

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).

**CITY OF MIDLAND, TEXAS**  
**AGENDA FOR CITY COUNCIL MEETING**  
**November 3, 2020 - 10:00 AM**  
**300 North Loraine**  
**Midland, Texas**  
**Council Chamber - City Hall**



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### **Videoconference Information**

Please click this URL to join.

<https://zoom.us/j/92703200668?pwd=QWZyNGRtNE8rZFZxb3RiUTZIRy9YZz09>

Passcode: 661657

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 253 215 8782 or +1 669 900 9128 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 927 0320 0668

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

The City Council may discuss, consider, and take action on any item listed on this agenda.

### **OPENING ITEMS**

1. Invocation – Jon Slaydon, Hope Community Church
2. Pledge of Allegiance

### **CONSENT AGENDA**

3. MOTION APPROVING THE FOLLOWING MINUTES:
  - 3a. SPECIAL CITY COUNCIL MEETING OF OCTOBER 15, 2020
  - 3b. REGULAR CITY COUNCIL MEETING OF OCTOBER 20, 2020
4. 2020-168 – RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR MODEL 745 ARTICULATED TRUCK FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT OF ODESSA, TEXAS, AT A TOTAL COST OF \$695,000.00 THROUGH

BUYBOARD (GENERAL SERVICES)

5. 2020-169 – RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR MODEL 349FL HYDRAULIC EXCAVATOR FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT OF ODESSA, TEXAS, AT A TOTAL COST OF \$515,350.00 THROUGH BUYBOARD (GENERAL SERVICES)
6. 2020-170 – RESOLUTION APPROVING THE PURCHASE OF FORTY (40) BUNKER COATS AND FORTY (40) BUNKER PANTS FROM DOOLEY TACKABERRY, INC., AT A TOTAL COST OF \$114,920.40 THROUGH HGAC CONTRACT EE08-19 (GENERAL SERVICES)
7. 131-2020 – MOTION TO APPROPRIATE THE SUM OF \$70,000.00 FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE (35650) TO THE MULTI-FACILITY REHAB PROJECT (900308) (AIRPORTS)
8. 2020-171 – RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, AN INSTRUMENT GRANTING A UTILITY EASEMENT AND RIGHT-OF-WAY LOCATED IN LOT 1A, BLOCK 1, MIDLAND AIRPARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, TO ONCOR ELECTRIC DELIVERY COMPANY LLC (AIRPORTS)
9. 2020-172 – RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2021 (CITY MANAGER'S OFFICE)
10. 2020-173 – RESOLUTION ADDING ONE (1) REGULAR CITY COUNCIL MEETING ON NOVEMBER 9, 2020, TO THE CITY COUNCIL MEETINGS SCHEDULED FOR THE 2020 CALENDAR YEAR (CITY MANAGER'S OFFICE)
11. 132-2020 – MOTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE BOYS & GIRLS CLUB OF MIDLAND, INC., FOR THE LEASE OF CERTAIN CITY-OWNED FACILITIES LOCATED AT 110 EAST NEW JERSEY AVENUE, MIDLAND, TEXAS (COMMUNITY SERVICES)
12. 2020-174 – RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INC., FOR THE CASA DE AMIGOS/SOUTHEAST SENIOR CENTER NUTRITION PROGRAM IN THE AMOUNT OF \$68,000.00
13. 2020-175 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INC., FOR THE SOCIAL SERVICES RENTAL AND UTILITY ASSISTANCE PROGRAM IN THE AMOUNT OF \$500,000.00 (DEVELOPMENT SERVICES)
14. 2020-176 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH WEST TEXAS FOOD BANK FOR THE WEST TEXAS FOOD BANK PROGRAM IN THE

AMOUNT OF \$200,000.00 (DEVELOPMENT SERVICES)

15. 2020-177 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE BOYS & GIRLS CLUBS OF THE PERMIAN BASIN, INC., FOR THE 2020 BOYS & GIRLS CLUB PERMIAN BASIN PROGRAM IN THE AMOUNT OF \$92,000.00 (DEVELOPMENT SERVICES)
16. 133-2020 – MOTION APPROVING A PROPOSED PRELIMINARY PLAT OF SADDLEBACK ESTATES ADDITION, BEING A PLAT OF A 72.256-ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 46, BLOCK 38, T-1-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS, (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH COUNTY ROAD 1130 AND EAST COUNTY ROAD 95 - EXTRATERRITORIAL JURISDICTION) (DEVELOPMENT SERVICES)
17. 134-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND BETA CRUDE CONNECTOR, LLC. REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 12, BLOCK 39, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)
18. 135-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND CENTURION PIPELINE, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 5, BLOCK 38 TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

## **SECOND READINGS**

19. 10117 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,363-SQUARE FOOT PORTION OF LOT 1A, BLOCK 1, PAVILION PARK ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH BIG SPRING STREET AND MOCKINGBIRD LANE), 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 OCTOBER 20, 2020)
20. 10118 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE EAST 50 FEET OF LOTS 19 THROUGH 24, BLOCK 145, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF EAST PENNSYLVANIA AVENUE AND SOUTH WEATHERFORD STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH;

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 OCTOBER 20, 2020)

21. 10119 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.482-ACRE PORTION OF LOT 13A, BLOCK 7, GLENDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A COMMUNITY SERVICE CENTER TO SF-2, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH CARVER STREET, APPROXIMATELY 180 FEET SOUTH OF EAST CUTHBERT 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 OCTOBER 20, 2020)
22. 10120 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,241-SQUARE FOOT PORTION OF LOT 5A, BLOCK 1, GATEWAY PLAZA, SECTION 12, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STARBOARD DRIVE AND LIBERTY DRIVE), 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 OCTOBER 20, 2020)
23. 10121 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 3 AND 4, BLOCK 3, MAYFIELD PLACE ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND MOCKINGBIRD LANE); 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 OCTOBER 20, 2020)
24. 10122 – AN ORDINANCE VACATING AND ABANDONING A 0.04-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1, 2, 7 AND 8, BLOCK 88, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH GARFIELD STREET, APPROXIMATELY 140 FEET SOUTH OF WEST WALL STREET); ADOPTING THE APPRAISAL BY THE

INTERIM CITY MANAGER OF \$6,996.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 20, 2020)

## **PUBLIC HEARINGS**

The City Council will hold public hearings on the following items:

25. 136-2020 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE OIL AND GAS WELL CHARGER #H120WB; SAID WELL BEING GENERALLY LOCATED 2,410 FEET WEST OF RANKIN HIGHWAY AND 515 FEET SOUTH OF WEST INTERSTATE 20 (DEVELOPMENT SERVICES)
26. 137-2020 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: CHARGER #H130WB AND CHARGER #H135WA; SAID WELLS BEING GENERALLY LOCATED BETWEEN 2,043 AND 2,343 FEET WEST OF SOUTH GARFIELD STREET AND 320 FEET NORTH OF WEST COUNTY ROAD 111 (DEVELOPMENT SERVICES)
27. 10123 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 4,800-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 277 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)
28. 10124 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 4, “A” STREET COMMUNITY CENTER, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH “A” STREET AND VENTURA 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)
29. 10125 – AN ORDINANCE VACATING AND ABANDONING A 0.075-ACRE PORTION OF

ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO BLOCK 1, SHILOH SUBDIVISION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN WEST SCHARBAUER DRIVE AND NORTH C STREET, APPROXIMATELY 220 FEET NORTH OF SHELL AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$8,167.50; AND ORDERING RECORDATION BY THE CITY SECRETARY (DEVELOPMENT SERVICES)

30. 10126 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR THE WEST 0.45 ACRES OF LOT 27, BLOCK 10, PERMIAN ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 303 FEET WEST OF SOUTH 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 LOUNGE 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)

### **MISCELLANEOUS**

31. 10127 – AN ORDINANCE MAKING CERTAIN AMENDMENTS TO THE 2019-2020 FISCAL YEAR BUDGET SO AS TO INCREASE AMOUNTS APPROPRIATED TO CERTAIN FUNDS (FINANCE)
32. 10128 – AN ORDINANCE AMENDING TITLE VI, “POLICE REGULATIONS”, CHAPTER 1, “GENERAL OFFENSES”, OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING SECTION 25, “RESIDENTIAL PICKETING AND TARGETED MARCHES”, SO AS TO PROHIBIT RESIDENTIAL PICKETING AND TARGETED MARCHES ADJACENT TO A RESIDENCE OR DWELLING OF AN INDIVIDUAL; 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

### **EXECUTIVE SESSION**

33. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:
  - a. Section 551.071, Consultation with the City 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.

Respectfully Submitted,

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Robert Patrick  
Interim 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.