

**MIDLAND CITY COUNCIL
MINUTES
April 9, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 09, 2024.

Council Members present: Amy Stretcher Burkes, Lori Blong, Jack Ladd, John Norman

Council Members absent: Robin Poole, Scott Dufford

Staff members present: City Manager Tommy Gonzalez, City Attorney John Ohnemiller, Deputy City Manager Morris Williams Jr., Assistant City Manager Jose Ortiz

The meeting was called to order at 10:11 a.m.

OPENING ITEMS

1. Invocation – Pastor Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. REGULAR SESSION OF MARCH 19, 2024
4. 2024-058 – RESOLUTION AWARDED A CONTRACT FOR THE T24-01 TRAFFIC SIGNAL PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC CO., LP OF ABILENE, TEXAS, AT A TOTAL COST OF \$622,177.00; APPROVING \$62,217.70 FOR CONTINGENCIES; TRANSFERRING AND APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT **(DISTRICT: ALL) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
5. 2024-059 – RESOLUTION AWARDED A CONTRACT FOR THE PURCHASE OF CONCRETE AND CALICHE FOR THE TRANSPORTATION DIVISION TO 4J CONCRETE, LLC DOING BUSINESS AS JORDAN CONCRETE OF MIDLAND, TEXAS, AT A TOTAL COST OF \$855,690.00; AND AUTHORIZING PAYMENT **(DISTRICT: ALL) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

6. 2024-060 – RESOLUTION AUTHORIZING THE PURCHASE OF A PALFINGER M100 GRAPPLE LOADER TRUCK FROM DOGETT FRIGHTLINER OF SOUTH TEXAS, LLC, THROUGH BUYBOARD FOR A TOTAL COST OF \$241,917.82 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
7. 2024-061 – RESOLUTION AUTHORIZING THE PURCHASE OF AMMUNITION OF ASSORTED TYPES AND IN ASSORTED QUANTITIES FOR THE MIDLAND POLICE DEPARTMENT FROM THE RESPECTIVE LOW BIDDERS, KIESLER POLICE SUPPLY, INC., AND BLACK HILLS AMMUNITION, AT A TOTAL COST OF \$226,690.00 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
8. 2024-062 – RESOLUTION AWARDING A CONTRACT FOR PLANT FARM LABOR CONTRACTING SERVICES TO KEVIN COOK D/B/A KEVIN COOK FARMS OF STANTON, TEXAS, AT A TOTAL COST OF \$165,665.00 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
9. 2024-063 – RESOLUTION AMENDING RESOLUTION NO. 2023-145 THAT AUTHORIZES THE PURCHASE OF A WIRTGEN W 120 XTI COLD MILLING MACHINE FROM KIRBY-SMITH MACHINERY, INC., THROUGH BUYBOARD FOR A TOTAL COST OF \$502,269.45; AND PROVIDING FOR AN INCREASE OF \$86,092.62 IN THE TOTAL COST FOR SAID PURCHASE **(DISTRICT: NONE) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
10. 2024-064 – RESOLUTION AWARDING A CONTRACT FOR THE STATE HIGHWAY 158 AND SINCLAIR AVENUE INTERSECTION IMPROVEMENT PROJECT TO REECE ALBERT, INC. OF SAN ANGELO, TEXAS, AT A TOTAL COST OF \$3,691,710.55; APPROVING \$738,342.11 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT-RELATED EXPENSES; APPROPRIATING AND TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
11. 2024-065 – RESOLUTION APPROVING A CONTRACT WITH W.R. CONSTRUCTION, INC., THROUGH SOURCEWELL, FOR THE PURCHASE AND INSTALLATION OF A CANOPY STRUCTURE AT THE SOUTHEAST SENIOR CENTER FOR A TOTAL COST OF \$313,715.96; APPROVING \$31,284.04 FOR PROJECT RELATED EXPENSES; AND TRANSFERRING FUNDS FOR SAID PROJECT **(DISTRICT 2) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
12. 040-2024 – MOTION AUTHORIZING THE APPROPRIATION AND TRANSFER OF THE FOLLOWING FUND AMOUNTS FROM THE FOLLOWING ACCOUNTS TO THE AIRPORT FUND: \$58,870.00 FROM THE SANITATION FUND UNAPPROPRIATED FUND BALANCE; \$54,198.00 FROM THE UTILITIES FUND UNAPPROPRIATED FUND BALANCE; AND \$1,946,462.00 FROM THE GENERAL FUND UNAPPROPRIATED FUND BALANCE; AND AUTHORIZING THE APPROPRIATION AND TRANSFER OF

\$7,473,459.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO THE GENERAL FUND **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**

13. 2024-066 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MIDLAND COLLEGE DISTRICT FOR SAID DISTRICT TO PARTICIPATE IN TAX INCREMENT REINVESTMENT ZONE NUMBER TWO **(DISTRICT 2 AND 3) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
14. 041-2024 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF WESTRIDGE PARK ADDITION, SECTION 55, BEING A PLAT OF A 28.97-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF TRADEWINDS BOULEVARD AND LEISURE DRIVE) **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
15. 042-2024 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF PARKWAY SOUTH ADDITION, SECTION 4, BEING A REPLAT OF LOT 1, BLOCK 2, PARKWAY SOUTH ADDITION, SECTION 2, AND AN 8.0-ACRE TRACT OF LAND AND A 0.429-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH LAMESA ROAD AND EAST GIST AVENUE) **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
17. 2024-068 – RESOLUTION AUTHORIZING THE CITY MANAGER, DEPUTY CITY MANAGER, OR AN ASSISTANT CITY MANAGER TO EXECUTE ALL AGREEMENTS AND DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO CONVEY TO THE STATE OF TEXAS A 0.2869-ACRE TRACT OF LAND OUT OF SECTION 22, A 0.5845-ACRE TRACT OF LAND OUT OF SECTION 27, AND A 0.2680-ACRE TRACT OF LAND OUT OF SECTION 35, ALL OUT OF BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; SAID CONVEYANCE BEING AUTHORIZED BY SECTION 203.055 OF THE TEXAS TRANSPORTATION CODE AND BEING FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC IMPROVEMENTS ALONG STATE HIGHWAY 158 AT OR ABOUT THE INTERSECTION WITH COUNTY ROAD 60 **(DISTRICT 4) (UTILITIES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
18. 043-2024 – MOTION AUTHORIZING AND EXECUTING A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5 AND 6, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT 2) (UTILITIES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

19. 044-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-003) BETWEEN THE CITY OF MIDLAND AND BRAZOS MIDLAND GAS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Jack Ladd moved to approve Consent Agenda items 3-19, excluding item 16; seconded by John Norman.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

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

16. 2024-067 – RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S VISION ZERO POLICY

Intergovernmental Relations Officer Lindsey Adams reported this is a required step in the Vision Zero process. Ms. Adams provided a timeline for next steps and introduced Monica Powell, speaker and Project Manager for Kimley-Horn.

Ms. Powell gave a brief presentation on the Vision Zero plan and its' progress, shared the mission statement, schedule, High-Injury Network (HIN), crash history and took questions from Council.

Ms. Adams reported the Metropolitan Planning Organization (MPO), cannot apply for the grant but a subcommittee has been formed between the City, County and MPO to review different grant opportunities.

City Manager Tommy Gonzalez reported there is \$35 million dollars in need for street improvements annually. Mr. Gonzalez reported some funds cannot be sought after unless the City has a Vision Zero plan in place. This Vision Zero plan will allow the City to seek those funds.

Ms. Adams reported that since the timeline has been moved up, the City has the potential to receive \$10 million dollars in project funding.

John Norman moved to approve Resolution No. 2024-067; seconded by Jack Ladd.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

SECOND READINGS

20. 10499 – AN ORDINANCE VACATING AND ABANDONING AN 897-SQUARE FOOT PORTION OF WEST TENNESSEE AVENUE RIGHT-OF-WAY AND A 925-SQUARE FOOT PORTION OF WEST OHIO AVENUE RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO BLOCK 8, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST TENNESSEE AVENUE AND NORTH LORAIN STREET, AND AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST OHIO AVENUE AND NORTH LORAIN STREET); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$3,644.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (MARCH 19, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10499.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10499; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

21. 10500 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR TRACT 34, MELODY ACRES, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF ROBIN LANE, APPROXIMATELY 585 FEET WEST OF NORTH MIDLAND DRIVE), BY PERMITTING AN INCREASED MAXIMUM SQUARE FOOTAGE OF ALL ACCESSORY BUILDINGS; 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 (MARCH 19, 2024) **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10500.

Amy Stretcher Burkes moved to approve the second and final reading of Ordinance No. 10500; seconded by John Norman.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

22. 10501 – AN ORDINANCE RELEASING FROM THE CITY OF MIDLAND'S EXTRATERRITORIAL JURISDICTION A 62.302-ACRE TRACT OF LAND, A 7.85-ACRE

TRACT OF LAND, A 5.84-ACRE TRACT OF LAND, AND A 12.19-ACRE TRACT OF LAND, ALL OUT OF SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO GIVE NOTICE OF THIS RELEASE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (MARCH 19, 2024) **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10501.

Development Services Planning Manager Xavier Bauguess gave a brief overview of the item noting the new law the states that if requirements are met, the City must release the applicant from the Extraterritorial Jurisdiction (ETJ). Staff recommends that Council take no action since another city in Texas has filed a lawsuit regarding this matter.

City Attorney John Ohnemiller reported there may be an advantage to not having the ordinance on the books at this time.

Council took no action on this item so it died for lack of a motion.

PUBLIC HEARINGS

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

23. 10502 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,034-SQUARE FOOT PORTION OF LOT 1-H, BLOCK 5, COLONY PLACE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH GARFIELD STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BREWPUB 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) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10502.

Mayor Blong opened the public hearing at 10:40 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10502; seconded by John Norman.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None
ABSTAIN: None
ABSENT: Poole, Dufford

24. 10503 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR AN 8,076-SQUARE FOOT PORTION OF LOT 1, BLOCK 2, CLAYDESTA PLAZA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST WADLEY AVENUE AND NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A MIXED USE, 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 3) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10503.

Mayor Blong reported major changes will be coming to the alcoholic beverage permit process to reduce an extra layer of fees. City staff is currently working on a process to make changes.

Mayor Blong opened the public hearing at 10:42 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10503; seconded by Amy Stretcher Burkes.

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

25. 10504 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,261-SQUARE FOOT PORTION OF LOT 3A, BLOCK 3, MAYFIELD PLACE, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND MOCKINGBIRD LANE), 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) (STRONG ECONOMY WITH MORE QUALITY JOBS)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10504.

Mayor Blong opened the public hearing at 10:43 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. 10504; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

26. 10505 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,094-SQUARE FOOT PORTION OF LOT 3A, BLOCK 3, MAYFIELD PLACE ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND MOCKINGBIRD LANE), 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 AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10505.

Mayor Blong opened the public hearing at 10:44 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10505; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

27. 10506 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 20.91-ACRE TRACT OF LAND OUT OF LOT 8, BLOCK 2, PAVILION PARK ADDITION, SECTION 7, AND SECTION 1, BLOCK X, H.P. HILLARD

SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO SF-2, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE, APPROXIMATELY 900 FEET EAST OF TRENWOOD 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 1) (DEVELOPMENT SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10506.

Mayor Blong opened the public hearing at 10:45 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. 10506; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

28. 10507 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 4, 5, AND 6, BLOCK 1, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-1, OFFICE DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF GEORGE AVENUE AND BRYANT STREET); 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) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10507.

It was made aware that this item was actually not District 4 but may be in District 2. Staff will check.

Mayor Blong opened the public hearing at 10:47 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. 10507; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

29. 10508 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 10, 11 AND 12, BLOCK 82, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF EAST INDIANA AVENUE AND SOUTH FORT WORTH STREET), BY PERMITTING A REDUCED MINIMUM FRONT YARD SETBACK AND A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST 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 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10508.

Mayor Blong opened the public hearing at 10:48 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. 10508; seconded by John Norman.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

30. 10509 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 15, BLOCK 1, SOLOMON ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF CHARISMATIC DRIVE, APPROXIMATELY 350 FEET EAST OF SECRETARIAT STREET), BY PERMITTING AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS; 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 OF RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10509.

Development Services Planning Manager Xavier Bauguess reported the request is to increase the maximum accessory structures allowed on the property. The applicant is requesting to build another detached structure. Staff recommends denial, however, there are no letters of objection.

Mayor Blong opened the public hearing at 10:52 a.m.

Tom Loewen, Seminole, Texas, provided information regarding the request.

There being no one else wishing to speak, the public hearing was closed at 10:58 a.m.

John Norman moved to approve the first of two readings of Ordinance No. 10509; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

31. 10510 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 77, BLOCK 4, QUAIL RUN ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE WEST SIDE OF THE INTERSECTION OF BOBWHITE COURT AND BLUE QUAIL COURT), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK AND REDUCED MINIMUM SIDE YARD SETBACKS ON THE EAST AND WEST SIDES 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 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10510.

Development Services Planning Manager Xavier Bauguess, reported this request is for a special exception to build two storage sheds. The applicant is requesting a zero foot setback instead of a five foot setback. Staff recommends denial. There were no letters of objection, however, Mr. Bauguess reported the structures would be up against the property line of other owners which could cause issues later.

Mayor Blong opened the public hearing at 11:05 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

ITEM DIED FOR LACK OF A MOTION

32. 2024-069 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON LOT 9, BLOCK 17, SKYLINE TERRACE ADDITION, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 485 FEET EAST OF BOULDER DRIVE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Development Services Planning Manager Xavier Bauguess reported this is a request for a carnival in the JCP shopping center. There are no letters of objection and the request is in compliance.

Council Member Norman suggested having extra security.

Planning & Development Officer Elizabeth Triggs reported that the Fire Department does go out and inspect as part of the process.

Mayor Blong opened the public hearing at 11:13 a.m.

Heather Anderson, 3417 N. Midland Drive, #2601, Director of Marketing & Business Development for Midland Park Mall, reported they will have off duty officers on site at all times but can hire more if needed.

Mayor Blong suggested to increase communication between all parties to help with issues among other carnivals.

There being no one else wishing to speak, the public hearing was closed at 11:15 a.m.

Jack Ladd moved to approve Resolution No. 2024-069; seconded by John Norman.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

MISCELLANEOUS

33. 10511 – AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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: ALL) (ENGINEERING SERVICES) (TRANSPARENT & CONSISTENT COMMUNICATION)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10511.

John Norman moved to approve the first of two readings of Ordinance No. 10511; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Blong, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Dufford

PUBLIC COMMENT

34. 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

35. 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 11:19 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.

b. Section 551.074, Personnel Matters

- b.1. Deliberate the employment, evaluation, and duties of the Municipal Court Presiding Judge and Municipal Court Associate Judge.

All the business at hand having been completed, the meeting adjourned at 1:35 p.m.

PASSED AND APPROVED April 23, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary