

**MIDLAND CITY COUNCIL
MINUTES
April 25, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 25, 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 – Pastor David Hall, Midland Bible Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Proclamation honoring “Municipal Clerks Week”
 - 3b. Presentation of Proclamation for “Midland Lions Club Day”
 - 3c. Presentation of Proclamation for “Tasha Sport Day”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. BRIEFING SESSION OF APRIL 11, 2023

4b. REGULAR SESSION OF APRIL 11, 2023

5. 2023-058 – RESOLUTION APPROVING THE PURCHASE OF TWO (2) 2-3 YARD DUMP BODIES WITH LIFT GATES FROM ROYAL TRUCK BODY OF DALLAS, TEXAS FOR A TOTAL COST OF \$54,647.08; AND APPROVING THE PURCHASE TWO (2) UTILITY BODIES AND TWO (2) UTILITY BODIES WITH LIFT GATES FROM RRPFG, LP D/B/A RANDALL REED'S PLANET FORD 635 OF GARLAND, TEXAS, FOR A TOTAL COST OF \$63,692.00 (DISTRICT: NONE) (GENERAL SERVICES)
6. 2023-059 – RESOLUTION AWARDED A CONTRACT IN THE AMOUNT OF \$247,304.51 FOR THE IMPLEMENTATION OF ELECTRONIC BIDDING SOFTWARE AND RELATED SERVICES TO GTY SOFTWARE INC., D/B/A BONFIRE INTERACTIVE LTD. (DISTRICT: NONE) (GENERAL SERVICES)
8. 041-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE PAUL DAVIS WELLFIELD DEVELOPMENT 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 SPECIFICATIONS (DISTRICT: NONE) (GENERAL SERVICES)
11. 044-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-019) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
12. 045-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-020) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

Dan Corrales moved to approve Consent Agenda items 4-12, excluding items 7, 9, & 10; 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

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

7. 2023-060 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL

SERVICES AGREEMENT IN THE AMOUNT OF \$845,000.00 WITH JSA ARCHITECTS, INC., FOR ARCHITECTURAL, DESIGN, AND ENGINEERING SERVICES FOR THE NEW HEALTH SERVICES FACILITY DESIGN PROJECT; APPROVING \$84,500.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS FOR SAID AGREEMENT (DISTRICT: NONE) (GENERAL SERVICES)

Community Services Director Cristina Burns gave a brief overview of the item noting the services JSA Architects would provide are site visibility and programming, along with design and development of construction documents. The location of a new health facility has not yet been determined, however, the City owned property at the Southwest corner of Lamesa and Loop 250 is of interest.

Health Services Manager Dr. Whitney Craig reported that the new health services facility would allow the City to expand clinical services and see more patients. On the environmental side, it would allow for more inspectors for restaurants, pools and daycare facilities just to name a few. This would also allow expansion of the Community Health Education section which would create more outreach within the community.

Dan Corrales moved to approve Resolution No. 2023-060; 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

9. 042-2023 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND HISPANIC CULTURAL CENTER OF MIDLAND, INC., TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND, TEXAS, FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT 2) (CITY MANAGER)

Amy Stretcher Burkes moved to approve Motion No. 042-2023; 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

Midland Development Corporation Director Sara Harris gave a brief overview of the promotional aspect of the Hispanic Cultural Center agreement. The Hispanic Cultural Center has a list of activities to promote the City. These activities will include mentioning the City of Midland and the Midland Development Corporation in press releases, publications and promotional materials for all events and showcases just to name a few.

10. 043-2023 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND CITY OF MIDLAND AQUATICS, INC., TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND, TEXAS, FOR THE

PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT 3) (COMMUNITY SERVICES)

John Norman moved to defer Motion No. 043-2023 until the next City Council meeting on May 9, 2023; 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

Midland Development Corporation Director Sara Harris gave a brief overview of the item noting that this agreement is in two parts. The funds will go specifically to reline the COM Aquatics competition pool and the promotional aspect is that COM Aquatics will bring in a significant amount of visitors and activities to the City of Midland. It also provides a great community resource for citizens. The MDC board considered the fact that this is also a good recruiting tool for people visiting Midland for work related events; they may use COM Aquatics as an amenity.

Brad Swendig, 4900 Kingsboro Ct, Executive Director of COM Aquatics, thanked the City for their support. Mr. Swendig gave a brief overview of some of the activities COM Aquatics is involved in that benefit the City. Some of these activities have resulted in Olympic recognition.

Mr. Swendig reported that the cost of relining the pool actually came in underbid at around \$550,000.00. The amount requested was about \$700,000.00.

Mr. Swendig also reported that the Wellness program has about 400 members, water aerobics has about 300 and the physical therapist see around 40 to 50 patients per day.

Council requested to defer this item to discuss funding options.

City Attorney John Ohnemiller reported on the use of promotional funds.

SECOND READINGS

13. 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) (FIRST READING HELD APRIL 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10395.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10395; 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

14. 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) (FIRST READING HELD APRIL 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10396.

John Norman moved to approve the second and final reading of Ordinance No. 10396; 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

15. 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) (FIRST READING HELD APRIL 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10397.

Robin Poole moved to approve the first of two readings of Ordinance No. 10397; 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

PUBLIC HEARINGS

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

16. 10398 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,126-SQUARE FOOT PORTION OF LOT 1A, BLOCK 11, KIMBER-LEA ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND 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 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10398.

Mayor Blong opened the public hearing at 11:00 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. 10398; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

17. 10399 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 32 FEET OF LOT 3 AND THE EAST 63 FEET OF LOT 4, BLOCK 6, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CIMMARON AVENUE, APPROXIMATELY 230 FEET WEST OF WHITNEY DRIVE), BY PERMITTING 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10399.

Mayor Blong opened the public hearing at 11:02 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. 10399; 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

18. 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.)

Denzel Calwell, Midland (no physical address), asked that when the Council is in Executive Session that they use a scripture he provided when making their decisions.

Lori Vanhoozer, 5007 Chapel Hill Dr., spoke on the Animal Services dog intake process being closed due to sick animals and thanked Council Member Stretcher Burkes and Council Member Corrales for going to the shelter and stopping the euthanasia of the animals.

Beth Meeks, 2607 McClintic, expressed her concerns and also thanked Council Member Stretcher Burkes and Corrales for stopping the euthanasia of animals.

Kathryn Walthall, 6000 Briarwood Ave., spoke on the euthanasia of animals at the Animal Shelter and asked for support to save the animals.

EXECUTIVE SESSION

19. PURSUANT TO TEXAS GOVERNMENT CODE § 551.101, THE CITY COUNCIL WILL HOLD AN EXECUTIVE SESSION, WHICH IS CLOSED TO THE PUBLIC, TO DISCUSS THE FOLLOWING MATTERS AS PERMITTED UNDER THE FOLLOWING SECTIONS OF THE TEXAS GOVERNMENT CODE:

- a. SECTION 551.072, DELIBERATION REGARDING REAL PROPERTY

- a1. DISCUSS THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF

REAL PROPERTY.

The City Council recessed to Executive Session at 11:13 a.m.

All the business at hand having been completed, the meeting adjourned at 12:15 p.m.

PASSED AND APPROVED May 9, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary