

AGENDA FOR CITY COUNCIL MEETING
300 North Loraine
Midland, Texas
September 25, 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 Jon Slaydon, Second Baptist 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 September 11, 2018
5. Consider a resolution approving the purchase of Cisco Switches from Johnston Technical Services, Inc., of Dallas, Texas, through the Texas Department of Information Resources, for the Communication and Information Systems Department at a total cost of \$91,020.42; and authorizing payment therefor. (PURCHASING) (2018 - 360)
6. Consider a resolution ratifying the execution of a contract with Ace Pipe Cleaning, Inc. for the emergency cleaning of Digester #2 at the Water Pollution Control Plant; and authorizing payment therefor in an amount not to exceed \$135,891.94. (PURCHASING) (2018 - 361)
7. Consider a resolution authorizing the execution of a five-year lease renewal agreement between the City of Midland, Texas, and D.K. Boyd Land and Cattle Co., for grazing rights at the T-Bar Ranch in Winkler and Loving Counties. (PURCHASING) (2018 - 362)

8. Consider a resolution authorizing the execution of a professional services agreement with Halff Associates, Inc., for consulting services to provide an analysis and update of the Parks, Recreation, and Open Space Master Plan for the Community Services Department in an amount not to exceed \$78,255.00. (PURCHASING) (2018 - 363)
9. Consider a resolution ratifying and approving an emergency contract with Blackmon Mooring of Texas, Inc., for the infrastructure repair work at the vehicle services building for a total cost of \$100,898.40. (PURCHASING) (2018 - 364)
10. Consider a resolution authorizing the sale of a 0.035-acre tract of land out of Lot 2, Block 15, Elmwood Addition, Section 2, City and County of Midland, Texas, to the adjacent property owner; adopting the appraisal by the City Manager of \$3,811.00; authorizing the City Manager to negotiate, execute and file all documents necessary for the sale of said property; and ordering recordation. (PURCHASING) (2018 - 365)
11. Consider a resolution authorizing the purchase of an estimated annual supply of chemicals needed for the treatment of drinking water for Fiscal Year 2019 from multiple bidders, for a total cost of \$1,649,710.90. (PURCHASING) (2018 - 366)
12. Consider a resolution authorizing the issuance of a Request for Proposals for Agronomic Compliance Consulting Services for the Utilities Department. (PURCHASING) (2018 - 367)
13. Consider a resolution ratifying the procurement of cleaning services from Meyer Energy Services, LLC for the cleaning of the secondary clarifiers at the Water Pollution Control Plant and authorizing payment therefor in an amount not to exceed \$100,125.00. (PURCHASING) (2018 - 368)
14. 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 Space Port; and appropriating funds therefor. (AIRPORTS) (2018 - 369)
15. Consider a resolution authorizing the execution of an amendment to that certain ground lease agreement between the City of Midland and the Permian Basin Regional Planning Commission regarding certain City-owned real property described as an approximate 0.22-acre tract of land located in Section 4, Block 38, Township 2 South, Midland County, Texas. (CITY ATTORNEY'S OFFICE) (2018 - 370)
16. Consider a resolution authorizing the funding of the Avalon Drive Right-of-Way Project in the amount of \$400,000.00, as contemplated by that certain Economic Development Agreement between the City of Midland and the Midland Development Corporation 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; and approving the appropriation of funds therefor. (CITY MANAGER'S OFFICE) (2018 - 371)

17. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection there with along Avalon Drive from a point at or near the intersection of Avalon Drive and Business Interstate 20 to a point approximately at or near the intersection of Avalon Drive and Thomason Drive; authorizing the City Manager to obtain appraisals, negotiate, execute and file all documents necessary, including purchase and sale agreements or other such agreements, to acquire said real property interests, purchase title insurance policies and hold the closings for said acquisitions; authorizing payment for said appraisals, real property interests, title insurance policies and closing costs; and ordering the City Secretary to record, or ensure that the title company records, all instruments of conveyance. (ENGINEERING SERVICES) (2018 - 372)
18. Consider a resolution authorizing the execution of an Economic Development Agreement between the Midland Development Corporation and the City of Midland for the extension of Fairgrounds Road, as authorized by Chapter 501 of the Texas Local Government Code. (ENGINEERING SERVICES) (2018 - 373)
19. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith along Fairgrounds Road from a point at or near the intersection of Fairgrounds Road and North Loop 250 to a point approximately at or near the intersection of Fairgrounds Road and Arapahoe Road; authorizing the City Manager to obtain appraisals, negotiate, execute and file all documents necessary, including purchase and sale agreements or other such agreements, to acquire said real property interests, purchase title insurance policies and hold the closings for said acquisitions; appropriating funds; authorizing payment for said appraisals, real property interests, title insurance policies and closing costs; and ordering the City Secretary to record, or ensure that the title company records, all instruments of conveyance. (ENGINEERING SERVICES) (2018 - 374)
20. Consider a motion approving a contract with Midland Tennis Center dba Bush Tennis Center in the amount of \$20,000.00 to promote tennis activities in the City of Midland from funds available and as approved in the Fiscal Year 2018-

2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE) (111-2018)

21. Consider a motion approving a contract with I-20 Wildlife Preserve in the amount of \$8,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/None Departmental). (CITY SECRETARY'S OFFICE) (113-2018)
22. Consider a motion approving a contract with Mac's BBQ & Catering (Mac's Music Fest) in the amount of \$12,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE) (114-2018)
23. Consider a motion approving a contract with Midland Community Theatre in the amount of \$20,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE) (115-2018)
24. Consider a motion approving a contract with Midland County Fair in the amount of \$50,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE) (116-2018)
25. Consider a motion approving a contract with Midland United Girls Softball in the amount of \$54,299.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE) (117-2018)
26. Consider a motion approving a contract with Promising Projects, Inc. (Tall City Blues Fest) in the amount of \$12,500.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE) (118-2018)
27. Consider a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Inc., as authorized by Chapter 351 of the Texas Tax Code; finding that said agreement is for the promotion of tourism and the hotel and motel industry; finding that the funds provided under said agreement shall be expended in a manner directly enhancing and promoting tourism and the hotel and motel industry; and providing that approval of the agreement is not to be construed or interpreted as endorsing the message or activities promoted by Rock the Desert Ministries, Inc. (CITY SECRETARY'S OFFICE) (2018 - 375)
28. Consider a motion approving a contract with Sibley Environmental Learning Center Foundation, Inc. dba Sibley Nature Center in the amount of \$5,000.00 to

promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel Fund/Non Departmental). (CITY SECRETARY'S OFFICE) (119-2018)

29. Consider a motion approving a contract with Tall City Oilman's Basketball Tournament Association in the amount of \$12,000.00 to promote tourism and the hotel industry in Midland from funds available and as approved in the Fiscal Year 2018-2019 Budget (Hotel-Motel/Non Departmental). (CITY SECRETARY'S OFFICE) (120-2018)
30. Consider a resolution authorizing the execution of a Community Development Block Grant Contract with Midland Parker Place, Inc., for the Midland Parker Place Project in the amount of \$70,000.00; the purpose of this project is to upgrade the current HVAC Systems; the project will begin on October 1, 2018, and end on September 30, 2019. (DEVELOPMENT SERVICES) (2018 - 376)
31. Consider a resolution authorizing the execution of a Community Development Block Grant Contract with Casa de Amigos for the Casa de Amigos Parking Lot Project in the amount of \$49,768.00; the purpose of this project is to improve access to the facility and physical health of senior and disabled participants; the project will begin on October 1, 2018, and end on September 30, 2019. (DEVELOPMENT SERVICES) (2018 - 377)
32. Consider a resolution authorizing the execution of a Community Development Block Grant Contract with the Midland Community Development Corporation for the Midland Community Development Corporation project in the amount of \$150,000.00; the purpose of this project is to provide infrastructure to promote new affordable Single Family Housing Development; the project will begin on October 1, 2018, and end on September 30, 2019. (DEVELOPMENT SERVICES) (2018 - 378)
33. Consider a resolution authorizing the execution of a Community Development Block Grant Contract with Casa de Amigos for Casa de Amigos Home Cleaning Project in the amount of \$33,000.00; the purpose of this project is to provide home cleaning services to promote the environmental and physical health of senior citizens and individuals with disabilities; the project will begin on October 1, 2018, and end on September 30, 2019. (DEVELOPMENT SERVICES) (2018 - 379)
34. Consider a resolution authorizing the execution of a Community Development Block Grant Contract with Mission Health Care, Inc., for the Mission Center Take Home Terrific Project, in the amount of \$35,000.00; the purpose of this project is to provide delivered evening meals to senior citizens and individuals with disabilities; the project will begin on October 1, 2018, and end on September 30, 2019. (DEVELOPMENT SERVICES) (2018 - 380)

35. Consider a resolution authorizing the execution of a Community Development Block Grant Contract tract with Senior Link Midland, for the Senior Link SE Center Project in the amount of \$75,000.00; the service will be provided daily in coordination with other activities; the purpose of this project is to promote better mental and physical health for seniors through nutritious meals and socialization; the project will begin on October 1, 2018, and end on September 30, 2019. (DEVELOPMENT SERVICES) (2018 - 381)
36. Consider a resolution appropriating the sum of \$250,000.00 from the General Fund (001) Unappropriated Fund Balance Account (35650) to the Florida and Lamesa Signal Project (900275). (ENGINEERING SERVICES) (2018 - 382)
37. Consider a resolution authorizing the execution of an instrument terminating the Public Improvement Development Agreement with 4C Stables, Inc., for paving improvements to passage way and water distribution improvements to Lost Mountain Addition, Section 4, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 383)
38. Consider a resolution authorizing the acceptance of a 0.139-acre utility easement located in Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2018 - 384)
39. Consider a resolution authorizing the acceptance of a 0.011-acre utility easement located in Section 31, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2018 - 385)
40. Consider a resolution authorizing the acceptance of a 0.596-acre drainage easement located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2018 - 386)
41. Consider a resolution authorizing the acceptance of a 6.624-acre right-of-way located in Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2018 - 387)
42. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Buchanan Oilfield Services, LLC regarding City-owned property described as Section 15, Block 37 and Section 47, Block 38, Township 1 South, Public Land Survey, Midland County, Texas. (UTILITIES) (2018 - 388)

SECOND READINGS

43. 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 4, 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 west side of North Midkiff Road, approximately 1,030 feet south of 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) (First reading held September 11, 2018) (9818)
44. 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 17.84-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as a PD, Planned District for a Housing Development, (generally located on the north side of Briarwood Avenue, approximately 737 feet east of Avalon 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 September 11, 2018) (9819)
45. Consider an ordinance on second reading granting a special exception for an approximate 215.22-acre tract of land out of Section 15, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the east side of North Garfield Street, approximately 580 feet north of West Wadley Avenue), by permitting a building constructed of pre-engineered metal (R-panel or similar style) with less than 75 percent of the primary and secondary elevations, excluding doors and windows, finished in one or more of the materials listed in Section 11-10-2.b.2.(c) of the City Code; 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 September 11, 2018) (9822)
46. 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 the south half of Block 23, Gardens Addition, City and County of Midland, Texas, which is presently zoned 2F, Two-Family Dwelling District, to be used as an MF-1, Multiple-Family Dwelling District, (generally located at the northwest corner of the intersection of Ward Street and West Ohio 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 September 11, 2018) (9823)

PUBLIC HEARINGS

47. Hold a public hearing and consider an ordinance adopting a site plan for a 10.18-acre tract of land out of Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the north side of Andrews Highway, approximately 930 feet west of North Midland 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) (9826)
48. 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 8, Block 3, Gateway Plaza, Section 2, and Lot 7B, Block 3, Gateway Plaza, Section 10, City and County of Midland, Texas, which is presently Zoned O-1, Office District, in part, and PD, Planned District for a housing development, in part, to be used as a PD, Planned District for a housing development, (generally located at the northeast corner of the intersection of Tradewinds Boulevard and Starboard 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) (9827)
49. Hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor concert on Lots 7-9, Block 61, and a 0.21-acre portion of South Carrizo Street right-of-way adjacent to said Lots and Lot 4, Block 60 1/2, all out of Original Town Addition, City and County of Midland, Texas, (generally located on the north side of West Missouri Avenue, approximately 20 feet east of South A Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 389)
50. Hold a public hearing and consider an ordinance granting a special exception for Lot 13, Block 8, correction plat of Westridge Park Addition, Section 27, City and County of Midland, Texas, (generally located at the southwest corner of the intersection of Windhaven Drive and Tradewinds Boulevard), by permitting an increased building height; 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) (9828)
51. 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 3, Block 2, Industrial Park Regional Air Terminal Addition, Unit 7, City and County of Midland, Texas, which is presently zoned PD, Planned District for an office center, to be used as an IP-3, Industrial Park District, (generally located on the west side of Earhart Drive, approximately 634 feet south of Banks 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) (9829)

52. Hold a public hearing and consider an ordinance adopting a site plan for the south half of Block 23, Gardens Addition, City and County of Midland, Texas, (generally located at the northwest corner of the intersection of Ward Street and West Ohio Avenue); 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) (9830)
53. Hold a public hearing and consider an ordinance vacating and abandoning a 0.17-acre portion of Faulkner Drive right-of-way located in Section 4, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located on the west side of Whitman Drive, approximately 356 feet north of West Loop 250 North); adopting the appraisal by the City Manager of \$24,067.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9831)

MISCELLANEOUS

54. Consider a resolution granting a variance for an 18.435-acre tract of land out of Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located northeast of the intersection of Briarwood Avenue and North County Road 1250), by permitting construction of permanent buildings where no portion of any structure is closer than 278 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2018 - 390)
55. Consider a resolution of No Objection to the Texas Housing Foundation's application to the Texas Department of Housing and Community Affairs for Housing Tax Credits in the name of THF Midland Leased Housing Associates I, LP, a Texas limited partnership for the construction of two hundred four units of multifamily housing near the northwest corner of Business I-20 and Loop 250 in Midland, Texas, to be named Ventura at Tradewinds Apartments. (DEVELOPMENT SERVICES) (2018 - 391)
56. Consider a motion making appointments to various boards and commissions. (121-2018)

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.
 - b. Section 551.072, Deliberation Regarding Real Property
 - b.1. Discuss the purchase, exchange, lease, or value of real property described as Sections 1-4, Block C-24, Sections 10-14 and 17-27, Block C-23, and Sections 8-11 and 27, Block 74, in Winkler and Loving Counties, Texas.

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.