

Effective March 16, 2020, Governor Greg Abbott authorized the temporary suspension of certain statutory provisions of the Texas Open Meetings Act. This meeting of the City Council of the City of Midland is being held pursuant to such authorization and will limit face-to-face interactions for the purpose of slowing the spread of the coronavirus (COVID-19).

**AGENDA FOR CITY COUNCIL MEETING
300 North Loraine
Midland, Texas
April 28, 2020 – 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.

Videoconference Information

Please click the link below to join the webinar:

<https://zoom.us/j/97148676152?pwd=REg5TVhaOUdOZFp3RjNlbnhXN1psZz09>

Password: 047826

Or iPhone one-tap:

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Webinar ID: 971 4867 6152

International numbers available: <https://zoom.us/u/abFm97LVn>

OPENING ITEMS

1. Invocation - Mayor Patrick Payton
2. Pledge of Allegiance

CONSENT AGENDA

3. Consider a motion approving the following minutes:
 - a. Regular meeting of April 14, 2020.
4. Consider a resolution awarding a contract for the Fire Station 5 Project (900307) and Fire Station 11, Fueling Station and Wash Bays Project (900335) to MW Builders, Inc., for a total cost of \$10,899,500.00; approving \$369,295.45 in contingencies; and allocating a total combined amount of \$11,424,304.75 for said projects. (PURCHASING) (2020 - 076)
5. Consider a resolution of the City of Midland, Texas, finding that the application of Oncor Electric Delivery Company, LLC (“ONCOR”) for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City’s reasonable rate case expenses shall be reimbursed by Oncor; finding that the meeting at which this resolution is passed is open to the public as required by law; and authorizing and directing the City Secretary to send copies of this resolution to Oncor and legal counsel. (CITY MANAGER'S OFFICE) (2020 - 077)
6. Consider a resolution authorizing the Mayor, City Manager, and City Attorney to accept and execute the Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant for the Department of Airports in the amount of \$22,935,854.00. (AIRPORTS) (2020 - 078)
7. Consider a resolution authorizing the termination of the existence of the Midland Spaceport Development Corporation (the “Corporation”); authorizing and directing the Mayor and the City Secretary to execute a certificate of termination on behalf of the City of Midland, Texas, in accordance with Section 501.403 of the Texas Local Government Code; authorizing the City Secretary to deliver four originals of the Corporation’s certificate of termination to the Texas Secretary of State for filing; authorizing and directing the City Comptroller to pay a filing fee to the Texas Secretary of State; authorizing and directing the City Manager or the City Manager’s designee to sign all documents and take all actions necessary or appropriate to effect the transfer of all funds and property owned by the Corporation upon termination of the Corporation to the authorizing units; and authorizing and directing the City Comptroller to transfer said funds to the City of Midland, Texas, and Midland County. (AIRPORTS) (2020 - 079)
8. Consider a resolution authorizing the sole-source purchase of two (2) TruNarc Drug Detection and Identification Systems for the Police Department from Thermo Scientific Portable Analytical Instruments, Inc., for a total cost of \$51,506.00. (POLICE) (2020 - 080)

9. Consider a motion authorizing the execution of a Surface Use Agreement with HEP Fin-Tex/Trust River, L.P., regarding City-owned property described as Lot 2A, Block 11, Midland International Airport Industrial Park Addition, Lots 3B, 4B, 4C, and 5B, Block 11, Midland International Airport Industrial Park Addition 6, and Lots 11A and 12A, Block 10, Midland International Airport Industrial Park Addition 7, City and County of Midland, Texas. (UTILITIES) (051-2020)

SECOND READINGS

10. Consider an ordinance on second reading vacating and abandoning a 0.2825-acre portion of alley right-of-way located adjacent to Lot 2, Block 19, Elmwood Addition, Section 3, and Lots 1 through 12, Block 6, S. W. Estes Addition, City and County of Midland, Texas (generally located on the north side of West Kansas Avenue, approximately 481 feet east of North Big Spring Street); adopting the appraisal by the City Manager of \$24,608.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading April 14, 2020) (10072)
11. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lots 3 and 4, Block 2, Overstreet Addition, Section 2, City and County of Midland, Texas, from LI, Light Industrial District to C, Commercial District (generally located at the southwest corner of the intersection of Garden City Highway and King 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 April 14, 2020) (10073)

PUBLIC HEARINGS

12. 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 5,460-square foot portion of Lot 2, Block 1, Corporate Plaza, Section 21, City and County of Midland, Texas (generally located on the south side of Spring Park Drive, approximately 685 feet east of North Big Spring 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) (10074)
13. 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 4,472-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (generally located southeast of the intersection of

North Garfield Street and Castleford 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) (10075)

14. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lot 14, 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 on the east side of North Adams Street, approximately 80 feet south of East Illinois 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) (10076)
15. 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 6,166-square foot portion of Lot 2A, Block 1A, Midkiff Plaza Addition, Section 8, City and County of Midland, Texas (generally located on the south side of West 250 Loop North, approximately 1,036 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) (10077)
16. 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 Lot 2A, Block 3, Westridge Park Addition, Section 10, City and County of Midland, Texas (generally located on the west side of Tradewinds Boulevard, approximately 300 feet south of Andrews Highway), 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 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) (10078)
17. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 13 and 14, Block 145, Southern

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 South Baird Street, approximately 110 feet north of 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) (10079)

18. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 19 through 31, Block 5, Lots 1 through 16, Block 8, Lots 1 through 9, Block 9, and Lots 1 through 4, Block 10, Quail Ridge Addition, Section 6, Lots 10 through 20, Block 9, Lots 5 through 18, Block 10, and Lots 1 through 14, Block 11, Quail Ridge Addition, Section 7, a 7.432-acre tract of land out of Lot 1, Block 1, Quail Ridge Addition, and a 0.004-acre tract of land out of Quail Ridge Addition, Section 2, City and County of Midland, Texas, from PD, Planned Development District for a Housing Development to an amended PD, Planned Development District for a Housing Development (generally located at the northwest corner of the intersection of Chukar Lane and Beachwood 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) (10080)

MISCELLANEOUS

19. Consider an ordinance 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) (10081)
20. Consider a motion making appointments to various boards and commissions. (CITY SECRETARY'S OFFICE)

EXECUTIVE SESSION

21. 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 551.071, Consultation with Attorney
 - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

b. Section 551.074, Personnel Matters

- b.1. Deliberate the appointment of members to the Midland Development Corporation board of directors and interview applicants.

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.