

****UNOFFICIAL AGENDA RESULTS****

AGENDA FOR CITY COUNCIL MEETING
February 26, 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 Randy Sims, Midland Bible 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 to Negro Business and Professional Women's Club of Midland for Women History Month.

CONSENT AGENDA

4. Consider a motion approving the following minutes:

APPROVED

- a. Regular City Council Meeting of February 12, 2019.

APPROVED

5. Consider a resolution allocating the sum of \$325,000.00 from the Hotel/Motel Fund's (090150) 2019 Operating Budget for the Midland Softball Account (56187) to the Midland Softball Field Project (900289). (FINANCE) (2019 - 046)

APPROVED

6. Consider a motion approving the purchase of Cradlepoint Netcloud equipment, software and services for one (1) year from CentralSquare

Technologies for a cost of \$251,764.15 for the Communication and Information Systems Department. (PURCHASING) (029 - 2019)

APPROVED

7. Consider a resolution awarding a contract for the purchase and installation of a splash pad at Dennis the Menace Park to Sunbelt Pools, Inc., through Buyboard at a total cost of \$820,250.00; approving \$80,000.00 for contingencies; and allocating funds therefor. (PURCHASING) (2019 - 047)

APPROVED

8. Consider a resolution awarding a contract for the Michigan Avenue, Texas Avenue and Louisiana Avenue Mill and Inlay Paving Project to Jones Bros. Dirt & Paving Contractors, Inc. of Odessa, Texas, at a total cost not to exceed \$4,744,309.95; said project being a year two bond project; appropriating funds; and authorizing payment therefor. (PURCHASING) (2019 - 048)

APPROVED

9. Consider a resolution awarding a contract for the Wood Drive and Oriole Driving Paving Project to Reece Albert, Inc. of Midland, Texas, at a total cost not to exceed \$2,847,122.00; said project being a year two bond project; appropriating funds; and authorizing payment therefor. (PURCHASING) (2019 - 049)

APPROVED

10. Consider a resolution approving the purchase of six (6) Kann refuse truck bodies on International cab and chassis from Roberts Truck Center of Texas LLC dba Summit Truck Group through Sourcewell for the Garage Division at a total cost of \$1,185,656.88. (PURCHASING) (2019 - 050)

APPROVED

11. Consider a resolution awarding an agreement for Apparent Water Loss Detection Software Services to Valor Water Analytics at a total cost of \$146,568.00. (PURCHASING) (2019 - 051)

APPROVED

12. Consider a resolution authorizing the execution of a Professional Services Agreement with Camp Dresser & McKee, Inc., dba CDM Smith, Inc., to provide design and engineering services for the design of the Paul Davis Pump Station Improvements for the City of Midland, for a total cost of

\$780,300.00. (PURCHASING) (2019 - 052)

PULLED BY APPLICANT

13. Consider a resolution ratifying and approving the procurement of emergency repair services from Red Deer Construction, LLC, for the repair of an effluent irrigation line at Spraberry Farm; and authorizing payment therefor at a total cost of \$77,776.45. (PURCHASING) (2019 - 053)

APPROVED

14. Consider a resolution authorizing the execution of a contract with DBT Transportation Services of Lafayette, Colorado, for the Automated Weather Observing System Installation Project at Midland Airpark in an amount not to exceed \$149,535.00. (AIRPORTS) (2019 - 054)

APPROVED

15. Consider a resolution authorizing the City Manager to negotiate and execute a lease agreement with the Good Shed, LLC, for certain City-owned property described as Lots D and E, Block 11, Midland International Airport Industrial Park Addition, Section 6, an Addition to the City of Midland, Midland County, Texas, for the purpose of developing a private aircraft hangar at Midland International Air & Space Port. (AIRPORTS) (2019 - 055)

APPROVED

16. Consider a resolution authorizing the execution of a contract with RRC Construction in an amount not to exceed \$1,080,000.00 for the Airport Security Access Control and CCTV Upgrade Project at Midland International Air & Space Port; and appropriating funds for said project. (AIRPORTS) (2019 - 056)

APPROVED

17. Consider a resolution approving certain Consulting Services Agreements between the Midland Development Corporation and the Perryman Group, McChrystal Group LLC, and TIP Strategies, Inc., for services associated with the preparation of a Regional Economic Master Strategic Plan. (CITY MANAGER'S OFFICE) (2019 - 057)

APPROVED

18. Consider a resolution approving the transfer of 16 Oil and Gas Well Permits from Callon Petroleum Operating Company ("Operator") to DE3

Operating LLC (“Transferee”); and approving the transfer of the Road Repair Agreement regarding said Oil and Gas Well Permits from Operator to Transferee; said oil and gas wells being located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2019 - 058)

APPROVED

19. Consider a resolution approving the transfer of a Right-of-Way License from Callon Petroleum Company (“Licensee”) to DE3 Operating LLC (“Transferee”); said Right-of-Way License being located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 059)

APPROVED

20. Consider a motion approving a proposed Preliminary Plat of Dahlia Industrial Park, being a plat of 148.42-acre tract of land located in the east half of Section 18, Block 40, T-1-S, T&P RR Co. Survey Midland County, Texas, (generally located north of Craddick Highway, approximately 2,717 feet east of North Farm-to-Market Road 1788 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES) (030 - 2019)

APPROVED

21. Consider a resolution of the City Council of the City of Midland, Texas, nominating Silvertip Completion Services Operating, LLC, to the Office of the Governor, Economic Development and Tourism, through the Economic Development Bank as an Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; providing an effective date; and designating a liaison for the communication with interested parties. (DEVELOPMENT SERVICES) (2019 - 060)

APPROVED

22. Consider a resolution authorizing the City Manager to execute, on behalf of the City of Midland, an instrument granting an aerial easement and a utility easement located in a 0.17-acre tract of land out of or otherwise adjacent to Block 50, Homestead Addition, Lot 1, Block 36, Homestead Addition, Section 16, and Lot 13, Block 30, Original Town, Section 9, City and County of Midland, Texas, to COG Realty LLC. (ENGINEERING SERVICES) (2019 - 061)

APPROVED

23. Consider a resolution authorizing the execution of an agreement for the temporary closure of state right-of-way with the State of Texas for use of a state-owned highway, including Business State Highway 349C (Big Spring Street) from Missouri Avenue to Ohio Avenue, for the purpose of establishing a safety zone for the demolition of a building. (ENGINEERING SERVICES) (2019 - 062)

APPROVED

24. Consider a resolution authorizing the execution of three Public Improvement Development Agreements with Betenbough Homes for the development of Lone Star Trails II, City and County of Midland, Texas; appropriating and allocating funds; authorizing payment therefor in an amount not to exceed \$2,043,786.00; said agreements being authorized by Section 395.081 of the Texas Local Government Code; and authorizing the execution of two escrow agreements with Betenbough Homes, Daybreak Development, LLC, and Title One, Digital Title Services, LLC Associated with Betenbough Homes's Construction of public improvements on Mockingbird Lane, from its east end to Fairgrounds Road, and on Fairgrounds Road, from Mockingbird Lane to Rattler Lane. (ENGINEERING SERVICES) (2019 - 063)

APPROVED

25. Consider a resolution accepting a grant in the amount of \$138,000.00 from the fiscal year 2019 Edward Byrne Memorial Justice Assistance Grant Program provided by the Governor's Office; said grant funds will be used to purchase an accident reconstruction technology system and electronic ticket writers for the Police Department. (POLICE) (2019 - 064)

APPROVED

26. Consider a resolution authorizing the City Manager to execute a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Sections 16 and 21, Block 37, Township 3 South, T&P R.R. Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 065)

APPROVED

SECOND READINGS

27. 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 1, Tract 4, Wallace Heights Addition, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as an O-1, Office District (generally

located at the northeast corner of the intersection of Bates Street and Andrews Highway); 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 12, 2019.) (9874)

SECOND READING APPROVED

28. 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 15, Block 2, Lot 1, Block 3, and the previously-vacated 0.566-acre portion of Guadalupe Street right-of-way adjacent to Blocks 2 and 3, Adobe Meadows, 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 at the northeast corner of the intersection of East Mockingbird Lane and North Big Spring 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) (First reading held February 12, 2019.) (9884)

SECOND READING APPROVED

29. 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 Block 2, Harrison Tract, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Office Center, to be used as an Amended Planned District (generally located at the southeast corner of the intersection of North Midland Drive and Gulf 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 12, 2019.) (9885)

SECOND READING APPROVED

PUBLIC HEARINGS

30. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 10, Block 149, Wilshire Park Addition, City and County of Midland, Texas (generally located on the west side of Woodcrest Drive, approximately 257 feet south of Ric Drive), which is presently zoned 1F-2, One-Family Dwelling District, by permitting said property to be used under a Specific Use Permit Without Term for an Accessory Building to be used for living or sleeping quarters; 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); ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9889)

FIRST READING APPROVED

31. Hold a public hearing and consider an ordinance adopting a site plan for a 13.36-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located at the southeast corner of the intersection of North County Road 1247 and West State Highway 158); 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) (9890)

FIRST READING APPROVED

32. Hold a public hearing and consider an ordinance adopting a site plan for a 21.30-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located approximately 688 feet south of State Highway 191 and approximately 2,287 feet west of Avalon 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) (9891)

FIRST READING APPROVED

33. 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 30.74-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as an AE, Agriculture Estate District (generally located on the west side of North Garfield Street, approximately 594 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) (9892)

FIRST READING APPROVED

34. Hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas

adjoining the present City limits, being a 126.162-acre tract of land and a 13.537-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located approximately 2,630 feet west of the intersection of Mockingbird Lane and Holiday Hill Road); approving a public service plan; and ordering publication. (DEVELOPMENT SERVICES) (9893)

FIRST READING APPROVED

35. Hold a public hearing and consider an annexation of a 17.55-acre tract of land located in the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co Survey, Midland County, Texas, (generally located at the southwest corner of the intersection of Tradewinds Boulevard and Thomason Drive - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES) (031 - 2019)

PUBLIC HEARING HELD

36. Hold a public hearing and consider a resolution authorizing the temporary use of land for a church family fair and a carnival on Lot 13A, Block 7, Glendale Addition, Section 2, a 0.31-acre portion of alley right-of-way and a 0.86-acre portion of North Tyler Street right-of-way adjacent to said lot, City and County of Midland, Texas (generally located at the northwest corner of the intersection of North Carver Street and Garden Lane); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2019 - 066)

APPROVED

MISCELLANEOUS

37. Consider an ordinance granting a special exception for the west 5.2 feet of Lot 6 and Lot 7, Block 5, Urbandale Addition, City and County of Midland, Texas (generally located at the northeast corner of the intersection of North J Street and Douglas Avenue), by permitting a reduced side 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) (Public hearing heard. Deferred from February 12, 2019.) (9886)

FIRST READING AMENDED AND APPROVED

38. Consider an ordinance adopting a fee schedule; containing a savings and severability clause; establishing an effective date of May 1, 2019; providing an appeal process; and ordering publication. (FINANCE) (9894)

FIRST READING APPROVED

39. Consider an ordinance vacating and abandoning a 0.71-acre portion of a public access easement located adjacent to Lots 13, 17 and 18, Block 2, Green Hill Terrace, and Lot 14A, Block 2, Green Hill Terrace, Section 15, City and County of Midland, Texas (generally located approximately 153 feet south of Widener Strip, between Keenland Drive and Holiday Hill Road); adopting the appraisal by the City Manager of \$14,200.00; retaining a nonexclusive utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9895)

FIRST READING APPROVED

40. Consider a motion appealing the Building Official's denial of a sign permit application by James B. Reeder on Lot 7, Block 3, Corporate Plaza, Section 16, City and County of Midland, Texas, (generally located at the east side of North Big Spring Street, approximately 1,111 feet north of West Wadley). (DEVELOPMENT SERVICES) (Deferred from February 12, 2019) (028-2019)

APPROVED

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

APPOINTMENTS MADE

PUBLIC COMMENT

42. 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

43. 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 551.087, Deliberate Economic Development Negotiations
 - b.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