

**MIDLAND CITY COUNCIL
MINUTES
July 25, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., July 25, 2023.

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

Council Members absent: Robin Poole

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 Andrew Strand, Mid-Cities Church
2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. WORK SESSION OF JULY 11, 2023
 - 4b. REGULAR SESSION OF JULY 11, 2023
 - 4c. SPECIAL SESSION OF JULY 18, 2023
4. 087-2023 – MOTION ACCEPTING A DONATION IN THE AMOUNT OF \$135,000.00 FROM THE “BUSTIN’ FOR BADGES” FUNDRAISING PROJECT; SAID DONATION SHALL BE USED FOR THE PURCHASE OF NECESSARY EQUIPMENT FOR THE MIDLAND POLICE DEPARTMENT; AND AUTHORIZING THE APPROPRIATION OF \$135,000.00 IN THE POLICE TECHNOLOGY AND EQUIPMENT FUND UPON THE CITY OF MIDLAND’S RECEIPT AND DEPOSIT OF SAID DONATION (DISTRICT: NONE) (FINANCE)

5. 2023-089 – RESOLUTION APPROVING THE PURCHASE OF A SPARTAN GLADIATOR 100-FOOT AERIAL TRUCK FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$1,852,961.00 (DISTRICT: NONE) (GENERAL SERVICES)
6. 2023-090 – RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF AN APPROXIMATE 0.5661-ACRE TRACT CONSISTING OF THE SOUTH 175 FEET OF THE EASTERN HALF OF BLOCK 29, HOMESTEAD ADDITION, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, FOR A TOTAL AMOUNT OF \$220,000.00; AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO ACQUIRE SAID PROPERTY, PURCHASE A TITLE INSURANCE POLICY, AND HOLD THE CLOSING FOR SAID ACQUISITION; AUTHORIZING PAYMENT FOR SAID PROPERTY, THE TITLE INSURANCE POLICY, AND CLOSING COSTS; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE; AND APPROPRIATING FUNDS FOR SAID ACQUISITION (DISTRICT 2) (GENERAL SERVICES)
7. 2023-091 – RESOLUTION AWARDED A CONTRACT FOR THE PAUL DAVIS WELL FIELD PROJECT TO HYDRO RESOURCES - MID CONTINENT, INC., FOR AN AMOUNT OF \$4,412,775.00; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)
8. 2023-092 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR THE EMERGENCY PUMP AND MOTOR REPLACEMENT AT THE T-BAR WELL FIELD BY MARK'S WATER WELL SERVICE, INC., FOR A TOTAL COST OF \$132,500.00 (DISTRICT: NONE) (GENERAL SERVICES)
9. 2023-093 – RESOLUTION AWARDED A CONTRACT IN THE AMOUNT OF \$391,550.00 FOR THE WINDLANDS PARK SOCCER FIELDS IRRIGATION PROJECT TO M3 LANDSCAPE MAINTENANCE & IRRIGATION, LLC; APPROVING \$58,750.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS (DISTRICT 3) (GENERAL SERVICES)
10. 2023-094 – RESOLUTION OF THE CITY OF MIDLAND, TEXAS, FINDING THAT THE APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY, LLC ("ONCOR") TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR AND UPDATE GENERATION RIDERS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY ONCOR; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO SEND COPIES OF THIS RESOLUTION TO ONCOR AND LEGAL COUNSEL (DISTRICT: ALL) (CITY MANAGER)
11. 2023-095 – RESOLUTION APPROVING THE FISCAL YEAR 2023-2024 BUDGET OF

THE MIDLAND DEVELOPMENT CORPORATION, A TYPE A CORPORATION AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE (DISTRICT: ALL) (CITY MANAGER)

12. 2023-096 – RESOLUTION CREATING A BARBARA & GEORGE H.W. BUSH CONVENTION CENTER ADVISORY BOARD AND ESTABLISHING DUTIES, QUALIFICATIONS, TERMS OF OFFICE, METHODS FOR FILLING VACANCIES, AND RELATED ORGANIZATIONAL MATTERS (DISTRICT: ALL) (CITY SECRETARY'S OFFICE)
13. 088-2023 – MOTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN FOOTBALL/SOCCER STADIUM NONEXCLUSIVE LEASE AGREEMENT DATED MARCH 20, 2001, WITH THE MIDLAND INDEPENDENT SCHOOL DISTRICT; SAID AMENDMENT PROVIDING FOR THE EXTENSION OF THE LEASE TERM, AS DEFINED IN SAID AGREEMENT, FROM JULY 31, 2023, TO JULY 31, 2024 (DISTRICT 4) (COMMUNITY SERVICES)
14. 2023-097 – RESOLUTION AUTHORIZING THE ADOPTION OF THE CITY OF MIDLAND'S 2023-2024 ACTION PLAN TO THE CONSOLIDATED PLAN FOR COMMUNITY DEVELOPMENT AND HOUSING FUNDS FOR THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S FISCAL YEARS 2020-2024; THE CONSOLIDATED PLAN HAVING BEEN APPROVED BY RESOLUTION NUMBER 2020-127; AND AUTHORIZING THE EXECUTION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (DISTRICT: ALL) (DEVELOPMENT SERVICES)
15. 2023-098 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 6, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (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 INTERSTATE 20) (DISTRICT 2) (DEVELOPMENT SERVICES)
16. 2023-099 – RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS LOCATED IN SECTION 6, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (DEVELOPMENT SERVICES)
17. 089-2023 – MOTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIDLAND AND THE MIDLAND COLLEGE COMMUNITY DISTRICT FOR USE OF THE MIDLAND FIRE DEPARTMENT TRAINING FACILITY (DISTRICT: NONE) (FIRE)
18. 090-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-036) WITH ENTERPRISE NAVITAS PIPELINE TEXAS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, T-3-S, T&P RR CO.

SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

19. 091-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-035) WITH ENTERPRISE NAVITAS PIPELINE TEXAS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
20. 092-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-034) WITH TARGA PIPELINE MID-CONTINENT WESTTEX LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

Dan Corrales moved to approve the Consent Agenda, excluding no items; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

SECOND READINGS

21. 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) (FIRST READING HELD JULY 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10420.

John Norman moved to approve the second and final reading of Ordinance No. 10420; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

22. 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) (FIRST READING HELD JULY 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10421.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10421; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

23. 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 HIGHWAY 191, APPROXIMATELY 700 FEET WEST OF 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) (FIRST READING HELD JULY 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10422.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10422; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

24. 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) (FIRST READING HELD JULY 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10423.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10423; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

25. 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) (FIRST READING HELD JULY 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10424.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10424; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

26. 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) (FIRST READING HELD JULY 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10425.

John Norman moved to approve the second and final reading of Ordinance No. 10425; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

27. 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) (FIRST READING HELD JULY 11, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10426.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10426; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

MISCELLANEOUS

28. 10427 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2023; AND ORDERING PUBLICATION (DISTRICT: ALL) (FINANCE)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10427.

Finance Director Christy Weakland gave a brief overview of the different fee schedules within the department budgets.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10427; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Poole

29. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (CITY SECRETARY'S OFFICE)

Council Member Corrales spoke on the importance of attending Board and Commission meetings and having a quorum when necessary so that they may help the City be a better place to live. He also spoke on the need to speak with staff or a Council Member if there is an issue while serving on a Board or Commission. The Mayor and Council Member Dufford agreed.

No action taken on this item.

PUBLIC COMMENT

30. 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.)

Glenda Southerland, 728 Beckley Dr., praised the City for the work done on Thomason and for the street sign. Ms. Southerland needs City to help with problems in her area with neighbors. Ms. Southerland reported that the alleys are bad with furniture and trash and provided pictures for Council of the areas she is speaking of.

All the business at hand having been completed, the meeting adjourned at 10:20 a.m.

PASSED AND APPROVED August 8, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary