

**MIDLAND CITY COUNCIL
MINUTES
August 13, 2024**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 13, 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 Eddy Elliott, Solid Rock Fellowship Out West
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:
 - 3a. Presentation from Planning and Development Officer Elizabeth Triggs regarding an update on permit review processes.

Planning & Development Officer Elizabeth Triggs gave an update on the review processes for residential and commercial permits and how they relate to the Strategic Goal Connections. Mrs. Triggs reviewed permit volumes, trends, survey insights, changes implemented and code enforcement.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF JULY 23, 2024

5. 2024-122 – RESOLUTION APPROVING A CONTRACT WITH SPORTSFIELD SPECIALTIES, INC., THROUGH THE KEYSTONE PURCHASING NETWORK, FOR THE PURCHASE AND INSTALLATION OF OUTFIELD WALL PADS FOR THE SCHARBAUER SPORTS COMPLEX MOMENTUM BANK BALLPARK FOR A TOTAL COST OF \$224,960.44 AND APPROVING \$11,247.56 FOR CONTINGENCIES **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
8. 082-2024 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDER #1 WITH UTILIS, INC., DBA ASTERRA OF LA JOLLA, CALIFORNIA, REGARDING THE SATELLITE LEAK DETECTION SERVICES PROJECT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF \$53,000.00 AND TO PROVIDE FOR ADDITIONAL IDENTIFICATION OF POTENTIAL LEAKS WITHIN THE CITY OF MIDLAND WATER DISTRIBUTION SYSTEM **(DISTRICT: ALL) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
9. 083-2024 – MOTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH FOSTER & FOSTER CONSULTING ACTUARIES, INC. TO EXTEND THE TERM OF THE AGREEMENT BY ONE YEAR AND TO INCREASE THE CITY'S PAYMENT BY AN AMOUNT NOT TO EXCEED \$150,000.00 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
10. 084-2024 – MOTION AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO EXECUTE A FEDERAL AVIATION ADMINISTRATION GRANT IN ORDER TO RECEIVE AN ESTIMATED AMOUNT OF \$3,747,275.00 FOR THE MAF RECONSTRUCT ASPHALT AIR CARRIER APRON PROJECT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**
11. 085-2024 – MOTION AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO EXECUTE A FEDERAL AVIATION ADMINISTRATION GRANT IN ORDER TO RECEIVE AN ESTIMATED AMOUNT OF \$2,975,211.00 FOR THE MAF RUNWAY BLAST PAD IMPROVEMENT PROJECT AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**
14. 2024-125 – RESOLUTION CALLING AN ELECTION FOR FOUR CITY OFFICIALS; AMENDING THE BOUNDARY OF THE CITY ELECTION AND CITY COUNCIL DISTRICTS; PROVIDING FOR USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS FOR SAID ELECTION; AND ESTABLISHING VOTE CENTERS FOR SAID ELECTION **(DISTRICT: ALL) (CITY SECRETARY'S OFFICE) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
17. 088-2024 – MOTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A RELOCATION AND REIMBURSEMENT AGREEMENT WITH ONEOK WESTEX TRANSMISSION, LLC FOR THE RELOCATION OF A PIPELINE TO ACCOMMODATE

THE EXPANSION OF FAIRGROUNDS ROAD; AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL OTHER DOCUMENTS NECESSARY FOR SAID RELOCATION; AND APPROPRIATING THE SUM OF \$895,310.00 FROM THE 2017 BOND FUND TO A PROJECT FUND FOR SAID RELOCATION **(DISTRICT 1) (ENGINEERING SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

18. 2024-128 – RESOLUTION AUTHORIZING THE CITY MANAGER, THE DEPUTY CITY MANAGER, OR AN ASSISTANT CITY MANAGER (COLLECTIVELY, THE “CITY MANAGER’S OFFICE”) TO PURCHASE A 1.619-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (THE “PROPERTY”) TO BE USED FOR STREET AND PUBLIC UTILITY PURPOSES; AUTHORIZING THE CITY MANAGER’S OFFICE TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO PURCHASE SAID PROPERTY, PURCHASE A TITLE INSURANCE POLICY AND HOLD THE CLOSING; APPROPRIATING FUNDS; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE **(DISTRICT 4) (ENGINEERING SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
19. 089-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF WAY LICENSE (24-495-011) WITH CIVITAS PERMIAN OPERATING, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 12 AND 17, BLOCK C-24, ABSTRACT 1028, LOVING COUNTY AND SECTION 2, BLOCK C-24, ABSTRACT 1396, PUBLIC SCHOOL LAND SURVEY, WINKLER COUNTY TEXAS **(DISTRICT: NONE) (UTILITIES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Jack Ladd moved to approve consent agenda items 4-19, excluding items 6, 7, 12, 13, 15 & 16; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

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

6. 2024-123 – RESOLUTION AWARDING A CONTRACT TO TRUCLEAR WATER SOLUTIONS, INC., IN THE AMOUNT OF \$1,440,000.00 FOR THE ADVANCED GROUNDWATER TREATMENT PROJECT; AND APPROPRIATING FUNDS FOR SAID PROJECT

Council Member Eric Davidson pulled this item to request a report on where the City is with regard to processes and a timeline.

Utilities Director Carl Craig gave a brief overview of the item noting the process is ongoing and that there is currently a one year timeline with the possibility of a 20 year

contract. Mr. Craig reported arsenic is what's pushing the timeline forward.

City Manager Tommy Gonzalez reported there are markers in place to help reach the goal of increased water available to process.

Mayor Blong reported on how and why this is such an important project.

Discussion ensued about going out for new RFP's. General Services Director Regina Stephenson reported there is a 60 day process if a new RFP is needed.

John Ayers, TruClear, reported on the treatments and standards his company provides.

Eric Davidson moved to approve Resolution No. 2024-123; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

7. 2024-124 – RESOLUTION AWARDED A CONTRACT TO TANKLOGIX, LLC, FOR ON-CALL SUPERVISORY CONTROL AND DATA ACQUISITION SERVICES FOR AN ANNUAL COST NOT TO EXCEED \$500,000.00

Utilities Director Carl Craig gave a brief overview of the item noting it is part of the water reclamation plan. This is a computer program that runs the water and wastewater industry. Mr. Craig reported on what happens if the water is not treated properly.

Jack Ladd moved to approve Resolution No. 2024-124; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

12. 086-2024 – MOTION AUTHORIZING THE EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AND PERFORMANCE AGREEMENT AMONG THE CITY OF MIDLAND, TEXAS, THE MIDLAND DEVELOPMENT CORPORATION, AND COSTCO WHOLESALE CORPORATION

Planning & Development Officer Elizabeth Triggs gave a brief overview of the Costco agreement. Costco is the third largest retailer in world behind Walmart and Amazon. There are 879 stores in the world and 38 warehouses in Texas. Midland has a strong customer base and the closest store is in Lubbock, Texas.

Mrs. Triggs reported construction is to begin on or before June 1, 2025 and will be completed by August 31, 2026. Mrs. Triggs also reported on the benefits to the economy in Midland, project benefits such as the development of a new commercial corridor along Hwy

191, capturing visitor spending and other retail development benefits.

Costco, MDC and City Obligations were also discussed.

Council Member Eric Davidson referenced a Bloomberg article regarding inflation in Midland and how Costco may indirectly assist in bringing down the total cost of consumer goods.

Brian Whelan, Costco Sight Selection Manager, has been evaluating Midland for ten years. Mr. Whelan reported there are 6,500 households in this area who already have Costco cards. This will be the largest Costco in Texas. He also reviewed the benefits of having a Costco store in this area and how it will increase jobs with great benefits for Midland Citizens.

Eric Davidson moved to approve Motion No. 086-2024; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

13. 087-2024 – MOTION AUTHORIZING THE EXECUTION OF AN HISTORICAL RESTORATION AGREEMENT WITH THE ARTS COUNCIL OF MIDLAND FOR THE PURPOSE OF RESTORING THE SCARBOROUGH-LINEBERRY HOUSE COMPLEX

Council Member Poole thanked staff for working on this project and the partnership with the Arts Council in the historical restoration process.

Danny Holeva, Arts Council of Midland, reported there is a multi-phased plan for the SL Property and they are currently moving into phase two.

Robin Poole moved to approve Motion No. 087-2024; 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

15. 2024-126 – RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF MIDLAND, TEXAS, REGARDING THE CONVEYANCE OF A 3.74-ACRE TRACT OF LAND OUT OF BLOCKS 29 AND 36, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, SAID TRACT BEING A PORTION OF HIDALGO PARK THAT IS MOSTLY UNIMPROVED, TO MIDLAND SOUP KITCHEN MINISTRY, A NONPROFIT ORGANIZATION, TO BE USED IN A MANNER THAT PRIMARILY PROMOTES A PUBLIC PURPOSE OF THE CITY; MAKING PROVISION FOR THE CONDUCT OF AN ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting the Soup Kitchen has run out of space and is looking to expand. This item is related to item 31 on this agenda and must go to the citizens for conveyance by a majority vote.

City Attorney John Ohnemiller reported conveyance of parks is a state law.

Amy Stretcher Burkes moved to approve Resolution No. 2024-126; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

16. 2024-127 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO FIREBIRD ENERGY II, LLC (“OPERATOR”) TO DRILL NINE OIL AND GAS WELLS LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 635 FEET SOUTH OF MOCKINGBIRD LANE AND BETWEEN 1,680 FEET AND 1,840 FEET EAST OF HOLIDAY HILL ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT

Mayor Blong abstained from this item. There was no discussion.

Eric Davidson moved to approve Resolution No. 2024-127; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: Norman

ABSTAIN: Blong

ABSENT: None

SECOND READINGS

20. 10546 – AN ORDINANCE VACATING AND ABANDONING A 0.307-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1, 2, 3 AND 4, BLOCK 1, REPLAT OF ALL GLEN ARDEN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 185 FEET WEST OF RACQUET CLUB DRIVE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$53,428.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (FIRST READING HELD JULY 23, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10546.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10546;

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

21. 10547 – AN ORDINANCE VACATING AND ABANDONING A 5,036-SQUARE FOOT PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1, BLOCK 1, KINGWICK PLACE ADDITION, SECTION 2 AND TRACT B, SUBDIVISION OF BLOCK 1, WARWICK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST SCHARBAUER DRIVE, APPROXIMATELY 640 FEET WEST OF NORTH I STREET); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$22,662.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (FIRST READING HELD JULY 23, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10547.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10547; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

22. 10548 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,650-SQUARE FOOT PORTION OF LOT 5A, BLOCK 1, GATEWAY PLAZA, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF BEER AND WINE 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 JULY 23, 2024) **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10548.

John Norman moved to approve the second and final reading of Ordinance No. 10548; seconded by Jack Ladd.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

23. 10549 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,173-SQUARE FOOT PORTION OF LOT 7, BLOCK 58, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH PECOS STREET AND WEST WALL STREET), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS 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 JULY 23, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE & PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10549.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10549; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford

24. 10550 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 7, BLOCK 3, CORPORATE PLAZA ADDITION, SECTION 16, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, APPROXIMATELY 355 FEET NORTH OF FIESTA 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 JULY 23, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10550.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10550; seconded by Robin Poole.

The motion passed by the following vote:

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

25. 10551 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 8, BLOCK 63, 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 BUNCHE STREET, APPROXIMATELY 380 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 JULY 23, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10551.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10551; seconded by Robin Poole.

The motion passed by the following vote:

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

26. 10552 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 9 AND 10, BLOCK 31, 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 CALHOUN STREET, APPROXIMATELY 160 FEET SOUTH OF EAST NEW YORK 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 JULY 23, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10552.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10552; seconded by Scott Dufford.

The motion passed by the following vote:

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

27. 10553 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,400-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 290 FEET EAST OF 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 (FIRST READING HELD JULY 23, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10553.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10553; 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

PUBLIC HEARINGS

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

28. 2024-129 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BIRTHDAY PARTY ON LOTS 7 THROUGH 12, BLOCK 116, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH MAIN STREET AND EAST NEW YORK AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting this is a temporary land use due to outdoor music past 10:00 p.m. No letters of objection have been received and staff recommends approval.

Mayor Blong opened the public hearing at 11:48 a.m.

Noah Seabourn, 601 W. Estes Avenue, only wishes to speak if there were questions. There were no questions.

There being no one wishing to speak, the public hearing was closed at 11:50 a.m.

Jack Ladd moved to approve Resolution No. 2024-129; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

29. 10555 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 10.00-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND ARLINGTON ROAD); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10555.

Planning & Development Officer Elizabeth Triggs gave a brief overview of the item noting item 29 and item 30 are related regarding the Cavender Mercedes dealership. Item 29 is the annexation of approximately 10 acres of land south of the future Costco and item 30 is the related additional zoning designation.

Mayor Blong opened the public hearing at 11:53 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. 10555; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

30. 10556 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 10.00-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND ARLINGTON 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: NONE) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10556.

Planning & Development Officer Elizabeth Triggs reported there is no additional information to share other than the zoning classification is regional retail. Information about this item was discussed in item 29.

Mayor Blong opened the public hearing at 11:54 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. 10556; seconded by Scott Dufford.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

31. 10557 – AN ORDINANCE MAKING CERTAIN FINDINGS PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE; AUTHORIZING AND DIRECTING THE MAYOR OR THE CITY MANAGER TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO CONVEY A 3.74-ACRE TRACT OF LAND OUT OF BLOCKS 29 AND 36, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (THE “PROPERTY”), TO MIDLAND SOUP KITCHEN MINISTRY (“GRANTEE”) IN EXCHANGE FOR GRANTEE’S AGREEMENT TO USE THE PROPERTY IN A MANNER THAT PRIMARILY PROMOTES A PUBLIC PURPOSE OF THE CITY; SAID PROPERTY BEING A PORTION OF HIDALGO PARK THAT IS MOSTLY UNIMPROVED AND BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF ORCHARD LANE AND CARVER STREET; SAID CONVEYANCE BEING CONDITIONED ON APPROVAL BY A MAJORITY OF VOTES RECEIVED AT AN ELECTION; AND ORDERING PUBLICATION **(DISTRICT 2) (DEVELOPMENT SERVICES) QUALITY OF LIFE AND PLACE**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10557.

Planning & Development Officer Elizabeth Triggs reported this item is related to item 15 on this agenda calling for a special election for the soup kitchen. This allows for Council to execute a conveyance agreement.

Mayor Blong opened the public hearing at 11:56 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. 10557; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

32. 10558 – AN ORDINANCE AMENDING TITLE I , “ADMINISTRATIVE” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ADD CHAPTER 14, “TERMINATION OF CAMPAIGN TREASURER APPOINTMENT”; SAID CHAPTER ESTABLISHING A PROCESS BY WHICH TO TERMINATE THE CAMPAIGN TREASURER APPOINTMENT OF AN INACTIVE CANDIDATE OR POLITICAL COMMITTEE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION **(DISTRICT: ALL) (CITY SECRETARY'S OFFICE) (TRANSPARENT & CONSISTENT COMMUNICATION)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10558.

City Governance Officer/City Secretary Marcia Bentley-German reported this item is to clean up outstanding Campaign Treasurer reports for those who are no longer running for office and may not respond to request for information.

Scott Dufford moved to approve the first of two readings of Ordinance No. 10558; seconded by Eric Davidson.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: None

PUBLIC COMMENT

33. 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.)

Mayra De La Canal, 1310 North FM 1788, with the U.S. Export Assistance Center, recently opened a location in Midland regarding exporting in an effort to help US companies succeed in international markets.

EXECUTIVE SESSION

34. 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 12:01 p.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.

All the business at hand having been completed, the meeting adjourned at 1:19 p.m.

PASSED AND APPROVED August 27, 2024.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary