

**MIDLAND CITY COUNCIL
MINUTES
August 22, 2023**



The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 22, 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 Manager Tommy Gonzalez, City Attorney John Ohnemiller, 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 Roy Smith, Tru-Lite Christian Fellowship 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 “Walk to End Alzheimer’s Day”

3b. Presentation of One-Stop Shop; Open for Business.

Deputy City Manager Morris Williams gave a brief overview of the opening of the One-Stop Shop and the services provided to customers.

3c. Presentation regarding pothole repairs on City of Midland Parks parking lots.

Engineering Director Jose Ortiz gave a brief overview of the success of the pothole repairs throughout the City of Midland Parks parking lots.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF AUGUST 8, 2023
6. 2023-107 – RESOLUTION APPROVING THE PURCHASE OF A DODGE RAM 5500 POTHOLE PATCHER FROM PB LOADER, INC., THROUGH SOURCEWELL, FOR A TOTAL COST OF \$214,950.23; AND RESCINDING RESOLUTION NO. 2022-008 **(DISTRICT: NONE) (GENERAL SERVICES)**
8. 104-2023 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR CONSTRUCTION MANAGER-AT-RISK SERVICES ASSOCIATED WITH THE DOUG RUSSELL BATH HOUSE PROJECT AND TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL **(DISTRICT 3) (GENERAL SERVICES)**
9. 2023-108 – RESOLUTION APPROVING A CONTRACT WITH SPORTS FIELD SOLUTIONS, THROUGH BUYBOARD, FOR THE RENOVATION OF THE INFIELD AT MOMENTUM BANK BALLPARK FOR A TOTAL COST OF \$161,215.35; APPROVING \$16,122.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID CONTRACT **(DISTRICT 4) (GENERAL SERVICES)**
10. 2023-109 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR ON-CALL SUPERVISORY CONTROL AND DATA ACQUISITION SUPPORT SERVICES AND AUTOMATED INTEGRATION SERVICES FOR A COST NOT TO EXCEED \$125,000.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
11. 105-2023 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL LANDSCAPE, ARCHITECTURAL, AND ENGINEERING SERVICES ASSOCIATED WITH THE RENOVATION AND CONSTRUCTION OF CERTAIN SPORTS FIELDS, PARKING IMPROVEMENTS, AMPHITHEATER, AND RELATED IMPROVEMENTS AT BEAL PARK, AND TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL **(DISTRICT 4) (GENERAL SERVICES)**
12. 106-2023 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMEMORATIVE AIR FORCE, INC., TO PROVIDE FOR THE 2023 AIRSHO AT MIDLAND INTERNATIONAL AIR & SPACE PORT **(DISTRICT 4) (AIRPORTS)**
13. 2023-110 – RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT

BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND COLLEGE FOR THE SUPPORT AND EXPANSION OF THE MIDLAND COLLEGE TRANSPORTATION TRAINING PROGRAM, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE **(DISTRICT: ALL) (CITY MANAGER)**

14. 107-2023 – MOTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES **(DISTRICT: ALL) (CITY MANAGER)**
15. 2023-111 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION (THE “COMPANY”) REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO THE COMPANY AND CITIES’ LEGAL COUNSEL **(DISTRICT: ALL) (CITY MANAGER)**
16. 108-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF EL ALAMO, SECTION 4, BEING A 201.12-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUARTER OF SECTION 9, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CROWNRIDGE DRIVE, APPROXIMATELY 3,210 FEET EAST OF ELKINS ROAD) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
17. 109-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF HANNAH ADDITION, SECTION 5, BEING A 30.67-ACRE TRACT OF LAND OUT OF THE SOUTHEAST PART OF SECTION 13, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH COUNTY ROAD 1232 (ANTELOPE TRAIL), APPROXIMATELY 270 FEET SOUTH OF WEST COUNTY ROAD 126) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
18. 110-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF WEST END ADDITION, SECTION 30, BEING A REPLAT OF LOTS 1-3, BLOCK 75, WEST END ADDITION, AND A 0.069-ACRE PORTION OF VACATED ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1-3

AND LOTS 6-8, BLOCK 75, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF ANDREWS HIGHWAY AND WEST TEXAS AVENUE) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

19. 111-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-042) WITH MIDLAND - PETRO D.C. PARTNERS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5 AND 44, BLOCK 38, T-1-S AND SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**
20. 112-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (23-329-043) 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)**

Dan Corrales moved to approve Consent Agenda items 4 – 20, excluding items 5 and 7; seconded by Robin Poole.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

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

5. 102-2023 – MOTION APPROPRIATING AND TRANSFERRING THE SUM OF \$20,179,582.68 FROM THE GENERAL FUND TO THE PARKS OIL AND GAS SPECIAL PURPOSE FUND (DISTRICT: NONE) (FINANCE)

Mayor Blong reported they would like to allocate \$2,000,000.00 from the General Fund to the Parks Maintenance Stabilization Fund. Staff is to report back with a proposal for a specific dollar amount based on operation and maintenance for the current assets owned and for future projects.

Dan Corrales moved to approve Motion No. 102-2023 by amending this item to transfer \$18,179,582.68 from the General Fund to the Parks Oil and Gas Special Purpose Fund and appropriating and transferring the sum of \$2,000,000.00 from the General Fund to the Parks Maintenance Special Purpose Fund; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

7. 103-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE MIDLAND MANHOLE REHABILITATION PROJECT, SAID SPECIFICATIONS BEING ON FILE IN

THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS MOTION; AND AUTHORIZING THE CITY MANAGER OR THE 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: NONE) (GENERAL SERVICES)**

Utilities Director Carl Craig gave a brief overview of the manhole issues the city has had. This project will help find and fix the concrete manholes located in the draws. Once the concrete manholes are fixed, brick will be fixed next. Two million dollars will be spent per year to complete the project.

Dan Corrales moved to approve Motion No. 103-2023; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

SECOND READINGS

21. 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)** (FIRST READING HELD AUGUST 8, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10428.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10428; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

22. 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)** (FIRST READING HELD AUGUST 8, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10429.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10429; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Dufford, Ladd

23. 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)** (FIRST READING HELD AUGUST 8, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10430.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10430; seconded by Amy Stretcher Burkes.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

24. 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)** (FIRST READING HELD AUGUST 8, 2023)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10431.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10431; seconded by Robin Poole.

The motion passed by the following vote:

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

PUBLIC HEARINGS

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

25. 10432 – GATHER PUBLIC INPUT ON THE PROPOSED 2023-2024 BUDGET; AND CONSIDER AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION **(DISTRICT: NONE) (FINANCE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10434.

Finance Director Christy Weakland gave an overview of the 2024 City of Midland budget. Ms. Weakland reviewed the maintenance of streets, parks and city facilities, operational revenue/operating expenses, the General Fund balance over the past 10 years and Parks, Oil and Gas funds. Ms. Weakland gave an example of what citizens would pay at the 2024 proposed tax rate of .353162.

The 2022-2023 property tax rates were compared and Ms. Weakland reported on the effects of choosing different rates.

Council shared their thoughts, concerns and had their questions answered regarding the budget information shared by Ms. Weakland.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10432 by approving the proposed 2023-2024 budget as proposed including certain supplementals; seconded by John Norman.

The motion passed by the following vote:

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

26. 10433 – TAX RATE INCREASE FOR FISCAL YEAR 2023-2024; AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2023, AND ENDING ON SEPTEMBER 30, 2024 **(DISTRICT: NONE) (FINANCE)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10433.

Mayor Blong opened the public hearing at 11:47 a.m.

Mayor Blong and the City Council asked questions with regard to changing the rate.

Savannah Minor, PO Box 7978, spoke on concerns she has regarding traffic problems on N. Godfrey Street and Tarleton Street. Both of these streets are near schools, have a lack of stop signs and need slower speed limits.

There being no one else wishing to speak, the public hearing was closed at 12:05 p.m.

Scott Dufford moved moved to approve the first of two readings of Ordinance No. 10433 and moved that the property tax rate be increased by the adoption of a tax rate of 0.353162, which is effectively a 7.44 percent increase in the tax rate; seconded by John Norman.

The motion passed by the following vote:

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

NAY: Corrales, Poole

ABSTAIN: None

ABSENT: None

MISCELLANEOUS

27. 10434 – AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10283; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION **(DISTRICT 1) (ENGINEERING SERVICES)**

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10434.

Robin Poole moved to approve the first of two readings of Ordinance No. 10434; seconded by John Norman.

The motion passed by the following vote:

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

NAY: None

ABSTAIN: None

ABSENT: Ladd

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.)

All the business at hand having been completed, the meeting adjourned at 12:17 p.m.

PASSED AND APPROVED September 12, 2023.

Lori Blong, Mayor

ATTEST:

Marcia Bentley-German
City Governance Officer/City Secretary