

**MIDLAND CITY COUNCIL
MINUTES
July 11, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 11, 2023.

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

Council Members absent: None

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

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

OPENING ITEMS

1. Invocation – Pastor Daniel Stephens, Mid-Cities Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - 3a. Recognition of City Employees who recently graduated from the Certified Public Manager Program.

Immediately following Presentations, Mayor Blong moved to item number 25 for public comment.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. WORK SESSION OF JUNE 27, 2023

4b. REGULAR SESSION OF JUNE 27, 2023

4c. SPECIAL SESSION OF JUNE 27, 2023

5. 2023-086 – RESOLUTION AWARDING A CONTRACT FOR THE T23-03 TRAFFIC SIGNAL PROJECT TO THE SOLE BIDDER, WILLIS ELECTRIC CO., LP OF ABILENE, TEXAS, AT A TOTAL COST OF \$1,961,083.80; APPROVING \$196,108.38 FOR CONTINGENCIES; TRANSFERRING AND APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
7. 2023-087 – RESOLUTION APPROVING THE SELECTION OF BEYOND ENGINEERING AND TESTING, LLC, ENPROTEC/HIBBS & TODD, INC. DOING BUSINESS AS GEOTEC LABS, AND TERRACON CONSULTANTS, INC. TO ASSIST THE ENGINEERING SERVICES DEPARTMENT WITH CONSTRUCTION MATERIALS TESTING BY PROVIDING PROFESSIONAL ENGINEERING SERVICES AND OTHER SERVICES IN CONNECTION THEREWITH ON AN AS-NEEDED BASIS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EACH FIRM; PROVIDING THAT EACH AGREEMENT SHALL BE FOR A TERM NOT TO EXCEED THREE YEARS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF TASK ORDERS IN ACCORDANCE WITH SUCH AGREEMENTS; PROVIDING THAT THE PAYMENT FOR EACH TASK ORDER EXECUTED IN ACCORDANCE WITH SUCH AN AGREEMENT SHALL NOT EXCEED \$150,000.00; PROVIDING THAT THE TOTAL COST TO THE CITY FOR ALL TASK ORDERS EXECUTED EACH YEAR IN ACCORDANCE WITH EACH AGREEMENT SHALL NOT EXCEED \$300,000.00 PER AGREEMENT PER YEAR; AND AUTHORIZING PAYMENT (DISTRICT: ALL) (GENERAL SERVICES)
8. 2023-088 – RESOLUTION AMENDING THE CITY OF MIDLAND PERSONNEL POLICIES; CONVERTING THE CITY’S VACATION AND SICK LEAVE PROGRAMS INTO A PAID TIME OFF PROGRAM; AMENDING OTHER LEAVE POLICIES; AND PROVIDING AN EFFECTIVE DATE OF JULY 12, 2023 (DISTRICT: ALL) (ADMINISTRATIVE SERVICES)
9. 080-2023 – MOTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MAF NORTHWEST BASIN WILDLIFE IMPROVEMENTS 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 4) (AIRPORTS)
10. 081-2023 – MOTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MAF TAXIWAY “E” RECONSTRUCTION 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 4) (AIRPORTS)

11. 082-2023 – MOTION APPROVING A REQUEST BY NEWTON ENGINEERING, TO DEFER PAVING IMPROVEMENTS FOR MIDKIFF INDUSTRIAL CENTER, SECTION 28, AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT \$84,496.00, AN AMOUNT EQUAL TO THE ESTIMATED COST TO CONSTRUCT THE PUBLIC INFRASTRUCTURE. THE SUBJECT PROPERTY IS GENERALLY LOCATED EAST OF SOUTH MIDKIFF ROAD AND SOUTH OF WEST INDUSTRIAL AVENUE. THE PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND (DISTRICT 2) (ENGINEERING SERVICES)
12. 083-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-008) WITH ENTERPRISE NAVITAS MIDSTREAM MIDLAND BASIN, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
13. 084-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-031) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WEST-TEX LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 29, 31, 32 AND 41, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 2) (UTILITIES)

Jack Ladd moved to approve consent agenda item(s) 4-13, excluding item 6; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

6. 079-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE NORTH CITIZEN COLLECTION STATION PROJECT AND THE WEST CITIZEN COLLECTION STATION 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 A REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR SAID PROJECTS PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS AND TO NEGOTIATE AN AGREEMENT FOR SAID WORK; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (GENERAL SERVICES)

Solid Waste Director Jeffery Arhlett, gave a brief overview of the item noting the City has outgrown the single sided collection station so they will be doubling the dump spaces to provide more room. Mr. Arhlett reported on customer service issues with brush, tracking and build time.

Scott Dufford moved to approve Motion No. 079-2023; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

SECOND READINGS

14. 10417 – AN ORDINANCE VACATING AND ABANDONING A 0.069-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1 THROUGH 3 AND LOTS 6 THROUGH 8, BLOCK 75, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF ANDREWS HIGHWAY, APPROXIMATELY 200 FEET SOUTH OF WEST TEXAS AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$12,024.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 27, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10417.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10417; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

15. 10418 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2E, BLOCK 33, NORTHGATE ADDITION, SECTION 21, CORRECTION PLAT, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTHCREST DRIVE AND WEST LOOP 250 NORTH); 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 JUNE 27, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10418.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10418;

seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

16. 10419 – AN ORDINANCE VACATING AND ABANDONING A 0.03-ACRE PORTION OF MADISON STREET RIGHT-OF-WAY AND A 0.03-ACRE PORTION OF CARVER STREET RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO BLOCK 9, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF GARDEN LANE AND MADISON STREET AND AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GARDEN LANE AND CARVER STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,227.20; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD JUNE 27, 2023)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10419.

John Norman moved to approve the second and final reading of Ordinance No. 10419; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

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

17. 10420 – AN ORDINANCE OF THE CITY OF MIDLAND, TEXAS, DESIGNATING LOTS 22, 23 AND 24, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH LORAIN STREET, APPROXIMATELY 130 FEET NORTH OF WEST MISSOURI AVENUE) AS TAX ABATEMENT REINVESTMENT ZONE NUMBER 2023-02 FOR COMMERCIAL AND INDUSTRIAL TAX ABATEMENT AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; AND PROVIDING A SAVINGS AND SEVERABILITY CLAUSE (DISTRICT 2) (CITY MANAGER)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10420.

Assistant City Manager Tina Jauz gave a brief overview of the item noting this is the first step in a project to develop a tapestry hotel. Tax abatement guidelines and criteria were approved last year by the City Council.

Mayor Blong opened the public hearing at 11:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10420; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

18. 10421 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 17.345-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF HIGHWAY 191, APPROXIMATELY 700 FEET WEST OF HIGHWAY 158); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10421.

Mayor Blong opened the public hearing at 11:38 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. 10421; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

19. 10422 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 17.345-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 700 FEET WEST OF STATE HIGHWAY 158; 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. 10422.

Mayor Blong opened the public hearing at 11:33 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10422; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

20. 10423 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,400-SQUARE FOOT PORTION OF LOT 12, BLOCK 38, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 25 FEET SOUTH OF EAST ILLINOIS AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10423.

Mayor Blong opened the public hearing at 11:35 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10423; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

21. 10424 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,595-SQUARE FOOT PORTION OF LOT 24, BLOCK 53, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND EAST TEXAS AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10424.

Mayor Blong opened the public hearing at 11:36 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10424; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

22. 10425 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 182, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST FLORIDA 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10425.

Mayor Blong opened the public hearing at 11:37 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10425; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

23. 10426 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,529-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, POLO PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH GARFIELD STREET AND WEST LOOP

250 NORTH), 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)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10426.

Mayor Blong opened the public hearing at 11:38 a.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. 10426; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

24. 085-2023 – MOTION APPROVING A REQUEST BY MAGRYM CONSULTING, INC., TO DEFER PAVING AND WATER IMPROVEMENTS FOR LINDSAY ACRES, SECTION 14, AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT \$269,089, AN AMOUNT EQUAL TO THE ESTIMATED COST TO CONSTRUCT THE PUBLIC INFRASTRUCTURE. THE SUBJECT PROPERTY IS GENERALLY LOCATED EAST OF MORAN STREET AND NORTH OF MARLIN AVENUE. THE PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE CITY OF MIDLAND (DISTRICT 2) (ENGINEERING SERVICES)

Robin Poole moved to defer Motion No. 085-2023 to the next meeting by; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

Engineering Services Director Jose Ortiz gave a brief overview of the item noting the request is to defer all improvements such as water, sewer and paving.

Utilities Director Carl Craigo reported that City staff put in the sewer for the development with the understanding that the developer was putting in the water.

Ed Aleman, 1111 Magnolia Ave., spoke in favor of this item. Mr. Aleman would like to vacate the alley and move forward with the plats.

Development Services Director Chuck Harrington reported the money has to be in escrow or the water has to be put in before a plat is filed.

George Sosa, 1206 Storey, stated they have been working on this for three years. Mr. Sosa would like to see the Southside of Midland developed.

Council had several questions for staff and Mr. Sosa and it was finally suggested by Engineering Services Director Jose Ortiz to defer this item until the next meeting so that further conversations could be held with Mr. Sosa.

25. 086-2023 – MOTION APPOINTING MR. TOMAS GONZALEZ AS THE NEW CITY MANAGER OF THE CITY OF MIDLAND EFFECTIVE JULY 31, 2023; AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE CITY MANAGER

Item number 25 was moved up to the first item of the Council Meeting. Mayor Blong spoke on vetting the City Manager candidate Mr. Tommy Gonzalez.

Council Member Corrales reported that a lot of thought was given to the process and asked citizens to put their trust in the Council's decision.

Council Member Norman echoed putting trust in the City Council and would like Citizens to know the Council has taken this decision serious and want what is best for the City of Midland.

Council Member Ladd spoke on the number of City Managers across Texas who have been removed and the average length of time a City Manager serves.

Reagan Sharp, 805 Sinclair Ave., daughter of the late Midland City Manager Courtney Sharp, voiced her concerns why the Council should not hire Tommy Gonzalez.

Council Member Amy Stretcher Burkes thanked Reagan Sharp for her words.

Council Member Norman and Mayor Blong shared that they were able to work with Mr. Sharp for a short period of time.

Robert Crites spoke against hiring Tommy Gonzalez.

Eliel Rosa spoke against hiring Tommy Gonzalez.

Mayor Blong recessed the meeting to go into Executive Session at 10:21 a.m. to discuss item a. only. The regular City Council meeting reconvened at 11:15 a.m. and Council was

given the opportunity to make final comments.

Council Member Norman spoke on his support and choice in the process.

Council Member Ladd thanked everyone that applied.

Council Member Dufford spoke on how everything is not true on social media and that Mr. Gonzalez has been fully vetted.

Council Member Poole thanked all staff and internal candidates for enduring the process. The decision was not taken lightly and everything was taken into account.

Council Member Corrales spoke on the responsibility to make the right decision. Council Member Corrales also appreciates all input received and how the Council has come together on this issue.

Council Member Stretcher Burkes thanked everyone who applied.

Mayor Blong expressed the difficulty in making this decision and briefly discussed a few points of the negotiated contract.

John Norman moved to approve Motion No. 086-2023; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC COMMENT

26. 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.)

Doreen Womack, Executive Director of Keep Midland Beautiful, gave an update on what Keep Midland Beautiful does and on quality of life. Ms. Womack spoke on what has happened in the first six months of 2023 with Keep Midland Beautiful. Ms. Womack will be retiring July 31 and thanked this Council and the Councils of the past for their support.

EXECUTIVE SESSION

27. 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 meeting to go into Executive Session at 12:07 p.m. to discuss item b.,

the final item on the agenda.

- a. Section 551.074, Personnel Matters
 - a.1. Deliberate the appointment, employment, evaluation, or duties of the City Manager.
- b. Section 551.072, Deliberation Regarding Real Property
 - b.1. Discuss the purchase, exchange, lease or value of real property.

All the business at hand having been completed, the meeting adjourned at 1:27 p.m.

PASSED AND APPROVED July 25, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary