

AGENDA FOR CITY COUNCIL MEETING
300 North Loraine
Midland, Texas
June 11, 2019 – 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, 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. Proclamation for "Emancipation Proclamation Celebration Days"

CONSENT AGENDA

4. Consider a motion approving the following minutes:
 - a. Regular City Council meeting of May 28, 2019
 - b. Special City Council meeting of June 4, 2019
5. Consider a resolution awarding a contract to Johnson Technical Services, Inc., for phase two of the Microwave Remediation Project through the Texas Department of Information Resources at a total cost of \$432,340.79; and approving \$108,085.20 for contingencies. (PURCHASING) (2019 - 169)
6. Consider a resolution authorizing the issuance of a request for proposals for Voluntary Long Term Disability and Short Term Disability Insurance, Basic Life Insurance, Accidental Death and Dismemberment Insurance, Voluntary Term Life Insurance, and an Employee Assistance Program for the Administrative Services Department. (PURCHASING) (2019 - 170)

7. Consider a resolution authorizing the issuance of a request for proposals for Internet-Based Employee Benefits Enrollment Services for the Administrative Services Department. (PURCHASING) (2019 - 171)
8. Consider a resolution authorizing the issuance of a request for proposals for Bill Printing and Mailing Services for the Finance Department. (PURCHASING) (2019 - 172)
9. Consider a resolution authorizing the issuance of a request for proposals for Collection Services for the Finance Department. (PURCHASING) (2019 - 173)
10. Consider a resolution approving specifications and authorizing advertisement for bids for janitorial services for City buildings. (PURCHASING) (2019 - 174)
11. Consider a resolution authorizing the execution of a change order to the contract with Onyx General Contractors, LLC regarding the Fiscal Year 2018 Midland Citywide Concrete Program; said change order to provide for vehicular and pedestrian traffic improvements associated with Road Bond Projects at or near Tarleton Street between Golf Course Road and Wadley Avenue; and authorizing payment therefor in an amount not to exceed \$250,000.00. (PURCHASING) (2019 - 175)
12. Consider a resolution authorizing the employment of the law firm of Brown & Hofmeister, L.L.P. to provide legal services to the City of Midland related to the adoption of impact fees. (CITY ATTORNEY'S OFFICE) (2019 - 176)
13. Consider a motion approving a proposed preliminary plat of Happy Cove Ranch Estates, being a plat of a 30.50-acre tract of land out of Section 14, Block 40, T-1-S T&P RR Co. Survey, Midland County, Texas, (generally located on the southwest corner of the intersection of North County Road 1246 and West County Road 41 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES) (040 - 2019)
14. Consider a resolution authorizing the acceptance of a 2.240-acre utility easement and a 0.209-acre utility easement out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2019 - 177)
15. Consider a resolution authorizing the acceptance of a 1.94-acre road and utility easement and a 0.86-acre road and utility easement out of Section 36, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2019 - 178)
16. Consider a resolution authorizing Midland County, Texas to perform paving services on Midkiff Road, from a point approximately 720 feet south of the centerline of Interstate 20 to a point at the southern boundary of the City of

Midland, and on Cotton Flat Road, from a point approximately 747 feet south of the centerline of Interstate 20 to a point at the southern boundary of the City of Midland, in accordance with the City - County Interlocal Cooperation Contract authorized by Resolution No. 2013-401; and authorizing payment therefor in an amount not to exceed \$488,673.97. (ENGINEERING SERVICES) (2019 - 179)

17. Consider a resolution setting the date, time, and location of a public hearing to consider the Imposition of Water, Wastewater, and Roadway Impact Fees. (ENGINEERING SERVICES) (2019 - 180)

SECOND READINGS

18. 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 1.316-acre portion of Lot 1, Block 2, Southwest Crossing, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as a BP, I-20 Business Park District (generally located at the southwest corner of the intersection of Cholla Road and Antelope 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. (DEVELOPMENT SERVICES)(First reading held May 28, 2019)(9927)
19. 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 7, Block 17, Skyline Terrace, Unit 7, 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 south side of West Loop 250 North, approximately 220 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)(First reading held May 28, 2019)(9928)
20. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 3G, Block 6, Scotsdale Addition, Section 19, City and County of Midland, Texas (generally located on the south side of West Wadley Avenue, approximately 312 feet east of Mark Lane), 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 May 28, 2019)(9929)

21. Consider an ordinance on second reading changing the zoning use classification of the property described as a 6,549-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (generally located at the northeast corner of the intersection of North Garfield Street and West Loop 250 North), which is presently zoned PD, Planned District for a Shopping Center, 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 May 28, 2019)(9930)
22. Consider an ordinance on second reading vacating and abandoning a 0.14-acre portion of alley right-of-way located in Block 21, Belmont Addition, City and County of Midland, Texas (generally located on the south side of West Francis Avenue, approximately 135 feet east of Rankin Highway); adopting the appraisal by the City Manager of \$12,196.80; retaining a nonexclusive utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held May 28, 2019)(9931)
23. Consider an ordinance on second reading changing the zoning use classification of the property described as a 3,600-square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (generally located at the northeast corner of North Garfield Street and West Loop 250 North), which is presently zoned PD, Planned District for a Shopping Center, 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 May 28, 2019)(9932)
24. Consider an ordinance on second reading changing the zoning use classification of the property described as a 3,068-square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and County of Midland, Texas (generally located on the west side of North Midkiff Road, approximately 200 feet north of West Wadley Avenue), 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 beer and wine 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 May 28, 2019)(9933)

25. Consider an ordinance on second reading granting a special exception for Lot 16, Block 1, 349 Ranch Estates, City and County of Midland, Texas (generally located on the west side of Shawnee, approximately 498 feet north of Tejas), by permitting a metal skin exterior on a detached accessory structure that exceeds 12 feet in height and that exceeds 400 square feet in area; 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 May 28, 2019)(9934)

PUBLIC HEARINGS

26. Hold a public hearing and consider an ordinance granting a special exception for a 77.433-acre tract of land and a 48.722-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located approximately 2,670 feet west of Holiday Hill Road and 300 feet north of Mockingbird Lane), 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) (9935)
27. 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 1, Block 1, Resthaven Memorial Park, Section 2, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as an LR-2, Local Retail District (generally located on the east side of North Big Spring Street, approximately 604 feet north of East Loop 250 North); 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) (9936)
28. Hold a public hearing and consider an ordinance adopting a site plan for a 9.77-acre tract of land out of Section 48, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas (generally located at the northwest corner of the intersection of Tradewinds Boulevard and Thomason Drive); subject to certain conditions and restrictions; 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) (9937)

29. 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 1.92-acre tract of land out of Lot 6B, Block 3, Westridge Park Addition, Section 12, 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 north side of Deauville Boulevard, approximately 351 feet west of Tradewinds Boulevard); 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) (9938)
30. Hold a public hearing and consider a resolution authorizing the temporary use of land for a festival and concert on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas (generally located northeast of the intersection of Tradewinds Boulevard and Champions Drive); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2019 - 181)
31. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 6, Block 4, Tanglewood Addition, Section 4, City and County of Midland, Texas (generally located on the west side of North Lamesa Road, approximately 801 feet north of East Wadley Avenue), which is presently zoned LR-1, Local Retail District, by permitting said property to be used under a Specific Use Permit Without Term for a Kennel; 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) (9939)
32. Hold a public hearing and consider an ordinance granting a special exception for Lot 3, Block 1, Rolling Green Acres, Section 2, City and County of Midland, Texas (generally located on the east side of Chukar Lane, approximately 322 feet north of East Business Interstate 20), by permitting a reduced minimum lot area; 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) (9940)
33. Hold a public hearing and consider a resolution authorizing the temporary use of land for a music festival on a 0.70-acre portion of South Loraine Street right-of-way adjacent to Blocks 65, 66, 85, and 86, and a 0.51-acre portion of West Missouri Avenue right-of-way adjacent to Blocks 65, 66, 85, and 86, Original Town Addition, City and County of Midland, Texas (generally located at the intersection of South Loraine Street and West Missouri Avenue); and making

said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2019 - 182)

34. Hold a public hearing to receive input regarding the 2019/2020 Community Development Action Plan prior to CDBG application submission to the Department of Housing and Urban Development. (DEVELOPMENT SERVICES) (041 - 2019)
35. Hold public a hearing and consider a resolution authorizing the temporary use of land for a fundraising event on Block 32, Original Town Addition, City and County of Midland, Texas (generally located at the southwest corner of the intersection of West Illinois Avenue and North Marienfeld Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2019 - 183)

MISCELLANEOUS

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

PUBLIC COMMENT

37. 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

38. 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, Deliberation Regarding 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.

b. Section 551.071, Consultation with Attorney

- b.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,

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.