

****UNOFFICIAL AGENDA RESULTS****

AGENDA FOR CITY COUNCIL MEETING
February 13, 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:

CONSENT AGENDA

4. Consider a motion approving the following minutes:

APPROVED

- a. Regular meeting of January 23, 2019

APPROVED

5. Consider a resolution authorizing the execution of a three (3) year Sole-Source Contract for the use of Geographic Information System Software, maintenance support, and associated upgrades with Environmental Systems Research Institute, Incorporated at a cost of \$75,000.00 per year for a total of \$225,000.00. (PURCHASING) (2018 - 042)

APPROVED

6. Consider a resolution awarding a contract to Mid-Tex of Midland, Inc., for Phase 1 of the Dennis the Menace Park Renovation Project, at a total cost of \$964,000.00; approving \$100,000.00 for contingencies; and allocating and appropriating funds therefor. (PURCHASING) (2018 - 043)

APPROVED

7. Consider a resolution approving the purchase of three (3) full-size one-half (½) ton regular cab pickup trucks from Grapevine DCJ, LLC, of Grapevine, Texas; the purchase of two (2) full-size one-half (½) ton extended cab pickup trucks and one (1) full-size one-half (½) ton crew cab pickup truck from Caldwell County Chevrolet, of Caldwell, Texas; the purchase of one (1) full-size one-half (½) ton extended cab four-wheel drive pickup truck from Randall Reed's Prestige Ford, of Garland, Texas; the purchase of one (1) full-size three-quarter (¾) ton regular cab pickup truck, one (1) full-size three-quarter (¾) ton regular cab four-wheel drive pickup truck, one (1) full-size three-quarter (¾) ton crew cab four-wheel drive pickup truck, one (1) full-size three-quarter (¾) ton four-wheel drive cab and chassis, and three (3) full-size one (1) ton cab and chassis from Rogers Ford, of Midland, Texas, at a total cost of \$358,356.00; and all other bids are rejected in favor of the local bidder pursuant to Texas Local Government Code Section 371.9051. (PURCHASING) (2018 - 044)

APPROVED

8. Consider a resolution authorizing the issuance of a Request for Proposals for a driving simulator for the Police Department. (PURCHASING) (2018 - 045)

APPROVED

9. Consider a resolution authorizing the execution of a Purchase and Sale Agreement with 811 West Missouri L.L.C. regarding the conveyance of City-owned real property described as Lots One (1) and Two (2), Block Sixty-Four (64), Permian Estates, an addition to the City of Midland, Midland County, Texas. (PURCHASING) (2018 - 046)

APPROVED

10. Consider a resolution authorizing the execution of a contract with Ron Osborn, Inc., dba Advanced Environmental Services, for asbestos abatement at the Building of the Southwest, at a total cost of \$657,649.00; approving \$65,765.00 for contingencies; and appropriating funds therefor. (PURCHASING) (2018 - 047)

APPROVED

11. Consider a resolution accepting the bid and proposal submitted by the Midland Development Corporation for the purchase of City owned real property located at 310 West Texas Avenue, described as Lots Seven (7) and Eight (8), Block Thirty-Five (35), Original Town of Midland, an addition to the City of Midland, Midland County, Texas. (PURCHASING) (2018 - 048)

APPROVED

12. Consider a resolution approving a New Air Service Incentive Program to assist in local marketing for new air service at the Midland International Air & Space Port. (AIRPORTS) (2018 - 049)

APPROVED

13. Consider a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Propel Financial Services, LLC, as agent and attorney in fact for Propel Property Tax Funding, LLC v. Ernest Whittington, et al., in the 441st Judicial District Court, Midland County, Texas, Cause No. CV53994. (CITY ATTORNEY'S OFFICE) (2018 - 050)

APPROVED

14. Consider a motion authorizing the execution of a Sports Agreement with West Texas BMX to administer programs, special events, and services related to BMX (Bicycle Motocross) racing and riding. (COMMUNITY SERVICES) (008-2018)

APPROVED

15. Consider a motion authorizing the execution of a Sports Agreement with the Boys and Girls Club of the Permian Basin, to administer programs, special events, and services related to flag football and soccer for youth ages eight through twelve. (COMMUNITY SERVICES) (009-2018)

APPROVED

16. Consider a motion authorizing the execution of a Sports Agreement with the Texas Cricket Club to administer programs, special events, and services related to cricket. (COMMUNITY SERVICES) (010-2018)

APPROVED

17. Consider a motion authorizing the execution of a Sports Agreement with the Greater Midland Football League to administer programs, special events, and services related to youth football. (COMMUNITY SERVICES) (011-2018)

APPROVED

18. Consider a motion authorizing the execution of a Sports Agreement with the Midland Junior Baseball Association, Incorporated, to administer programs, special events, and services related to baseball for men ages nineteen and younger. (COMMUNITY SERVICES) (012-2018)

APPROVED

19. Consider a motion authorizing the execution of a Sports Agreement with the Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for adults and youth. (COMMUNITY SERVICES) (013-2018)

APPROVED

20. Consider a motion authorizing the execution of a Sports Agreement with Midland Softball Association, Incorporated, to administer programs, special events, and services related to softball for ages fifteen and older. (COMMUNITY SERVICES) (014-2018)

APPROVED

21. Consider a motion authorizing the execution of a Sports Agreement with Midland United Girls Softball Association, Incorporated, to administer programs, special events, and services related to softball for girls. (COMMUNITY SERVICES) (015-2018)

APPROVED

22. Consider a motion authorizing the execution of a Sports Agreement with Stonegate Fellowship to administer services related to flag football for youth and adults. (COMMUNITY SERVICES) (016-2018)

APPROVED

23. Consider a motion authorizing the execution of a Sports Agreement with Under the Lights Flag Football League to administer programs, special events, and services related to flag football for youth and adults. (COMMUNITY SERVICES) (017-2018)

APPROVED

24. Consider a motion authorizing the execution of a Sports Agreement with the YMCA of Midland, to administer programs, special events, and services related to various sports activities for youth and adults at Hogan South (across from Sibley Nature Center). (COMMUNITY SERVICES) (018-2018)

APPROVED

25. Consider a motion approving a proposed Preliminary plat of Daybreak Estates, Section 5, being a 41.061-acre tract of land out of south 1/2 of Section 12, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located east of Harvest Rain Street, approximately 1,438-feet north of East Mockingbird Lane. Council.) (DEVELOPMENT SERVICES) (019-2018)

APPROVED

26. Consider a motion approving a proposed Preliminary Plat of Midkiff Industrial Center Section 25 being a 31.339-acre tract of land out of Section 5, Block 39, T-2-S, T&P. RR. Co. Survey, City and County of Midland, Texas. (Generally located on the northwest intersection of South Midkiff Road and West Interstate 20.) (DEVELOPMENT SERVICES) (020-2018)

APPROVED

27. Consider a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC ("Operator") to drill an oil and gas well within the City limits located 109 feet from the south line and 1,350 feet from the west line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 1,412 feet east of South Garfield Street and 326 feet north of West County Road 111); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 051)

APPROVED

28. Consider a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC ("Operator") to drill an oil and gas well within the City limits located 109 feet from the south line and 1,320 feet from the west line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 1,382 feet east of South Garfield Street and 326 feet north of West County Road 111); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 052)

APPROVED

29. Consider a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC ("Operator") to drill an oil and gas well within the City limits located 109 feet from the south line and 1,020 feet from the west line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 1,082 feet east of South Garfield Street and 326 feet north of West County Road 111); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 053)

APPROVED

30. Consider a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC ("Operator") to drill an oil and gas well within the City limits located 109 feet from the south line and 1,050 feet from the west line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 1,112 feet east of South Garfield Street and 326 feet north of West County Road 111); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 054)

APPROVED

31. Consider a resolution authorizing the acceptance of an approximate 0.10-acre Fire and Safety Access Easement located in Lot 1C, Block 2, Corporate Plaza Addition, Section 18, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2018 - 055)

APPROVED

32. Consider a resolution authorizing the execution of an amendment to a Surface Use Agreement between the City of Midland and Crownquest Operating, LLC. (ENGINEERING SERVICES) (2018 - 056)

APPROVED

33. Consider a resolution authorizing the execution of a six-month Temporary Right-of-Way License with Geokinetics, Inc., for seismic testing across fourteen (14) square miles of City-owned property (Generally located on and around the Spraberry Farm) in Midland County and Glasscock County, Texas. (ENGINEERING SERVICES) (2018 - 057)

APPROVED

34. Consider a resolution authorizing the execution of a six-month Temporary Right-of-Way License with Dawson Geophysical Company for seismic testing across City-owned property described as Sections Nine (9), Sixteen (16), Twenty (20), and Twenty-One (21), Block Thirty-Seven (37), Township 3 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 058)

APPROVED

35. Consider a motion on request by Landgraf Crutcher and Associates to defer wastewater, paving and sidewalk improvements for Longview Subdivision, Section 3, and to waive the corresponding financial security guarantee valued at \$2,550,208.00, an amount equal to the estimated

cost of construction. The subject property is generally located approximately 6,000 feet west of the intersection of West State Highway 158 & West County Road 60/Briarwood Avenue, on the north side of West County Road 60; approximately 1.1 miles west of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (021-2018)

APPROVED

36. Consider a motion on request by Schumann Engineering Co., Inc. to defer water, wastewater, paving and sidewalk improvements for Lozano Place, and to waive the corresponding financial security guarantee valued at \$208,539.00, an amount equal to the estimated cost of construction. The subject property is generally located at the southwest corner of the FM 1788 and West County Road 54 intersection, approximately 14,000 feet north of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (022-2018)

APPROVED

37. Consider a motion on request by SW Howell, Inc. to defer wastewater, paving and sidewalk improvements for Northwestern Addition 16th Filing, and to waive the corresponding financial security guarantee valued at \$88,456.50, an amount equal to the estimated cost of construction. The subject property is generally located 1,600 feet east of the intersection of North Midland Drive and Cardinal Lane, within the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (023-2018)

APPROVED

38. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Pro Terminal Operators, Inc., regarding City-owned property described as Sections Eight (8), Nine (9), and Sixteen (16), Block Forty (40), Township 2 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 059)

APPROVED

39. Consider a motion on request by SW Howell, Inc. to defer water, wastewater, paving and sidewalk improvements for West Terminal Addition, Section 6, and to waive the corresponding financial security guarantee valued at \$232,331.50, an amount equal to the estimated cost of construction. The subject property is generally located approximately 3,500 feet west of the intersection of West County Road 100 and FM 1788, on the north side of West County Road 100, approximately 3,000

feet west of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (024-2018)

APPROVED

40. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Midland Heritage Oaks, Inc. for development of Heritage Oaks, Section 7, City and County of Midland, Texas (Generally located in the region bound by Briarwood Avenue, Navasota Drive, Frio Drive and Roadrunner Trail); and appropriating funds in the amount of \$389,057.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2018 - 060)

APPROVED

SECOND READINGS

41. 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 Tracts 1 and 2, Patterson Acres, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Transition District, in part, and 1F-2, One-Family Dwelling District, in part, to be used as a PD, Planned District for a Transition District (Generally located on the south side of East Wadley Avenue, approximately 365 feet east of Ranchland 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 January 23, 2018.) (9731)

SECOND READING APPROVED

42. 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 10-13, Block 3, Common Area A, Block 4, Lots 16 and 17, Block 5, and Common Area B, Block 6, Quail Ridge Addition, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended Planned District (Generally located on the north side of East Business Interstate 20, approximately 300 feet west of Chukar 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 January 23, 2018.) (9732)

SECOND READING APPROVED

43. Consider an ordinance on second reading granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Midland, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-way; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; providing for a term and effective date; providing for written acceptance of this franchise, providing that the meeting at which this ordinance is passed is open to the public; providing for severability; and ordaining other provisions related to the subject matter here of. (CITY MANAGER'S OFFICE) (First reading held January 23, 2018.) (9733)

SECOND READING OF THREE APPROVED

PUBLIC HEARINGS

44. Hold a public hearing regarding the proposed granting of oil and gas permits to RSP Permian, L.L.C., for the drilling of oil gas wells, being MCC HZ Unit 1105H located 285 feet from the north line and 1,688 feet from the east line, MCC HZ Unit 1106H located 285 feet from the north line and 1,728 feet from the east line and MCC HZ Unit 1107H located 285 feet from the north line and 1,768 feet from the east line, Section 11 Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Said wells sharing a pad site area that is generally located between 1,688 and 1,768 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. (DEVELOPMENT SERVICES) (025-2018)

HELD

45. Hold a public hearing regarding the proposed granting of an oil and gas permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil gas well, being Charger #H150WB located 110 feet from the south line and 990 feet from the west line, Section 3, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas. (Said well is generally located between 1,052 feet east of South Garfield Street and 325 feet north of West County Road 111.) This is a public hearing only. (DEVELOPMENT SERVICES) (026-2018)

HELD

46. Consider a resolution authorizing the Temporary Use of Land for a Music Festival on Block 55, a 0.56-acre portion of North Colorado Street right-of-way located adjacent to Blocks 55 and 56, a 0.7-acre portion of West

Texas Avenue right-of-way located adjacent to Blocks 36 and 55, and a 1.28-acre portion of West Wall Street right-of-way located adjacent to Blocks 55, 56, 64, and 65, all out of Original Town Addition, City and County of Midland, Texas (Generally located northwest of the intersection of South Loraine Street and West Wall Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 061)

AMMENDED AND APPROVED

47. Consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 41.061-acre tract of land out of the south half of Section 12, Block X, H. P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Housing Development (Generally located east of Harvest Rain Street, approximately 1,438 feet north of east 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) (9734)

FIRST READING APPROVED

48. Consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 9, Block 28, Wydewood Estates, Section 21, 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 east of Sunmore Circle, approximately 509 feet south of West 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) (9735)

FIRST READING APPROVED

49. Consider an ordinance granting a special exception for Lot 22, Block 5, Correction Plat of Western Hills, Section 2, City and County of Midland, Texas (Generally located northeast of the intersection of South Bentwood Drive and Anetta Drive), by permitting a reduced 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) (9736)

DEFERRED

50. Consider an ordinance changing the zoning use classification of the property described as an 8,237-square foot portion of Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas (Generally located southwest of the intersection of Starboard Drive and Liberty Drive), which is presently zoned LR-3, 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 bar 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) (9737)

FIRST READING APPROVED

51. Consider a resolution authorizing the Temporary Use of Land for a Church Family Fair and a Carnival on Lot 8, Block 7, Glendale Addition, and Lot 13A, Block 7, Glendale Addition, Section 2, City and County of Midland, Texas (Generally located northeast of the intersection of North Tyler Street and Garden Lane); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 062)

APPROVED

MISCELLANEOUS

52. Consider an ordinance repealing Ordinance No. 9547 which granted to Sharyland Utilities, L.P., its successors and assigns, an electric power franchise to use the streets, alleys, highways, public utility easements, and public ways of the City of Midland, Texas. (CITY MANAGER'S OFFICE) (9738)

FIRST READING APPROVED

53. Consider a resolution authorizing the execution of a Chapter 380 Economic Development Agreement between the City of Midland and Mall at Midland Park, LLC, as authorized by Chapter 380 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2018 - 063)

APPROVED

54. Consider a motion on request by Schumann Engineering Co., Inc. to defer water, and reconfirm deferral of wastewater, paving and sidewalk improvements for Hannah Addition, and to waive the corresponding financial security guarantee valued at \$610,393.00, an amount equal to

the estimated cost of construction. The subject property is generally located near the southwest corner of South County Road 1230 and West County Road 120 intersection. The subject property is approximately 150 feet south of the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (027-2018)

APPROVED

55. Consider a resolution authorizing the execution of an instrument terminating the Public Improvement Development Agreement with Rosalva Martinez and Bertina Martinez for water distribution improvements to Hannah Addition, Section 1, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 064)

APPROVED

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

APPOINTMENT MADE

PUBLIC COMMENT

57. 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

58. 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