

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
January 23, 2024 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall



A quorum of the City Council intends to be physically present at the aforementioned location.

The City Council may discuss, consider, and take action on any item listed on this agenda.

OPENING ITEMS

1. Invocation – Pastor John Grabanski, Temple Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:
 - 3a. Presentation of Proclamation for “Midland RSVP 30th Anniversary Day”
 - 3b. Presentation from Director of Engineering Gabe McClelland regarding L.O.V.E. Midland.
 - 3c. Presentation acknowledging United Way’s Project Blueprint.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF JANUARY 9, 2024
5. 012-2024 – MOTION ACCEPTING A DONATION IN THE AMOUNT OF \$25,000.00 FROM OCCIDENTAL PETROLEUM CORPORATION; SAID FUNDS TO BE USED FOR FIRE DEPARTMENT EQUIPMENT **(DISTRICT: NONE) (FINANCE)**
6. 2024-015 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE CONTRACT WITH OW INVESTORS, LLC, D/B/A MARS COMPANY FOR UTILITY METER TESTING SOFTWARE FOR THE UTILITIES DEPARTMENT AT A TOTAL COST OF \$532,276.00 **(DISTRICT: NONE) (GENERAL SERVICES)**

7. 2024-016 – RESOLUTION AWARDING A CONTRACT IN THE AMOUNT OF \$189,800.00 FOR AGRONOMIC COMPLIANCE CONSULTING SERVICES TO AGRI-WASTE TECHNOLOGY, INC. **(DISTRICT: NONE) (GENERAL SERVICES)**
8. 2024-017 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO RECEIVE AN ARTIFACT LOAN FROM THE NATIONAL AIR AND SPACE MUSEUM; SAID ARTIFACT BEING THE WINDECKER EAGLE I, WHICH IS THE FIRST ALL-COMPOSITE AIRCRAFT TO RECEIVE FEDERAL AVIATION ADMINISTRATION CERTIFICATION; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF SAID ARTIFACT LOAN **(DISTRICT 4) (AIRPORTS)**
9. 2024-018 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH DELTA SPECIALTY CONTRACTORS, LLC, IN THE AMOUNT OF \$1,233,900.00 FOR THE AIRPARK NORTH FENCE REPLACEMENT PROJECT AT MIDLAND AIRPARK; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS)**
10. 013-2024 – MOTION AUTHORIZING THE INTENT OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO ESTABLISH THE SCHEDULE FOR PROGRAM YEAR 2024 CDBG GRANT APPLICATION CYCLE **(DISTRICT: ALL) (DEVELOPMENT SERVICES)**
11. 014-2024 – MOTION APPROPRIATING THE SUM OF \$188,500.00 FROM THE GENERAL FUND TO THE CIP OPERATING BUDGET FOR THE DESIGN OF AVALON DRIVE **(DISTRICT 4) (ENGINEERING SERVICES)**
12. 2024-019 – RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT AND LEASE AGREEMENT WITH MIDLAND ATHLETIC SYNDICATE, INC., FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, AND OPERATION OF AN INDOOR MULTI-PURPOSE ATHLETIC FACILITY AT THE SCHARBAUER SPORTS COMPLEX **(LEGAL)**
13. 2024-020 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR - PUBLIC SAFETY OFFICE FOR THE FISCAL YEAR 2025 RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM; AUTHORIZING THOSE HOLDING THE TITLE OF “GRANT WRITER” AND “COMPLIANCE MANAGER” TO ACCEPT, REJECT, ALTER, OR TERMINATE SAID GRANT FUNDING; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF SAID GRANT FUNDING **(DISTRICT: ALL) (POLICE)**
14. 2024-021 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION, FOR THE FISCAL YEAR 2025 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AUTHORIZING THOSE HOLDING THE TITLE OF “GRANT WRITER” AND “COMPLIANCE MANAGER” TO ACCEPT, REJECT, ALTER, OR TERMINATE SAID

GRANT FUNDING; AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF SAID GRANT FUNDING **(DISTRICT: ALL) (POLICE)**

15. 2024-022 – RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR - PUBLIC SAFETY OFFICE FOR THE FISCAL YEAR 2025 BODY-WORN CAMERA GRANT PROGRAM; AUTHORIZING THOSE HOLDING THE TITLE OF “GRANT WRITER” AND “COMPLIANCE MANAGER” TO ACCEPT, REJECT, ALTER, OR TERMINATE SAID GRANT FUNDING; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS FOR THE ACCEPTANCE OF SAID GRANT FUNDING; AND AUTHORIZING THE APPROPRIATION OF MATCHING FUNDS IN THE AMOUNT OF \$6,536.25 AS REQUIRED BY THE OFFICE OF THE GOVERNOR - PUBLIC SAFETY OFFICE **(DISTRICT: ALL) (POLICE)**

SECOND READINGS

16. 10477 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 3.86-ACRE TRACT OF LAND, OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED APPROXIMATELY 230 FEET NORTH OF CASTLEWOOD DRIVE, AND APPROXIMATELY 620 FEET WEST OF HOMELAND DRIVE); 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 JANUARY 09, 2024) **(DISTRICT 4) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
17. 10482 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 9.36-ACRE TRACT OF LAND OUT OF TRACT 5, CITY VIEW ACRES, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH JACKSON STREET, APPROXIMATELY 170 FEET SOUTH OF CLOVERDALE ROAD); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (FIRST READING HELD JANUARY 09, 2024) **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
18. 10483 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.36-ACRE TRACT OF LAND OUT OF TRACT 5, CITY VIEW ACRES, MIDLAND COUNTY, TEXAS, AS AN LR, LOCAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH JACKSON STREET, APPROXIMATELY 170 FEET SOUTH OF CLOVERDALE 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) (FIRST READING HELD JANUARY 09, 2024) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**

19. 10484 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 11, BLOCK 3, CRESTLAWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT. (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST COWDEN AVENUE, APPROXIMATELY 215 FEET WEST OF NORTH PECOS STREET) 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 JANUARY 09, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES)**
20. 10485 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 2, BLOCK 1, LEGION ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS. (GENERALLY LOCATED ON THE SOUTH SIDE OF VETERANS AIRPARK LANE, APPROXIMATELY 1,110 FEET WEST OF NORTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SUCH 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 (FIRST READING HELD JANUARY 09, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES)**
21. 10486 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 1, WESTERN MESA ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF NEELY AVENUE, APPROXIMATELY 165 FEET EAST OF NORTH L STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK AND A REDUCED MINIMUM SIDE YARD SETBACK ON THE EAST SIDE OF THE PROPERTY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE) (FIRST READING HELD JANUARY 09, 2024) **(DISTRICT 3) (DEVELOPMENT SERVICES)**
22. 10487 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,360-SQUARE FOOT PORTION OF LOT 8, BLOCK 2, LONE STAR BUSINESS PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND MAVERICK LANE), WHICH IS PRESENTLY ZONED LR, LOCAL 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 JANUARY 09, 2024) **(DISTRICT 1) (DEVELOPMENT SERVICES)**

PUBLIC HEARINGS

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

23. 10488 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 8, LESS THE NORTH 30 FEET, AND LOT 9, BLOCK 4, STOCKARD ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF GOODE STREET, APPROXIMATELY 315 FEET NORTH OF CARTER STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; 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) (QUALITY OF LIFE AND PLACE) **(DISTRICT 2) (DEVELOPMENT SERVICES)**
24. 10489 – AN ORDINANCE VACATING AND ABANDONING A 0.25-ACRE PORTION OF SINCLAIR AVENUE RIGHT-OF-WAY AND A 0.08-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO THE NORTH 380 FEET OF THE EAST HALF OF THE SOUTH HALF OF TRACT 2, SUNSET ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND SINCLAIR AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$7,623.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: 3) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

MISCELLANEOUS

25. 2024-023 – RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION, AND MIDLAND DOWNTOWN RENAISSANCE, LP, REGARDING THE DEVELOPMENT OF CERTAIN REAL PROPERTY INCLUDING LOTS 1A, 5, 6, 7, AND 8, BLOCK 35, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS **(DISTRICT 2) (CITY MANAGER)**

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.)

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:
 - a. Section 551.087, Deliberate Economic Development Negotiations
 - a.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.

Respectfully Submitted,

Tommy Gonzalez
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please contact the City Secretary's Office at (432) 6857430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.