

**MIDLAND CITY COUNCIL
MINUTES
April 11, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 11, 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 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 – Monsignor Larry Droll, St. Ann’s Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Presentation of Proclamation for “National Child Abuse Awareness Month” and “National Sexual Assault Awareness Month”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. BRIEFING SESSION OF MARCH 28, 2023
 - 4b. REGULAR SESSION OF MARCH 28, 2023
6. 028-2023 – MOTION APPROVING SPECIFICATIONS FOR DRY CLEANING AND LAUNDRY SERVICES FOR VARIOUS CITY DEPARTMENTS, SAID 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 SERVICES PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID SPECIFICATIONS (DISTRICT: ALL) (GENERAL SERVICES)

7. 2023-052 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR THE EMERGENCY SEWER MAIN MANHOLE REPAIRS ALONG THE MIDLAND DRAW BY RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF \$128,851.10 (DISTRICT 2) (GENERAL SERVICES)
8. 2023-053 – RESOLUTION ADOPTING A NEW PURCHASING POLICY AND RESCINDING ALL PRIOR CONFLICTING RESOLUTIONS (DISTRICT: NONE) (GENERAL SERVICES)
9. 2023-054 – RESOLUTION APPROVING THE PURCHASE OF ONE (1) INTERNATIONAL HV607 4X2 CHASSIS WITH TEN-FOOT DUMP BED, ONE (1) INTERNATIONAL HV607 6X4 CHASSIS WITH FOURTEEN-FOOT DUMP BED, ONE (1) INTERNATIONAL HV607 6X4 CHASSIS WITH TWENTY-TON CRANE, ONE (1) INTERNATIONAL HV507 6X4 CHASSIS, AND THREE (3) INTERNATIONAL HV607 6X4 CHASSIS WITH ROLL-OFF BODIES FROM BDR PREFERRED HOLDING LLC DBA ROBERTS TRUCK CENTER THROUGH SOURCEWELL FOR A TOTAL COST OF \$1,231,546.84 (DISTRICT: NONE) (GENERAL SERVICES)
10. 2023-055 – RESOLUTION AWARDING A CONTRACT FOR THE ENVIRONMENTAL COMPLIANCE SAMPLING PROJECT IN THE AMOUNT OF \$83,354.00 TO TALON/LPE, LTD.; AND APPROVING \$20,838.50 FOR CONTINGENCIES (DISTRICT: NONE) (GENERAL SERVICES)
11. 029-2023 – MOTION AUTHORIZING THE EXECUTION OF A NON-FEDERAL REIMBURSABLE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION FOR CERTAIN SERVICES RELATED TO THE RECONSTRUCT RUNWAY 16R BLAST PAD, REMOVE RUNWAY 34L CONCRETE BLAST PAD, AND ADD ASPHALT SHOULDERS TO RUNWAY 10 BLAST PAD PROJECT (900413) AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING \$102,851.06 FOR SAID PROJECT (DISTRICT 4) (AIRPORTS)
12. 030-2023 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING FOR CERTAIN SCOPE CHANGES TO THE RECONSTRUCT RUNWAY 16R BLAST PAD, REMOVE RUNWAY 34L CONCRETE BLAST PAD, AND ADD ASPHALT SHOULDERS TO RUNWAY 10 BLAST PAD PROJECT (900413) AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING \$25,000.00 FOR SAID PROJECT (DISTRICT 4) (AIRPORTS)

13. 031-2023 – MOTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$455,206.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO ASSIST THE CITY OF MIDLAND HEALTH SERVICES DIVISION WITH SUPPORT FOR PUBLIC HEALTH INFRASTRUCTURE AND WORKFORCE NECESSITIES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY ACCEPTANCE DOCUMENTS; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO DEPOSIT SAID GRANT FUNDS INTO THE GENERAL FUND (DISTRICT: ALL) (COMMUNITY SERVICES)
14. 032-2023 – MOTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$114,222.32 FROM THE U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS TO ASSIST THE CITY OF MIDLAND HEALTH SERVICES DIVISION WITH THE FUNDING AND DELIVERY OF REFUGEE IMMUNIZATION SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY ACCEPTANCE DOCUMENTS; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO DEPOSIT SAID GRANT FUNDS INTO THE GENERAL FUND (DISTRICT: ALL) (COMMUNITY SERVICES)
15. 033-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF WESTRIDGE PARK ADDITION, SECTION 47, BEING A PLAT OF A 37.62-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 48, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF LEISURE DRIVE AND SOUTH LOOP 250 WEST) (DISTRICT 4) (DEVELOPMENT SERVICES)
16. 034-2023 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH MIDLAND COUNTY PROVIDING (1) THAT THE CITY OF MIDLAND SHALL ACQUIRE REAL PROPERTY INTERESTS NECESSARY TO EXTEND OCCIDENTAL PARKWAY TO ELKINS ROAD AND SHALL DESIGN SAID EXTENSION OF OCCIDENTAL PARKWAY, AND (2) THAT MIDLAND COUNTY SHALL CONSTRUCT SAID EXTENSION OF OCCIDENTAL PARKWAY (DISTRICT 1) (ENGINEERING SERVICES)
17. 035-2023 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH MIDLAND COUNTY PROVIDING (1) THAT THE CITY OF MIDLAND SHALL CONSTRUCT HARRIS ROAD, FROM MIDKIFF ROAD TO GARFIELD STREET, AND (2) THAT MIDLAND COUNTY SHALL REIMBURSE THE CITY FOR THE COST OF THE CONSTRUCTION THAT OCCURS OUTSIDE OF THE BOUNDARIES OF THE CITY, WHICH IS ESTIMATED TO BE \$1,350,335.00 (DISTRICT 2) (ENGINEERING SERVICES)
18. 2023-056 – RESOLUTION AUTHORIZING THE CITY OF MIDLAND IN CONJUNCTION WITH MIDLAND COUNTY TO ACCEPT THE FISCAL YEAR 2022 JUSTICE ASSISTANCE GRANT FUNDS TOTALING \$30,063.00; THE CITY OF MIDLAND WILL RECEIVE \$18,037.00 (60%) AND MIDLAND COUNTY WILL RECEIVE \$12,026.00 (40%) OF THE GRANT FUNDS; AUTHORIZING THE EXECUTION OF ACCEPTANCE

DOCUMENTS; AND APPROPRIATING GRANT FUNDS (DISTRICT: NONE) (POLICE)

19. 036-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-015) BETWEEN THE CITY OF MIDLAND AND MATTERHORN EXPRESS PIPELINE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9, 16, AND 21, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
20. 037-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-016) BETWEEN THE CITY OF MIDLAND AND MATTERHORN EXPRESS 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)
21. 038-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-017) BETWEEN THE CITY OF MIDLAND AND MATTERHORN EXPRESS 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)
22. 039-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-018) BETWEEN THE CITY OF MIDLAND AND MATTERHORN EXPRESS PIPELINE, 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)

John Norman moved to approve consent agenda items 4-22, excluding item 5; 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

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

5. 2023-051 – RESOLUTION APPROVING THE PURCHASE OF FURNITURE AND ASSOCIATED EQUIPMENT FOR THE CITY OF MIDLAND UTILITIES SERVICE CENTER FROM SEWCO, INC., DBA OFFICEWISE FURNITURE AND EQUIPMENT THROUGH THE PURCHASING ASSOCIATION OF COOPERATIVE ENTITIES AND OMNIA PARTNERS FOR A TOTAL COST OF \$318,654.49 (DISTRICT: NONE) (GENERAL SERVICES)

General Services Director Regina Stephenson gave a brief overview of the Utilities Service Center noting the completion date is now October 2023. The furniture has been designed to fit the space.

Dan Corrales moved to approve Resolution No. 2023-051; 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

SECOND READINGS

23. 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) (FIRST READING HELD MARCH 28, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10386.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10386; 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

24. 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) (FIRST READING HELD MARCH 28, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10390.

Robin Poole moved to approve the second and final reading of Ordinance No. 10390; 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

25. 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) (FIRST READING HELD MARCH 28, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10391.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10391; 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

George Thornley, 521 N. Texas, stated he is available to answer questions. There were no questions for Mr. Thornley.

26. 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) (FIRST READING HELD MARCH 28, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10392.

John Norman moved to approve the second and final reading 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

27. 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) (FIRST READING HELD MARCH 28, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10393.

Robin Poole moved to approve the second and final reading of Ordinance No. 10393; 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

28. 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) (FIRST READING HELD MARCH 28, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10394.

John Norman moved to approve the second and final reading 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

PUBLIC HEARINGS

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

29. 10395 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1B, BLOCK 33, NORTHGATE ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE

AND BRIARWOOD 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 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10395.

Mayor Blong opened the public hearing at 10:18 a.m.

Chris Strickland, 1101 S. Central Expressway, was there to answer questions. There were no questions.

There being no one else wishing to speak, the public hearing was closed at 10:18 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10395; 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

30. 10396 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 1, W. P. KNIGHT ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH POWELL STREET AND WEST WALL 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10396.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant would like to enlarge his restaurant bar. The current ordinance it is under needs to be revised since the ordinance is very old. Once revised changes may be made.

Mayor Blong opened the public hearing at 10:20 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. 10396; 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

31. 10397 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 4, BLOCK 2, COUNTRY VILLA ESTATES, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WEST WALL STREET AND BRINSON LANE), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, IN PART, AND TP, TECHNOLOGY PARK DISTRICT, IN PART, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10397.

Mayor Blong opened the public hearing at 10:21 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. 10397; 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

MISCELLANEOUS

32. 2023-057 – RESOLUTION OF THE CITY OF MIDLAND, TEXAS, AUTHORIZING THE CREATION OF A SPACEPORT DEVELOPMENT CORPORATION IN CONJUNCTION WITH MIDLAND COUNTY, TEXAS, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, CHAPTER 507; AND SETTING FORTH OTHER MATTERS RELATED THERETO (DISTRICT: NONE) (CITY MANAGER)

Mayor Blong spoke about this item noting the City of Midland had this board in the past but it was dissolved because there was no longer a funding mechanism for it. The City was continuing to pay for the audit and incurring cost. Now there are opportunities for potential revenues and grants, which is why it's being discussed today.

Midland Development Corporation Director Sara Harris gave a brief overview of the item noting this is a mechanism to receive State funding for a SpacePort Infrastructure Project that Midland County approved in their agreement yesterday. This will be a partnership with

the City and County to form the board. There will be three board members appointed by the County Commissioners and four board members appointed by the City Council. This will allow the board to identify projects suitable for funding.

In 2019 the legislature chose not to fund the Texas SpacePort Trust Fund. During this legislative session, there is strong indication that funding may be available. Governor Abbott has designated \$350 million in his budget for commercial SpacePort infrastructure. Although the budget has not passed yet, the Governor has indicated that this is a high priority.

HB 3447 established a Texas Space Commission; the board would be responsible for distributing funds from the State and other grant sources. Even though the bill hasn't passed yet, re-establishing the Midland SpacePort Development Corporation board will put Midland in a better position overall.

Mayor Blong reported that due to the nature of timing, the board may be formed and members chosen today. However, when it is time to open up Boards and Commissions later in the year, citizens are welcome to apply.

John Norman moved to approve Resolution No. 2023-057; 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

33. 040-2023 – MOTION APPOINTING INDIVIDUALS TO SERVE ON THE BOARD OF DIRECTORS OF THE MIDLAND SPACEPORT DEVELOPMENT CORPORATION (DISTRICT: NONE) (CITY MANAGER)

Dan Corrales moved to appoint Frank Kisner, Mayor Lori Blong, Council Member Robin Poole, and Council Member Amy Stretcher Burkes to serve on the Board of Directors of the Midland Spaceport Development Corporation; 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

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.)

Jose Luis Chavez, 1307 Camp Street, reported that Midland should go back to a board of

adjustments so people can present their problems. He would like to know why his street has never been paved. Mr. Chavez reported he was told last year there were funds to pave his street and when it wasn't, he was then told the funds were transferred somewhere else. Mr. Chavez also reported his street is in bad condition and needs to be paved.

Mayor Blong notified the audience that we now have briefings prior to the Council meetings which are located in the Basement Conference Room. She encouraged all to attend.

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 Council Meeting to go into Executive Session at 10:34 a.m.

a. Section 551.071, Consultation with Attorney

a.1. Discuss pending or contemplated litigation.

a.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

b. Section 551.072, Deliberation Regarding Real Property

b.1. Discuss the purchase, exchange, lease, or value of real property.

All the business at hand having been completed, the meeting adjourned at 12:21 p.m.

PASSED AND APPROVED April 25, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary