

**\*\*UNOFFICIAL AGENDA RESULTS\*\***

**AGENDA FOR CITY COUNCIL MEETING**  
February 12, 2019 – 10:00 AM  
Council Chamber - City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

**OPENING ITEMS**

1. Invocation - Brad Smith, Calvary Assembly of God - Midland
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation of Proclamation for Willie A. Goudeau Day.
  - b. Presentation of proclamation for Eva Luna Day.

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:

**APPROVED**

- a. Regular meeting of January 22, 2019.

**APPROVED**

- b. Special meeting of January 29, 2019.

**APPROVED**

5. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Hogan Park Golf Course Driving Range Project. (PURCHASING) (2019 - 031)

**APPROVED**

6. Consider a resolution ratifying and approving an emergency contract with Tommy Klein Construction, Inc., for the renovation of the basement breakroom and restrooms in the police and communications building for a total cost of \$92,658.24. (PURCHASING) (2019 - 032)

**APPROVED**

7. Consider a resolution approving the purchase of a runway de-icer trailer for the Garage Division from the sole bidder, Batts, Inc., of Advance, Indiana, at a total cost of \$50,100.00. (PURCHASING) (2019 - 033)

**APPROVED**

8. Consider a resolution authorizing the execution of a contract with Mid-Tex of Midland in an amount not to exceed \$375,000.00 for the terminal building ramp and side exit stairs demolition project at Midland International Air & Space Port; approving the amount of \$37,500.00 for contingencies; and appropriating \$691,100.00 in funding for said project. (AIRPORTS) (2019 - 034)

**APPROVED**

9. Consider a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Ovation Services, LLC V. Miguel Hines, in the 142nd Judicial District Court, Midland County, Texas, Cause No. CV55245. (CITY ATTORNEY'S OFFICE) (2019 - 035)

**APPROVED**

10. Consider a motion authorizing the execution of a sports agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES) (012-2019)

**APPROVED**

11. Consider a motion authorizing the execution of a sports agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES) (013-2019)

**APPROVED**

12. Consider a motion authorizing the execution of a sports agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES) (014-2019)

**APPROVED**

13. Consider a motion authorizing the execution of a sports agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger. (COMMUNITY SERVICES) (015-2019)

**APPROVED**

14. Consider a motion authorizing the execution of a sports agreement with Midland Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older. (COMMUNITY SERVICES) (016-2019)

**APPROVED**

15. Consider a motion authorizing the execution of a sports agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES) (017-2019)

**APPROVED**

16. Consider a motion authorizing the execution of a sports agreement with Stonegate Fellowship to administer services related to flag football for youth and adults. (COMMUNITY SERVICES) (018-2019)

**APPROVED**

17. Consider a motion authorizing the execution of a sports agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket. (COMMUNITY SERVICES) (019-2019)

**APPROVED**

18. Consider a motion authorizing the execution of a sports agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES) (020-2019)

**APPROVED**

19. Consider a motion authorizing the execution of a sports agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES) (021-2019)

**APPROVED**

20. Consider a motion authorizing the execution of a sports agreement with the YMCA of Midland, to administer programs, special events, and services related to various sports activities for youth and adults. (COMMUNITY SERVICES) (022-2019)

**APPROVED**

21. Consider a motion approving a proposed Preliminary Plat of Venky Addition being a plat of a 26.36-acre tract of land out of Section 18, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the southeast corner of West County Road 120 and South County Road 1230). (Planning Admin) (023-2019)

**APPROVED**

22. Consider a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC (“operator”) to drill ten oil and gas wells located in Section 2, Block 39, T-2-S, T&P RR Co. Survey, City of Midland, Midland County, Texas, (generally located 170 feet south of Interstate 20 and between 230 feet and 1,371 feet west of South Lamesa Road); and waiving the requirement of a road repair agreement. (DEVELOPMENT SERVICES) (2019 - 036)

**APPROVED**

23. Consider a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC (“operator”) to drill two oil and gas wells located in Section 2, Block 39, T-2-S, T&P RR Co. Survey, City of Midland, Midland County, Texas, (generally located 170 feet south of Interstate 20 and between 2,306 feet and 2,336 feet east of Rankin Highway); and waiving the requirement of a road repair agreement. (DEVELOPMENT SERVICES) (2019 - 037)

**APPROVED**

24. Consider a resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC (“operator”) to drill five oil and gas wells located in Section 2, Block 39, T-2-S, T&P RR Co. Survey, City of Midland, Midland County, Texas, (generally located 170 feet south of Interstate 20 and between 1,762 feet and 2,452 feet west of South Lamesa Road); and waiving the requirement of a road repair agreement. (DEVELOPMENT SERVICES) (2019 - 038)

**APPROVED**

25. Consider a motion on request by Maverick Engineering, to defer water, wastewater, paving and sidewalk improvements for Midkiff Industrial Center, Section 26, and to waive the corresponding financial security guarantee valued at \$194,831.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southeast corner of East Industrial Loop and West Gist Avenue, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES) (024-2019)

**APPROVED**

26. Consider a motion on request by Landgraf, Crutcher & Associates, to defer water, wastewater, paving and sidewalk improvements for West Terminal Addition, Section 7, and to waive the corresponding financial

security guarantee valued at \$505,566.00, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of West County Road 100, approximately 2,000 feet west of Farm-to-Market Road 1788, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES) (025-2019)

**APPROVED**

27. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Chevron U.S.A. Inc. for pedestrian crossing improvements to the intersection of Deauville Boulevard and Griffith Drive; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2019 - 039)

**APPROVED**

28. Consider a motion on request by Maverick Engineering, to defer water, wastewater and sidewalk improvements for Pinric Addition, and to waive the corresponding financial security guarantee valued at \$83,368.00, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of Farm-to-Market Road 1788, approximately 800 feet south of West County Road 60, outside the corporate limits of the City of Midland, in Midland County. (ENGINEERING SERVICES) (026-2019)

**APPROVED**

29. Consider a resolution establishing the date, time, and location of a public hearing to consider the land use assumptions and capital improvements plan for the designated service area of the City of Midland. (ENGINEERING SERVICES) (2019 - 040)

**APPROVED**

30. Consider a resolution authorizing the submission of an application to the Office of the Governor, Texas Criminal Justice Division, for Fiscal Year 2020 Edward Byrne Memorial Justice Assistance Grant Program; said grant will be used to purchase an electronic ticket-writing system for the police department. (POLICE) (2019 - 041)

**APPROVED**

31. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Collegiate Midstream, LLC, regarding city-owned property described as Sections 9 and 10, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 042)

**APPROVED**

32. Consider a resolution authorizing the execution of an amendment to the right-of-way license between the City of Midland and Endeavor Energy Resources, L.P., regarding city-owned property described as Section 44, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 043)

**APPROVED**

**SECOND READINGS**

33. Consider an ordinance on second reading vacating and abandoning a 0.71-acre portion of a public access easement located adjacent to Lots 13, 17 and 18, Block 2, Green Hill Terrace, and Lot 14A, Block 2, Green Hill Terrace, Section 15, City and County of Midland, Texas, (generally located approximately 153 feet south of Widener Strip, between Keenland Drive and Holiday Hill Road); adopting the appraisal by the City Manager of \$14,200.00; retaining a nonexclusive utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held January 8, 2019) (9866)

**SECOND READING APPROVED**

34. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas, (generally located on the south side of West Loop 250 North, approximately 220 feet west of North Midkiff Road), which is presently zoned PD, Planned District for a shopping center, by permitting said property to be used under a specific use permit with term for the sale of all alcoholic beverages in a restaurant for on-premises consumption; making said permit 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 January 22, 2019.) (9878)

**SECOND READING APPROVED**

35. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 21.30-acre tract of land and a 6.975-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an MF-1, Multiple-Family Dwelling District; said tracts being generally located approximately 688 feet south of State Highway 191 and approximately 2,287 feet west of Avalon 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. (DEVELOPMENT SERVICES) (First reading held January 22, 2019.) (9879)

**SECOND READING APPROVED**

36. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 14.97-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an LR-2, Local Retail District; establishing the zoning classification of the area indicated as being a 13.87-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an IP-2, Industrial Park District; said tracts being generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40; 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 January 22, 2019.) (9880)

**SECOND READING APPROVED**

37. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 2.004-acre tract of land out of Lot 2, Block 4, Corporate Plaza, Section 5, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an O-2, Office District, (generally located on the east side of North Big Spring Street, approximately 1,605 feet south of East Loop 250 North); 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 January 22, 2019.) (9881)

**SECOND READING APPROVED**

38. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 2A, Block 3, Gateway Plaza, Section 7, City and County of Midland, Texas, (generally located on the north side of Starboard Drive, approximately 1,167 feet east of South Tradewinds Boulevard), which is presently zoned PD, Planned District for a shopping center, by permitting said property to be used under a specific use permit with term for the sale of all alcoholic beverages in a restaurant for on-premises consumption; making said permit 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 January 22, 2019.) (9882)

**SECOND READING APPROVED**

39. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 6.823-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas,

which is presently zoned LR-2, Local Retail District, to be used as a BP, I-20 Business Park District, (generally located at the northwest corner of the intersection of South Fairgrounds Road and East Interstate Highway 20 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. (DEVELOPMENT SERVICES) (First reading held January 22, 2019) (9883)

**SECOND READING APPROVED**

### **PUBLIC HEARINGS**

40. Hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 15, Block 2, Lot 1, Block 3, and the previously-vacated 0.566-acre portion of Guadalupe Street right-of-way adjacent to Blocks 2 and 3, Adobe Meadows, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a housing development, to be used as an amended Planned District, (generally located at the northeast corner of the intersection of East Mockingbird Lane and North Big Spring 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. (DEVELOPMENT SERVICES) (9884)

**FIRST READING APPROVED**

41. Hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Block 2, Harrison Tract, City and County of Midland, Texas, which is presently zoned PD, Planned District for an office center, to be used as an amended Planned District, (generally located at the southeast corner of the intersection of North Midland Drive and Gulf 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. (Planning Admin) (9885)

**FIRST READING APPROVED**

42. Hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 1, Tract 4, Wallace Heights Addition, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as an O-1, Office District, (generally located at the northeast corner of the intersection of Bates Street and Andrews Highway); 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) (Pulled from January 8, 2019) (9874)

**FIRST READING APPROVED**



43. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas, granting a written petition to annex a 17.55-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (the "area"), (generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive) pursuant to Section 43.028 of the Texas Local Government Code; and authorizing and directing the City Secretary to record a copy or duplicate of the petition with a certified copy of the ordinance annexing the area upon the approval of such ordinance by the City Council. (DEVELOPMENT SERVICES) (2019 - 044)

**PUBLIC HEARING HELD AND APPROVED**

44. Hold a public hearing regarding the proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC, for the drilling of oil and gas wells, being Charger #H120LS located 240 feet from the north line and 2,350 feet from the east line and Charger #H120MS located 240 feet from the north line and 2,320 feet from the east line, and Charger #H120WB located 240 feet from the north line and 2,410 feet from the east line, Section 10, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 2,320 and 2,410 feet east of Rankin Highway and 515 feet south of West Interstate 20.) This is a public hearing only. (Planning Admin) (027-2019)

**PUBLIC HEARING HELD**

45. Hold a public hearing and consider an ordinance granting a special exception for the west 5.2 feet of Lot 6 and Lot 7, Block 5, Urbandale Addition, City and County of Midland, Texas, (generally located at the northeast corner of the intersection of North J Street and Douglas Avenue), by permitting a reduced side 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. (Planning Admin) (9886)

**PUBLIC HEARING HELD AND DEFERRED TO 02-26-2019**

46. Hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor retail sales on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas, (generally located on the north side of Andrews Highway, approximately 390 feet east of Whitney Drive); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2019 - 045)

**PUBLIC HEARING HELD AND APPROVED**

**MISCELLANEOUS**

47. Consider a motion appealing the Building Official's denial of a sign permit application by James B. Reeder on Lot 7, Block 3, Corporate Plaza,

Section 16, City and County of Midland, Texas, (generally located at the east side of North Big Spring Street, approximately 1,111 feet north of West Wadley). (DEVELOPMENT SERVICES) (028-2019)

**DEFERED TO 02-26-2019**

48. Consider an ordinance authorizing the issuance of “City of Midland, Texas, General Obligation Improvement and Refunding Bonds, Series 2019,” specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a paying agent/registrar agreement and a purchase agreement, and the approval and distribution of a preliminary official statement and an official statement pertaining thereto; and providing an effective date. (FINANCE) (9887)

**APPROVED**

49. Consider an ordinance authorizing the issuance of “City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2019”; levying an ad valorem tax upon all taxable property within the City and providing for a limited pledge of the net revenues of the City’s waterworks and sewer system for the payment of said certificates; prescribing the terms and details of such certificates and resolving other matters incident and related to the issuance, sale, security, payment and delivery of said certificates, including the approval of a paying agent/registrar agreement and a purchase agreement and the approval and distribution of an official statement pertaining thereto; and providing an effective date. (FINANCE) (9888)

**APPROVED**

50. Consider a motion making appointments to various boards and commissions. (029-2019)

**NO APPOINTMENT MADE**

**PUBLIC COMMENT**

51. 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.)

Respectfully Submitted,

Courtney B. Sharp  
City Manager