

**\*\*UNOFFICIAL AGENDA RESULTS\*\***

**AGENDA FOR CITY COUNCIL MEETING**  
February 25, 2020 – 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 Dustin Pearce, Stonegate Fellowship 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 Women's History Month

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular City Council meeting of February 11, 2020.

**APPROVED**

5. Consider a motion authorizing the City Manager or the City Manager's designee to advertise a request for qualifications for professional services for on call engineering services for the Utilities Department; authorizing the City Manager or the City Manager's designee to negotiate professional services agreements for said services; and providing that said agreements shall not become effective until approved by the City Council. (PURCHASING) (029 - 2020)

**APPROVED**

6. Consider a motion authorizing the execution of Change Order Two (2) with Red Deer Construction, LLC regarding the Midland Meter Program 01; said change order to be in an amount not to exceed \$200,000.00 and to provide for additional work to replace existing water meters with new water meters throughout the City on an as-needed basis. (PURCHASING) (030 - 2020)

**APPROVED**

7. Consider a motion authorizing the execution of Change Order Three (3) with Red Deer Construction, LLC regarding the Water, Wastewater, & Fire Hydrant Taps Expanded Program 04; said change order to be in an amount not to exceed \$140,000.00 and to provide for additional work to construct small utility projects and service laterals throughout the City on an as-needed basis. (PURCHASING) (031 - 2020)

**APPROVED**

8. Consider a motion authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc., to provide engineering and maintenance services at the Paul Davis Wellfield for the Utilities Department for a total cost not to exceed \$134,800.00. (PURCHASING) (032 - 2020)

**APPROVED**

9. Consider a resolution authorizing the employment of the law firm of Cotton Bledsoe Tighe & Dawson, P.C. to represent the City of Midland in a lawsuit styled Yadira Uranga v. Midland Odessa Urban Transit District, et al., in the United States District Court for the Western District of Texas, Midland-Odessa Division, Civil Action No. 7:20-CV-00021. (CITY ATTORNEY'S OFFICE) (2020 - 043)

**APPROVED**

10. Consider a resolution authorizing the execution of a Tax Abatement Agreement with RIMT Property, LP as authorized by Chapter 312 of the Texas Tax Code (the "Agreement") regarding a 1.742-acre tract of land out of Block 93, Original Town Addition, City and County of Midland, Texas (the "Property"); said property being located within Tax Abatement Reinvestment Zone Number 2018-03 (the "Reinvestment Zone"); said Reinvestment Zone being located at the southwest corner of the intersection of South Big Spring Street and West Missouri Avenue; the owner of the property being RIMT Property, LP; the applicant for tax abatement being RIMT Property, LP; the improvements included in the agreement being generally described as a hotel having a minimum of 110 rooms and accessory uses associated therewith; the estimated cost of

said improvements being not less than \$15,000,000.00; and directing the City Manager to deliver a written notice of the City's intention to enter into the agreement, or ensure that such a notice has been delivered, to the presiding officer of the governing body of each appropriate taxing unit at least seven days prior to the execution of the agreement. (CITY ATTORNEY'S OFFICE) (2020 - 044)

**APPROVED**

11. Consider a motion authorizing the City Manager to negotiate a land exchange with Midland College; and providing that any agreement must be approved by the City Council before becoming effective. (CITY ATTORNEY'S OFFICE) (030 - 2020)

**APPROVED**

12. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and Kepler Aerospace, Ltd., as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2020 - 045)

**APPROVED**

13. Consider a resolution approving a Commercial Sublease Agreement between the Midland Development Corporation and Kepler Aerospace, Ltd., regarding certain City-owned real property located at Midland International Air & Space Port and described as a certain portion of Lot 1A, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE) (2020 - 046)

**APPROVED**

14. Consider a resolution in support of Mayor Patrick N. Payton's membership of the Permian Basin Regional Planning Commission's Board of Directors. (CITY MANAGER'S OFFICE) (2020 - 047)

**APPROVED**

15. Consider a resolution establishing a regular City Council meeting to be held on March 9, 2020. (CITY SECRETARY'S OFFICE) (2020 - 054)

**APPROVED**

16. Consider a motion accepting a donation in the amount of (i) \$2,000.00 from Vandergriff Group Architects and (ii) \$1,000.00 from the Hancock Group; said funds to be used for the new Animal Shelter Design and Build Project; and allocating said funds to the Animal Shelter Design and Build

Project (900265). (COMMUNITY SERVICES) (031 - 2020)

**APPROVED**

17. Consider a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Edge Housing Development; the applicant is DDC Merritt Edge, Ltd.; the proposed development is located at 205 Corporate Drive providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES) (2020 - 048)

**APPROVED**

18. Consider a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Sunset Housing Development; the applicant is DDC Merritt Sunset, Ltd.; the proposed development is located at Thomason Drive and Beal Parkway; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES) (2020 - 049)

**APPROVED**

19. Consider a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Gardens Housing Development; the applicant is DDC Merritt Gardens, Ltd.; the proposed development is located at 5606 Starboard; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES) (2020 - 050)

**APPROVED**

20. Consider a resolution approving the issuance of permits 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 409 feet and 410 feet north of the Green Tree Boulevard Extension and between 1,373 feet and 1,432 feet west of the North Midkiff Road Extension); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2020 - 051)

**APPROVED**

21. Consider a motion on request by Maverick Engineering to defer public water, wastewater, and sidewalk improvements for Wakefield Addition and to waive the corresponding financial security guarantee valued at

\$23,135.00, an amount equal to the estimated cost to construct the public infrastructure. (ENGINEERING SERVICES) (032 - 2020)

**APPROVED**

22. Consider a resolution authorizing the purchase of real property described as a 2.5 acre tract out of the northwest corner of Section 5, Block 38, T-2-S, City of Midland, Midland County, Texas; authorizing the City Manager to execute and file all documents necessary to acquire said real property interest, purchase title insurance and policies and hold the closing for said acquisition; appropriating funds; authorizing payment for said real property interest, title insurance policy and closing costs; and ordering the City Secretary to record, or ensure that the title company records, all instruments of conveyance. (UTILITIES) (2020 - 052)

**APPROVED**

23. Consider a motion authorizing the execution of a sanitary sewer discharge license agreement with Baker Hughes Oilfield Operations, Inc. at 2605 Market Street, Building A, Midland, Texas. (UTILITIES) (033 - 2020)

**APPROVED**

**SECOND READINGS**

24. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone Lot 1A, Block 1, Cycles Addition, Section 2, City and County of Midland, Texas, from PD, Planned Development District for a Shopping Center to an Amended PD, Planned Development District for a Shopping Center (generally located at the northwest corner of the intersection of West Business Interstate 20 Frontage Road and 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) (First reading held February 11, 2020.) (10053)

**SECOND READING APPROVED**

25. Consider an ordinance on second reading amending the Zoning District Map of the City of Midland to rezone the north 1/2 of the west 1/3 of Tract 1, Snively Addition, City and County of Midland, Texas, from C, Commercial District to SF-3, Single-Family Dwelling District (generally located approximately 421 feet west of Cotton Flat Road and approximately 865 feet north of West Francis 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 11, 2020.) (10054)

**SECOND READING APPROVED**

26. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto a certain area adjoining the present City limits, being a 40.0492-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located on the west side of State Highway 158, approximately 2,372 feet north of State Highway 191); ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held February 11, 2020.) (10055)

**SECOND READING APPROVED**

**PUBLIC HEARINGS**

27. Hold a public hearing and consider an ordinance amending the Zoning District Map of the City of Midland to rezone Lots 3 and 4, Block 6, Lilly Heights Addition, City and County of Midland, Texas, from PD, Planned Development District for an Office Center to O-1, Office District (generally located at the southeast corner of the intersection of Andrews Highway and Tarleton 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) (10058)

**FIRST READING APPROVED**

28. Hold a public hearing and consider an ordinance vacating and abandoning a 0.496-acre portion of West Indiana Avenue right-of-way located adjacent to Blocks 88 and 93, Original Town Addition, City and County of Midland, Texas (generally located approximately 380 feet south of West Missouri Avenue, between South Marienfeld Street and South Big Spring Street); adopting the appraisal by the City Manager of \$43,212.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (10059)

**FIRST READING APPROVED**

29. Consider ordinance amending the Zoning District Map of the City of Midland to rezone Lot 3, less the south 10 feet, Block 26, Moody Addition, 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 North Tyler Street, approximately 100 feet south of East Texas 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) (10060)

**FIRST READING APPROVED**

30. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for an Acrobatic Show on Lot 9, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (generally located on the south side of West Loop 250 North, approximately 1,116 feet west of North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2020 - 053)

**AMENDED AND APPROVED**

**MISCELLANEOUS**

31. Consider an ordinance amending Title II, "Commissions and Boards," Chapter 10, "Animal Control Advisory Commission," Section 2, "Membership," of the City Code of Midland, Texas, so as to increase the number of commission members to seven (7); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (COMMUNITY SERVICES) (10061)

**FIRST READING APPROVED**

32. Consider a motion making appointments to various Boards and Commissions.

**APPOITMENTS MADE**

**PUBLIC COMMENT**

33. 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**

34. 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 551.071, Consultation with Attorney
  - a.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.
- b. Section 551.072, Deliberation Regarding Real Property
  - b.1. Discuss the purchase, exchange, lease, or value of real property described as a 11.72-acre tract located in Section 13, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.
- c. 551.074 Personnel Matters
  - c.1. Deliberate the appointment and duties of the Municipal Court Presiding Judge and interview candidates for said position.

Respectfully Submitted,

Courtney B. Sharp  
City Manager