

****UNOFFICIAL AGENDA RESULTS****

AGENDA FOR CITY COUNCIL MEETING
September 10, 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 Dr. Darin Wood, First Baptist 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 proclamation for League of Women Voters Day
 - b. Presentation of proclamation for Cedric Benson Day

BUDGET AND TAX RATE

4. Consider an ordinance on second reading of the City of Midland providing funds for the fiscal year beginning October 1, 2019, and ending September 30, 2020, by approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues and unappropriated fund balance of the City of Midland for said fiscal year for the maintenance and operation of the various departments and for various activities and improvements to the city; and ordering publication. (FINANCE) (First reading held on August 27, 2019) (9971)

SECOND READING APPROVED

5. Consider an ordinance on second reading fixing the Tax Levy for the City of Midland, Texas, for the fiscal year beginning on October 1, 2019, and ending on September 30, 2020. (FINANCE) (First reading held on August 27, 2019) (9972)

SECOND READING APPROVED

6. Consider a resolution ratifying the property tax revenue increase reflected in the Fiscal Year 2019-2020 Budget. (FINANCE) (2019 - 256)

APPROVED

CONSENT AGENDA

7. Consider a motion approving the following minutes:
 - a. Regular City Council meeting of August 20, 2019 (Budget)
 - b. Special City Council meeting of August 21, 2019
 - c. Regular City Council meeting of August 27, 2019

APPROVED

8. Consider a resolution allocating the sum of \$1,000,000.00 from the 2019 operating budget of the Hotel Motel Fund (090) to the Park Conservancy - Downtown Project (900312). (FINANCE) (2019 - 257)

APPROVED

9. Consider a resolution awarding a contract for the Cowden Park Traffic Calming Project to Onyx General Contractors, LLC of Midland, Texas, at a total cost of \$84,056.00; and authorizing payment therefor. (PURCHASING) (2019 - 258)

APPROVED

10. Consider a resolution authorizing the execution of a contract with DataProse, LLC of Coppell, Texas, for bill printing and mailing services for the Finance Department at a total cost not to exceed \$250,000.00; and authorizing payment therefor. (PURCHASING) (2019 - 259)

APPROVED

11. Consider a resolution authorizing the City Manager to approve the plans and specifications and advertise for bids for projects that will provide road, sidewalk, pedestrian ramp, and public utilities improvements at the following locations: (1) Thomason Drive, from Loop 250 to Wall Street; (2)

Garfield Street, from Michigan Avenue to Golf Course Road; (3) A Street, from Indiana Avenue to Cuthbert Avenue; (4) Tarleton Street, from Golf Course Road to Wadley Avenue; (5) Anetta Drive, from Loop 250 to Midland Drive; (6) Sinclair Avenue, from Loop 250 to Midland Drive; (7) A Street, from Scharbauer Drive to Wadley Avenue; (8) Whittle Way, from Sunshine Parkway to Wadley Avenue; (9) Main Street, from Ohio Avenue to Wadley Avenue; (10) Solomon Lane, from A Street to Big Spring Street; (11) Sunglo Street, from Midkiff Road to Cotton Flat Road; (12) New York Avenue, from Carver Street to Fairgrounds Road; and (13) Illinois Avenue, from N Street to A Street; said projects being years three, four and five bond projects. (PURCHASING) (2019 - 260)

APPROVED

12. Consider a resolution authorizing the issuance of a Request for Proposals for Post-65 Retiree Medicare Supplement and/or Medicare Advantage Plans for the Administrative Services Department. (PURCHASING) (2019 - 262)

APPROVED

13. Consider a resolution rejecting the sole bid received for the Midland Meter Program 02 Project. (PURCHASING) (2019 - 263)

APPROVED

14. Consider a resolution awarding a contract for the purchase and installation of shade structures at Reyes-Mashburn-Nelms Park, Beal Park, and Butler Park from Playgrounds Etc LLC through Buyboard at a total cost of \$229,808.00. (PURCHASING) (2019 - 264)

APPROVED

15. Consider a resolution awarding a contract for Temporary Traffic Control Services to the sole bidder, West Texas Barricades LLC doing business as Barricades Unlimited of Lubbock, Texas, at a total cost not to exceed \$183,000.00; and authorizing payment therefor. (PURCHASING) (2019 - 265)

APPROVED

16. Consider a resolution authorizing the execution of a contract in the amount of \$224,254.00 with Restroom Facilities Ltd for the purchase and installation of a modular restroom facility at Ulmer Park; approving \$20,000.00 for contingencies; and appropriating funds therefor. (PURCHASING) (2019 - 266)

APPROVED

17. Consider a resolution authorizing the issuance of a request for qualifications for professional services associated with the development of a master plan for renovations to Hogan Park and Reyes-Mashburn-Nelms Park for the Community Services Department. (PURCHASING) (2019 - 267)

APPROVED

18. Consider a resolution authorizing the execution of a contract with Scheidt & Bachmann USA, Inc., in the amount of \$2,277,382.00 for the Parking Access Revenue Control System Project at Midland International Air & Space Port; and appropriating funds for said project. (AIRPORTS) (2019 - 268)

APPROVED

19. Consider a resolution of the City Council of the City of Midland, Texas, approving a negotiated settlement between the Executive Committee of Cities served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division ("Company") regarding Company's 2019 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; approving an exhibit establishing a benchmark for pensions and retiree medical benefits; approving an exhibit regarding amortization of regulatory liability; requiring company to reimburse cities' reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and authorizing and directing the City Secretary to deliver this resolution to Company and Cities' legal counsel. (CITY MANAGER'S OFFICE) (2019 - 269)

APPROVED

20. Consider a resolution reappointing Tommy Hudson to the Midland Downtown Park Conservancy Board of Directors; and directing the City Manager to deliver a copy of this resolution to the Midland Downtown Park Conservancy. (COMMUNITY SERVICES) (2019 - 270)

APPROVED

21. Consider a resolution authorizing the execution of an Independent Professional Consultant Agreement with Frances Stapp to provide curator management and other services for the Scarborough Linebery House. (COMMUNITY SERVICES) (2019 - 271)

APPROVED

22. Consider a resolution authorizing the execution of a contract between the City of Midland and Midland Sports, Inc., in the amount of \$106,000.00, for professional marketing, promotion, and management services at the Scharbauer Sports Complex. (COMMUNITY SERVICES) (2019 - 272)

APPROVED

23. Consider a motion approving a proposed Preliminary Plat of Westridge Park Addition, Section 46 being a plat of 37.65-acre tract of land located in the Section 48, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located at the southeast corner of the intersection of Tradewinds Boulevard and Thomason Drive). (DEVELOPMENT SERVICES) (061 - 2019)

APPROVED

24. Consider a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner of a 9.784-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas (the "Area") (generally located on the south side of West Industrial Avenue, approximately 454 feet east of South Midland 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 - 273)

APPROVED

25. Consider a motion on request by Maverick Engineering, to defer water, wastewater, and sidewalk improvements for Monomoy Estates, and to waive the corresponding financial security guarantee valued at \$67,187.00, an amount equal to the estimated cost of construction. The subject property is generally located on the South side of West Industrial Avenue, approximately 1000 feet west of Agri Road, inside the ETJ of the City of Midland. (ENGINEERING SERVICES) (062 - 2019)

APPROVED

26. Consider a motion on request by Maverick Engineering, to defer water and sidewalk improvements for Oasis Addition, and to waive the corresponding financial security guarantee valued at \$53,062.00, an amount equal to the estimated cost of construction. The subject property is generally located on the South side of West Industrial Avenue, approximately 500 feet west of South County Road 1250, inside the ETJ of the City of Midland. (ENGINEERING SERVICES) (063 - 2019)

APPROVED

27. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with PROFUTT LP for development of Avalon Park Addition, City and County of Midland, Texas; and authorizing payment therefor in the amount of \$626,181.02; said agreement being authorized by Chapter 212, Subchapter C, Texas Local Government Code. (ENGINEERING SERVICES) (2019 - 274)

APPROVED

28. Consider a resolution appropriating proceeds from the sealed bid sale of old service weapons and court awarded weapons to the Police Equipment and Technology Project (800820) for the replacement of Midland Police Department Duty Weapons. (POLICE) (2019 - 275)

APPROVED

29. Consider a resolution authorizing the City Manager to execute a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Sections 5 and 8, Block 38, Township 2 South, T&P R.R. Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 276)

APPROVED

30. Consider a resolution authorizing the execution of a temporary license for access across City property between the City of Midland and Jones Bros. Dirt & Paving Contractors, Inc., regarding City-owned property described as Section 5, Block 38, Township 1 South, T&P RR Co. Survey, Martin County, Texas. (ENGINEERING SERVICES) (2019 - 277)

APPROVED

SECOND READINGS

31. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department", of the City Code of Midland, Texas, so as to regulate water and sewer services; containing a

cumulative clause; containing a savings and severability clause; ordering publication; and directing notification to customers outside the City limits as required by state law. (FINANCE) (First reading held on August 27, 2019) (9965)

SECOND READING APPROVED

32. Consider an ordinance on second reading vacating and abandoning a 0.375-acre portion of Pasadena Drive and alley right-of-way located adjacent to Lot 5, Block 20, and Lot 6, Block 13, Western Hills, replat of Block 13, and Lot 6C, Block 20, Western Hills, Section 13, City and County of Midland, Texas (generally located approximately 411 feet west of the intersection of Pasadena Drive and Eisenhower Drive); adopting the appraisal by the City Manager of \$24,503.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held on August 27, 2019) (9966)

SECOND READING APPROVED

33. Consider an ordinance on second reading amending the zoning district map of the City of Midland to rezone Lot 6D, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas, from PD, Planned District for a Shopping Center to RR, Regional Retail District (generally located on the north side of Westridge Boulevard, approximately 358 feet east of Tradewinds Boulevard); 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 August 27, 2019) (9967)

SECOND READING APPROVED

34. Consider an ordinance on second reading changing the zoning use classification of the property described as a 5,950 square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas (generally located at the southeast corner of the intersection of Castleford Road and North 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 August 27, 2019) (9968)

SECOND READING APPROVED

35. Consider an ordinance on second reading granting a special exception for a 3.199-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located approximately 815 feet south of State Highway 191 and approximately 1,643 feet west of Avalon Drive), by permitting an increased maximum height of a 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) (First reading held on August 27, 2019) (9969)

SECOND READING APPROVED

36. Consider an ordinance on second reading granting a special exception for Lot 2, Block 2, Lilly Heights Extension, City and County of Midland, Texas (generally located on the south side of Sentinel Avenue, approximately 133 feet west of Alpine Street), by permitting (1) an increased maximum number of accessory buildings, (2) an increased maximum combined area of all accessory buildings, and (3) a deviation from the building facade material standards; 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 on August 27, 2019) (9970)

SECOND READING APPROVED

PUBLIC HEARINGS

37. Hold a public hearing and consider an ordinance granting a special exception for Lot 8A, Block 2, the Bedford Place, Section 2, City and County of Midland, Texas (generally located at the northwest corner of the intersection of Bedford Drive and North G Street), by permitting a reduced minimum front 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) (9973)

FIRST READING APPROVED

38. 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 6,963-square foot portion of the west 24.25 feet of Lot 9 and all

of Lots 10 through 12, Block 65, Original Town Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of North Colorado Street and West Wall Street), which is presently zoned CB, Central Business 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) (9974)

FIRST READING APPROVED

39. 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 Plot A, the Village Addition, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-2, Local Retail District (generally located on the north side of West Wall Street, approximately 15 feet east of East Circle 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) (9975)

FIRST READING APPROVED

40. 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 6,414-square foot portion of Lot 2, Block 2, Bankhead Addition, Section 6, City and County of Midland, Texas (generally located on the west side of South Midkiff Road, approximately 621 feet south of West Wall Street), which is presently zoned C, Commercial District, allowing said property to be used for the sale of all alcoholic beverages in a bar 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) (9976)

FIRST READING APPROVED

41. Hold a public hearing and consider an ordinance amending the zoning district map of the City of Midland to rezone Lot 10, Block 122, Southern Addition, City and County of Midland, Texas, from LI, Light Industrial District to SF-3, Single-Family Dwelling District (generally located on the east side of South Terrell Street, approximately 121 feet south 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) (9977)

FIRST READING APPROVED

42. Hold a public hearing and consider an ordinance vacating and abandoning a 0.004-acre portion of right-of-way, a 0.019-acre portion of right-of-way, and a 0.019-acre portion of right-of-way, all out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located on the north side of Beachwood Street, approximately 131 feet, 871 feet, and 1,066 feet west of Chukar Lane); adopting the appraisal by the City Manager of \$3,659.04; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9978)

FIRST READING APPROVED

MISCELLANEOUS

43. Consider ordinance amending Title IV, "Building Regulations", Chapter 1, "Building Code", of the City Code of the City of Midland, Texas, by repealing Section 9, "Street Improvement Fee", so as to eliminate the Street Improvement Fee; establishing an effective date of October 1, 2019; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (ENGINEERING SERVICES) (9979)

FIRST READING APPROVED

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

APPOINTMENTS MADE

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.)

Respectfully Submitted,

Courtney B. Sharp
City Manager