

**AGENDA FOR CITY COUNCIL MEETING**  
**300 North Loraine**  
**Midland, Texas**  
**October 8, 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 - Minister Ryan Chivington, Golf Course Road Church of Christ
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 Texas Size Garage Sale
  - b. Presentation of a proclamation for National Cyber Security Awareness Month
  - c. Announcement from representative(s) of the Eleventh District Court of Appeals, Eastland, Texas

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular meeting of September 24, 2019
  - b. Special meeting of September 26 at 4:30 p.m.
  - c. Special meeting of September 26, 2019 at 5:00 p.m.
5. Consider a resolution nominating Robert McNaughton for the Midland Central Appraisal District Board of Directors; and directing the City Manager to deliver a copy of this resolution to the Midland Central Appraisal District. (FINANCE)

(2019 - 306)

6. Consider a resolution authorizing the advertisement of a Request for Proposals from nonprofit organizations for the development of City-owned property described as an 11.72 acre tract located in Section Thirteen (13), Block Thirty-Nine (39), Township 1 South, T&P RR Co. Survey, City of Midland, Midland County, Texas, as authorized by Chapter 253 of the Texas Local Government Code. (PURCHASING) (2019 - 307)
7. Consider a resolution awarding a contract for the Hogan-Wadley Elevated Storage Tank Improvement Project to the sole bidder, Garney Companies, Inc., for an amount not to exceed \$1,207,425.00; and appropriating funds for said project. (PURCHASING) (2019 - 308)
8. Consider a resolution authorizing the issuance of a Request for Proposals for a Citywide Access Control System for the Communications and Information Systems Department. (PURCHASING) (2019 - 309)
9. Consider a resolution approving the purchase of a replacement eventide recording solution from Digitalmarkets, Inc., d/b/a Vista Com, through the Houston-Galveston Area Council at a total cost of \$180,460.00. (PURCHASING) (2019 - 310)
10. Consider a resolution authorizing the execution of a Management Services Contract with the sole proposer, Senior Life of Midland for consulting and management solutions regarding senior services for the Health Department. (PURCHASING) (2019 - 311)
11. Consider a resolution approving the purchase of a Caterpillar 836k Wheel Dozer at a total cost of \$1,076,580.00 through Buyboard. (PURCHASING) (2019 - 312)
12. Consider a resolution approving the purchase of an F-550 Aerial Versalift Truck from Grande Truck Center at a total cost of \$138,375.00 through Buyboard. (PURCHASING) (2019 - 313)
13. Consider a resolution authorizing the execution of a contract with Onyx General Construction, LLC, in the amount of \$7,646,971.00 for the Vehicle Parking Improvements Project at Midland International Air & Space Port; and appropriating funds for said project. (AIRPORTS) (2019 - 314)
14. Consider a resolution authorizing the execution of a promotional services contract with the Museum of the Southwest; said contract shall provide for the promotion of the tourism and the convention and hotel industry in the City of Midland by using the Fredda Turner Children's Museum for the purpose of sponsoring, advertising, and promoting artistic and cultural activities and offering

arts-related programs that also promote tourism and local hotel and convention activities, as described in Texas Tax Code § 351.101(a)(4); and appropriating funds therefor. (CITY SECRETARY'S OFFICE) (2019 - 315)

15. Consider a resolution approving the issuance of a permit to COG Operating LLC (“Operator”) to drill an oil and gas well within the City limits located 230 feet from the north line and 2,627 feet from the east line, Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally located 2,627 feet west of North A Street and 215 feet north of Green Tree Boulevard Extension); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2019 - 316)
16. Consider a resolution granting a variance for an oil and gas well to be located 110 feet from the south line and 525 feet from the west line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located 587 feet east of South Garfield Street and 323 feet north of West County Road 111) by allowing said oil and gas well to be no closer than 168 feet of an occupied residence or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“Operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2019 - 317)
17. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Lucid Energy Delaware, LLC, regarding City-owned property described as Sections 21, 22 and 23, Block C23, Public School Land Survey, Winkler County, Texas. (UTILITIES) (2019 - 318)
18. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Navitas Midstream Midland Basin, LLC, regarding City-owned property described as Section 21, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 319)
19. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Baker Hughes Oilfield Operations LLC, regarding City-owned property described as Section 7, Block 39, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 320)

## **SECOND READINGS**

20. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone the south 50 feet of Lot 1, Block 14, Original Town Addition, City and County of Midland, Texas, from RR, Regional Retail District to SF-3, Single-Family Dwelling District (generally located on the west side of North Mineola Street, approximately 144 feet south of East Tennessee 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

September 24, 2019)(9980)

21. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 14, Block 59, 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 at the northwest corner of the intersection of South Tyler Street and 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 September 24, 2019)(9981)
22. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lots 1 and 2, Block 7, Homestead Addition, Section 12, City and County of Midland, Texas, from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District (generally located at the southeast corner of the intersection of Mississippi Avenue and North Weatherford 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 September 24, 2019)(9982)
23. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 16, Block 121, Southern Addition, City and County of Midland, Texas, from LI, Light Industrial District, in part, and MH, Manufactured Housing District, in part, to SF-3, Single-Family Dwelling District (generally located on the east side of South Dallas Street, approximately 141 feet south of 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 September 24, 2019)(9983)
24. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone the east 50 feet of Lots 19 through 24, Block 145, Southern Addition, City and County of Midland, Texas, from RR, Regional Retail District to SF-3, Single-Family Dwelling District (generally located at the northwest corner of the intersection of South Weatherford Street and East Pennsylvania 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 September 24, 2019)(9984)
25. Consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 7, 10, and 11, Block 13, 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 northeast corner of the intersection of South Clay Street and Washington Avenue and on the east side of South Clay Street, approximately 160 feet north of 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 September 24, 2019)(9985)

26. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 12, Block 26, 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 at the southeast corner of the intersection of East Washington Avenue and South Stonewall 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 September 24, 2019)(9986)
27. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 4, Block 21, Moody Addition, 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 North Carver Street, approximately 111 feet north of East Texas 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 September 24, 2019)(9987)
28. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 11, Block 26, 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 east side of South Stonewall Street, approximately 61 feet south of 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 September 24, 2019)(9988)
29. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 10, Block 6, Crestlawn Addition, City and County of Midland, Texas, from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District (generally located on the west side of North Carrizo Street, approximately 318 feet south of West Nobles 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 September 24,

2019)(9989)

30. Consider an ordinance on second reading 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)(First reading held on September 24, 2019)(9990)

### **PUBLIC HEARINGS**

31. Hold a public hearing and consider an ordinance vacating and abandoning a 0.20-acre portion of right-of-way located adjacent to Block 50, Homestead Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of North A Street and West Ohio Avenue); adopting the appraisal by the City Manager of \$17,424.00; and ordering recordation by the City Secretary. (DEVELOPEMENT SERVICES) (9991)
32. Hold a public hearing and consider an ordinance vacating and abandoning a 0.15-acre portion of alley right-of-way located in Block 50, Homestead Addition, City and County of Midland, Texas (generally located on the south side of West Ohio Avenue and the west side of Carrizo Street, approximately 218 feet east of North A Street); adopting the appraisal by the City Manager of \$13,068.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9992)
33. Hold a public hearing regarding the proposed granting of oil and gas well permits to Fasken Oil and Ranch, Ltd, for the drilling of oil and gas wells, being Manor Park No. 7H located 1,775 feet from the south line and 1,484 feet from the west line and Manor Park No. 8H located 1,760 feet from the south line and 1,484 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas, (said wells are generally located 1,484 feet east of North Loop 250 West and between 125 feet and 140 feet north of Network Drive extension). This is a public hearing only. (DEVELOPMENT SERVICES) (065-2019)
34. Hold a public hearing regarding the proposed granting of an oil and gas well permit to Fasken Oil and Ranch, Ltd, for the drilling of an oil and gas well, being Manor Park No. 9H located 463 feet from the north line and 309 feet from the west line, Section 30, Block 39, T-1-S, T&P RR CO Survey, City and County of Midland, Texas, (said well is generally located 453 feet south of Andrews Highway and 272 feet east of North Loop 250 West). This is a public hearing only. (DEVELOPMENT SERVICES) (066-2019)
35. Hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City

limits, 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 (generally located on the south side of West Industrial Avenue, approximately 454 feet east of South Midland Drive); ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9993)

36. Hold a public hearing and consider an ordinance 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 2b, Block 52, Belmont Addition, Section 21, City and County of Midland, Texas (generally located on the north side of West Longview Avenue, approximately 290 feet east of Belmont Street), 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) (9994)
37. Hold a public hearing and consider an ordinance granting a special exception for Lot 3 and the north 40 feet of Lot 2, Block 8, Warwick Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of North L Street and Humble Avenue), by permitting a reduced minimum rear yard setback for a two-story structure; 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) (9995)
38. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 10, 11 and 12, Block 167, Southern Addition, City and County of Midland, Texas, from C, Commercial District to SF-3, Single-Family Dwelling District (generally located at the southeast corner of the intersection of South Atlanta Street and 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) (9996)
39. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 9, Block 26, Moody Addition, City and County of Midland, Texas, from RR, Regional Retail District to SF-3, Single-Family Dwelling District (generally located on the east side of North Lee Street, approximately 100 feet north of East Wall 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) (9997)

40. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 1, Block 3, 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 South Street and North Madison 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) (9998)
41. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 18, Block 132, Southern Addition, City and County of Midland, Texas, from C, Commercial District to SF-3, Single-Family Dwelling District (generally located on the east side of South Forth Worth Street, approximately 75 feet north of 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) (9999)
42. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to grant a Specific Use Designation with Term for the north half of Lot 11 and all of Lot 12, Block 187, Southern Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of South Baird Street and East Florida Avenue), which is presently zoned RR, Regional Retail District, allowing said property to be used for the sale of beer and wine 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) (10000)

### **MISCELLANEOUS**

43. Consider a resolution appointing Timothy Meek as the Interim Presiding Judge of the City of Midland Municipal Court. (ADMINISTRATIVE SERVICES) (2019 - 321)
44. Recess and reconvene in the basement conference room immediately following Executive Session to consider a motion making appointments to various boards and commissions.

### **PUBLIC COMMENT**

45. 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**

46. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
- a. Section 551.074, Personnel Matters
    - a.1. Deliberate the appointment, employment, evaluation, and duties of the Interim Presiding Judge of the City of Midland Municipal Court.

Respectfully Submitted,

Courtney B. Sharp  
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.