

****UNOFFICIAL AGENDA RESULTS****

AGENDA FOR CITY COUNCIL MEETING
November 05, 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 Phillip Allman, Grace Lutheran
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 Municipal Court Week

CONSENT AGENDA

4. Consider a motion approving the following minutes:

APPROVED

- a. Regular City Council Meeting of October 22, 2019.

APPROVED

5. Consider a resolution awarding a contract for the Abell Junior High School Pedestrian Crossing Project to the sole bidder, Willis Electric Co., LP of Abilene, Texas, at a total cost of \$190,410.00; appropriating funds; and authorizing payment therefor. (PURCHASING) (2019 - 332)

APPROVED

6. Consider a resolution ratifying and approving the emergency repair of a water main by Red Deer Construction, LLC, for a total cost of \$59,094.46. (PURCHASING) (2019 - 333)

APPROVED

7. Consider a resolution awarding a contract for the purchase and installation of a ribbon video board at Security Bank Ballpark to Prismview, LLC, in the amount of \$252,917.00; approving \$38,000.00 for contingencies; and allocating funds therefor. (PURCHASING) (2019 - 334)

APPROVED

8. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Animal Shelter Design and Build Project; and appropriating funds therefor. (PURCHASING) (2019 - 335)

APPROVED

9. Consider a resolution approving the purchase of seventy (70) bunker coats and seventy (70) bunker pants from Dooley Tackaberry, Inc., at a total cost of \$192,556.70 through Buyboard. (PURCHASING) (2019 - 336)

APPROVED

10. Consider a resolution authorizing the sole-source purchase of twenty-two (22) MSA self-contained breathing apparatuses for the Fire Department from Casco Industries, Inc., for a total cost of \$111,144.00. (PURCHASING) (2019 - 337)

APPROVED

11. Consider a resolution authorizing the execution of Amendment Number Twelve to the Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for Professional Engineering Services at the Midland International Air & Space Port and Midland Airpark so as to include the MAF Air Cargo Road Reconstruction Project; and appropriating funds therefor. (AIRPORTS) (2019 - 338)

APPROVED

12. Consider a motion authorizing the appropriation of \$318,925.00 from the Airport Operating Fund (500) Unappropriated Fund Balance (35650) to the following projects in the following amounts: SpacePort Business Park

Environmental Project at Midland International Air & Space Port in the amount of \$243,925.00; and Land Release Project at Executive Airpark in the amount of \$75,000.00. (AIRPORTS) (072 - 2019)

APPROVED

13. Consider a resolution establishing the dates of the Regular City Council meetings to be held during the calendar year 2020. (CITY MANAGER'S OFFICE) (2019 - 339)

APPROVED

14. Consider a resolution of the City of Midland approving cooperation with cities served by Atmos West Texas ("Cities") to review Atmos Energy Corp., West Texas Division's requested rate change; hiring legal and consulting services to negotiate with said company and direct any necessary litigation and appeals; requiring reimbursement of rate case expenses; authorizing intervention in any ratemaking proceeding at the Railroad Commission that relates to said company's filing; and authorizing and directing the City Secretary to deliver this resolution to said company and Cities' legal counsel. (CITY MANAGER'S OFFICE) (2019 - 340)

APPROVED

15. Consider a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner of a 64.52-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 approximately 733 feet west of the intersection of Tradewinds Boulevard and Thomason Drive) for the provision of services in the area, said owner having submitted a petition for annexation of the area; authorizing and directing the City Secretary's Office to file said agreement with the Midland County Clerk for recording in the official real property records of Midland County, Texas; and calling a public hearing to consider an ordinance annexing the area. (DEVELOPMENT SERVICES) (2019 - 341)

APPROVED

16. Consider a motion approving a proposed Preliminary Plat of MMP Midland Terminal, Section 1, being a plat of a 39-acre tract-of-land out of Section 46, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas, (generally located on the east side of South County Road 1140, approximately 1,837 feet south of East Interstate 20 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES) (073 - 2019)

APPROVED

17. Consider a motion authorizing the City to reassign Midland Country Club's address from 6101 North State Highway 349 to One Wildcatter Way. (DEVELOPMENT SERVICES) (074 - 2019)

APPROVED

18. Consider a resolution allocating the sum of \$600,000.00 from the operating budget of the Traffic Division (001083) of the Engineering Department in the General Fund to the Downtown Intersections Updates Project (900291). (ENGINEERING SERVICES) (2019 - 342)

APPROVED

19. Consider a resolution authorizing Midland County, Texas to perform paving services on Fairgrounds Road, from Garden City Highway (State Highway 140) to Front Street (Business Interstate 20) (the "Paving Work"), in accordance with the City - County Interlocal Cooperation Contract authorized by Resolution No. 2013-401; appropriating funds; and authorizing payment to Midland County in the amount of one-third of the cost of the paving work; provided, however, that the City's payment shall not to exceed \$1,500,000.00. (ENGINEERING SERVICES) (2019 - 343)

APPROVED

20. Consider a resolution accepting a grant in the amount of \$43,249.65 from the EI-Emergency Law Enforcement Assistance Grant Program; providing that said grant shall be used to reimburse the Police Department and Fire Department for overtime, vehicle damage, and supply costs associated with the active-shooter event on August 31, 2019; and authorizing the execution of acceptance documents. (POLICE) (2019 - 344)

APPROVED

21. Consider a resolution authorizing an Operating Certificate for Silver Star Senior Transportation, LLC, to operate a taxicab business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2019 - 345)

APPROVED

SECOND READINGS

22. Consider an ordinance on second reading establishing the initial zoning classification of the area indicated as being a 9.784-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an HI, Heavy Industrial District; said tract being generally

located on the south side of West Industrial Avenue, approximately 454 feet east of South Midland 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 on October 22, 2019) (10001)

SECOND READING APPROVED

23. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to grant a specific use designation with term for a 5,800-square foot portion of Block 1, less the 250-foot by 150-foot northwest corner and less the 224-foot by 150-foot southwest corner, replat of Blocks 1 and 2, Imperial Heights Addition, City and County of Midland, Texas, (generally located on south side of West Wadley Avenue approximately 310 feet east of North Midkiff Road), which is presently zoned RR, Regional 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. (DEVELOPMENT SERVICES) (First reading held on October 22, 2019) (10002)

SECOND READING APPROVED

24. Consider an ordinance on second reading amending the zoning District map of the City of Midland to grant a Specific Use Designation with Term for a 2,400-square foot portion of Lot 5A, Block 1A, Midkiff Plaza, Section 16, City and County of Midland, Texas (generally located on the south side of Courtyard Drive, approximately 865 feet east of North Midkiff Road), 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 on October 22, 2019) (10003)

SECOND READING APPROVED

25. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lots 3 and 11, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas, from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District (generally located on the west side of Bunche Street, approximately 114 feet south of East California Avenue, and at the northeast corner of the intersection of South Madison Street and 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. (DEVELOPMENT SERVICES) (First reading approved on October 22, 2019) (10004)

SECOND READING APPROVED

26. Consider an ordinance on second reading amending the zoning District map of the City of Midland to rezone Lot 23, Block 56, park Avenue heights, City and County of Midland, Texas, from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District (generally located on the north side of East Pennsylvania Avenue, approximately 216 feet east of South Lamesa 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 on October 22, 2019) (10005)

SECOND READING APPROVED

27. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 2, Block 63, Park Avenue Heights, Section 2, City and County of Midland, Texas, from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District (generally located on the west side of Bunche Street, approximately 56 feet south of East California 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 on October 22, 2019) (10006)

SECOND READING APPROVED

28. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lots 11 through 13, Block 118, Southern Addition, City and County of Midland, Texas, from C, Commercial District to SF-3, Single Family Dwelling District (generally located on the north side of East New York Avenue, approximately 164 feet east of South Baird 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) (First reading held on October 22, 2019) (10007)

SECOND READING APPROVED

29. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 6, Block 45, Fairmont Park, Section 15, City and County of Midland, Texas, from PD, Planned Development District for a Shopping Center to an amended PD, Planned Development District for a Shopping Center (generally located approximately 809 feet south of West Loop 250 North and approximately 643 feet west of North Midland 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 on October 22, 2019) (10008)

SECOND READING APPROVED

30. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 2, Block 28, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas, from C, Commercial District to SF-3, Single-Family Dwelling District (generally located on the west side of South Stonewall Street, approximately 50 feet south of East New York 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 on October 22, 2019) (10009)

SECOND READING APPROVED

31. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 5, Block 23, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas, from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District (generally located on the east side of South Benton Street, approximately 60 feet north of East New York 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 on October 22, 2019) (10010)

SECOND READING APPROVED

32. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lots 5 and 6, Block 12, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas, from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District (generally located at the northwest corner of the intersection of South Webster Street and East Washington 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 on October 22, 2019) (10011)

SECOND READING APPROVED

33. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lots 1 and 2, Block 7, Greenwood Addition, Second Section, City and County of Midland, Texas, from RR, Regional Retail District to SF-3, Single-Family Dwelling District (generally located at the southwest corner of the intersection of East Indiana Avenue and South Webster 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) (First reading held on October 22, 2019) (10012)

SECOND READING APPROVED

34. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lots 1, 2 and 4, Block 137, Southern Addition, City and County of Midland, Texas, from RR, Regional Retail District, in part, and C, Commercial District, in part, to SF-3, Single-Family Dwelling District (generally located at the southwest corner of the intersection of South Lamesa Road and East New York Avenue, and on the west side of South Lamesa Road approximately 216 feet south of East New York 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 on October 22, 2019) (10013)

SECOND READING APPROVED

35. Consider an ordinance on second reading vacating and abandoning a 0.14-acre portion of Club Drive right-of-way, a 0.07-acre portion of alley right-of-way, and a 0.20-acre portion of Ridglea Drive right-of-way, all out of Section 26, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located approximately 227 feet, 425 feet and 585 feet east of North A Street, and approximately 218 feet, 166 feet and

166 feet north of Douglas Avenue, respectively); adopting the appraisal by the City Manager of \$31,199.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held on October 22, 2019) (10014)

SECOND READING APPROVED

PUBLIC HEARINGS

36. Hold a public hearing and consider an ordinance vacating and abandoning a 0.06-acre portion of Scharbauer Drive right-of-way located adjacent to Lot 1, Windsor Place, City and County of Midland, Texas (generally located at the northeast corner of the intersection of North I Street and West Scharbauer Drive); adopting the appraisal by the City Manager of \$6,534.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (10015)

FIRST READING APPROVED

37. Hold a public hearing regarding the proposed granting of oil and gas well permits to Endeavor Energy Resources, L.P. for the drilling of oil and gas wells, being Elkins Atrelle 31-42 #212 located 2,179 feet from the north line and 1,153 feet from the east line, Elkins Atrelle 31-42 #114 located 2,179 feet from the north line and 1,203 feet from the east line, Elkins Atrelle 31-42 #221 located 2,179 feet from the north line and 1,228 feet from the east line and Elkins Atrelle 31-42 #223 located 2,180 feet from the north line and 1,278 feet from the east line, Section 31, Block 38, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 850 and 851 feet south of East Cynthia Drive extension and between 1,153 and 1,278 feet west of Todd Drive) This is a public hearing only. (DEVELOPMENT SERVICES) (075 - 2019)

HELD

38. Hold a public hearing regarding the proposed granting of oil and gas well permits to Endeavor Energy Resources, L.P. for the drilling of oil and gas wells, being Elkins Atrelle 31-42 #132 located 1,837 feet from the north line and 1,675 feet from the east line, Elkins Atrelle 31-42 #233 located 1,837 feet from the north line and 1,700 feet from the east line and Elkins Atrelle 31-42 #244 located 1,839 feet from the north line and 1,775 feet from the east line, Section 31, Block 38, T-1-S, T&P RR. CO. Survey, City and County of Midland, Texas, (said wells are generally located between 514 and 516 feet south of East Cynthia Drive extension and between 1,675 and 1,775 feet west of Todd Drive) This is a public hearing only. (DEVELOPMENT SERVICES) (076 - 2019)

HELD

39. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone a 22.75-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, from PD, Planned Development District for a Housing Development, in part, and 2F, Two-Family Dwelling District, in part, to SF-3, Single-Family Dwelling District (generally located at the southeast corner of the intersection of Passage Way and 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) (10016)

FIRST READING APPROVED

40. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 1 and 2, Block 6, Moody Addition, City and County of Midland, Texas, from LI, Light Industrial District to SF-3, Single-Family Dwelling District (generally located at the southwest corner of the intersection of Houston Avenue and North Lee 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) (10017)

FIRST READING APPROVED

41. Hold a public hearing and consider an ordinance granting a special exception for the east 7.3 feet of Lot 15, all of Lot 16, and the west 68 feet of Lot 17, Block 3, McCall Place, City and County of Midland, Texas (generally located on the north side of Sentinel Drive, approximately 173 feet west of Ward Street), by permitting (1) reduced side yard and rear yard setbacks for an accessory building and (2) a reduced minimum separation of an accessory building from the principal building; 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) (10018)

FIRST READING APPROVED

42. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone a 13.620-acre tract of land out of Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, from TP, Technology Park District to MF-22, Multiple-Family Dwelling District (generally located at the northwest corner of the intersection of South K Street and East Stokes 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) (10019)

FIRST READING APPROVED

43. Hold a public hearing and consider an ordinance granting a special exception for Lot 2B, Block 2, Bent Tree Addition, Section 8, City and County of Midland, Texas (generally located on the south side of Bluebird Lane, approximately 315 feet east of North Midkiff Road), by permitting a reduced minimum side yard setback from an interior lot line; 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) (10020)

FIRST READING APPROVED

MISCELLANEOUS

44. Consider a motion appealing the denial of a driveway opening located on Rankin Highway for the Avis Lube and Kent Wash Facility (1609 Rankin Highway). (DEVELOPMENT SERVICES) (077 - 2019)

APPROVED

45. Consider a motion making appointments to various boards and commissions.

APPOINTMENT MADE

PUBLIC COMMENT

46. 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