

Effective March 16, 2020, Governor Greg Abbott authorized the temporary suspension of certain statutory provisions of the Texas Open Meetings Act. This meeting of the City Council of the City of Midland is being held pursuant to such authorization and will limit face-to-face interactions for the purpose of slowing the spread of the coronavirus (COVID-19).

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
May 25, 2021 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall



Videoconference Information

Please click this URL to join. <https://zoom.us/j/95075959983?pwd=UkZ1Qjh4Yko2ZUFNanZoWEEd3eEovQT09>
Passcode: 110141

Or One tap mobile:

+13462487799,,95075959983# US (Houston)
+16699009128,,95075959983# US (San Jose)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656

Webinar ID: 950 7595 9983

International numbers available: <https://zoom.us/u/aetWM4aJeg>

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

OPENING ITEMS

1. Invocation – Minister Russ Hale, Stonegate Fellowship
2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. BRIEFING SESSION OF MAY 11, 2021

4b. REGULAR MEETING OF MAY 11, 2021

4. 2021-059 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE CONTRACT WITH AZTECA SYSTEMS, LLC, FOR THE PURCHASE OF THREE (3) YEARS OF LICENSING AND SOFTWARE MAINTENANCE SUPPORT OF CITYWORKS SOFTWARE FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$229,033.00 (DISTRICT: ALL) (GENERAL SERVICES)
5. 2021-060 – RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE MIDLAND DRAW WIDENING PROJECT (DISTRICT 2) (GENERAL SERVICES)
6. 2021-061 – RESOLUTION AWARDED A CONTRACT FOR THE PARK AVENUE HEIGHTS 2 UTILITY PROJECT TO TEC EXCAVATION, INC., FOR A TOTAL COST NOT TO EXCEED \$1,164,771.00; APPROVING \$50,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS (DISTRICT 2) (GENERAL SERVICES)
7. 053-2021 – MOTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH TML MULTISTATE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL, DOING BUSINESS AS TML HEALTH BENEFITS POOL, FOR THE PURPOSE OF OBTAINING SERVICES FOR THE ADMINISTRATION OF ONE OR MORE LIFE, SICK, ACCIDENT AND OTHER HEALTH BENEFITS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY OR APPROPRIATE TO EFFECTUATE SAID INTERLOCAL AGREEMENT (DISTRICT: NONE) (ADMINISTRATIVE SERVICES)
8. 054-2021 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR NON-EXCLUSIVE FIXED BASE OPERATOR SERVICES AT MIDLAND INTERNATIONAL AIR & SPACE PORT, AND TO NEGOTIATE A FIXED-BASE OPERATOR SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: FOUR) (AIRPORTS)
9. 2021-062 – RESOLUTION APPROVING AN AMENDMENT TO THAT CERTAIN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KEPLER AEROSPACE, LTD (DISTRICT: NONE) (CITY MANAGER)
10. 2021-063 – RESOLUTION AUTHORIZING THE MIDLAND CHAMBER OF COMMERCE TO HOLD THE ANNUAL STAR SPANGLED SALUTE AT CENTENNIAL PARK AND ON THE ADJACENT PUBLIC RIGHTS OF WAY ON JULY 3, 2021; AND AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT SAID EVENT (DISTRICT 2) (COMMUNITY SERVICES)
11. 055-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT BETWEEN THE CITY OF MIDLAND AND SCM WATER, LLC,

REGARDING CITY OWNED PROPERTY DESCRIBED AS SECTIONS 13, 17, 18,19 AND 21, BLOCK C-23, P.S.L. SURVEY, ABSTRACT NO. 1388, WINKLER COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

12. 2021-064 – RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 7.097-ACRE RIGHT-OF-WAY GRANT LOCATED IN SECTIONS 18 AND 19, BLOCK 38, T-1-S, T&P RR. CO SURVEY, MIDLAND, TEXAS FROM MORIAH LAND & CATTLE, LLC; ORDERING THE CITY SECRETARY TO RECORD SAID INSTRUMENT IN THE OFFICIAL REAL PROPERTY RECORDS OF MIDLAND COUNTY, TEXAS; AND APPROPRIATING FUNDS (DISTRICT: ALL) (UTILITIES)
13. 056-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND NUSTAR PERMIAN TRANSPORTATION & STORAGE, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 2, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
14. 2021-065 – RESOLUTION AMENDING CHAPTER IV, “APPLICATIONS, APPLICANTS, AND CONDITIONS OF EMPLOYMENT,” SECTION 15, “CITY OF MIDLAND DRUG AND ALCOHOL TESTING POLICY,” SUBSECTION D, “REQUIRED TESTS,” PARAGRAPH 3, “REASONABLE SUSPICION TESTING,” CHAPTER VIII, “ADVERSE ACTION,” AND CHAPTER IX, “GRIEVANCE PROCEDURES,” OF THE CITY OF MIDLAND PERSONNEL POLICIES; AND ESTABLISHING AN EFFECTIVE DATE OF JUNE 1, 2021 (CITY ATTORNEY)

SECOND READINGS

15. 10185 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 9.92-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND TEJAS); 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 (DEVELOPMENT SERVICES) (FIRST READING HELD MAY 11, 2021)
16. 10186 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 10,250-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 (DEVELOPMENT SERVICES) (FIRST READING HELD MAY 11, 2021)

PUBLIC HEARINGS

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

17. 10187 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 27.05-ACRE TRACT OF LAND OUT OF SECTION 7, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF OCCIDENTAL PARKWAY, APPROXIMATELY 1,335 FEET EAST OF CARRIAGE 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)
18. 10188 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 141.53-ACRE TRACT OF LAND OUT OF SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND AND MARTIN COUNTIES, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH STATE HIGHWAY 349 AND OCCIDENTAL PARKWAY); 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)
19. 10189 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 4, 5 AND 6, WEST WAY ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST GOLF COURSE ROAD AND HUGHES STREET), BY PERMITTING A REDUCED MINIMUM FRONT YARD SETBACK; 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)
20. 057-2021 – HOLD A PUBLIC HEARING IN ORDER FOR THE CITY OF MIDLAND AND THE CDBG PRIORITIZATION COMMITTEE TO RECEIVE PUBLIC COMMENTS, GUIDANCE AND RECOMMENDATIONS REGARDING THE 2021-2022 CDBG GRANT APPLICATION SUBMISSIONS AND THE SECOND YEAR ACTION PLAN IN ACCORDANCE WITH THE FIVE YEAR CONSOLIDATED PLAN GOALS (DISTRICT:

NONE) (DEVELOPMENT SERVICES) (PUBLIC HEARING ONLY)

21. 2021-066 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A VENDOR MARKET AND CONCERT ON LOT 1A, BLOCK 54, ALL OF BLOCK 55, A 0.57-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY, A 0.57-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY, AND A 0.57-ACRE PORTION OF THE WEST TEXAS AVENUE RIGHT-OF-WAY, ALL ADJACENT TO BLOCK 55, ALL OUT OF ORIGINAL TOWN ADDITION, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH COLORADO STREET AND WEST TEXAS AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

22. 10190 – AN ORDINANCE AMENDING TITLE III, “DEPARTMENTS”, CHAPTER 3, “HOTEL OCCUPANCY TAX”, SECTION 1, “DEFINITIONS”, OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO DEFINE “HOTEL” IN ACCORDANCE WITH STATE LAW; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF FIVE HUNDRED DOLLARS (\$500.00); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (CITY ATTORNEY)
23. 058-2021 – MOTION GRANTING CACTUS SIGN COMPANY'S APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR THE SOUTH HALF OF LOTS 7 THROUGH 9 AND THE SOUTH 93.32 FEET OF LOTS 10 THROUGH 12, BLOCK 5, AND ALL OF BLOCKS 1, 2, 6 AND 7, ALL OUT OF HIGH SCHOOL ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH A STREET AND WEST ILLINOIS AVENUE) (DISTRICT 3) (DEVELOPMENT SERVICES)
24. 059-2021 – MOTION APPOINTING A MAYOR PRO TEMPORE (CITY MANAGER)

PUBLIC COMMENT

25. 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

26. 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 551.072, Deliberation Regarding Real Property

- a.1. Discuss the purchase, exchange, lease or value of real property

Respectfully Submitted,

Robert Patrick
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) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.