

AGENDA FOR CITY COUNCIL MEETING
300 North Loraine
Midland, Texas
November 20, 2018 – 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 Robert Pase, 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 Proclamation for Coach Farris Strambler Day.

SPECIAL CONSIDERATION

4. Consider an ordinance amending Title X, "Traffic Regulations", Chapter 9, "Miscellaneous Driving Rules", of the City Code of Midland, Texas, by adding Section 16, "Vulnerable Road Users", so as to regulate the operation of a motor vehicle near vulnerable road users within the territorial limits of the City of Midland; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of two hundred dollars (\$200.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of January 1, 2019. (CITY ATTORNEY'S OFFICE) (9849)

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular City Council meeting of November 6, 2018.

- b. Special City Council Meeting of November 13, 2018.
6. Consider a resolution authorizing the City Manager to negotiate and execute a contract for the purchase of stop loss insurance for the City of Midland's group health plan from Fidelity Security Life Insurance Company through Arbor Benefit Group, L.P. of Farmington, Connecticut, effective for the plan year commencing on January 1, 2019. (PURCHASING) (2018 - 468)
 7. Consider a resolution rejecting the sole bid received for the Fiscal Year 2019 Micro-Surfacing and Slurry Seal Project; and authorizing the City Manager to re-advertise for competitive bids for said project. (PURCHASING) (2018 - 469)
 8. Consider a resolution authorizing the purchase of one (1) skid steer loader, two (2) mini excavators, and one (1) articulated wheel loader for the garage division from Warren Power & Machinery, Inc., dba Warren CAT of Odessa, Texas, at a total cost of \$243,975.00. (PURCHASING) (2018 - 470)
 9. Consider a resolution authorizing the purchase of various amounts of spring and fall seed for the plant farm and the Spraberry Farm from Helena Agri-Enterprises, LLC, of Stanton, Texas, at a total cost of \$280,855.00. (PURCHASING) (2018 - 471)
 10. Consider a resolution authorizing the execution of an amendment to the professional services agreement between the City of Midland and HDR Engineering, Inc., for construction administration services associated with the Spraberry Farm and Plant Farm Project; said amendment providing for a fee increase of \$28,925.00 over and above the original not-to-exceed amount of \$72,625.00 for quality assurance material testing work. (PURCHASING) (2018 - 472)
 11. Consider a resolution authorizing the execution of an amendment to the professional services agreement between the City of Midland and HDR Engineering, Inc., for permitting assistance services associated with the Water Pollution Control Plant Reuse Construction Project. (PURCHASING) (2018 - 473)
 12. Consider a motion authorizing the City Manager to execute direct case rate practitioner agreements with Midland Memorial Hospital, Anesthesia Medical Group of Permian Basin, Hearts R Wild PA, Luke Y. Young, MD, PhD, PLLC, and Midland Emergency Physician and to execute any other documents and to take any other actions necessary to give effect to said agreements. (ADMINISTRATIVE SERVICES) (136-2018)
 13. Consider a resolution approving a promotional agreement between the Midland Development Corporation and City of Midland Aquatics, Inc., to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE) (2018 - 474)

14. Consider a resolution approving a third amendment to the Reimbursable Physician Recruitment Agreement between the Midland Development Corporation and the Midland County Hospital District dba Midland Memorial Hospital. (CITY MANAGER'S OFFICE) (2018 - 475)
15. Consider a resolution approving a promotional agreement between the Midland Development Corporation and Hispanic Cultural Center of Midland, Inc., to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE) (2018 - 476)
16. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and AST & Science, LLC, as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2018 - 477)
17. Consider a resolution approving a commercial sublease agreement between the Midland Development Corporation and AST & Science, LLC, regarding certain City-owned real property located at Midland International Air & Space Port and described as hangars S-11A and S-11B, and Tracts 4-A and 4-B, located in Lot 1, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE) (2018 - 478)
18. Consider a resolution canvassing the returns and declaring the results of the November 6, 2018 General Election for four City Officers. (CITY SECRETARY'S OFFICE) (2018 - 479)
19. Consider a motion on request by Maverick Engineering, to defer water, wastewater, paving and sidewalk improvements for Dove Acres, Section 2, and to waive the corresponding financial security guarantee valued at \$653,404.00, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of North County Road 1150, approximately 1.5 miles north of Loop 250, outside the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (137-2018)
20. Consider a motion on request by Maverick Engineering, to defer wastewater, paving and sidewalk improvements for Crestgate Addition, Section 49, and to waive the corresponding financial security guarantee valued at \$109,428.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of Cardinal Lane, approximately 515 linear feet west of North Midkiff Road, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (138-2018)
21. Consider a resolution approving amendments to the permits issued to Diamondback E&P LLC ("operator") to drill four oil and gas wells located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas, (generally located between 942 feet and 1,032 feet east of North

Midland Drive and 407 feet north of the Green Tree Boulevard Extension); said amendments authorizing the use of a green biotechnology pit closure treatment. (DEVELOPMENT SERVICES) (2018 - 480)

22. Consider a resolution approving amendments to the permits issued to Diamondback E&P LLC (“operator”) to drill four oil and gas wells located in Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City of Midland, Midland County, Texas, (generally located between 520 feet and 610 feet east of Avalon Drive and 1,328 feet north of Briarwood Avenue); said amendments authorizing the use of a green biotechnology pit closure treatment. (DEVELOPMENT SERVICES) (2018 - 481)
23. Consider a resolution approving the issuance of permits to Fasken Oil and Ranch, LTD (“operator”) to drill six 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 between 1,485 feet and 1,487 feet east of North Loop 250 West and between 155 feet and 230 feet north of the Network Drive extension); and waiving the requirement of a road repair agreement. (DEVELOPMENT SERVICES) (2018 - 482)
24. Consider a resolution granting variances for three oil and gas wells to be located closer than 500 feet of an occupied residential or commercial structure; approving the issuance of permits to Permian Deep Rock Oil Co., LLC (“operator”) to drill ten oil and gas wells, including the three above-referenced 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 2,463 feet west of South Garfield Street and between 320 feet and 321 feet north of West County Road 111); and waiving the requirement of a road repair agreement. (DEVELOPMENT SERVICES) (2018 - 483)
25. Consider a motion approving proposed Preliminary Plat of Avalon Park Addition, being 25.410-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR. Co. Survey, Midland County, Texas, (generally located approximately 896 feet south of State Highway 191 and 1,020 feet west of Avalon Drive). (Planning Admin) (139-2018)
26. Consider a resolution authorizing the City Manager to execute, on behalf of the City of Midland, a sub-surface easement agreement granting to Endeavor Energy Resources, L.P. (“operator”) a sub-surface easement located on City-owned tracts of land described as (1) the north 750 feet of the east half of the northeast quarter of the southwest quarter of Section 44, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas, and (2) the north 750 feet of a 43.29-acre tract of land out of Section 44, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas, for the purpose of drilling, reworking, completing, maintaining, producing, operating, plugging and abandoning wellbores under, across and through said tracts of land to benefit the oil, gas and other mineral production from wells drilled or to be drilled by operator, its successors or

assigns on lands located in the north half of Section 44, all of Section 41, and the southwest quarter of the southeast quarter and the south three quarters of the south half of the southwest quarter of Section 32, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas. (DEVELOPMENT SERVICES) (2018 - 484)

27. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Gulf Coast Express Pipeline LLC, regarding City-owned property described as Sections 18 and 19, Block 36, and Section 24, Block 37, Township 3 South, T&P RY Co. Survey, abstracts 501, 954 and 956, Midland County, Texas. (UTILITIES) (2018 - 485)

SECOND READINGS

28. Consider an ordinance on second reading changing the zoning use classification of the property described as Lots 11 and 12, Block 26, Original Town Addition, and a previously vacated 0.032-acre portion of West Ohio Avenue right-of-way located adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas, (generally located southeast of the intersection of North Colorado Street and West Ohio Avenue), which is presently zoned C-1, Central Area District, by permitting said property to be used under a specific use permit with term for the sale of all alcoholic beverages in a parking lot with seating for on-premises consumption; making said permit 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 06, 2018.)(9838)
29. Consider an ordinance on second reading granting a special exception for Lot 1A, Block, 19, South Park Addition, Section 5, City and County of Midland, Texas (generally located on the south side of East New Jersey Avenue, approximately 300 feet west of South Lamesa Road), by exempting said property from the requirements of Section 11-9-3, "Landscape Design Standards" of the City Code; 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 November 06, 2018.) (9839)
30. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 9.75-acre tract of land out of the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located at the northwest corner of the intersection of Tradewinds Boulevard and Thomason Drive); approving a public service plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.) (9840)

31. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 16.386-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR Co. Survey, and Section 1, Block 40, T-2-S, T&P RR Co. Survey, and a 4.487-acre tract of land out of the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located at the intersection of Tradewinds Boulevard and Thomason Drive); approving a public service plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.) (9841)
32. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lots 1 and 2, Block 162, the south 3.138 acres out of Lot 1, Block 163, and the previously vacated 0.51-acre portion of Executive Drive right-of-way located adjacent to Lot 2, Block 162, and Lot 1, Block 163, all out of Wilshire Park Addition, Section 9, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as a PD, Planned District for a housing development, (generally located at the northeast corner of the intersection of South Loop 250 West and Leisure 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 06, 2018.) (9843)
33. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 4A, Block 8, Whitburn Estates Addition, Section 6, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as an amended Planned District, (generally located on the west side of Whitmire Boulevard, approximately 250 feet south of West Loop 250 North Frontage 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 06, 2018.) (9844)
34. Consider an ordinance on second reading vacating and abandoning a 0.10-acre portion of West Texas Avenue right-of-way located adjacent to Lots 1 through 6, Block 77, West End Addition, City and County of Midland, Texas, (generally located on the south side of West Texas Avenue between North N Street and North M Street); adopting the appraisal by the City Manager of \$17,040.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.) (9845)

35. Consider an ordinance on second reading changing the zoning use classification of the property described as a 4,633-square foot portion of Lot 2, Block 1, Corporate Plaza Addition, 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 LR-2, Local Retail District, by permitting said property to be used under a specific use permit with term for the sale of all alcoholic beverages in a restaurant for on-premises consumption; making said permit 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 06, 2018.) (9846)
36. Consider an ordinance on second reading amending Title II, "Commissions and Boards", Chapter 6, "Building Code Review Committee", of the City Code of Midland, Texas, so as to rename said Chapter "Building and Fire Codes Review Committee" and to set forth the duties and representatives of said committee and other matters related thereto; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (DEVELOPMENT SERVICES) (First reading held November 06, 2018.) (9848)

PUBLIC HEARINGS

37. Hold a public hearing and consider an annexation of a 123.28-acre tract located in Sections 37 and 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason Drive). This is a public hearing only. (Planning Admin) (140-2018)
38. Hold a public hearing and consider an annexation of a 25.410-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located approximately 896 feet south of State Highway 191 and 1,020 feet west of Avalon Drive). This is a public hearing only. (Planning Admin) (141-2018)
39. Hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 9.75-acre tract of land out of the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an MF-2, Multiple-Family Dwelling District; said tract being generally located at the northwest corner of the intersection of Tradewinds Boulevard and Thomason 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) (9850)

40. Hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 26.15-acre tract of land out of the southwest quarter of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-1, Local Retail District, in part, and AE, Agriculture Estate District, in part, to be used as a PD, Planned District for a housing development, (generally located on the east side of North Fairgrounds Road, approximately 715 feet south of East Pecan 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) (9851)
41. Hold a public hearing and consider an ordinance granting a special exception for Lot 12, Block, 1, Grandridge Estates Addition, City and County of Midland, Texas, (generally located at the northwest corner of the intersection of Blake Drive and Trennon Place), by permitting a reduced setback for the side yard adjacent to Blake 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); ordering recordation by the City Secretary in the deed records of Midland County, Texas; and ordering publication. (DEVELOPMENT SERVICES) (9852)
42. Hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 1A, Block 1, Midland Memorial Hospital, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a medical center, to be used as an amended Planned District (generally located at the southwest corner of the intersection of West Michigan Avenue and North N 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) (9853)
43. Hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 14.00-acre tract of land, a 2.497-acre tract of land, and a 1.937-acre tract of land out of Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which are presently zoned FD, Future Development District, to be used as an MF-1, Multiple-Family Dwelling District, in part, and as an LR-2, Local Retail District, in part, (generally located at the northeast corner of the intersection of Briarwood Avenue and North County Road 1250); 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) (9854)
44. Hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland,

Texas, by permitting Lot 1A, Block 3, Country Sky Addition, Section 24, City and County of Midland, Texas, which is presently zoned CE, County Estate District, to be used as an O-1, Office District (generally located at the southeast corner of the intersection of Briarwood Avenue and Roadrunner Trail); 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. (DOWNTOWN DEVELOPMENT) (9855)

45. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas, granting a written petition to annex a 21.30-acre tract of land and a 6.975-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (the "area") (generally located approximately 688 feet south of State Highway 191 and approximately 2,287 feet west of Avalon Drive) pursuant to Section 43.028 of the Texas Local Government Code; and authorizing and directing the City Secretary to record a copy or duplicate of the petition with a certified copy of the ordinance annexing the area upon the approval of such ordinance by the City Council. (DEVELOPMENT SERVICES) (2018 - 486)
46. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas, granting a written petition to annex a 28.84-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas (the "area") (generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40) pursuant to Section 43.028 of the Texas Local Government Code; and authorizing and directing the City Secretary to record a copy or duplicate of the petition with a certified copy of the ordinance annexing the area upon the approval of such ordinance by the City Council. (DEVELOPMENT SERVICES) (2018 - 487)

MISCELLANEOUS

47. 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; ordering publication; and establishing an effective date of January 1, 2019. (CITY ATTORNEY'S OFFICE) (9856)
48. Consider a motion making appointments to various boards and commissions.
49. Consider a resolution authorizing the execution of a contract with Midwest Wrecking Co. of Texas, Inc., of Fort Worth, Texas, for the demolition of the Building of the Southwest at a total cost of \$1,280,000.00; approving \$128,000.00 for contingencies; and authorizing the appropriation of \$1,408,000.00 for the Building of the Southwest Demolition Project (900284). (PURCHASING) (2018 - 488)

PUBLIC COMMENT

50. 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

51. 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, Deliberate 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.

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.