

**AGENDA FOR CITY COUNCIL MEETING**  
**300 North Loraine**  
**Midland, Texas**  
**December 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 Phillip Allman, Grace Lutheran 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 2019 Management Awards
  - b. Recognition of Freudenberg Oil & Gas Technologies for their donation to the City of Midland Parks & Recreation Division.

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Special City Council meeting of November 18, 2019
  - b. Regular City Council Meeting of November 19, 2019
5. Consider a resolution authorizing the execution of a Master Development Agreement between the City of Midland, The Midland Development Corporation, and Colorado Street Hotel Development, LLC, regarding the development of Lots Five (5), Six (6), Seven (7), and Eight (8), Block Thirty-Five (35), Original Town Addition, City and County of Midland, Texas. (CITY ATTORNEY'S OFFICE) (2019 - 385)

6. Consider a resolution approving and authorizing publication of notice of intention to issue series 2020 certificates of obligation in an amount not to exceed twenty-five million three hundred thousand and no/100 dollars (\$25,300,000.00). (FINANCE) (2019 - 366)
7. Consider a resolution awarding a contract for the Animal Shelter Design and Build Project to Henthorn Commercial Construction LLC in the amount of \$8,144,000.00; and approving \$814,400.00 for contingencies. (PURCHASING) (2019 - 367)
8. Consider a resolution awarding a contract for the purchase and installation of a crematorium from B&L Cremation Systems, Inc., of Largo, Florida, for a total cost of \$123,650.00; and allocating funds therefor. (PURCHASING) (2019 - 368)
9. Consider a resolution approving the sole-source purchase agreement for Neptune Water Meters and associated parts for the Customer Service Division of the Finance Department from Core & Main, LP, at a total cost not to exceed \$1,999,231.70. (PURCHASING) (2019 - 369)
10. Consider a resolution approving the purchase and installation of equipment to outfit thirty-five (35) police vehicles for the Garage Division from Cap Fleet Upfitters, LLC, through Buyboard at a total cost of \$1,161,495.51. (PURCHASING) (2019 - 370)
11. Consider a resolution approving the purchase of four (4) kann refuse truck bodies on international cab and chassis and one (1) roll-off truck body on international cab and chassis from Roberts Truck Center of Texas LLC dba Summit Truck Group through Sourcewell at a total cost of \$954,731.43; and approving the purchase of one (1) cab and chassis with automated refuse body from Texan Waste Equipment dba Heil of Texas through Buyboard at a total cost of \$310,555.00. (PURCHASING) (2019 - 371)
12. Consider a resolution authorizing the purchase of ammunition of assorted types and in assorted quantities for the Midland Police Department from the respective low bidders, GT Distributors, Inc., Kiesler Police Supply, and Proforce Law Enforcement, at a total cost of \$121,501.63. (PURCHASING) (2019 - 372)
13. Consider a resolution authorizing the City Manager to advertise a Request for Qualifications for Professional Services to assist the Engineering Services Department with the development of a manual for the planning and development of infrastructure; authorizing the City Manager to negotiate a Professional Services Agreement for said services; and providing that said agreement shall not become effective until approved by the City Council. (PURCHASING) (2019 - 373)

14. Consider a motion authorizing the City Manager to negotiate and execute an agreement with Priority Midland in an amount not to exceed \$1,000,000.00. (CITY MANAGER'S OFFICE) (078 - 2019)
15. Consider a motion authorizing the City Manager to negotiate with the appropriate party or parties and execute an incentive agreement for the renovation of the Vaughn Building. (CITY MANAGER'S OFFICE) (085 - 2019)
16. Consider a motion authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the following amounts for the following purposes: \$9,505.20 to assist the City of Midland Health and Senior Services Division (City) with delivery of Refugee Immunization Services; \$150,358.00 to assist the City with delivery of Immunizations Services; \$104,438.00 to assist the City with delivery of Public Health Emergency Preparedness Services; \$111,630.00 to assist the City with the delivery of Local Public Health Services; authorizing the City Manager or his designee to execute all necessary acceptance documents; and authorizing and directing the City Treasurer to deposit the funds into the General Fund (COMMUNITY SERVICES) (079 - 2019)
17. Consider a resolution approving the issuance of permits to Endeavor Energy Resources, L.P. ("Operator") to drill three oil and gas wells located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas (generally located between 514 feet and 516 feet south of East Cynthia Drive extension and between 1,675 feet and 1,775 feet west of Todd Drive); 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 - 374)
18. Consider a resolution approving the issuance of permits to Endeavor Energy Resources, L.P. ("Operator") to drill four oil and gas wells located in Section 31, Block 38, T-1-S, T&P RR CO. Survey, City of Midland, Midland County, Texas (generally located between 850 feet and 851 feet south of East Cynthia Drive extension and between 1,153 Feet and 1,278 Feet west of Todd Drive); 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 - 375)
19. Consider a motion authorizing the receiving and filing of the Consolidated Annual Performance and Evaluation Report for 2018/2019. (DEVELOPMENT SERVICES) (080 - 2019)
20. Consider a resolution of the City Council of the City of Midland, Texas, authorizing the City Manager or the City Manager's designee to negotiate and execute a written agreement for the provision of services in each area for which the owners of land in the area request annexation; and authorizing and directing

the City Secretary to file each agreement with the County Clerk of the County in which the area identified in the agreement is located for recording in the official real property records of such county. (Planning Admin) (2019 - 376)

21. Consider a resolution approving amendments to the permits issued to Permian Deep Rock Oil Co., LLC ("Operator") to drill three oil and gas wells located in Section 3, Block 39, T-2-S, T&P RR Co. Survey, City of Midland, Midland County, Texas (generally located between 1,943 feet and 2,343 feet west of South Garfield Street and between 320 feet and 321 feet north of West County Road 111); said amendments authorizing changes to the names of the wells. (DEVELOPMENT SERVICES) (2019 - 377)
22. Consider a resolution authorizing the execution of a Chapter 380 Economic Development Agreement between the City of Midland and Costco Wholesale Corporation, as authorized by Chapter 380 of the Texas Local Government Code. (DEVELOPMENT SERVICES) (2019 - 378)
23. Consider a motion authorizing the City Manager to execute, on behalf of the City of Midland, a Regulatory Agreement and Declaration of Covenants and Restrictions with DDC Merritt Sunset, LLC pertaining to a 2.254-acre tract of land out of Lot 1, Block 163, and a 2.607-acre tract of land out of Lot 1, less the south 20 feet of said lot, Block 104A, all out of Wilshire Park Addition, Section 9, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (081 - 2019)
24. Consider a motion on request by Newton Engineering, PC, to defer water, wastewater, paving, and sidewalk improvements for Entrada Estates Section 6, and to waive the corresponding financial security guarantee valued at \$1,497,747.00, an amount equal to the estimated cost of construction. The subject property is a 54.75-acre tract and is generally located near the intersection of West County Road 78 and North County Road 1271 and directly north of Mid-Cities Church and outside the corporate limits of the City of Midland. (ENGINEERING SERVICES) (082 - 2019)
25. Consider a motion approving a proposed preliminary plat of Entrada Estates, Section 6 being a plat of 52.35-acre tract of land out of Section 32, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of North County Road 1271 and West County Road 78. (Extraterritorial Jurisdiction) (DEVELOPMENT SERVICES) (083 - 2019)
26. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Stonehawk Capital Partners, LLC for Roadway Improvements at the future intersection of State Highway 158 and Wadley Avenue to serve Grassland Estates West, Section 11; and authorizing the allocation of funds received in accordance with said agreement; said agreement being authorized by Chapter 395 of the Texas Local Government Code. (ENGINEERING SERVICES) (2019 - 379)

27. 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 - 380)
28. Consider a resolution accepting a grant in the amount of \$170,000.00 from the Fiscal Year 2020 Edward Byrne Memorial Justice Assistance Grant Program provided by the Governor's Office; said grant funds shall be used to purchase an accident reconstruction technology system and electronic ticket writers for the Police Department. (POLICE) (2019 - 381)
29. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Sections 4, 5, 9 and 10, Block 38, Township-2-South, T&P RR. Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 382)
30. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Section 44, Block 38, Township-1-South, T&P RR. Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 383)
31. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Centurion Pipeline L.P., regarding City-owned property described as Section 9, Block 39, Township-2-South, T&P RR. Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 384)

## **SECOND READINGS**

32. 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 2,250-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)(First Reading held November 19, 2019)(10021)

33. Consider an ordinance on second reading 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)(First reading held on November 19, 2019)(10022)
34. Consider an ordinance on second reading 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)(First reading held on November 19, 2019)(10023)
35. Consider an ordinance on second reading 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)(First reading held on November 19, 2019)(10024)
36. 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 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)(First reading held on November 19, 2019)(10025)
37. Consider an ordinance on second reading making certain amendments to the 2018-2019 Fiscal Year Budget so as to increase amounts appropriated to certain funds. (FINANCE)(First reading held on November 19, 2019)(10026)

38. Consider an ordinance on second reading 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)(First reading held on November 19, 2019)(10027)

## **PUBLIC HEARINGS**

39. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 15 and 16, Block 1, Eastover 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 Illinois Avenue and North Adams 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) (10029)
40. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 4, Block 4, Tanglewood Addition, Section 3, Lots 5 through 7, Block 4, Tanglewood Addition, Section 4, and Lot 1B, Block 4, Tanglewood Addition, Section 6, City and County of Midland, Texas, from LR, Local Retail District to RR, Regional Retail District (generally located at the northwest corner of the intersection of North Lamesa Road and East Wadley 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) (10030)
41. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 6, Block 17, Skyline Terrace, Unit 7, 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 on the south side of West Loop 250 North, approximately 389 feet east of Boulder 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) (10031)
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 a 7,700-square foot portion of Lot 7, less the west five feet, and Lots 8 through 10, Block 20, Belmont Addition, City and County of Midland, Texas (generally located northeast of the intersection of Rankin Highway and West Francis Avenue), which is presently zoned RR, Regional Retail 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) (10032)

43. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 3, Block 6, 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 Lee Street, approximately 122 feet south 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) (10033)
44. Hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto a certain area adjoining the present City limits, being a 36.806-acre tract of land out Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located at the northwest corner of the intersection of State Highway 158 and State Highway 191); ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (10034)
45. Hold a public hearing and consider an ordinance establishing the initial zoning classification of the area indicated as being a 36.806-acre tract of land out Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an RR, Regional Retail District; said tract being generally Located at the northwest corner of the Intersection of State Highway 158 and State Highway 191; 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) (10035)
46. Hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto a certain area adjoining the present City limits, being a 64.52-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located approximately 733 feet west of the intersection of Tradewinds Boulevard and Thomason Drive); ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (10036)
47. Hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", Chapter 1, "Zoning Ordinance", Section 9.02, "Zoning Text and Map Amendments" of the City Code of Midland, Texas, by adding SubSection G, "Limitation on Reapplication" so as to establish a limitation on reapplication for a zoning map amendment; 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) (10037)

48. Hold a public hearing and consider an ordinance granting a special exception for Lot 3, Block 1, Brookshire Village, City and County of Midland, Texas (generally located on the east side of Perry Street, approximately 182 feet north of West Wadley Avenue), 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. (DEVELOPMENT SERVICES) (10038)
49. Hold a public hearing and consider an ordinance adopting a site plan for the south half of Block 23, Gardens Addition, City and County of Midland, Texas (generally located at the northwest corner of Ward Street and West Ohio Avenue); subject to certain conditions and restrictions; 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) (10039)

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

50. Consider a motion appointing a Mayor Pro Tempore. (CITY MANAGER'S OFFICE) (084 - 2019)

**PUBLIC COMMENT**

51. 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

**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.