

**MIDLAND CITY COUNCIL
MINUTES
May 28, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., May 28, 2024.

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

Council Members absent: 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 10:00 a.m.

OPENING ITEMS

1. Invocation – Pastor Phil Teaney, Home Line Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:
 - 3a. Swearing in of Council Member Elect Eric Davidson.
 - 3b. Presentation of Proclamation for the “TLCA Girls Softball State Champions Day”.
 - 3c. Presentation from Planning and Development Officer Elizabeth Triggs regarding Dangerous Building Update.

Planning & Development Officer Elizabeth Triggs gave an update on the dangerous buildings situation in Midland. Mrs. Triggs reported 75 properties have been identified as dangerous. Mrs. Triggs reviewed strategies to address dangerous buildings such as streamlining building safety codes, enhancing building standards and finding ways to incentivize.

Mayor Blong inquired whether or not something that may be done regarding three of

the hotels in the triangle area on Bankhead Highway, Wall Street and Midkiff.

Mrs. Triggs reported those hotels are on the list of 75 properties that have been identified as dangerous and are being looked into. Mrs. Triggs provided some details on each of them.

Mrs. Triggs also reported on the definition of a dangerous building, the next steps and that \$50,000 was set aside from Community Development Block Grant program (CBDG) funds to help citizens who may not be able to improve their properties.

City Manager Tommy Gonzalez reported how the \$50,000 of CBDG funds will be utilized.

- 3d. Presentation from Director of Engineering Gabe McClelland regarding Cleaner, Better Midland:Community Initiatives.

This item will be presented at a future meeting.

- 3e. Presentation from Director of Finance Christy Weakland regarding an All Funds Summary.

This item will be presented at a future meeting.

- 3f. Presentation from Chief of Staff Taylor Novak and Project Manager Kiara Taylor regarding Customer Service Initiative and Introducing SeeClickFix and Ask Jacky.

This item will be presented at a future meeting.

- 3g. Presentation from Utilities Director Carl Craigo regarding Comprehensive Water Strategy and Needs.

Utilities Director Carl Craigo gave a brief overview of the financing of the water strategy such as ensuring 100 years of water. Mr. Craigo reviewed future water investments, bonds for capital, refunding of bonds and financing strategy such as rate adjustments with a proposed \$25 million bond in FY25.

Mr. Craigo reminded Council that there hasn't been a rate increase since 2018. In FY25, there will be a proposed rate increase of five percent and from FY26-FY29 an annual increase of two and a half percent.

Mayor Blong reported the Colorado River Municipal Water District (CRMWD) has both member and customer cities and that Midland is considered a customer. This needs to be kept in mind when it comes time to renegotiate the contract. Midland only controls some water sources, not all, which makes the City considerably reliant on CRMWD.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF MAY 14, 2024
5. 2024-084 – RESOLUTION ADOPTING A CAPITAL FUNDING PLAN FOR WATER AND WASTEWATER IMPROVEMENTS **(DISTRICT: NONE) (FINANCE) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
6. 2024-085 – 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. **(DISTRICT: NONE) (FINANCE) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
7. 058-2024 – MOTION APPROPRIATING THE SUM OF \$98,080.61 FROM THE MUNICIPAL COURT SECURITY FUND UNAPPROPRIATED FUND BALANCE TO A PROJECT ACCOUNT DESIGNATED FOR THE MUNICIPAL COURT SECURITY SYSTEM **(DISTRICT: NONE) (FINANCE) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
8. 2024-086 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$1,176,750.00 WITH DUNAWAY ASSOCIATES LP FOR ARCHITECTURAL, LANDSCAPE, AND ENGINEERING SERVICES FOR PHASE 2 AND PHASE 3 OF THE BEAL PARK RENOVATION AND CONSTRUCTION PROJECT; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
10. 2024-088 – RESOLUTION AWARDING A CONTRACT TO BELT CONSTRUCTION OF TEXAS LLC IN THE AMOUNT OF \$46,845,505.00 FOR THE NORTHEAST SEWER LINE PROJECT; AND APPROPRIATING AND TRANSFERRING FUNDS **(DISTRICT 1) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

Robin Poole moved to approve; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

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

9. 2024-087 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ENCOM SCHOOL ZONE FLASHER SYSTEM FOR 120 LOCATIONS FROM TEXAS HIGHWAY PRODUCTS, LTD, THROUGH BUYBOARD FOR A TOTAL COST OF \$337,280.50; AND TRANSFERRING FUNDS

Assistant City Manager Jose Ortiz reported the difference in cost for the crosswalk system may be several reasons, however, he deferred to Traffic Engineer Taha Sakrani. Mr. Sakrani reported on the timing of the school flashers and why there is a cost difference such as advanced warnings and locations of the flashers.

Mr. Ortiz reported engineering judgment is used with traffic counts, along with several factors to consider, such as: the number of children walking, speed and the amount of traffic in the area. Mr. Ortiz gave an update on the flashers by Midland Classical and Santa Rita, how they partner with MISD on these types of projects and what their needs may be.

Robin Poole moved to approve Resolution No. 2024-087; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

11. 2024-089 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC. OF SANTA FE SPRINGS, CALIFORNIA, TO PROVIDE SCHOOL CROSSING GUARD SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT AT A TOTAL COST OF \$839,710.80; AND AUTHORIZING PAYMENT

Administrative Services Director Mark Widman reported the City went out for a Request for Proposal (RFP) and had a committee rate the responses.

Deputy City Manager Morris Williams reported more details on the bidding process.

Terry Morgan, 15 Metz Court, currently holds the contract for crossing guards for the City of Midland. Mr. Morgan spoke against going with the Santa Fe Springs company and suggested renewing the contract with his company. Mr. Morgan reported he conducted a survey in which 90% of individuals wanted the City to stay with his company.

Mr. Morgan also spoke to several reasons/concerns as to why the City of Midland should not go with the Santa Fe Springs company.

Council discussed and determined it was necessary to reject all bids and allow staff to do further research.

John Norman moved to approve Resolution No. 2024-089; seconded by Robin Poole.

The motion failed by the following vote:

AYE: None

NAY: Davidson, Stretcher Burkes, Poole, Blong, Ladd, Norman

ABSTAIN: None

ABSENT: Dufford

12. 059-2024 – MOTION APPROVING THE APPROPRIATION OF \$1,721,430.00 FROM THE MIDLAND DEVELOPMENT CORPORATION'S 2022-2023 FISCAL YEAR BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

Midland Development Corporation Director Sara Harris reported this request is to appropriate a certain portion of MDC's last fiscal year revenue into the promotional funds project.

Mayor Blong made note that the MDC is bound by state law regarding what is an allowable expenditure and thanked Mrs. Harris for her management.

John Norman moved to approve Motion No. 059-2024; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

13. 2024-090 – RESOLUTION ADOPTING A DECORUM AND PROCEDURES POLICY FOR THE CITY COUNCIL

Council Member Poole thanked the team for putting this policy together and inquired about also putting together an ethics document as well.

Robin Poole moved to approve Resolution No. 2024-090; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

14. 2024-091 – RESOLUTION AUTHORIZING THE CITY'S DIRECTOR OF FINANCE TO ISSUE A REFUND OF THE APPLICATION FEE PAID BY ANY APPLICANT ON OR AFTER JULY 1, 2019, TO REZONE A TRACT OF LAND LOCATED IN COUNCIL DISTRICT 2 FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT OR C, COMMERCIAL DISTRICT TO SF-1, SINGLE-FAMILY DWELLING DISTRICT, SF-2, SINGLE-FAMILY DWELLING DISTRICT, OR SF-3, SINGLE-FAMILY DWELLING DISTRICT

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting there are properties in District two that were previously rezoned by the City to either commercial or multi-family zoning districts, however, the character of the neighborhood does not fit. This will allow property owners to redevelop their property to match the single family character of their neighborhood. Mrs. Triggs also reported this resolution gets rid of the \$500 application fee associated with the rezoning.

Assistant City Manager Jose Ortiz reported ARPA funds were used to develop roads in this area.

John Norman moved to approve Resolution No. 2024-091; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

SECOND READINGS

15. 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**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10519.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this was discussed in public hearing during the last Council meeting.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10519; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

16. 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

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10520.

Planning & Development Officer Elizabeth Triggs reported this item is for a rezone and was on the agenda during the previous meeting.

John Norman moved to approve the second and final reading of Ordinance No. 10520; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

17. 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**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10521.

John Norman moved to approve the second and final reading of Ordinance No. 10521; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

18. 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**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10522.

John Norman moved to approve the second and final reading of Ordinance No. 10522; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

19. 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**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10523.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10523; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

PUBLIC HEARINGS

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

20. 060-2024 – HOLD A PUBLIC HEARING IN ORDER FOR THE CITY OF MIDLAND AND THE CDBG PRIORITIZATION COMMITTEE TO RECEIVE PUBLIC COMMENTS, GUIDANCE AND RECOMMENDATIONS REGARDING THE 2024-2025 CDBG GRANT APPLICATION SUBMISSIONS AND THE FOURTH YEAR ACTION PLAN IN ACCORDANCE WITH THE FIVE-YEAR CONSOLIDATED PLAN GOALS **(DISTRICT: ALL) (DEVELOPMENT SERVICES) (TRANSPARENT & CONSISTENT COMMUNICATION)**

Community Services Manager Isaac Garnett gave a brief overview of the Community Development Block Grant program (CDBG). Mr. Garnett reported the next steps will be to draft the action plan, submit it for public review, send it to Council for approval, send to

Housing and Urban Development (HUD) for approval and then draft the contracts.

Mr. Garnett provided a report of the funding amounts, a brief review of each of the applicants and their funding request.

Mayor Blong opened the public hearing at 11:12 a.m.

Kory Williamson, 4321 Pine Street, representing Thriving United, reported how he was helped with bus passes from EZ Rider to assist him traveling around town.

Catherine Orson, 905 Beal Pkwy, who works with Thriving United spoke about how much the bus passes have helped people in need.

Tonya Eckert, 1101 Garden Lane, representing Casa de Amigos, spoke of the many services they provide for the community.

Ariana Combs, Gardendale, representing PermiaCare, spoke of their gratitude for the bus passes and many other helpful services.

Michelle McClellan, Odessa, spoke on behalf of Midland Memorial Hospital and how helpful the bus passes have been to help the community.

Tracy Renton, 4000 Compton, Senior Life Midland, spoke of how these funds help the seniors of the City of Midland with meals and many other needed resources.

Lisa McGee, 4015 Dunkirk, representing Midland Memorial Hospital, Mental Health and Wellness, spoke on behalf of the need for transportation for citizens and how the EZ Rider bus passes are a great help.

There being no one else wishing to speak, the public hearing was closed at 11:31 a.m.

Council Member Norman inquired about shade structures at the bus stops. Assistant City Manager Jose Ortiz reported the City is working with EZ Rider and some shade structures should be up this year.

Council Member Ladd reported EZ Rider received \$3 million in funding for shade structures to be split between Midland and Odessa.

Mayor Blong reported the late Council Member Corrales was the liaison for the EZ Rider board. There are discussions about possibly placing a staff member on the board.

Mayor Blong spoke briefly about making the tough decision to allocate funds for social needs versus infrastructure needs and where the balance may lie when there are more needs than funds.

PUBLIC HEARING ONLY. NO ACTION TAKEN ON THIS ITEM.

21. 10524 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF

MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 24C, BLOCK 6, CRESTGATE ADDITION, SECTION 27, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LOOP 250 NORTH APPROXIMATELY 350 FEET EAST OF NORTH MIDLAND DRIVE), 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 **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10524.

Planning & Development Officer Elizabeth Triggs reported this is a SUD for alcohol sales at Twin Peaks which is the former home of the On the Border restaurant.

Mayor Blong opened the public hearing at 11:40 a.m.

Terry Kelly, 4311 Crestwood, who lives behind On the Border where Twin Peaks would be located, spoke in opposition of this item.

John Leone, 4305 Crestwood, who lives behind On the Board where Twin Peaks would be located, spoke in opposition of this item.

Mark Russom, 4309 Crestwood, who lives behind On the Board where Twin Peaks would be located, spoke in opposition of this item.

Tonia Russom, 4309 Crestwood, who lives behind On the Board where Twin Peaks would be located, spoke in opposition of this item.

Jim McKay, 4307 Crestwood, who lives 115 feet near On the Border, spoke in opposition of this item.

These speakers spoke on a range of concerns such as traffic, noise, violence and the establishment not being family oriented just to name a few.

There being no one else wishing to speak, the public hearing was closed at 11:53 a.m.

Council Member Norman reported understanding not wanting an establishment around a home for nefarious reasons but to suggest it be somewhere else in Midland is offensive. If it's not wanted, it should not be wanted anywhere in Midland.

John Norman moved to approve the first of two readings of Ordinance No. 10524; seconded by Eric Davidson.

The motion failed by the following vote:

AYE: Norman

NAY: Stretcher Burkes, Poole, Blong, Ladd, Davidson

ABSTAIN: None

ABSENT: Dufford

22. 10525 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 31A, BLOCK 39, FAIRMONT PARK ADDITION, SECTION 38, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 920 FEET NORTH OF TREMONT AVENUE), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF BEER AND WINE IN A HOTEL 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 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10525.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for an SUD for the sale of alcohol.

Mayor Blong opened the public hearing at 11:57 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. 10525; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

23. 10526 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,799-SQUARE FOOT PORTION OF THE SOUTH 32 FEET OF LOT 2 AND ALL OF LOTS 3 THROUGH 6, BLOCK 205, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST NEW JERSEY AVENUE), 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 2) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10526.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this item is for an SUD for alcohol sales with a time change from it's previous SUD.

Mayor Blong opened the public hearing at 11:59 a.m. There being no one wishing to speak, the public hearing was closed at 12:00 p.m.

John Norman moved to approve the first of two readings of Ordinance No. 10526; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

24. 10527 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 60, 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 LEE 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)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10527.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is a zone change. There are no letters of objection and staff recommends approval.

Mayor Blong opened the public hearing at 12:02 p.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. 10527; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None
ABSENT: Dufford

25. 10528 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 60, 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 SOUTH LEE STREET AND 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)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10528.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for a rezone. Staff recommends approval.

Mayor Blong opened the public hearing at 12:03 p.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. 10528; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

26. 10529 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 60, 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 LEE STREET, APPROXIMATELY 110 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)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10529.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for a rezone. Staff recommends approval.

Mayor Blong opened the public hearing at 12:05 p.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. 10529; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

27. 10530 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 7 AND THE SOUTH 48 FEET OF LOT 8, BLOCK 41, 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 SOUTH WEBSTER STREET, APPROXIMATELY 65 FEET SOUTH OF EAST PENNSYLVANIA 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**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10530.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for a rezone.

Mayor Blong opened the public hearing at 12:06 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Robin Poole moved to approve the first of two readings of Ordinance No. 10530; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

28. 10531 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 22, BLOCK 6, GREATHOUSE ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SPENCE DRIVE AND WIMBERLEY SPRING COURT), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK AND A REDUCED MINIMUM SEPARATION BETWEEN AN ACCESSORY BUILDING AND THE PRINCIPAL BUILDING; 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) (QUALITY OF LIFE AND PLACE) **(DISTRICT 4) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10531.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting the item is for a special exception. No letters of objection have been received. Staff recommends Council takes no action on this item due to the nature of the request.

Mrs. Triggs reported that establishing or re-establishing a Zoning Board of Adjustments (ZBA) could free up some of these types of items from coming to Council as they would be vetted through the ZBA board.

City Attorney John Ohnemiller reported these items use to go to the ZBA years ago but the board was restructured.

Mayor Blong opened the public hearing at 12:13 p.m.

Richard Petraklan, 1205 E County Road 126, representing the owner who is disabled reported that he can not easily access his storage so they are building one for him.

Upon realizing an HOA has already vetted this item, Council finds this request acceptable.

There being no one else wishing to speak, the public hearing was closed at 12:15 p.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10531; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

29. 10532 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 92, WILSHIRE PARK ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF THOMASON DRIVE, APPROXIMATELY 240 FEET WEST OF SOUTH MIDLAND 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 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE) **(DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10532.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is a rezone request. No letters of objection have been received and staff recommends approval.

Mayor Blong opened the public hearing at 12:18 p.m.

At the request of Council Member Poole, Stacy Baccus, 2901 Maranatha Place and founder of Mission Agape, provided a brief report of the organization and what they do for the community.

There being no one else wishing to speak, the public hearing was closed at 12:20 p.m.

Robin Poole moved to approve the first of two readings of Ordinance No. 10532; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

30. 10533 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A ONE-ACRE TRACT OF LAND OUT OF TRACT 1, BIZZELL KISER ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST MONTGOMERY AVENUE, APPROXIMATELY 135 FEET EAST OF SOUTH FORT WORTH 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) (QUALITY OF LIFE AND PLACE) **(DISTRICT 2) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10533.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is for a zone change. Staff has received no letters of objection and recommend approval.

Mayor Blong opened the public hearing at 12:22 p.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. 10533; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

MISCELLANEOUS

31. 10534 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2024; AND ORDERING PUBLICATION **(DISTRICT: NONE) (FINANCE) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10534.

Finance Director Christy Weakland reported this is for a fee schedule change for Solid Waste and the Golf Course.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10534; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

PUBLIC COMMENT

32. 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.)

Mark Wagner, 2806 Ann Drive, would like discussion on saving Ranchland Hills Golf Course to be placed on the next agenda.

EXECUTIVE SESSION

33. 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 12:44 p.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 551.072, Deliberation Regarding Real Property

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

c. Section 551.071, Consultation with Attorney

- c.1. Discuss matters in which the duty of the attorney(s) 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.

All the business at hand having been completed, the meeting adjourned at 1:51 p.m.

PASSED AND APPROVED June 11, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary