

**MIDLAND CITY COUNCIL
MINUTES
June 11, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 11, 2024.

Council Members present: Eric Davidson, 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 10:00 a.m.

OPENING ITEMS

1. Invocation – Pastor Pat Bryant, Travis 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. Presentation of Proclamation for “Emancipation Proclamation Celebration Days”.
 - 3b. Finance Update from Budget Manager Alyssa Coppens regarding an All Funds Summary.

No update was given at this meeting.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF MAY 28, 2024
7. 2024-093 – RESOLUTION APPROVING A CONTRACT WITH VERIZON CONNECT INC.

THROUGH SOURCEWELL, FOR GPS VEHICLE TRACKING SERVICES FOR A TOTAL COST OF \$510,299.28 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

8. 2024-094 – RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THAT CERTAIN MASTER SERVICES AND PURCHASING AGREEMENT WITH AXON ENTERPRISES, INC., DATED SEPTEMBER 29, 2021, AS AMENDED, FOR BODY WORN CAMERA SYSTEMS AND RELATED SERVICES FOR THE POLICE DEPARTMENT; AND AUTHORIZING PAYMENT FOR THE WORK AND SERVICES RENDERED PURSUANT TO SAID THIRD AMENDMENT **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
9. 2024-095 – RESOLUTION APPROVING THE PURCHASE OF FIVE HUNDRED (500) THREE (3) CUBIC YARD RESIDENTIAL REFUSE CONTAINERS, FIVE HUNDRED (500) THREE AND A HALF (3.5) CUBIC YARD COMMERCIAL REFUSE CONTAINERS AND THIRTY (30) THIRTY (30) YARD CONSTRUCTION REFUSE CONTAINERS FROM ROLL-OFFS USA THROUGH BUYBOARD AT A TOTAL COST OF \$863,560.00 **(DISTRICT: ALL) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
10. 2024-096 – RESOLUTION AWARDING A CONTRACT FOR THE T24-04 CITYWIDE SCHOOL FLASHER PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC COMPANY, LP OF ABILENE, TEXAS, AT A TOTAL COST NOT TO EXCEED \$500,000.00; TRANSFERRING AND APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT **(DISTRICT: ALL) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
12. 2024-098 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOLER EQUIPMENT SERVICE, INC., IN THE AMOUNT OF \$2,994,596.00 FOR THE MAF AIRPORT WILDLIFE IMPROVEMENTS - SOUTH DRAINAGE PROJECT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**
13. 062-2024 – MOTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MIDLAND AIRPARK AIRFIELD IMPROVEMENTS PROJECT (#900447), 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 PLANS AND SPECIFICATIONS **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**
14. 2024-099 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH

DELTA SPECIALTY CONTRACTORS, LLC, IN THE AMOUNT OF \$9,679,095.00 FOR THE MAF WILDLIFE FENCE IMPROVEMENTS PROJECT; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**

15. 2024-100 – RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION (“TXDOT”), FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A CONTINUOUS HIGHWAY LIGHTING SYSTEM ON STATE HIGHWAY 158, FROM STATE HIGHWAY 191 TO WADLEY AVENUE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY A COPY OF THIS RESOLUTION TO TXDOT **(DISTRICT 4) (ENGINEERING SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
16. 063-2024 – MOTION APPROPRIATING THE SUM OF \$800,000 FROM THE 2019 ROAD CO TO A PROJECT FOR 2024 ON-CALL PROGRAM **(DISTRICT: ALL) (ENGINEERING SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

Jack Ladd moved to approve consent agenda items 4 – 16, excluding items 5, 6 & 11; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

5. 061-2024 – MOTION APPROPRIATING THE SUM OF \$195,689.66 FROM THE GENERAL FUND TO THE OPIOID PROJECT

Managing Director of Public Safety Fire Charles Blumenauer reported that they are very limited on how they may use the funds. However, they maybe used for mental health and wellness for Fire and Police. Chief Blumenauer stated that there will be a health and wellness application for all Fire and Police and their families.

Deputy City Manager Morris Williams read a statement from Michelle Watson, who could not be in attendance. Ms. Watson is a local activist who runs the One Eleven Fentanyl Awareness Project throughout the Permian Basin and the surrounding areas. Ms. Watson goes around to the schools and speaks to children in both high school and junior high. The objective is to establish a collaborative initiative between the One Eleven Fentanyl Awareness Project in the City of Midland centered around raising awareness.

Jack Ladd moved to approve Motion No. 061-2024; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None
ABSTAIN: None
ABSENT: None

6. 2024-092 – RESOLUTION AWARDED A CONTRACT FOR THE MAIN STREET PAVING BOND PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$6,447,628.70; APPROVING \$1,289,525.74 FOR CONTINGENCIES; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT

Council Member Ladd inquired if the Main Street Road Project was going to be happening at the same time as the Big Spring and the Garfield Projects.

Assistant City Engineer Joshua Ferguson stated that there will be some overlap but they are looking into coordinating their activities on Main Street to minimize the impact as much as they can; one of the reasons is to set the sequence with TXDOT.

Mayor Blong stated that they are looking into having Town Hall meetings around the city to educate citizens about the road projects being conducted.

Assistant City Engineer Joshua Ferguson stated that they have already started the utility project and are in the final stages. The bulk of the work has been done.

Jack Ladd moved to approve Resolution No. 2024-092; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

11. 2024-097 – RESOLUTION APPROVING A CONTRACT WITH MUSCO CORPORATION DBA MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED LIGHTING FOR THE ULMER PARK SOFTBALL FIELDS FOR A TOTAL COST OF \$1,009,870.00; APPROVING \$100,987.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID PROJECT

Council Member Norman reported that he pulled the item to thank Council Member Amy Stretcher Burkes for taking the lead on this.

Interim Community Services Director Laurie Williams reported that the Midland United Girls Softball complex is a high priority that requires lots of maintenance and that the improvement is much needed and welcomed.

Council Member Amy Stretcher Burkes spoke on the importance of shade structures and benches.

Council Member Norman emphasized the importance of Council Districts working together.

Council Member Dufford stated that they are all Midlanders regardless of what district they live in.

John Norman moved to approve Resolution No. 2024-097; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

17. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

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

Robin Poole moved to approve the second and final reading of Ordinance No. 10525; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

18. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

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

Scott Dufford moved to approve the second and final reading of Ordinance No. 10526; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

19. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

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

John Norman moved to approve the second and final reading of Ordinance No. 10527; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

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

John Norman moved to approve the second and final reading of Ordinance No. 10528; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

21. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

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

John Norman moved to approve the second and final reading of Ordinance No. 10529; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

22. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

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

Jack Ladd moved to approve the second and final reading of Ordinance No. 10530; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

23. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

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

Jack Ladd moved to approve the second and final reading of Ordinance No. 10531; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

24. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

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

Amy Stretcher Burkes moved to approve the second and final reading of Ordinance No. 10532; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

25. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

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

John Norman moved to approve the second and final reading of Ordinance No. 10533; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

26. 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 (FIRST READING HELD MAY 28, 2024) **(DISTRICT: NONE) (FINANCE) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

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

Jack Ladd moved to approve the second and final reading of Ordinance No. 10534; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

27. 064-2024 – 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 FIFTH YEAR ACTION PLAN IN ACCORDANCE WITH THE FIVE-YEAR CONSOLIDATED PLAN GOALS. (PUBLIC HEARING ONLY) **(DISTRICT: ALL) (DEVELOPMENT SERVICES) (TRANSPARENT & CONSISTENT COMMUNICATION)**

PUBLIC HEARING ONLY; NO ACTION TAKEN.

Community Development Manager Isaac Garnett reported the item is the second of two public hearings and no action will be taken.

Mr. Garnett reported that the best way to receive more information will be to email, call or stop by the Community Development office. Mr. Garnett reported that some of the projects were moved to 2025 and the funding will remain the same for this year.

Council Member Poole thanked Mr. Garnett for putting everything together for them this year.

Mayor Blong opened the public hearing at 10:36 a.m.

Shirley Almanza, 410 E. Florida, spoke regarding the homeless in the community and providing nutrition and support. Ms. Almanza stated that they go out in the morning and provide breakfast to the homeless encampments, lunch and dinner at the Breaking Bread building. Ms. Almanza reported that they provide dinner on Saturdays at Thriving United.

Catherine Orson, 905 Beal Way Parkway, spoke about how much Thriving United has been helped through the grant. They have been able to work closely with Midland Memorial Hospital to make bus passes available to their participants.

Ms. Orson stated that a bus pass costs thirty seven dollars and last for thirty one days. They have been able to get fifty bus passes per month.

Jenn McMorries, 3300 Wedgewood Street, is the Thriving United Center Program Director. Ms. McMorries spoke about the services they offer, the need for transportation and bus pass services.

Michelle McClellan, Odessa, representing Midland Memorial Hospital, spoke about the impact that the bus passes have made on the lives of individuals that need them in the community. Ms. McClellan stated that they need around 2,500 bus passes and that last year they were able to give out more than 2,000.

Robert Coriston, 5906 Yorkshire Drive, spoke about the services the Salvation Army offers as well as the feeding program.

Councilman Dufford asked about the bell ringer program and inquired how much the program brings per year.

Mr. Coriston stated that in the past they brought in \$139,000 gross for the bell ringer program but unfortunately they cannot get enough volunteers. They do hire their clients.

There being no one else wishing to speak, the public hearing was closed at 10:53 a.m.

28. 10535 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 15,266-SQUARE FOOT PORTION OF LOTS 26 AND 27, BLOCK 2, 349 RANCH ESTATES, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND WASHITA COURT), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION **(DISTRICT 1) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10535.

Development Services Planning Manager Xavier Bauguess noted this item is for an Specific Use Designation with term for alcohol sales.

Mayor Blong opened the public hearing at 10:55 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. 10535; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

29. 10536 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1 AND THE EAST FIVE FEET OF LOT 2, BLOCK 5, WARWICK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH L STREET AND SHELL AVENUE), BY PERMITTING A REDUCED SIDE YARD SETBACK ON THE EAST 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) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10536.

Development Services Planning Manager Xavier Bauguess reported the item is a special exception to reduce the minimum side yard set back to zero for an accessory structure. The site plan proposes a pergola on the existing patio area that they have on their property. Staff has received no objection letters but recommend no action be taken since it does not meet the requirements of the code.

Mayor Blong opened the Public Hearing at 10:59 A.M.

Stephen Sample, 2000 Shell Avenue, stated that they are trying to build and provide shade, extend the structure to cover the structures already there to protect them from extreme weather.

Mayor Blong closed the Public Hearing at 11:01 A.M.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10536; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

30. 065-2024 – DISCUSSION REGARDING FAILURES OF THE TAILGATE AND ITS OWNERS, OFFICERS, EMPLOYEES, AND AGENTS TO COMPLY WITH CONDITIONS OF ORDINANCE NO. 10454, WHICH GRANTED A SPECIFIC USE DESIGNATION WITHOUT TERM ALLOWING LOT 1, BLOCK 1, CLAYDESTA PLAZA NORTH, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (THE “PROPERTY”) TO BE USED FOR A COMMERCIAL AMUSEMENT (OUTDOORS) FACILITY, ORDINANCE NO. 10455, WHICH GRANTED A SPECIFIC USE DESIGNATION WITHOUT TERM ALLOWING THE PROPERTY TO BE USED FOR A MOBILE FOOD VENDOR PARK, AND ORDINANCE NO. 10456, WHICH GRANTED A SPECIFIC USE DESIGNATION WITH TERM ALLOWING THE PROPERTY TO BE USED FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN A MOBILE FOOD VENDOR PARK AND COMMERCIAL AMUSEMENT (OUTDOORS) FACILITY; AND THE CITY COUNCIL MAY CONSIDER A MOTION DIRECTING STAFF ON HOW TO PROCEED.

Planning & Development Officer Elizabeth Triggs gave an update and recommended the next steps for the compliance status of the Tailgate which is to set the standard for a safe and secure city. Ms. Triggs provided the history and timeline of the tailgate and the issues that have presented such as the lack of permits, complaints on noise and dust. The City continues to issue citations for an SUD for alcohol sale violations while events continue to take place despite noncompliance. Ms. Triggs stated that the City has notified the Tailgate that Temporary Land Use (TLU) permits could not be approved.

City Attorney John Ohnemiller reported that there have been 13 citations issued to the Tailgate and there will be more issued with the past event that took place last Friday.

Chief Deputy of Field Operations Bureau Brian Rackow, reported that they are mailing out the citations and are trying to catch up with the issuance of citations.

Sean Elphick, 11 Marchelle Court, apologized for being here again and stated that they are not wanting to be in the current situation. He stated that the process has been challenging due to not being able to get answers on parking spaces.

Mayor Blong stated that they would like to see the business thrive but has concerns about safety that the events sometimes present.

Councilman Norman reported that the situation was caused by the owners not complying and not by the City.

Mr. Elphick stated the last booked event of the year will be in September.

Mayor Blong spoke about the concern of people parking across the street which presents as a hazardous condition to both pedestrians and drivers.

Councilman Ladd asked if there were any more concerts planned past September and Mr. Elphick responded that if he gets under compliance he will contract past September.

Councilwoman Stretcher Burkes inquired about what the zoning code is for parking. Planning & Development Officer Elizabeth Triggs stated that the SUD for alcohol sales require 800 spaces.

Mayor Blong stated that they will continue to issue citations and that they will try to come to a resolution to get this resolved.

City Manager Tommy Gonzalez stated that they have worked with this group and spoke to them about finding another location or finding a better solution.

Assistant City Manager Jose Ortiz stated that it will be the Tailgate's responsibility to come into compliance and the City staff will work with them.

COUNCIL TOOK NO ACTION ON THIS ITEM

31. UPDATE FROM DIRECTOR OF ENGINEERING GABE MCCLELLAND REGARDING

CLEANER, BETTER MIDLAND: COMMUNITY INITIATIVES.

Assistant City Manager Jose Ortiz gave a presentation regarding Cleaner and Better Midland. He spoke about the Strategic Goal Connections, Midland's Most Traveled Roads and Improved Pedestrians Enhancements.

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.)

Brian Brooks, Arlington, states that he is here to address some concerns that were brought up at the last council meeting regarding his company who was awarded the crossing guard contract for Midland. He stated that the things said were not true and that they do background checks on all employees.

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:
- a. Section 551.071, Consultation with Attorney
 - a.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 2:10 p.m.

PASSED AND APPROVED July 9, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary