

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

**AGENDA FOR CITY COUNCIL MEETING**

April 09, 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 - Pastor Allman, Grace Lutheran Church
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation of a proclamation for Public Safety Telecommunications Personnel.
  - b. Presentation of a proclamation for Senior Corps National Service Recognition Day.
  - c. Presentation of a proclamation for Fair Housing Month.

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular meeting of March 26, 2019

**APPROVED**

5. Consider a resolution approving the sole source purchase of Utility Data Management System Software for the Customer Service Division from Smartworks, a division of N. Harris Computer Corporation of Ottawa, Ontario, Canada; authorizing the execution of an agreement therefor; appropriating funds in the amount of \$421,369.00; and authorizing payment therefor. (PURCHASING) (2019 - 109)

**APPROVED**

6. Consider a resolution awarding a sole-source contract for the Communication and Information Systems Department with Dailey and Wells Communications, Inc., for FX Security Software Update Management Services for five years at a total cost of \$810,547.75; and authorizing payment therefor. (PURCHASING) (2019 - 110)

**APPROVED**

7. Consider a resolution approving the purchase of a 2020 MC1510-3S3X Combination Sewer Jet/Vacuum Unit from Lonestar Freightliner Group LLC through Buyboard at a total cost of \$408,903.00. (PURCHASING) (2019 - 111)

**APPROVED**

8. Consider a resolution awarding a Professional Services Agreement for the development, implementation and support of the Industrial Pretreatment Program to Freese and Nichols, Inc., of Lubbock, Texas for a total cost of \$1,152,654.00; and appropriating funds therefor. (PURCHASING) (2019 - 112)

**APPROVED**

9. Consider a resolution authorizing the execution of a Professional Services Agreement with HDR Engineering, Inc., to provide consulting and engineering services for the 2019 Permitting Assistance Project for the Utilities Department at an amount not to exceed \$59,780.00; and approving \$14,950.00 for contingencies. (PURCHASING) (2019 - 113)

**APPROVED**

10. Consider a resolution authorizing the execution of a Change Order to the contract with Red Deer Construction, LLC regarding the Water, Wastewater, & Fire Hydrant Taps Expanded Program 04 Project; said Change Order to provide for additional work based on the unit prices in the contract; and authorizing payment therefor in an amount not to exceed \$175,000.00. (PURCHASING) (2019 - 114)

**APPROVED**

11. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc., providing for Texas Commission on Environmental Compliance Landfill Testing Services for

the Solid Waste Department for a total cost of \$156,900.00.  
(PURCHASING) (2019 - 115)

**APPROVED**

12. Consider a resolution authorizing the employment of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. to represent the City in all matters arising from claims made by Weatherford International Ltd. (CITY ATTORNEY'S OFFICE) (2019 - 116)

**APPROVED**

13. Consider a resolution authorizing the City of Midland to continue its membership with the Steering Committee of Cities served by Oncor (the "Steering Committee"); and authorizing the payment of eight cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. (CITY MANAGER'S OFFICE) (2019 - 117)

**APPROVED**

14. Consider a resolution supporting the designation of an extension of Interstate 27 as a future interstate in Texas. (CITY MANAGER'S OFFICE) (2019 - 118)

**NO ACTION TAKEN**

15. Consider a resolution authorizing the execution of an amendment to that certain Sibley Nature Center Use Agreement with Sibley Environmental Learning Center Foundation, Incorporated. (COMMUNITY SERVICES) (2019 - 119)

**APPROVED**

16. Consider a resolution approving the transfer of four Oil and Gas Well Permits from Vanguard Natural Resources, LLC ("Operator") to SMC Oil & Gas, Inc. ("Transferee"); and approving the transfer of the Road Repair Agreement regarding said Oil and Gas Well Permits from Operator to Transferee; said oil and gas wells being located in Section 6, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally located on the east side of Holiday Hill Road, South of Mockingbird Lane). (DEVELOPMENT SERVICES) (2019 - 120)

**APPROVED**

17. Consider a resolution appropriating the sum of \$250,000.00 from the 2019 CO Fund (158) Unappropriated Fund Balance (35650) to the Wadley Avenue Extension Phase 1 Design Project (900301-158). (ENGINEERING SERVICES) (2019 - 121)

**APPROVED**

18. Consider a resolution appropriating the sum of \$87,500.00 from the General Fund Unappropriated Fund Balance to the Avalon Signals Project (900296). (ENGINEERING SERVICES) (2019 - 122)

**APPROVED**

19. Consider a resolution accepting a grant award from the Texas "J" Regional Advisory Council in the amount of \$13,182.00, for funds to be used by the Midland Fire Department for training, equipment and supplies. (FIRE) (2019 - 123)

**APPROVED**

20. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Centurion Pipeline 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 - 124)

**APPROVED**

21. Consider a resolution authorizing the execution of an amendment to the Right-of-Way License between the City of Midland and Salt Creek Midstream LLC, regarding City-owned property described as Sections 17, 22, 23, 24 and 25, Block C-23, Sections 1 and 2, Block C-24, Public School Land Survey, Winkler County, Texas. (UTILITIES) (2019 - 125)

**APPROVED**

22. Consider a resolution authorizing the execution of an amendment to the Right-of-Way License between the City of Midland and Salt Creek Midstream LLC, regarding City-owned property described as Sections 13, 18, 21, 22, 25 and 26, Block C-23, Section 3, Block C-24, Public School Land Survey, Winkler County, Texas. (UTILITIES) (2019 - 126)

**APPROVED**

**SECOND READINGS**

23. Consider an ordinance on second reading changing the zoning use classification of the property described as a 1,300-square foot portion of

Lot 4A, Block 16, Greathouse Addition, Section 12, City and County of Midland, Texas (generally located on the north side of Briarwood Avenue, approximately 138 feet east of Mathis Street), which is presently zoned LR-1, Local Retail District, by permitting said property to be used under a Specific Use Permit with Term for the sale of beer and wine 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 March 26, 2019) (9896)

**SECOND READING APPROVED**

24. Consider an ordinance on second reading granting a special exception for Lot 3, Block 6, Westridge Park, Section 31, City and County of Midland, Texas (generally located at the southwest corner of the intersection of Champions Drive and North Loop 250 West), by allowing a building that exceeds seven standard stories in height to be located on said property in the present O-2, Office District; 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. (DEVELOPMENT SERVICES) (First reading held March 26, 2019) (9897)

**SECOND READING APPROVED**

25. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 77.433-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as a 1F-1, One-family Dwelling District; and establishing the zoning classification of the area indicated as being a 48.722-acre tract of land and a 13.537-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as a 1F-2, One-Family Dwelling District; said tracts being generally located approximately 2,630 feet west of the intersection of Mockingbird Lane and Holiday Hill 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 March 26, 2019) (9898)

**SECOND READING APPROVED**

26. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 17.55-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive); approving a Public Service Plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held March 26, 2019) (9899)

**SECOND READING APPROVED**

27. 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 Lot 4, Block 1, SCP Midland West, 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 on the north side of Briarwood Avenue, approximately 737 feet east 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 March 26, 2019) (9900)

**SECOND READING APPROVED**

28. 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 12.3959-acre tract of land out of Corporate Plaza, Section 13, 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 on the east side of North Edwards Street, approximately 156 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. (DEVELOPMENT SERVICES) (First reading held March 26, 2019) (9901)

**DEFERRED**

29. Consider an ordinance on second reading granting a special exception for Lots 1 through 6, Block 77, and a previously-vacated 0.10-acre portion of West Texas Avenue right-of-way located adjacent to said lots, all out of West End Addition, City and County of Midland, Texas (generally located on the south side of West Texas Avenue between North M Street and North N Street), by permitting a reduced number of off-street parking spaces; 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. (DEVELOPMENT SERVICES) (First reading held March 26, 2019) (9902)

**SECOND READING APPROVED**

30. Consider an ordinance on second reading changing the zoning use classification of the property described as an 11.44-acre tract of land out of Section, 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located on the north side of East Cynthia Drive, approximately 1,800 feet east of North Fairgrounds Road), which is presently zoned AE, Agriculture Estate District, by permitting said property to be used under a Specific Use Permit without Term for rock quarries and sand, gravel and caliche excavations; 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 March 26, 2019) (9903)

**SECOND READING APPROVED**

31. Consider an ordinance on second reading vacating and abandoning a 0.138-acre portion of alley right-of-way located in Block 110, Original Town Addition, City and County of Midland, Texas (generally located on the south side of West Kentucky Avenue, approximately 190 feet east of South Pecos Street); adopting the appraisal by the City Manager of \$12,000.00; retaining a nonexclusive utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held March 26, 2019) (9904)

**SECOND READING APPROVED**

32. 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 Block 110, Original Town Addition, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as a C-3, Commercial District (generally located at the southeast corner of the intersection of South Pecos Street and West Kentucky 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. (DEVELOPMENT SERVICES) (First reading held March 26, 2019) (9905)

**SECOND READING APPROVED**

33. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 3, Block 28, Plantation Hills, Section 15, City and County of Midland, Texas (generally located on the north side of West Loop 250 North, approximately 300 feet west of Garfield Street), 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 March 26, 2019) (9906)

**SECOND READING APPROVED**

34. Consider an ordinance on second reading changing the zoning use classification of the property described as a 4,200-square foot portion of Lot 13 and east half of Lot 14, Block 56, Original Town Addition, City and County of Midland, Texas (generally located on the north side of West Wall Street, approximately 115 feet east of North Big Spring Street), which is presently zoned C-1, Central Area District, 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 March 26, 2019) (9907)

**SECOND READING APPROVED**

35. Consider an ordinance on second reading adopting a site plan for Lot 3, Block 35, Northgate Addition, Section 19, City and County of Midland, Texas (generally located on the north side of Northbrook Lane, approximately 265 feet northwest of West Loop 250 North Frontage Road); subject to certain conditions and restrictions; 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 March 26, 2019) (9908)

**APPROVED**

36. Consider an ordinance on second reading calling a public hearing to be held jointly by the City Council and the Planning and Zoning Commission to consider the adoption of an ordinance amending Title XI, "Planning and



Development”, Chapter 1, “Zoning” of the City Code of Midland, Texas, so as to change the heading of said Chapter 1 to “Zoning Ordinance” and to revise and amend the rules, regulations and zoning map contained in or associated therewith and similar provisions related to land use and development; prescribing the type of notice to be given of the time and place of the joint public hearing; and containing a savings and severability clause. (DEVELOPMENT SERVICES) (First reading held March 26, 2019) (9909)

**SECOND READING APPROVED**

**PUBLIC HEARINGS**

37. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas (generally located on the east side of North Main Street, approximately 65 feet south of East Illinois Avenue), which is presently zoned C-1, Central Area District, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a bar 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) (9910)

**FIRST READING APPROVED**

38. Hold a public hearing regarding the proposed granting of oil and gas well permits to Parsley Energy Operations, LLC, for the drilling of oil and gas wells, being Massey Unit A 2809H located 815 feet from the south line and 230 feet from the west line, Massey Unit A 4209H located 835 feet from the south line and 230 feet from the west line, and Massey Unit A 4309H located 855 feet from the south line and 230 feet from the west line Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells are generally located between 790 feet and 830 feet north of Loop 250 and 230 feet east of Lamesa Road.) This is a public hearing only. (DEVELOPMENT SERVICES) (033-2019)

**HELD**

39. Hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 17.55-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an MF-2, Multiple-Family Dwelling District; said tract being generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason 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) (9911)

**FIRST READING APPROVED**

40. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 172, Southern Addition, City and County of Midland, Texas (generally located at the southwest corner of the intersection of East California Avenue and South Terrell Street), which is presently zoned LR-3, Local Retail District, 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) (9912)

**FIRST READING APPROVED**

**MISCELLANEOUS**

41. Consider an ordinance establishing a temporary regulatory construction speed limit on Midkiff Road, from West Gist Avenue to the southern corporate limits of the City, for the duration of a Roadway Improvement Project by the Texas Department of Transportation; authorizing installation of appropriate signs and markings; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00), except that the maximum penalty or fine shall be four hundred dollars (\$400.00) if an offense occurs in a construction or maintenance work zone when workers are present; and ordering publication. (ENGINEERING SERVICES) (9913)

**FIRST READING APPROVED**

42. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; 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. (ENGINEERING SERVICES) (9914)

**FIRST READING APPROVED**

43. Consider an ordinance establishing yield right-of-way signs at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at said intersections; 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. (ENGINEERING SERVICES) (9915)

**FIRST READING APPROVED**

**PUBLIC COMMENT**

44. 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