

****UNOFFICIAL AGENDA RESULTS****

AGENDA FOR CITY COUNCIL MEETING
February 27, 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 Phillip Allman, Associate Pastor 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:
 - a. Regular meeting of February 13, 2018

APPROVED

5. Consider a resolution authorizing the issuance of a request for qualifications for professional architectural and engineering services for the construction of a new Animal Shelter for the Community Services Department. (PURCHASING) (2018 - 065)

APPROVED

6. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 114.37 acres out of Section 14, approximately 337.08 acres out of Section 15, approximately 68.61 acres out of Section 22, approximately 9.11 acres out of Section 23, and approximately 6.74 acres out of Section 26, all out of Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland,

Texas (said acreage being generally located south of East Loop 250 North, east of North Garfield Street, north of Illinois Avenue, and west of North Lamesa Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2018 - 066)

APPROVED

7. Consider a resolution awarding a contract for the East Hicks Avenue and East Taylor Avenue Paving Project to Jones Bros. Dirt & Paving Contractors, Inc. of Odessa, Texas, at a total cost not to exceed \$1,300,167.81; said project being a Year One Bond Project; and authorizing payment therefor. (PURCHASING) (2018 - 067)

APPROVED

8. Consider a resolution awarding a contract for the Green Tree Boulevard Mill and Inlay Paving Project to Jones Bros. Dirt & Paving Contractors, Inc. of Odessa, Texas, at a total cost not to exceed \$1,179,449.91; said project being a Year One Bond Project; and authorizing payment therefor. (PURCHASING) (2018 - 068)

APPROVED

9. Consider a resolution approving the purchase of a generator for City Hall from Warren Power & Machinery, Inc., dba Warren Cat through Buyboard at a total cost of \$59,142.00. (PURCHASING) (2018 - 069)

APPROVED

10. Consider a resolution rejecting all bids received for fifteen (15) White police package vehicles and two (2) red police package vehicles; and authorizing the City Manager to issue an advertisement for competitive bids for twenty (20) white police package vehicles and two (2) red police package vehicles. (PURCHASING) (2018 - 070)

APPROVED

11. Consider a resolution authorizing the purchase of an airless truck-mounted striping machine for the Garage Division from Vogel Traffic Services, Inc., dba Ez-Liner Inc., of Orange City, Iowa, at a total cost of \$133,500.00. (PURCHASING) (2018 - 071)

APPROVED

12. Consider a resolution approving the purchase of a utility tractor for the Garage Division from the sole bidder, Deere & Company, of Cary, North Carolina, at a total cost of \$79,747.61. (PURCHASING) (2018 - 072)

APPROVED

13. Consider a resolution authorizing the execution of a Professional Services Agreement with Enprotec/Hibbs & Todd, Inc., to provide wastewater collection system modeling services and to prepare a Wastewater Collection System Master Plan for the City of Midland, for an amount not to exceed \$610,000.00. (PURCHASING) (2018 - 073)

APPROVED

14. Consider a resolution authorizing the City Manager to advertise a request for qualifications for Professional Engineering Services associated with the planning and design of improvements to Garfield Street and A Street; said services being related to year three Bond Projects; authorizing the City Manager to negotiate Professional Services Agreements for said services; and providing that said agreements shall not become effective until approved by the City Council. (PURCHASING) (2018 - 074)

APPROVED

15. Consider a resolution authorizing the execution of a Professional Services Agreement with SilverWing Enterprises, LLC, to provide Professional Services in support of the operation of the Spaceport located at Midland International Air and Spaceport; and appropriating funds therefor. (AIRPORTS) (2018 - 075)

APPROVED

16. Consider a resolution authorizing the execution of Amendment Number Seven to the Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for professional engineering services at the Midland International Air & Spaceport; said amendment to include the following projects: Aircraft Rescue Fire Fighting Vehicle Replacement Project, Terminal Vehicle Parking Lot Pavement and Equipment Project, and Spaceport Business Park Environmental Project; and appropriating funds therefor. (AIRPORTS) (2018 - 076)

APPROVED

17. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for the purpose of combining funds to provide for the expansion of various infrastructure improvements to state and local highways and related facilities in and around the corporate limits of the City of Midland, as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2018 - 077)

APPROVED

18. Consider a motion approving a proposed Final Plat of Timberwolf Estates North, being a 130.0-acre tract of land out of Sections 5 and 8, Block 38, T-1-S, T&P RR. Co. Survey, City of Midland, Martin County, Texas. (Generally located on the west side of North Elkins Road, approximately 695 feet north of Timber Wolf Trail.) (DEVELOPMENT SERVICES) (028 - 2018)

APPROVED

19. Consider a motion approving a proposed Preliminary Plat of Tuscan Villas, being a 34.74-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Garfield Street, approximately 590 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES) (029 - 2018)

APPROVED

20. Consider a resolution adopting guidelines and criteria for Tax Abatement Agreements as authorized by Chapter 312 of the Texas Tax Code; authorizing the City Secretary to submit a copy of this resolution to the Texas Comptroller of Public Accounts. (DEVELOPMENT SERVICES) (2018 - 078)

APPROVED

21. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Nustar Permian Transportation and Storage, LLC, regarding City-owned property described as Section 16, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 079)

APPROVED

22. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Grand Prix Pipeline, LLC, regarding City-owned property described as Section 30, Block 36, Township 3 South, T&P RR Co. Survey, Midland County and Glasscock County, Texas. (ENGINEERING SERVICES) (2018 - 080)

APPROVED

23. 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 - 081)

APPROVED

24. Consider a motion on request by SW Howell, Inc. to defer water, wastewater, paving and sidewalk improvements for Cotton Addition, and to waive the corresponding financial security guarantee valued at \$115,636.50, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of West County Road 150, approximately 820 feet east of South County Road 1285, approximately 2.6 miles outside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (030 - 2018)

APPROVED

25. Consider a motion on request by Parkhill Smith & Cooper, Inc., to defer wastewater and sidewalk improvements for Spanish Trails Station, Section 3, and to waive the corresponding financial security guarantee valued at \$132,814.00, an amount equal to the estimated cost of construction. The subject property is generally located on the west side of South County Road 1250, approximately 500 feet north of Interstate 20, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (031 - 2018)

APPROVED

26. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Desert Thunder Raceway, LLC for paving improvements to South County Road 1250 to serve Spanish Trails Station, Section 3 (generally located on the west side of South County Road 1250, approximately 500 feet north of Interstate 20); and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2018 - 082)

APPROVED

27. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Mockingbird Oaks Development, LLC for development of Los Patios Addition, Section 5, City and County of Midland, Texas (generally located southwest of the intersection of Briarwood Avenue and Holiday Hill Road); and allocating and appropriating funds in the amount of \$356,500.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2018 - 083)

APPROVED

28. Consider a resolution authorizing the execution of a Business Associate Agreement with the Midland County Hospital District regarding the Midland Fire Department Community Health Paramedic Program

obtaining access to patient data by and through Midland Memorial Hospital Computer Systems. (FIRE) (2018 - 084)

APPROVED

29. Consider a resolution authorizing the execution of a memorandum of understanding with the United States Marshals Service regarding the Midland Fire Department's Tactical Medic Team's support of the United States Marshals Service's Violent Offender Task Force. (FIRE) (2018 - 085)

APPROVED

SECOND & THIRD READINGS

30. Consider an ordinance on third 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 hereof. (CITY MANAGER'S OFFICE) (First reading held January 23, 2018. Second reading held February 13, 2018.) (9733)

THIRD READING APPROVED

31. 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 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) (First reading held February 13, 2018.) (9734)

SECOND READING APPROVED

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 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) (First reading held February 13, 2018.) (9735)

SECOND READING APPROVED

33. Consider an ordinance on second reading 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) (First reading held February 13, 2018.) (9737)

SECOND READING APPROVED

34. Consider an ordinance on second reading 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) (First reading held February 13, 2018.) (9738)

SECOND READING APPROVED

PUBLIC HEARINGS

35. Consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a 1F-3, One-Family Dwelling District (generally located northeast of the intersection of Arapahoe Road and Fairgrounds 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) (9739)

FIRST READING APPROVED

36. Consider an ordinance granting a special exception for a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located northeast of the intersection of Arapahoe Road and Fairgrounds Road), 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) (9740)

FIRST READING APPROVED

37. Consider an ordinance vacating and abandoning a 0.257-acre portion of Adams Street right-of-way located adjacent to Blocks 55 and 56, East Midland Addition, City and County of Midland, Texas (generally located north of the intersection of Adams Street and Garden Lane); adopting the appraisal by the City Manager of \$22,390.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9741)

FIRST READING AMENDED AND APPROVED

38. Consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting an 11.32-acre tract of land and a 19.42-acre tract of land out of Section 9, Block X, H. P. Hillard Survey, City and County of Midland, Texas, which are presently zoned 1F-1, One-Family Dwelling District, to be used as a 1F-2, One-Family Dwelling District (generally located west of North Garfield Street, approximately 617 feet north of 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) (9742)

FIRST READING APPROVED

39. Consider an ordinance granting a Special Exception for a 15.18-acre tract of land out of Section 10, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located approximately 640 feet north of Mockingbird Lane and approximately 1,308 feet east of North Garfield Street), by permitting the use of a manufactured home as a fixed dwelling; granting a variance for said property permitting the construction of a

residence where no portion of any structure is closer than 200 feet of an oil and gas well; authorizing issuance of a building permit; 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) (9743)

FIRST READING AMENDED AND APPROVED

40. Hold a public hearing regarding the proposed granting of oil and gas permits to RSP Permian, L.L.C., for the drilling of oil and gas wells, being MCC HZ Unit 1110H located 285 feet from the north line and 2,258 feet from the east line, MCC HZ Unit 1111H located 285 feet from the north line and 2,288 feet from the east line, MCC HZ Unit 1112H located 285 feet from the north line and 2,318 feet from the east line, and MCC HZ Unit 1113H located 285 feet from the north line and 2,348 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 2,258 and 2,348 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane). This is a public hearing only. (DEVELOPMENT SERVICES) (032 - 2018)

PUBLIC HEARING HELD

41. Consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 1.68-acre tract of land out of Section 29, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for an office center, to be used as a PD, Planned District for a shopping center (generally located on the south side of West Golf Course Road, approximately 270 feet west of North Midkiff 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) (9744)

FIRST READING APPROVED

42. Consider a resolution authorizing the temporary use of land for a private technology symposium and customer appreciation event on Lots 7A and 13A, Block 27, Original Town Addition, Section 3, City and County of Midland, Texas (generally located northeast of the intersection of North Big Spring Street and West Illinois Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 086)

APPROVED

MISCELLANEOUS

43. Consider an ordinance of the City Council of the City of Midland, Texas, approving a tariff authorizing an annual rate review mechanism as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., West Texas Division (“Atmos West Texas” or the “Company”) and the Steering Committee of cities served by Atmos West Texas (“WTX Cities”); requiring the company to reimburse WTX Cities’ reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and legal counsel for WTX Cities. (CITY MANAGER'S OFFICE) (9745)

FIRST READING APPROVED

44. Consider an ordinance adopting a Health & Senior Services Fee Schedule, a Hogan Park Golf Course Fee Schedule, and a Recreation Fee Schedule; amending Title VIII, “Food Establishments, Health and General Sanitation”, Chapter 2, “Food Service”, Section 2, “Permit Fees; Permits”, Chapter 3, “Retail Food Stores”, Section 2, “Permit Fees”, Chapter 4, “Mobile Food Vendors”, Section 2, “Permit Fees”, and Chapter 5, “Food Products Establishments”, Section 3, “Permit Fees” of the City Code of Midland, Texas; repealing ordinances specifically in conflict with such fee schedules established herein; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (COMMUNITY SERVICES) (9746)

FIRST READING APPROVED

PUBLIC COMMENT

45. 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

46. 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