

**MIDLAND CITY COUNCIL  
MINUTES  
August 8, 2023**



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The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 08, 2023.

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

**Council Members absent:** John Norman

**Staff members present:** City Attorney John Ohnemiller, City Manager Tommy Gonzalez, Deputy 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 Darin Wood, First Baptist Church of Midland
2. Pledge of Allegiance

**CONSENT AGENDA**

3. MOTION APPROVING THE FOLLOWING MINUTES:
  - 3a. WORK SESSION OF JULY 25, 2023
  - 3b. REGULAR SESSION OF JULY 25, 2023
  - 3c. REGULAR SESSION OF AUGUST 2, 2023
4. 093-2023 – MOTION TRANSFERRING THE SUM OF \$10,000,000.00 FROM THE WATER & SEWER OPERATING BUDGET TO THE WATER & SEWER DEBT SERVICE FUND; AND APPROPRIATING AND TRANSFERRING THE SUM OF \$952,255.53 FROM THE WATER & SEWER UNAPPROPRIATED FUND BALANCE TO THE WATER & SEWER DEBT SERVICE FUND (DISTRICT: NONE) (FINANCE)
5. 094-2023 – MOTION APPROPRIATING AND TRANSFERRING THE SUM OF \$1,729,421

FROM THE GENERAL FUND TO THE DEBT SERVICE FUND (DISTRICT: NONE)  
(FINANCE)

7. 2023-102 – RESOLUTION AWARDING A CONTRACT FOR THE WATER REHAB PROGRAM 01 PROJECT TO ENTRENCH, INC., FOR AN AMOUNT OF \$2,000,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: ALL) (GENERAL SERVICES)
8. 2023-103 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR EMERGENCY PUMP AND MOTOR REPAIRS AT THE T-BAR WELL FIELD BY ADVANCED WATER WELL TECHNOLOGIES, LLC, FOR A TOTAL COST OF \$139,915.00 (DISTRICT: NONE) (GENERAL SERVICES)
9. 2023-104 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LEVEL 5 ARCHITECTURE, PLLC, FOR ARCHITECTURAL, DESIGN AND ENGINEERING SERVICES RELATED TO THE DOUG RUSSELL BATH HOUSE PROJECT FOR A TOTAL COST OF \$175,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 3) (GENERAL SERVICES)
10. 2023-105 – RESOLUTION AMENDING THE CITY OF MIDLAND PERSONNEL POLICIES; AMENDING AND CLARIFYING CERTAIN ATTENDANCE AND LEAVE POLICIES; AND PROVIDING AN EFFECTIVE DATE OF AUGUST 9, 2023 (DISTRICT: NONE) (ADMINISTRATIVE SERVICES)
11. 095-2023 – MOTION RATIFYING AND APPROVING AN AMENDMENT TO THAT CERTAIN NON-EXCLUSIVE COMMERCIAL FIXED BASE OPERATOR LEASE AGREEMENT DATED MARCH 29, 2023, BETWEEN THE CITY OF MIDLAND, TEXAS, AND FRANKLIN MOUNTAIN AVIATION MAF, LLC; SAID AMENDMENT PROVIDING FOR AN EXTENSION OF THE DUE DILIGENCE EXPIRATION DATE FROM JULY 27, 2023, TO NOVEMBER 24, 2023 (DISTRICT 4) (AIRPORTS)
12. 2023-106 – RESOLUTION AUTHORIZING THE ISSUANCE OF AN OPERATING CERTIFICATE FOR B & B PLATINUM LIMO, LLC; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)
13. 096-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-026) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, L.L.C., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
14. 097-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-039) BETWEEN THE CITY OF MIDLAND AND BRAZOS MIDSTREAM GAS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 18 AND 19, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

15. 098-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-317-041) WITH WTG GAS GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, T-1-N, T&P RR CO. SURVEY, MARTIN COUNTY (DISTRICT: NONE) (UTILITIES)
16. 099-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-317-037) WITH WTG GAS GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 23, BLOCK 40, T-1-N, T&P RR CO. SURVEY, MIDLAND COUNTY (DISTRICT 4) (UTILITIES)
17. 100-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-317-038) WITH WTG GAS GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 23 AND 24, BLOCK 40, T-1-N, T&P RR CO. SURVEY, MIDLAND COUNTY (DISTRICT 4) (UTILITIES)

Dan Corrales moved to approve Consent Agenda item(s) items 3 – 17, excluding item 6; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

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

6. 2023-101 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE CONTRACT WITH UTILIS, INC., FOR SATELLITE LEAK DETECTION SERVICES FOR THE UTILITIES DEPARTMENT AT A TOTAL COST OF \$212,000.00 (DISTRICT: ALL) (GENERAL SERVICES)

Utilities Director Carl Craig gave a brief overview of the satellite leak detection service for the City of Midland. This system will be able to detect underground leaks which will ultimately save both the citizens and the City of Midland money.

Jack Ladd moved to approve Resolution No. 2023-101; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

## **SECOND READINGS**

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

Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10427.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10427; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

## **PUBLIC HEARINGS**

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

19. 10428 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 45, FAIRMONT PARK ADDITION, SECTION 10, 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 ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 1,335 FEET SOUTH OF WEST LOOP 250 FRONTAGE ROAD); 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 Magallanes read the caption of Ordinance No. 10428.

Mayor Blong opened the public hearing at 10:06 a.m.

Dylan Adams, Kimley Horn & Associates, reported this is just an expansion to increase sales. There being no one else wishing to speak, the public hearing was closed at 10:06 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10428; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

20. 10429 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WEST 191 INDUSTRIAL PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF

STATE HIGHWAY 191, APPROXIMATELY 685 FEET EAST OF FARM TO MARKET ROAD 1788); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DISTRICT 4) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10429.

Mayor Blong opened the public hearing at 10:08 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Robin Poole moved to approve the first of two readings of Ordinance No. 10429; seconded by Dan Corrales.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

## **MISCELLANEOUS**

21. 10430 – AN ORDINANCE AMENDING TITLE I, “ADMINISTRATIVE”, CHAPTER 12, “RECORDS MANAGEMENT POLICY”, SECTION 4, “RECORDS MANAGEMENT OFFICER” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO DESIGNATE THE CITY’S RECORDS MANAGER AS THE CITY’S RECORDS MANAGEMENT OFFICER; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (DISTRICT: NONE) (CITY SECRETARY’S OFFICE)

Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10430.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10430; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

22. 10431 – AN ORDINANCE RELEASING THE CITY OF MIDLAND’S EXTRATERRITORIAL JURISDICTION THAT WAS ACQUIRED FROM AN ANNEXATION COMMENCED AFTER JANUARY 1, 2023; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2023; AND ORDERING PUBLICATION (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa Magallanes read the caption of Ordinance No. 10431.

Interim Development Services Director Rolandrea Russell gave a brief overview of the item noting the ordinance is to be uniformed with the Senate Bill that goes into effect September 1, 2023.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10431; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Norman

23. 101-2023 – MOTION AUTHORIZING THE CITY MANAGER AND THE MIDLAND DEVELOPMENT CORPORATION CHAIRMAN TO NEGOTIATE AN AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION, AND C. HODGES DEVELOPMENT SERVICES, L.P.; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AMENDMENT TO THE CHAPTER 312 TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND C. HODGES DEVELOPMENT SERVICES, L.P.; AND PROVIDING THAT ANY SUCH AMENDMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE MIDLAND CITY COUNCIL (DISTRICT 4) (CITY MANAGER)

This item was pulled by Council; no action was taken.

### **PUBLIC COMMENT**

24. 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.)

Mrs. Shirley Howard, 405 Magnolia, reported that City Hall is not ADA compliant and she would like to see this changed. Mrs. Howard also reported that citizens have told her there is a problem with Police Dogs being let out to attack people. She would like more information on this situation.

### **EXECUTIVE SESSION**

25. 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 10:17 a.m.

a. Section 551.071, Consultation with Attorney

a.1. Discuss matters 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.

b. Section 551.087, Deliberate Economic Development Negotiations

- b.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.

All the business at hand having been completed, the meeting adjourned at 10:17 a.m.

PASSED AND APPROVED August 22, 2023.

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Lori Blong, Mayor

ATTEST:

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Marcia Bentley-German  
City Governance Officer/City Secretary