BLOCK 64, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST WALL STREET AND SOUTH COLORADO STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A COCKTAIL LOUNGE 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 FEBRUARY 28, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10384.

John Norman moved to approve the second and final reading of Ordinance No. 10384; 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

40. 10385 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 12, BLOCK 21, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MADISON STREET AND EAST ILLINOIS 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 FEBRUARY 28, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10385.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10385; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

41. 10387 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 140, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF EAST NEW YORK AVENUE, APPROXIMATELY 200 FEET EAST OF SOUTH MINEOLA STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD FEBRUARY 28, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10387.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10387; 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

42. 10388 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 18, BLOCK 1, COUNTRY SKY ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF TUMBLEWEED TRAIL, APPROXIMATELY 1,270 FEET SOUTH OF BRIARWOOD AVENUE), BY PERMITTING (1) A REDUCED MINIMUM LOT AREA AND (2) A REDUCED MINIMUM SIDE YARD SETBACK ON THE SOUTH SIDE OF THE PROPERTY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES) (FIRST READING HELD FEBRUARY 28, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10388.

Robin Poole moved to approve the second and final reading of Ordinance No. 10388; 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

PUBLIC HEARINGS

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

43. 10386 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 29, 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 BENTON STREET, APPROXIMATELY 110 FEET SOUTH OF EAST NEW YORK 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. 10386.

Mayor Blong opened the public hearing at 10:18 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. 10386; 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

44. 10390 – AN ORDINANCE VACATING AND ABANDONING A 1.584-ACRE PORTION OF CHAMPIONS DRIVE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 4, BLOCK 5, WESTRIDGE PARK ADDITION, SECTION 6, AND LOTS 3A AND 3B, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF CHAMPIONS DRIVE AND LOOP 250); THE CITY OF MIDLAND BEING THE OWNER OF ALL ABUTTING PROPERTY; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10390.

Mayor Blong opened the public hearing at 10:19 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. 10390; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

45. 2023-047 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A MUSIC FESTIVAL AND CAR SHOW ON LOT 1A, BLOCK 54, AND LOT 1A, BLOCK 55, ORIGINAL TOWN, SECTION 14, A 0.28-ACRE PORTION OF NORTH LORAIN STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 4 AND 5, BLOCK 36, AND LOTS 7 THROUGH 9, BLOCK 37, ORIGINAL TOWN, A 0.54-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1A, BLOCK 55, ORIGINAL TOWN, SECTION 14, AND A 1.25-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY AND A 1.25-ACRE PORTION OF WEST TEXAS AVENUE RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO BLOCKS 54 AND 55, ORIGINAL TOWN, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH COLORADO STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

Development Services Director Chuck Harrington gave a brief overview of the item noting the request is for a temporary land use permit for a music festival. The hours will be 8:00 a.m. to midnight, Saturday, April 8th. Staff has reviewed all of the documents needed for this event.

Mayor Blong opened the public hearing at 10:23 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve Resolution No. 2023-047; 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

46. 10391 – AN ORDINANCE VACATING AND ABANDONING A 0.042-ACRE PORTION OF THE ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1 THROUGH 3, BLOCK 11, ELMWOOD ADDITION, AND LOT 1, BLOCK 15, ELMWOOD ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MARIENFIELD STREET, APPROXIMATELY 250 FEET SOUTH OF WEST CUTHBERT AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$7,232.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10391.

Mayor Blong opened the public hearing at 10:24 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. 10391; 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

47. 10392 – AN ORDINANCE VACATING AND ABANDONING A 2,080-SQUARE FOOT PORTION OF WEST INDUSTRIAL LOOP RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 3, MIDKIFF INDUSTRIAL CENTER, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WEST INDUSTRIAL LOOP, APPROXIMATELY 250 FEET SOUTH OF COMMERCIAL DRIVE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$1,040.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10392.

Mayor Blong opened the public hearing at 10:25 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. 10392; 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

48. 10393 – AN ORDINANCE VACATING AND ABANDONING A 1,200-SQUARE FOOT SANITARY SEWER EASEMENT LOCATED ADJACENT TO LOTS 2 AND 3, BLOCK 6, WARWICK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH L STREET, APPROXIMATELY 185 FEET SOUTH OF WINFIELD ROAD); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,400.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10393.

Mayor Blong opened the public hearing at 10:26 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. 10393; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

49. 10394 – AN ORDINANCE AMENDING TITLE X, “TRAFFIC REGULATIONS”, CHAPTER FOUR, “TRAFFIC CONTROL DEVICES”, SECTION 11, “SCHOOL ZONES”, OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10345; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION (DISTRICT 3) (ENGINEERING SERVICES)

Engineering Services Manager Gabe McClelland gave a brief overview of the item noting the Sam Houston School zone timing needed to be adjusted to match school hours. The City is working with MISD to make the school zone more visible.

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10394.

Mayor Blong opened the public hearing at 10:27 a.m. There being no one else wishing to speak, the public hearing was closed at 10:27 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10394; 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

50. 2023-048 – RESOLUTION OF THE CITY COUNCIL OF MIDLAND, TEXAS, MAKING CERTAIN FINDINGS, PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF AN APPROXIMATE 2.337-ACRE TRACT LOCATED IN SECTION 20, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CIMMARON AVENUE BETWEEN WEDGWOOD STREET AND MCDONALD STREET); AND MAKING THE SAME FINDINGS REGARDING THE SALE OF SAID PROPERTY TO THE MIDLAND INDEPENDENT SCHOOL DISTRICT FOR A TOTAL AMOUNT OF \$228,310.00; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE SALE OF SAID PROPERTY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE, AND FILE ALL DOCUMENTS NECESSARY FOR THE SALE OF SAID PROPERTY AND TO HOLD THE CLOSING FOR SAID SALE; AND AUTHORIZING PAYMENT FOR CLOSING COSTS

(DISTRICT 3) (ENGINEERING SERVICES)

Mayor Blong opened the public hearing at 10:29 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve Resolution No. 2023-048; 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

51. 2023-049 – RESOLUTION OF THE CITY COUNCIL OF MIDLAND, TEXAS, MAKING CERTAIN FINDINGS, PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF AN APPROXIMATE 0.783-ACRE TRACT LOCATED IN BLOCK 19, LOT 2, DELLWOOD SECOND SECTION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST END OF DOUG RUSSELL PARK ADJACENT TO ALAMO JUNIOR HIGH SCHOOL); AND MAKING THE SAME FINDINGS REGARDING THE SALE OF SAID PROPERTY TO THE MIDLAND INDEPENDENT SCHOOL DISTRICT FOR A TOTAL AMOUNT OF \$71,699.00; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT FOR THE SALE OF SAID PROPERTY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE, AND FILE ALL DOCUMENTS NECESSARY FOR THE SALE OF SAID PROPERTY AND TO HOLD THE CLOSING FOR SAID SALE; AND AUTHORIZING PAYMENT FOR CLOSING COSTS (DISTRICT 3) (ENGINEERING SERVICES)

Mayor Blong opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Amy Stretcher Burkes moved to approve Resolution No. 2023-049; 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

MISCELLANEOUS

52. 2023-050 – RESOLUTION APPROVING THE PURCHASE OF AN APPROXIMATE 10.30-ACRE TRACT LOCATED IN BLOCK 87, EAST MIDLAND ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS FOR A TOTAL AMOUNT OF \$561,000.00; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE, AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID PROPERTY, PURCHASE A TITLE INSURANCE POLICY, AND HOLD THE CLOSING FOR SAID

ACQUISITION; AUTHORIZING PAYMENT FOR SAID PROPERTY, THE TITLE INSURANCE POLICY, AND CLOSING COSTS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE; AND APPROPRIATING FUNDS FOR SAID ACQUISITION (DISTRICT 2) (ENGINEERING SERVICES)

John Norman moved to approve Resolution No. 2023-050; 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

53. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

Laura Beth Meeks, 2607 McClintic Street, spoke on her love for animals and providing them with the best care. After taking Midland 101, she now serves as a temp and on the board for Animal Services in Midland.

Dana Tinley, 4801 Yearwood, spoke in support of the Midland Animal Services manager Ty Coleman and the welfare of animals in Midland.

Sierra Strickland, 1316 SCR 1069, spoke in support of Ty Coleman, Animal Services Manager. Ms. Strickland also spoke on her support for animal welfare and not removing Dr. Jenson from the Animal Services advisory board.

Julia Eckerty, 5805 SCR 1065, who has been Dr. Jenson's surgery assistant for more than 30 years, spoke of her support for Dr. Jenson.

Jumon Hailey, 1121 Andrews Hwy, owns a daycare in Midland and spoke on the massage parlor that is about 100 feet away from the daycare. Mr. Hailey reported that he was told by another citizen that a raid took place at the massage parlor regarding prostitution. Mr. Hailey would like the Council to be informed and would like followup information from the City regarding this matter. Mr. Hailey reported the safety of the children is top priority.

EXECUTIVE SESSION

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

The City Council recessed to Executive Session at 10:50 a.m.

a. Section 551.087, Deliberate Economic Development Negotiations

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

All the business at hand having been completed, the meeting adjourned at 11:40 a.m.

PASSED AND APPROVED April 11, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer /City Secretary