

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

**AGENDA FOR CITY COUNCIL MEETING**  
May 28, 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 Bob Pase, Grace Lutheran
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular City Council minutes of May 14, 2019.

**APPROVED**

5. Consider a resolution authorizing the execution of three master agreements for the purchase of an annual supply of uniforms for the Police Department from Galls, LLC, GT Distributors, Inc., and A-1 Sign and Graphic Solutions, Inc., at a total cost of \$84,300.00. (PURCHASING) (2019 - 159)

**APPROVED**

6. Consider a resolution authorizing the execution of an agreement with Faro Technologies, Inc., for the purchase and installation of Accident Reconstruction hardware and software through the Federal Government

Services Administration at a total cost of \$106,768.68. (PURCHASING)  
(2019 - 160)

**APPROVED**

7. Consider a resolution approving a contract with Tommy Klein Construction, Inc., for roofing and exterior repairs to City-owned buildings that include the Central Fire Station, City Hall, various golf course buildings, and the Municipal Garage, through Buyboard, at a total cost of \$474,779.42; and approving \$23,738.97 for contingencies. (PURCHASING) (2019 - 161)

**APPROVED**

8. Consider a resolution authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc., to assist with the design, bidding and construction phases of the potable waterline extension from San Andres Road to Business 20 for the Utilities Department, for an amount not to exceed \$114,680.00; and approving \$28,670.00 in contingencies. (PURCHASING) (2019 - 162)

**APPROVED**

9. Consider a resolution of the City of Midland, Texas, finding that the application of Oncor Electric Delivery Company, LLC ("Oncor") for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by Oncor; finding that the meeting at which this resolution is passed is open to the public as required by law; and authorizing and directing the City Secretary to send copies of this resolution to Oncor and legal counsel for the steering committee of cities served by Oncor. (CITY MANAGER'S OFFICE) (2019 - 163)

**APPROVED**

10. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Magellan Pipeline Company, L.P., 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 - 164)

**APPROVED**

11. Consider a resolution authorizing the execution of an amendment to the right-of-way license between the City of Midland and Lucid Energy Delaware, LLC, regarding City-owned property described as Sections 22,

24 and 25, Block C23, Public School Land Survey, Winkler County, Texas. (UTILITIES) (2019 - 165)

**APPROVED**

12. Consider a resolution authorizing the acceptance of a 2.25-acre right-of-way out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2019 - 166)

**APPROVED**

**SECOND READINGS**

13. Consider an ordinance on second reading granting a special exception for Lot 11, Block 3, 349 Ranch Estates, City and County of Midland, Texas (generally located at the northwest corner of the intersection of Pueblo and Ojibwa), by permitting a metal skin exterior on a detached accessory structure that exceeds 12 feet in height and that exceeds 400 square feet in area; 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 May 14, 2019) (9919)

**APPROVED**

14. Consider an ordinance on second reading 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 therein or associated therewith and similar provisions related to land use and development; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); establishing an effective date of July 1, 2019; and ordering publication. (DEVELOPMENT SERVICES) (First reading held May 14, 2019) (9920)

**APPROVED**

15. Consider an ordinance on second reading amending Title IV, "Building Regulations", Chapter 1, "Building Code", of the City Code of the City of Midland, Texas, and adopting the 2018 International Building Code as the building code of the City of Midland, Texas, for the purpose of regulating the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of buildings and structures or any appurtenance connected or attached to such building or structure;

providing for the inspection of said buildings or structures, providing for the issuance of permits for the construction, alteration, repair, equipment, use and occupancy, removal and demolition of said buildings or structures and collection of inspection fees therefor; establishing minimum floor elevations for certain structures; containing a cumulative clause; containing a savings and severability clause; providing for a maximum fine or penalty of two thousand (\$2,000.00) dollars; and establishing an effective date of July 1, 2019; and ordering publication. (DEVELOPMENT SERVICES) (First reading held May 14, 2019) (9921)

**APPROVED**

16. Consider an ordinance on second reading amending Title IV, "Building Regulations", Chapter 3, "Plumbing Code", of the City Code of the City of Midland, Texas, and adopting the 2018 International Plumbing Code as the plumbing code of the City of Midland for the purpose of regulating the installation, alteration, and maintenance of all piping and plumbing within the corporate limits of the City of Midland; providing for the inspection of said piping and plumbing; providing for the issuance of permits for the installation of said piping and the collection of inspection fees therefor; providing for the bonding of persons engaged in the business of installing, repairing and maintaining said piping or plumbing; providing for appeals; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); establishing an effective date of July 1, 2019; and ordering publication. (DEVELOPMENT SERVICES) (First reading held May 14, 2019) (9922)

**APPROVED**

17. Consider an ordinance on second reading amending Title IV, "Building Regulations", Chapter 4, "Gas Code", of the City Code of the City of Midland, Texas, and adopting the 2018 International Fuel Gas Code as the gas code of the City of Midland; providing minimum standards, provisions and requirements for gas piping and appliances; providing for the issuance of permits for the installation of said piping and appliances and the collection of inspection fees therefor; providing for bonding of persons engaged in the business of installing, repairing and maintaining said piping and appliances; regulating use of existing piping and appliances; providing for certificates of approval for piping work; providing for appeals; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); establishing an effective date of July 1, 2019; and ordering publication. (DEVELOPMENT SERVICES) (First reading held May 14, 2019) (9923)

**APPROVED**

18. Consider an ordinance on second reading amending Title IV, "Building Regulations", Chapter 10, "Mechanical Code", of the City Code of Midland, Texas, and adopting the 2018 International Mechanical Code as the Mechanical Code of the City of Midland for the purpose of providing minimum standards, provisions and requirements for safe installation and maintenance of mechanical systems within the corporate limits of the City of Midland, Texas; providing for the inspection of said mechanical systems; providing for the issuance of permits for the installation of said mechanical systems and the collection of inspection fees therefor; providing for appeals; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); establishing an effective date of July 1, 2019; and ordering publication. (DEVELOPMENT SERVICES) (First reading held May 14, 2019) (9924)

**APPROVED**

19. Consider an ordinance on second reading amending Title IV, "Building Regulations", Chapter 11, "Residential Code", of the City Code of the City of Midland, Texas, and adopting the 2018 edition of the International Residential Code, as the residential building code for the City of Midland, Texas, for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the City of Midland, Texas, providing for the issuance of permits, the review of plans, the inspection of footings and foundations and framing, the collection of inspection fees therefor; providing for appeals; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); establishing an effective date of July 1, 2019; and ordering publication. (DEVELOPMENT SERVICES) (First reading held May 14, 2019) (9925)

**APPROVED**

20. Consider an ordinance on second reading amending Title IV, "Building Regulations", Chapter 2, "Electrical Code", of the City Code of the City of Midland, Texas, and adopting the 2017 National Electrical Code, so as to make a comprehensive revision of the electrical code of the City of Midland, Texas; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); establishing an effective date of July 1, 2019; and ordering publication. (DEVELOPMENT SERVICES) (First reading held May 14, 2019) (9926)

**APPROVED**

**PUBLIC HEARINGS**

21. 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 a 1.316-acre portion of Lot 1, Block 2, Southwest Crossing, City and County of Midland, Texas, which is presently zoned PD, Planned District for a housing development, to be used as a BP, I-20 Business Park District (generally located at the southwest corner of the intersection of Cholla Road and Antelope Trail); 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) (9927)

**FIRST READING APPROVED**

22. 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 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as an amended Planned District (generally located on the south side of West Loop 250 North, approximately 220 feet west of North Midkiff 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) (9928)

**FIRST READING APPROVED**

23. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 3G, Block 6, Scotsdale Addition, Section 19, City and County of Midland, Texas (generally located on the south side of West Wadley Avenue, approximately 312 feet east of Mark Lane), which is presently zoned LR-2, 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) (9929)

**FIRST READING APPROVED**

24. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 6,549-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 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) (9930)

**FIRST READING APPROVED**

25. Hold a public hearing and consider an ordinance vacating and abandoning a 0.14-acre portion of alley Right-of-Way located in Block 21, Belmont Addition, City and County of Midland, Texas (generally located on the south side of West Francis Avenue, approximately 135 feet east of Rankin Highway); adopting the appraisal by the City Manager of \$12,196.80; retaining a nonexclusive utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9931)

**FIRST READING APPROVED**

26. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,600-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 North Garfield Street and West Loop 250 North), 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 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) (9932)

**FIRST READING AMENDED AND APPROVED**

27. Hold a public hearing and consider a resolution authorizing the temporary use of land for a festival and concert on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas (generally located at the northwest corner of the intersection of North Loop 250 West and Champions Drive); and making said permit subject to certain special

conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2019 - 167)

**APPROVED**

28. Hold a public hearing and consider a resolution authorizing the temporary use of land for a market on Block 184 and a 0.55-acre portion of South Loraine Street right-of-way located between West Florida Avenue and West Dakota Avenue, all out of Southern Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of West Florida Avenue and South Colorado Street); and making said permit subject to certain special conditions and restrictions contained herein. (Planning Admin) (2019 - 168)

**APPROVED**

29. Hold a public hearing and consider an annexation of a 46.38-acre tract located in the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). This is a public hearing only. (DEVELOPEMENT SERVICES) (038 - 2019)

**PUBLIC HEARING HELD**

30. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,068-square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and County of Midland, Texas (generally located on the west side of North Midkiff Road, approximately 200 feet north of West Wadley Avenue), which is presently zoned LR-2, 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) (9933)

**FIRST READING APPROVED**

31. Hold a public hearing and consider an ordinance granting a special exception for Lot 16, Block 1, 349 Ranch Estates, City and County of Midland, Texas (generally located on the west side of Shawnee, approximately 498 feet north of Tejas), by permitting a metal skin exterior on a detached accessory structure that exceeds 12 feet in height and that exceeds 400 square feet in area; 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) (9934)

**FIRST READING APPROVED**

**PUBLIC COMMENT**

32. 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