

AGENDA FOR CITY COUNCIL MEETING

November 19, 2019 – 10:00 AM

Council Chamber - City Hall

300 North Loraine

Midland, Texas

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 Jon Slayden, Hope Community Church
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 meeting of November 5, 2019.
 - b. Special City Council meeting of November 6, 2019.
5. Consider a resolution awarding a Professional Services Agreement for the development of a Master Plan for renovations to Hogan Park and Reyes-Mashburn-Nelms Park to Luck Design Team, LLC, of Austin, Texas, for a total cost of \$479,915.00; and appropriating funds therefor. (PURCHASING) (2019 - 346)
6. Consider a resolution awarding a contract for the Pilot Avenue Paving Project to Jones Bros. Dirt & Paving Contractors, Inc. of Odessa, Texas, at a total cost not to exceed \$485,036.65; allocating funds; and authorizing payment therefor. (PURCHASING) (2019 - 347)

7. Consider a resolution approving the purchase of a John Deere 410L Backhoe from Yellowhouse Machinery Company at a total cost of \$115,000.00 through Buyboard. (PURCHASING) (2019 - 348)
8. Consider a resolution approving the purchase of a Spartan four-door custom full-tilt aluminum cab 4x2 pumper from Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council at a total cost of \$878,392.00. (PURCHASING) (2019 - 349)
9. Consider a resolution approving the purchase of eight (8) administrative cars from Four Stars DCJR of Henrietta, Texas; the purchase of seven (7) full-size one-half (1/2) ton regular cab pickup trucks and one (1) full-size one-half (1/2) ton regular cab pickup truck with a spotlight from Grapevine DCJ, LLC, of Grapevine, Texas; the purchase of one (1) three-quarter (3/4) ton cab pickup truck and one (1) three-quarter (3/4) ton crew cab pickup truck from Rogers Ford Sales, Inc., of Midland Texas; the purchase of one (1) three-quarter (3/4) ton crew cab four-wheel drive pickup truck, one (1) one (1) ton extended cab and chassis, three (3) one (1) ton crew cab and chassis, and one (1) mid-size all-wheel drive sport utility vehicle from Randall Reed's Prestige Ford, of Garland, Texas; and the purchase of one (1) full-size sport utility vehicle from Caldwell County Chevrolet, of Caldwell, Texas. (PURCHASING) (2019 - 350)
10. Consider a resolution authorizing the execution of a master agreement for the purchase of uniforms for City of Midland employees with Cintas Corporation at a total cost of \$212,580.00. (PURCHASING) (2019 - 351)
11. Consider a resolution approving the purchase of six (6) ambulances from Sterling McCall Ford through the Houston-Galveston Area Council at a total cost of \$1,883,574.04. (PURCHASING) (2019 - 352)
12. Consider a resolution authorizing the execution of an amendment to the Professional Services Agreement with Parkhill, Smith & Cooper, Inc., providing for engineering and design services and development of bid documents for the Landfill Cells Project; said amendment providing for a fee increase of \$481,300.00 over and above the original total cost of \$211,915.00 for the performance of engineering and contract bidding services during the construction phase of the Landfill Cells Project; and appropriating funds therefor. (PURCHASING) (2019 - 353)
13. Consider a resolution approving the purchase of a Caterpillar 730 water truck with a Klein 6000 gallon water tank from Warren Power & Machinery, Inc., at a total cost of \$542,600.00 through Buyboard; and appropriating funds therefor. (PURCHASING) (2019 - 354)
14. Consider a resolution rejecting all proposals and authorizing the re-issuance 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 - 355)

15. Consider a resolution awarding a contract for the Hogan Park Golf Path Improvement Project to Duinick, Inc. of Prinsburg, Minnesota for a total cost of \$1,097,189.60; and appropriating funds for said project. (PURCHASING) (2019 - 356)
16. Consider a resolution approving a Professional Services Agreement between the Midland Development Corporation and Freese and Nichols, Inc., for professional engineering services related to multiple infrastructure improvement projects, as authorized by Texas Local Government Code § 501.103. (CITY MANAGER'S OFFICE) (2019 - 357)
17. Consider a resolution approving a Professional Services Agreement between the Midland Development Corporation and Kimley-Horn and Associates, Inc., for professional engineering services related to multiple infrastructure improvement projects, as authorized by Texas Local Government Code § 501.103. (CITY MANAGER'S OFFICE) (2019 - 358)
18. Consider a resolution approving a Professional Services Agreement between the Midland Development Corporation and Parkhill, Smith & Cooper, Inc., for professional engineering services related to multiple infrastructure improvement projects, as authorized by Texas Local Government Code § 501.103. (CITY MANAGER'S OFFICE) (2019 - 359)
19. Consider a resolution approving the issuance of permits to Fasken Oil and Ranch, Ltd. ("operator") to drill two oil and gas wells located in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas, (generally located 1,484 feet east of North Loop 250 West and between 125 feet and 140 feet north of the Network Drive extension); and providing that said permits do not require a new road repair agreement but shall be consolidated under an existing road repair agreement. (DEVELOPMENT SERVICES) (2019 - 360)
20. Consider a resolution granting a variance for an oil and gas well to be 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, (generally located 453 feet south of Andrews Highway and 272 feet east of North Loop 250 West) by allowing said oil and gas well to be no closer than 310 feet of an occupied residential or commercial structure; approving the issuance of a permit to Fasken Oil and Ranch, Ltd. ("operator") to drill said oil and gas well within the City limits; and providing that said permit does not require a new road repair agreement but shall be consolidated under an existing road repair agreement. (DEVELOPMENT SERVICES) (2019 - 361)

21. Consider a resolution of the City Council of the City of Midland, Texas, authorizing the execution of an agreement with the owner(s) of a 36.806-acre tract of land out Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (the "area") (generally located at the northwest corner of the intersection of State Highway 158 and State Highway 191) for the provision of services in the area, said owner(s) 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 - 362)
22. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Targa Pipeline Mid-Continent Westtex LLC regarding City-owned property described as Section 14, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 363)
23. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Lilis Energy, Inc., regarding City-owned property described as Sections 13, 18, 19, 21, 22 and 23, Block C23, Public School Land Survey, Winkler County, Texas. (UTILITIES) (2019 - 364)

SECOND READINGS

24. Consider an ordinance on second reading 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) (First reading held November 05, 2019) (10015)
25. Consider an ordinance on second reading 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) (First reading held on November 5, 2019) (10016)
26. Consider an ordinance on second reading 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) (First reading held on November 5, 2019) (10017)

27. Consider an ordinance on second reading 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) (First reading held on November 5, 2019) (10018)
28. Consider an ordinance on second reading 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) (First reading held on November 5, 2019) (10019)
29. Consider an ordinance on second reading 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) (First reading held on November 5, 2019) (10020)

PUBLIC HEARINGS

30. 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 2,250-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 the south side of West Wadley Avenue, approximately 270 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) (10021)

31. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 4, Block 3, Moody Addition, City and County of Midland, Texas, from LI, Light Industrial District to SF-3, Single-Family Dwelling District (generally located on the west side of North Madison Street, approximately 100 feet north of Houston 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) (10022)
32. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 12, Block 31, Moody Addition, 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 East Wall Street and South 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) (10023)
33. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 1 through 12, Block 47, Belmont Addition, City and County of Midland, Texas, from SF-3, Single-Family Dwelling District to O-2, Office District (generally located on the south side of West Wolcott Avenue, approximately 244 feet west 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) (10024)
34. 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 4,100-square foot portion of Lot 6A, Block 62, Belmont Addition, Section 23, City and County of Midland, Texas, (generally located on the north side of East Interstate 20 Frontage Road, approximately 360 feet west of South Terrell Street), which is presently zoned BP, I-20 Business Park 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) (10025)

MISCELLANEOUS

35. Consider an ordinance making certain amendments to the 2018-2019 Fiscal Year Budget so as to increase amounts appropriated to certain funds. (FINANCE) (10026)
36. Consider an ordinance amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", of the City Code of Midland, Texas; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (CITY ATTORNEY'S OFFICE) (10027)

PUBLIC COMMENT

37. 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

38. 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 551.087 Deliberation Regarding Economic Development Negotiations.
 - a.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
 - b. Section 551.072, Deliberation Regarding Real Property
 - b.1. Discuss the purchase, exchange, lease, or value of real property.

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.