

**MIDLAND CITY COUNCIL
MINUTES
June 13, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., June 13, 2023.

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

Council Members absent: Lori Blong

Staff members present: City Attorney John Ohnemiller, Interim City Manager Morris Williams Jr., Assistant City Manager Tina Jauz

The meeting was called to order at 10:00 a.m.

OPENING ITEMS

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

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Presentation of Proclamation for “Emancipation Proclamation Celebration Days”
 - 3b. Presentation of Proclamation for “Michael Trost Day”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. WORK SESSION OF MAY 23, 2023
 - 4b. REGULAR SESSION OF MAY 23, 2023

5. 2023-074 – RESOLUTION APPROVING THE PURCHASE OF SUPPLIES FOR THE LOUISIANA AND GARFIELD CONCRETE PAVING REINFORCEMENT PROJECT FOR THE TRANSPORTATION DIVISION FROM WHITE CAP OF EL PASO , TEXAS, AT A TOTAL COST OF \$105,914.00; APPROVING \$15,887.10 FOR CONTINGENCIES; AND AUTHORIZING PAYMENT (DISTRICT 3) (GENERAL SERVICES)
7. 2023-076 – RESOLUTION AUTHORIZING THE PURCHASE OF CELLULAR COMMUNICATION SERVICES FOR A TERM OF TWO YEARS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES FROM VERIZON WIRELESS TELECOM INC. AT A TOTAL COST OF \$788,356.56 (DISTRICT: NONE) (GENERAL SERVICES)
9. 063-2023 – MOTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WINDLANDS SOCCER FIELDS IRRIGATION SYSTEM 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 INTERIM CITY MANAGER OR THE INTERIM 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 3) (GENERAL SERVICES)
13. 066-2023 – MOTION AUTHORIZING THE EXECUTION OF A WATER PIPELINE EASEMENT WITH THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS REGARDING UNIVERSITY OF TEXAS SYSTEM-OWNED PROPERTY DESCRIBED AS SECTIONS 1, 2, AND 14, BLOCK 7, UNIVERSITY LANDS, MARTIN COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
14. 067-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-032) WITH CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 4, 9,16, AND 20, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
15. 068-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-317-005) WITH WTG GAS GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, TOWNSHIP 1 NORTH, T&P RR CO. SURVEY, MARTIN COUNTY (DISTRICT: NONE) (UTILITIES)

Jack Ladd moved to approve consent agenda items 4-15, excluding items 6, 8, 10, 11 & 12; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

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

6. 2023-075 – RESOLUTION AUTHORIZING THE EXECUTION OF A FIVE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR DESIGN SERVICES, OPERATIONAL SUPPORT AND HYDROGEOLOGICAL EVALUATION FOR THE EXISTING T-BAR REMEDIATION INFRASTRUCTURE FOR A TOTAL COST OF \$1,875,000.00 (DISTRICT: NONE) (GENERAL SERVICES)

Kerry Koehler, Assistant Utilities Director, gave a brief overview of the item noting these are the three remediation wells that were part of phase one which was approved in 2021. The project is now moving into phase two.

Council Member Dufford provided a brief history of this ongoing process.

Dan Corrales moved to approve Resolution No. 2023-075; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

8. 2023-077 – RESOLUTION REJECTING ALL BIDS RECEIVED FOR DRY CLEANING AND LAUNDRY SERVICES; ADOPTING A ONE-YEAR DRY CLEANING AND LAUNDRY STIPEND PILOT PROGRAM FOR CITY EMPLOYEES WHO REQUIRE DRY CLEANING AND LAUNDRY SERVICES; AND AUTHORIZING THE INTERIM CITY MANAGER TO IMPLEMENT CERTAIN POLICIES AND PROCEDURES ASSOCIATED WITH SAID PILOT PROGRAM (DISTRICT: ALL) (GENERAL SERVICES)

General Services Director Regina Stephenson gave a brief overview of the item noting the Purchasing Department has been tracking spending on dry cleaning for the past year. They would like to do a stipend pilot program for one year to have a better understanding of the cost of dry cleaning services for the City of Midland.

Kelly Stout, 2300 Boyd Ave., spoke on rejecting all bids and paying more for less service.

Larry Carrasco, 4401 Keri Court, spoke on the work he did to prepare the bid and would like the bidding process to be honored.

Assistant City Manager Tina Jauz spoke on Mr. Carrasco's comments and explained the stipend program.

Tom Seguja, 3304 Northfield, spoke on rejecting all bids and not honoring the low bid.

Gary Petersen, 4410 Harlowe Dr., spoke on rejecting all bids and paying more for less service.

Lance Friday, 5307 Ellen Jayne Way, spoke on rejecting all bids and being in support of small businesses.

General Services Director Regina Stephenson spoke on the number of individuals within departments that use dry cleaning services.

Scott Dufford moved to approve Resolution No. 2023-077; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Poole, Dufford, Ladd

NAY: Stretcher Burkes, Norman

ABSTAIN: Corrales

ABSENT: Blong

10. 064-2023 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 7 TO THE PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING FOR THE REHABILITATE/RECONSTRUCTION RUNWAY 7/25, RUNWAY 16/34 AND TAXIWAYS AT MIDLAND AIRPARK PROJECT, THE SPACEPORT BUSINESS PARK ENVIRONMENTAL PROJECT, AND THE PLANNING, PROGRAMMING, AND OPINION OF PROBABLE COST STUDY FOR A PROPOSED NEW OR RECONFIGURED TERMINAL BUILDING SECURITY CHECKPOINT, A PROPOSED NEW CUSTOMS FACILITY, AND A PROPOSED NEW CARGO FACILITY AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING \$1,510,000.00 FOR THE REHABILITATE/RECONSTRUCTION RUNWAY 7/25, RUNWAY 16/34 AND TAXIWAYS AT MIDLAND AIRPARK PROJECT, APPROPRIATING \$125,000.00 FOR THE SPACEPORT BUSINESS PARK ENVIRONMENTAL PROJECT, AND APPROPRIATING \$100,000.00 FOR THE PLANNING, PROGRAMMING, AND OPINION OF PROBABLE COST STUDY FOR A PROPOSED NEW OR RECONFIGURED TERMINAL BUILDING SECURITY CHECKPOINT, A PROPOSED NEW CUSTOMS FACILITY, AND A PROPOSED NEW CARGO FACILITY AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)

Airports Director Justine Ruff gave a brief overview of the status of the Customs building noting; the airport has been notified by US Customs that in order to keep the International Airport Designation, the facilities need to be updated.

Dan Corrales moved to approve Motion No. 064-2023; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

11. 065-2023 – MOTION APPROVING A PARTNERSHIP BETWEEN THE CITY OF MIDLAND AND THE CITY OF ODESSA FOR THE PURPOSE OF RECRUITING A LICENSED VETERINARIAN TO PROVIDE VETERINARY SERVICES TO BOTH CITIES; AND AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE AN AGREEMENT TO RETAIN A SEARCH FIRM TO ASSIST WITH SAID RECRUITMENT; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL

APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (COMMUNITY SERVICES)

Community Services Director Cristina Burns gave a brief overview of the status of the posting and recruitment process for securing a Veterinarian to work at the Animal Shelter.

Tracye Gearhart, 6706 Mosswood, spoke on concerns regarding the Veterinarian job announcement and how it can be better.

Interim City Manager Morris Williams reported on his meeting with Odessa's City Manager to discuss a Veterinarian partnership between the two Cities.

Tracye Gearhart spoke on Veterinarian salaries stating, it's between \$150,000 to \$250,000.

Cristina Burns spoke on the current salary range and that no applicants applied for the position.

Jody Carson, 2818 West Shandon, reported that the City needs their own Veterinarian.

Dee Dee Rayos did not wish to speak but would like to be on record in support of this item.

Dan Corrales moved to approve Motion No. 065-2023; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Dufford, Ladd, Norman

NAY: Poole

ABSTAIN: None

ABSENT: Blong

12. 2023-078 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,878 FEET EAST OF NORTH A STREET EXTENSION AND 1,833 FEET SOUTH OF WEST LOOP 250 NORTH); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 3) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this well is on the east pad and they would like to get a permit for it.

Scott Dufford moved to approve Resolution No. 2023-078; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Poole, Dufford, Ladd

NAY: Norman

ABSTAIN: None

ABSENT: Blong

SECOND READINGS

16. 10407 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 7, BLOCK 17, SKYLINE TERRACE, UNIT 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST LOOP 250 NORTH, APPROXIMATELY 220 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 (DISTRICT 1) (DEVELOPMENT SERVICES) (FIRST READING HELD MAY 23, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10407.

Robin Poole moved to approve the second and final reading of Ordinance No. 10407; seconded by Scott Dufford.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Poole, Dufford, Norman

NAY: None

ABSTAIN: None

ABSENT: Blong, Ladd

17. 10408 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,472-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 267 FEET EAST OF SOUTH BELMONT STREET), 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) (FIRST READING HELD MAY 23, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10408.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10408; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Poole, Dufford, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: Blong

18. 10409 – AN ORDINANCE VACATING AND ABANDONING A 0.068-ACRE PORTION OF DOUGLAS AVENUE RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1 BLOCK 1, ORTLOFF ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 220 FEET WEST OF THE INTERSECTION OF WESTCLIFF DRIVE AND DOUGLAS AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,924.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD MAY 23, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10409.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10409; seconded by Robin Poole.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Poole, Dufford, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: Blong

19. 10410 – AN ORDINANCE AMENDING TITLE I, “ADMINISTRATIVE”, CHAPTER 12, “RECORDS RETENTION” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO CHANGE THE HEADING OF SAID CHAPTER 12 TO “RECORDS MANAGEMENT POLICY” AND TO ESTABLISH AN ACTIVE AND CONTINUING RECORDS MANAGEMENT PROGRAM; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (DISTRICT: ALL) (CITY SECRETARY'S OFFICE) (FIRST READING HELD MAY 23, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10410.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10410; seconded by Dan Corrales.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Poole, Dufford, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: Blong

PUBLIC HEARINGS

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

20. 069-2023 – 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 2023-2024 CDBG GRANT

APPLICATION SUBMISSIONS, AND THE FOURTH YEAR ACTION PLAN IN ACCORDANCE WITH THE FIVE-YEAR CONSOLIDATED PLAN GOALS; PUBLIC HEARING ONLY (DISTRICT: ALL) (DEVELOPMENT SERVICES)

Isaac Garnett, Community Services Manager, reviewed the list of monetary request.

Mayor Pro Tem Norman opened the public hearing at 11:26 a.m.

Michelle McClellan, 8614 Fortuna Ct., Clinical Manager for the Mental Health and Wellness Program at Midland Memorial Hospital, spoke on their needs and what the funds will cover.

Kathryn Lagus, 6700 Mosswood Drive, family Nurse Practitioner spoke on Palliative care.

Lisa McGee, 4015 Dunkirk, spoke on an integrated Botvin Life Skills Training curriculum.

There being no one else wishing to speak, the public hearing was closed at 11:46 a.m.

THIS IS A PUBLIC HEARING ONLY. NO ACTION TAKEN.

21. 070-2023 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: LELA 7-18 B #121; LELA 7-18 B #222; LELA C #131; LELA C #132; AND LELA C #233; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1,397 FEET AND 1,497 FEET WEST OF SOUTH MIDLAND DRIVE AND BETWEEN 814 FEET AND 815 FEET NORTH OF WEST I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting Endeavor is bringing in five well pads for five permits to include a sound study and sound walls.

Mayor Pro Tem Norman opened the public hearing at 11:48 a.m.

Terry Underwood, 5916 E. Laky Pkwy, reported on wells next to Midland RV park spreading lots of dirt and sand on the RV park.

Alex Bedford, 110 N. Marienfeld, reported what’s being done to address Mr. Underwood’s concerns regarding the dust blowing into the RV park.

There being no one else wishing to speak, the public hearing was closed at 11:58 a.m.

THIS IS A PUBLIC HEARING ONLY. NO ACTION TAKEN.

22. 10411 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 7 AND THE WEST 41.5 FEET OF LOT 8, BLOCK 35, COWDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE

INTERSECTION OF NORTH PECOS STREET AND WATSON 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 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10411.

Mayor Pro Tem Norman opened the public hearing at 12:00 p.m.

Jeston Blanc, 3115 W. Michigan, reported this should remain a multi-family dwelling district.

There being no one else wishing to speak, the public hearing was closed at 12:01 p.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10411; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

AYE: Stretcher Burkes, Corrales, Dufford, Ladd, Norman

NAY: None

ABSTAIN: None

ABSENT: Poole, Blong

23. 10412 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 1, RENEW LIFE CHURCH ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO MF-16, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF OCCIDENTAL PARKWAY, APPROXIMATELY 280 FEET EAST OF NORTH STATE HIGHWAY 349); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10412.

Mayor Pro Tem Norman 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. 10412; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

24. 10413 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY

LIMITS, BEING A 24.897-ACRE TRACT OF LAND OUT OF SECTIONS 38 AND 47, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF POTOMAC PARKWAY AND VICTORY PARKWAY); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10413.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is an extension of the Legacy development being done by D.R. Horton. The Citizens were heard and an additional right-of-way has been acquired to extend out.

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

Scott Dufford moved to approve the first of two readings of Ordinance No. 10413; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Blong

25. 10414 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 24.897-ACRE TRACT OF LAND OUT OF SECTIONS 38 AND 47, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN SF-3, SINGLE-FAMILY DWELLING DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF POTOMAC PARKWAY AND VICTORY PARKWAY; 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: NONE) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10414.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is the initial zoning that goes along with the annexation. The additional road will help with traffic.

Mayor Pro Tem Norman opened the public hearing at 12:11 p.m.

Eric West, Parkhill, Smith & Cooper, addressed this item in more detail and showed what the transportation system will look like in the future.

There being no one else wishing to speak, the public hearing was closed at 12:19 p.m.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10414; seconded by Robin Poole.

The motion passed by the following vote:
AYE: Corrales, Poole, Dufford, Ladd, Norman
NAY: Stretcher Burkes
ABSTAIN: None
ABSENT: Blong

26. 10415 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 10, BLOCK 18, FAIRMONT PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF CLAREMONT DRIVE, APPROXIMATELY 154 FEET NORTH OF TREMONT AVENUE), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK AND A REDUCED MINIMUM SEPARATION OF THE ACCESSORY BUILDING FROM 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 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10415.

Development Services Director Chuck Harrington gave a brief overview of the item noting this is a special exception. There are large trees creating a hardship on the lot. The homeowner is requesting a rear-yard setback and staff recommends approval.

Mayor Pro Tem Norman opened the public hearing at 12:21 p.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10415; seconded by Scott Dufford.

The motion passed by the following vote:
AYE: Stretcher Burkes, Corrales, Poole, Dufford, Ladd, Norman
NAY: None
ABSTAIN: None
ABSENT: Blong

27. 10416 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 86 FEET OF LOT 21, BLOCK 6, WESTERN MESA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PINE AVENUE AND NORTH I STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK AND A REDUCED MINIMUM 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10416.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant wants a special exception to build a large structure/garage. Staff recommends denial.

Mayor Pro Tem Norman opened the public hearing at 12:26 p.m.

Kevin Herrmann, 1601 W. Pine, property owner, spoke about the issue and showed a picture of a neighboring garage that is similar to what his would look like; reporting he has enough space not to impede the right-of-way.

There being no one else wishing to speak, the public hearing was closed at 12:31 p.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10416; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: Dufford

ABSENT: Blong

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.)

Evelyn Burgos, 1208 Ohio Ave., spoke on Animal abuse.

James Long, Gainesville, Texas, reported on issues he's having with the permit process to sell dogs and would like to know what he needs to do to complete the process.

Janet Harris, 2201 Shell, spoke on the animal that died in the heat in custody of an employee. Ms. Harris would like information to be placed on the agenda regarding Animal Services.

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 Pro Tem Norman recessed the City Council meeting to go into Executive Session at 12:49 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 551.071, Consultation with Attorney
 - b.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
- c. Section 551.074, Personnel Matters
 - c.1. Deliberate the appointment and duties of members of the Planning and Zoning Commission.

All the business at hand having been completed, the meeting adjourned at 1:49 p.m.

PASSED AND APPROVED June 27, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary