

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**  
**December 15, 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/92264662928?pwd=QjB5d01lYStRY1ZVS2wwamYyYzhxUT09>

Passcode: 992971

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 +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 922 6466 2928

International numbers available: <https://zoom.us/u/aCER1tQ6>

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

### **OPENING ITEMS**

1. Invocation – Pastor Andrew Adams, Midland Bible Church
2. Pledge of Allegiance

### **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - 3a. Presentation of a proclamation honoring the life of former City Manager Courtney Sharp

### **CONSENT AGENDA**

4. MOTION APPROVING THE FOLLOWING MINUTES:
  - 4a. REGULAR CITY COUNCIL MEETING OF NOVEMBER 17, 2020
  - 4b. REGULAR CITY COUNCIL MEETING OF NOVEMBER 23, 2020
5. 2020-204 – RESOLUTION AWARDDING A CONTRACT TO FIBER PLATFORM, LLC DBA UNITE PRIVATE NETWORKS, L.L.C., FOR THE CITY-WIDE FIBER PROJECT FOR A COST OF \$3,714,000.00; APPROVING CONTINGENCIES IN THE AMOUNT OF \$315,000.00; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)
6. 2020-205 – RESOLUTION AWARDDING A CONTRACT FOR THE REPAVING, STRIPING, AND PAINTING OF THE SCHARBAUER SPORTS COMPLEX PARKING LOTS TO DANNY’S ASPHALT AND PAVING, INC., FOR A TOTAL COST OF \$266,815.00; APPROVING \$26,682.00 IN CONTINGENCIES; AND AUTHORIZING THE TRANSFER OF FUNDS FOR SAID CONTRACT (GENERAL SERVICES)
7. 2020-206 – RESOLUTION AWARDDING A CONTRACT FOR THE “A” STREET MILL AND INLAY PAVING PROJECT TO CD KING CONSTRUCTION, LLC, DOING BUSINESS AS JD KING, OF SEMINOLE, TEXAS, AT A TOTAL COST OF \$2,108,890.70; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
8. 2020-207 – RESOLUTION AWARDDING A CONTRACT FOR THE NEW YORK AVENUE & BENTON STREET WATER IMPROVEMENTS PROJECT TO BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,484,124.00; AND AUTHORIZING PAYMENT (GENERAL SERVICES)
9. 2020-208 – RESOLUTION AWARDDING A CONTRACT TO GARNEY COMPANIES, INC., FOR THE MIDLAND NE WATER SYSTEMS IMPROVEMENTS - PUMP STATION, TRANSMISSION AND DISTRIBUTION (PACKET A) FOR A COST OF \$22,063,309.00; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)
10. 2020-209 – RESOLUTION AWARDDING A CONTRACT TO CB&I STORAGE TANK SOLUTIONS LLC, FOR THE MIDLAND NE WATER SYSTEMS IMPROVEMENTS - ELEVATED STORAGE TANK (PACKET B) FOR A COST OF \$4,999,000.00; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)
11. 2020-210 – RESOLUTION AWARDDING A CONTRACT TO RED DEER CONSTRUCTION, LLC FOR THE WEST WADLEY AVENUE WASTEWATER LINE EXTENSION PROJECT FOR A COST OF \$1,341,052.50; APPROVING CONTINGENCIES IN THE AMOUNT OF \$335,263.50; AND AUTHORIZING THE APPROPRIATION OF FUNDS (GENERAL SERVICES)
12. 2020-211 – RESOLUTION APPROVING THE PURCHASE AND UPFITTING OF EIGHT (8) CHEVROLET TAHOES FOR THE GARAGE DIVISION FROM CALDWELL COUNTY CHEVEROLET THROUGH BUYBOARD AT A TOTAL COST OF \$559,912.00 (GENERAL

SERVICES)

13. 2020-212 – RESOLUTION APPROVING THE PURCHASE OF A SPARTAN FOUR-DOOR CUSTOM TILT ALUMINUM CAB PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$947,546.00 (GENERAL SERVICES)
14. 140-2020 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH REGION 20 EDUCATION SERVICE CENTER FOR THE PURPOSE OF PROVIDING THE CITY OF MIDLAND WITH COOPERATIVE PURCHASING SERVICES THROUGH THE PURCHASING ASSOCIATION OF COOPERATIVE ENTITIES (PACE) PURCHASING COOPERATIVE (GENERAL SERVICES)
15. 2020-213 – RESOLUTION AWARDED CONTRACTS TO THE PLAYWELL GROUP, INC., PLAYWORKS, INC., EXERPLAY INC, AND 4B RECREATION DBA PLAYGROUNDS ETC. FOR THE PLAYGROUND RENOVATION PROJECT AT A TOTAL COST OF \$1,688,416.00; AND APPROPRIATING FUNDS FOR SAID PROJECT (GENERAL SERVICES)
16. 141-2020 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE MIDLAND DOWNTOWN FARMERS MARKET, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (CITY MANAGER)
17. 2020-214 – RESOLUTION AUTHORIZING THE EXECUTION OF A MEDICAL DIRECTOR AGREEMENT WITH THE MIDLAND COUNTY HOSPITAL DISTRICT FOR THE PURPOSE OF PROVIDING THE CITY OF MIDLAND HEALTH DEPARTMENT WITH PROFESSIONAL MEDICAL DIRECTOR SERVICES; AND AUTHORIZING PAYMENT FOR SAID SERVICES (COMMUNITY SERVICES)
18. 142-2020 – MOTION TO APPROPRIATE THE SUM OF \$240,000.00 FROM FUND 077 TO FUND 126 FOR THE COMMUNITY SERVICES DEPARTMENT IRRIGATION AND SOD PROJECT (COMMUNITY SERVICES)
19. 2020-193 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE YOUNG MENS CHRISTIAN ASSOCIATION OF MIDLAND, TEXAS FOR THE FACILITY IMPROVEMENT PROGRAM IN THE AMOUNT OF \$244,303.00 (DEVELOPMENT SERVICES) (DEFERRED FROM NOVEMBER 23, 2020)
20. 2020-215 – RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,410 FEET WEST OF RANKIN HIGHWAY AND 515 FEET SOUTH OF WEST INTERSTATE 20) BY ALLOWING SAID OIL AND GAS WELL TO BE NO CLOSER THAN 265 FEET OF AN OCCUPIED COMMERCIAL STRUCTURE OR RESIDENCE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL SAID OIL

AND GAS WELL WITHIN THE CITY LIMITS; AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)

21. 2020-216 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL TWO 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 2,043 AND 2,343 FEET EAST OF SOUTH GARFIELD STREET AND 320 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)
22. 2020-217 – RESOLUTION APPROVING THE TRANSFER OF FOUR OIL AND GAS WELL PERMITS FROM SMC OIL & GAS, INC. (“OPERATOR”) TO MCM EXPLORATION COMPANY, LLC (“TRANSFeree”); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF HOLIDAY HILL ROAD, SOUTH OF MOCKINGBIRD LANE) (DEVELOPMENT SERVICES)
23. 2020-218 – RESOLUTION AUTHORIZING THE CITY OF MIDLAND BUSINESS MICRO-GRANT ASSISTANCE PROGRAM; AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$1,000,000.00 FROM THE CARES GRANT; AND AUTHORIZING THE EXECUTION A CONTRACT WITH MIDLAND COLLEGE TO PROVIDE PROGRAM ADMINISTRATIVE SERVICES AT A COST NOT TO EXCEED \$37,000.00 (DEVELOPMENT SERVICES)
24. 2020-219 – RESOLUTION AUTHORIZING THE EXECUTION OF A CAPITAL IMPROVEMENTS DEVELOPMENT AGREEMENT WITH MIDLAND STONEBRIDGE PROPERTIES, LP FOR THE CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS RELATED TO THE DEVELOPMENT OF STONEBRIDGE ADDITION, PHASE 3B, CITY AND COUNTY OF MIDLAND, TEXAS; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$356,832.00; SAID AGREEMENT BEING AUTHORIZED BY CHAPTER 212, SUBCHAPTER C AND CHAPTER 395, SUBCHAPTER B OF THE TEXAS LOCAL GOVERNMENT CODE (ENGINEERING SERVICES)
25. 143-200 – MOTION ACCEPTING A GRANT AWARD OF \$26,352.00 FROM THE FISCAL YEAR 2020 JUSTICE ASSISTANCE GRANT PROGRAM; AND AUTHORIZING THE APPROPRIATION OF SAID FUNDS TO THE POLICE JUSTICE GRANT FUND (074) (POLICE)
26. 144-2020 – MOTION AUTHORIZING THE EXECUTION OF A SURFACE USE AGREEMENT WITH CROWNQUEST OPERATING, LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 2, 4, 9, 10, 11, 13, 14, 16, 19, 20, 21 AND 24, BLOCK 37, TOWNSHIP 3 SOUTH AND SECTION 30, BLOCK 36, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (UTILITIES)

27. 2020-220 – RESOLUTION AUTHORIZING THE ACCEPTANCE OF A 22.21-ACRE UTILITY EASEMENT OUT OF SECTIONS 9, 10 AND 11, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MARTIN AND MIDLAND COUNTIES, TEXAS, AT A COST NOT TO EXCEED \$277,375.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (UTILITIES)

## **SECOND READINGS**

28. 10130 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 19.70-ACRE TRACT OF LAND OUT OF SECTION 30, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE SOUTH SIDE OF PRINCETON AVENUE, APPROXIMATELY 824 FEET WEST OF NORTH MIDLAND 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) (FIRST READING HELD NOVEMBER 17, 2020)
29. 10131 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 4, REPLAT OF WINDWOOD PARK, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LR, LOCAL RETAIL DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET, APPROXIMATELY 91 FEET NORTH OF ELM 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 NOVEMBER 17, 2020)
30. 10132 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,588-SQUARE FOOT PORTION OF LOT 2, BLOCK 1, WALLACE HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH LOOP 250 WEST, APPROXIMATELY 377 FEET SOUTH OF SINCLAIR AVENUE), 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 17, 2020)
31. 10133 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1, 2, AND 3, BLOCK 1, JADEN KATE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A

HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH ELKINS ROAD AND ARAPAHOE 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 NOVEMBER 17, 2020)

32. 10134 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 22, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST 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) (FIRST READING HELD NOVEMBER 17, 2020)

### **PUBLIC HEARINGS**

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

33. 10138 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 15A, BLOCK 133, SOUTHERN ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT, IN PART, AND SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WEATHERFORD DRIVE, APPROXIMATELY 75 FEET NORTH OF EAST 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)

### **MISCELLANEOUS**

34. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (CITY SECRETARY'S OFFICE)

### **EXECUTIVE SESSION**

35. 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 matters in which the duty of the attorney(s) 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 employment, evaluation, and duties of the Interim City Manager.

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.