

**MIDLAND CITY COUNCIL
MINUTES
May 14, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 14, 2024.

Council Members present: Amy Stretcher Burkes, Robin Poole, Lori Blong, Scott Dufford, Jack Ladd, John Norman

Council Members absent: None

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

The meeting was called to order at 10:01 a.m.

OPENING ITEMS

1. Invocation – Pastor Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:

- 3a. Presentation of Certificates of Completion to the graduates of Midland 101 2023-2024 class.

Mayor Blong presented Midland 101 graduates with certificates of completion for their successful year going through the program.

- 3b. Presentation of Proclamation for the “TLCA Track State Champions Day”

Council Member Poole presented a proclamation to the TLCA Track State Champions.

- 3c. Presentation of Proclamation for the “TLCA Band State Champions Day”

Council Member Amy Stretcher Burkes presented a proclamation to the TLCA Band

State Champions.

3d. Presentation of Proclamation for “ALS Awareness Month”

Council Member Norman presented a proclamation for ALS Awareness Month.

3e. Presentation from Planning and Development Officer Elizabeth Triggs regarding Hogan Park Golf Course Developments.

Planning & Development Officer Elizabeth Triggs gave a brief presentation of the developments of Hogan Park Golf Course. Mrs. Triggs reviewed how the City is maximizing Hogan Parks’ potential by seizing a unique market position, adjusting fees strategically and providing information on local rate comparisons. Mrs. Triggs also answered questions from Council.

Finance Director Christy Weakland reviewed the annual debt service for golf.

City Manager Tommy Gonzalez reported the City is working to have the golf course stand on its’ own instead of receiving help from the general fund. He also explained how the use of Certificates of Obligation (CO’s) can be helpful in this area.

George Williford, Hilltop Securities, spoke on the history of CO’s and the reasoning behind combining them.

The full presentation may be found on the City of Midland’s website at www.midlandtexas.gov.

3f. Presentation from Assistant City Manager Jose Ortiz regarding Solid Waste Needs.

Assistant City Manager Jose Ortiz gave a brief presentation on Solid Waste needs, discussed service comparisons between several cities and reviewed capital projects with an estimated cost of \$40 million. Mr. Ortiz then reviewed the funding plan and why it’s important to invest in our sanitation needs.

3g. Presentation from Utilities Director Carl Craigo regarding Comprehensive Water Study.

Utilities Director Carl Craigo gave a brief presentation regarding a comprehensive water strategy. Strategic Initiatives include ensuring 100 years of water supply; enhancing water quality and safety to get to 75 years of water supply and collaborative regional water strategy. The vision for the next five years include future planning and sustainability; innovative water reuse projects and infrastructure modernization initiatives. Mr. Craigo reviewed sustainability: future water investments and the need for rate increases.

The City of midland has not increased water rates since October of 2018. Mr. Craigo reviewed water sources, where these sources come from, the need to be proactive with drought preparation management initiatives, infrastructure developments for

sustainable water use and the adjustment of watering schedules as a precautionary step.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

4a. REGULAR SESSION OF APRIL 23, 2024

- 7. 2024-076 – RESOLUTION APPROVING THE PURCHASE OF THREE (3) UTILITY BODIES FROM FABCO INDUSTRIES, INC., FOR A TOTAL COST OF \$114,195.00 (DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
- 8. 2024-077 – RESOLUTION APPROVING THE PROCUREMENT OF ENGINE RECONDITIONING SERVICES FOR A CATERPILLAR COMPACTOR FROM WARREN POWER & MACHINERY, INC., THROUGH SOURCEWELL FOR A TOTAL COST OF \$111,405.75 (DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
- 9. 2024-078 – RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) RAS PUMPS FROM ODESSA PUMPS AND EQUIPMENT, INC., THROUGH BUYBOARD FOR A TOTAL COST OF \$130,402.00 (DISTRICT: NONE) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
- 10. 2024-079 – RESOLUTION AWARDING A CONTRACT FOR JANITORIAL SERVICES FOR CITY BUILDINGS TO SOUTHERN CLEANING SERVICE, INC., IN THE AMOUNT OF \$428,400.00 (DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
- 11. 2024-080 – RESOLUTION AWARDING A CONTRACT TO WIND AND SUN PROTECTION, INC., IN THE AMOUNT OF \$128,415.63 FOR THE INSTALLATION OF LITTER NET FENCING AT THE CITY OF MIDLAND LANDFILL (DISTRICT: NONE) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
- 12. 2024-081 – RESOLUTION AWARDING A CONTRACT FOR THE T24-03 ON-CALL TRAFFIC SIGNAL PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC CO., L.P. OF ABILENE, TEXAS, AT A TOTAL COST NOT TO EXCEED \$500,000.00; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
- 13. 054-2024 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE A DIRECT CASE RATE PRACTITIONER AGREEMENT WITH MIDLAND DERMATOLOGY AND TO EXECUTE ANY OTHER DOCUMENTS AND TO TAKE ANY OTHER ACTIONS NECESSARY TO GIVE EFFECT TO SAID AGREEMENT. (DISTRICT: ALL) (ADMINISTRATIVE SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

GOVERNANCE & FISCAL MANAGEMENT)

14. 055-2024 – MOTION AUTHORIZING THE EXECUTION OF A FOURTH AMENDMENT TO THAT CERTAIN NONEXCLUSIVE COMMERCIAL FIXED BASE OPERATOR LEASE AGREEMENT DATED MARCH 29, 2023, BETWEEN THE CITY OF MIDLAND, TEXAS, AND FRANKLIN MOUNTAIN AVIATION MAF, LLC **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**
15. 2024-082 – RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 4, 2024 SPECIAL ELECTION FOR ONE CITY OFFICER **(DISTRICT: ALL) (CITY SECRETARY’S OFFICE)**
16. 2024-083 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL 11 OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 215 FEET AND 539 FEET EAST OF LAMESA ROAD AND BETWEEN 755 FEET AND 835 FEET NORTH OF LOOP 250); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS **(DISTRICT 1) (DEVELOPMENT SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
17. 056-2024 – MOTION AUTHORIZING THE CITY MANAGER, THE DEPUTY CITY MANAGER OR AN ASSISTANT CITY MANAGER (COLLECTIVELY, THE “CITY MANAGER’S OFFICE”) TO ACCEPT, ON BEHALF OF THE CITY OF MIDLAND, A 5.2689-ACRE RIGHT-OF-WAY DEDICATION OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, FROM CWS ROYALE SW, L.P. FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, DRAINAGE AND PUBLIC UTILITY PURPOSES, AND FOR ANY OTHER ANCILLARY PUBLIC USE AS IS USUAL AND CUSTOMARY IN CONNECTION THEREWITH; AUTHORIZING THE CITY MANAGER’S OFFICE TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT THE RIGHT-OF-WAY DEDICATION; AND ORDERING THE CITY SECRETARY TO RECORD THE INSTRUMENT DEDICATING SAID RIGHT-OF-WAY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS **(DISTRICT 4) (UTILITIES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
18. 057-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (24-329-008) WITH PERMIAN DEEP ROCK OIL COMPANY, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13 AND 14, BLOCK 39, T-1-S, MIDLAND COUNTY, TEXAS **(DISTRICT 2) (UTILITIES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Robin Poole moved to approve consent agenda items 4-18, excluding items 5 & 6; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None
ABSENT: None

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

5. 2024-074 – RESOLUTION ADOPTING A CAPITAL FUNDING PLAN FOR SANITATION INFRASTRUCTURE AND GOLF COURSE IMPROVEMENTS

Finance Director Christy Weakland reported that item number five is the capital funding plan. Item number six is giving authority or notice of intent for CO's.

City Attorney John Ohnemiller reported that what the Council will be voting on today is to publish notice of the intent, however, it will come back in July for an actual vote.

Jack Ladd moved to approve Resolution No. 2024-074; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

6. 2024-075 – DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERETO

Item six was discussed along with item five.

Jack Ladd moved to approve Resolution No. 2024-075; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

19. 10513 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 5, BLOCK 25, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 60 FEET NORTH 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 (FIRST READING HELD ON APRIL 23, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) STRENGTHEN AND SUSTAIN**

OUR INFRASTRUCTURE

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10513.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10513; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 10516 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 37.542-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK X, H.P. HILLARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO AE, AGRICULTURAL ESTATE DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF MOCKINGBIRD LANE, APPROXIMATELY 840 FEET WEST OF NORTH A 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 (FIRST READING HELD ON APRIL 23, 2024) **(DISTRICT 1) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10516.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10516; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

21. 10517 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,100-SQUARE FOOT PORTION OF LOT 1A, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 1,105 FEET WEST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, 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 (FIRST READING HELD ON APRIL 23, 2024) **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10517.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10517; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

22. 10518 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,763-SQUARE FOOT PORTION OF LOT 6A, BLOCK 62, BELMONT ADDITION, SECTION 23, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 478 FEET WEST OF SOUTH TERRELL STREET), WHICH IS PRESENTLY ZONED BP, I-20 BUSINESS PARK 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 (FIRST READING HELD ON APRIL 23, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10518.

John Norman moved to approve the second and final reading of Ordinance No. 10518; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

PUBLIC HEARINGS

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

23. 10519 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 4.352-ACRE TRACT OF LAND OUT OF TRACT 4, PARKER ACRES ADDITION, CITY AND

COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TODD DRIVE, APPROXIMATELY 420 FEET SOUTH OF EAST GOLF COURSE ROAD), WHICH IS PRESENTLY ZONED AE, AGRICULTURAL ESTATE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A WILDLIFE REHABILITATION CENTER; 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) QUALITY OF LIFE AND PLACE**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10519.

Development Services Planning Manager Xavier Bauguess gave a brief overview of the item noting it is for a Specific Use Designation (SUD) at 1507 Todd Drive for Zoo Midland. Mr. Bauguess reported on several elements of the request to include the size and types of structures that will be on the property. Staff recommends approval of SUD without term.

Mayor Blong opened the public hearing at 11:21 a.m.

Charles Harrington, 3203 Boyd Avenue, reported this building will be used to temporarily house animals as they arrive. It will be a place to check them out and get them ready for their new destination at the Zoo. They will also have a tree farm and greenhouse so they will be able to grow food for the animals. Mr. Harrington answered questions from Council such as types of animals and timeline of the park opening.

There being no one else wishing to speak, the public hearing was closed at 11:27 a.m.

Amy Stretcher Burkes moved to approve the first of two readings of Ordinance No. 10519; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

24. 10520 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 61, PARK AVENUE HEIGHTS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH TYLER STREET, APPROXIMATELY 55 FEET SOUTH OF EAST CALIFORNIA 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) STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10520.

Development Services Planning Manager Xavier Bauguess gave a brief overview of the item noting it is for a zone change on South Tyler Street. Staff recommends approval.

Planning & Development Officer Elizabeth Triggs reported they are working with the Legal department on a resolution to waive certain fees to make this process more efficient.

Mayor Blong opened the public hearing at 11:30 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. 10520; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

25. 10521 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 61, PARK AVENUE HEIGHTS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST CALIFORNIA AVENUE AND SOUTH TYLER 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) STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10521.

Mayor Blong opened the public hearing at 11:31 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. 10521; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

26. 10522 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 7 AND 8, BLOCK 15, 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 AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH TILDEN STREET AND EAST WASHINGTON 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) STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10522.

Mayor Blong opened the public hearing at 11:32 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. 10522; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

27. 10523 – AN ORDINANCE VACATING AND ABANDONING A 0.25-ACRE PORTION OF SINCLAIR AVENUE RIGHT-OF-WAY AND A 0.08-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO THE NORTH 380 FEET OF THE EAST HALF OF THE SOUTH HALF OF TRACT 2, SUNSET ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND SINCLAIR AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$7,623.00; WAIVING THE FEE FOR SAID VACATION AND ABANDONMENT; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; REPEALING ORDINANCE NO. 10489; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT 3) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Chief Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10523.

Development Services Planning Manager Xavier Bauguess gave a brief overview of the item noting this item is for a vacation of right-of-way. Staff would like to repeal it and waive the fee for the vacation of right-of-way as it has previously been vacated. There are no letters of objection and staff recommends approval.

Mayor Blong opened the public hearing at 11:35 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. 10523; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC COMMENT

28. 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.)

Justin Graham, 2310 Terrace Avenue, Chairman of the Midland Firemens' Retirement Relief Fund, provided an update from the pension review board.

Todd Carpenter, 4005 Crestwood Avenue, presented a map and spoke against having a Twin Peaks restaurant in Midland. Mr. Carpenter reported why a bar is not good in this area especially due to traffic issues.

Steve Jeter, 4009 E. County Road 63, is the owner of The Venue at Live Oak at 3201 Elkins Road. Mr. Jeter reported he began six months ago trying to build another music venue. He was told he needed a sprinkler system but has no city water and that there is no plan for city water at that location. He would like to know if the Council can waive the sprinkler request or provide water. He reported he is frustrated and feels like he is getting the run-around. He is asking for help or he will lose his business.

During the presentation section of this meeting Mayor Blong recognized the Midland Association of Retired School Personnel for their 2023 Volunteer Hours.

EXECUTIVE SESSION

29. 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 12:05 p.m.

a. Section 551.074, Personnel Matters

a.1. Deliberate the employment, evaluation, and duties of the City Manager, City Attorney, City Secretary, Municipal Court Presiding Judge, and Municipal Court Associate Judge.

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 2:23 p.m.

PASSED AND APPROVED May 28, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary