

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

**AGENDA FOR CITY COUNCIL MEETING**  
January 22, 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 Robert Pase, 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. Receive a presentation from Midland Retired Seniors Volunteer Program.
  - b. Presentation of a Proclamation for Crime Stoppers Month

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Special City Council meeting of January 7, 2019
  - b. Regular City Council meeting of January 8, 2019

**APPROVED**

5. Consider a resolution approving the purchase of a Cloudistics Processor Node, storage server and a Primary Site Compute Node from EST Group, LLC of Arlington, Texas, through Buyboard at a total cost of \$147,500.00. (PURCHASING) (2019 - 016)

**APPROVED**

6. Consider a resolution awarding a contract for the Community Development Block Grant Sidewalk Improvements Project - Phase II to Speedcrete, Inc., for a total cost not to exceed \$614,600.00; and appropriating funds therefor. (PURCHASING) (2019 - 017)

**APPROVED**

7. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Grafa Park Storm Drain Replacement Project; said project will provide for drainage improvements in the area generally located along Midkiff Road, from Grafa Park to Golf Course Road. (PURCHASING) (2019 - 018)

**APPROVED**

8. Consider a resolution approving the selection of Rhotenberry Wellen Architects & Planners, Inc., Parkhill, Smith & Cooper, Inc., and Rehler, Vaugh & Koone, Inc., to assist the General Services Department by providing professional architectural services and services provided in connection therewith on an as-needed basis; authorizing the negotiation and execution of a Professional Services Agreement with each firm; providing that each agreement shall be for a term not to exceed three years; authorizing the negotiation and execution of task orders in accordance with such agreements; providing that any task order exceeding \$50,000.00 shall not be effective unless approved by the City Council; providing that the total cost to the City for all task orders executed each year in accordance with said agreements shall not exceed \$1,500,000.00 per year; and authorizing payment therefor. (PURCHASING) (2019 - 019)

**APPROVED**

9. Consider a resolution approving the purchase of (i) three (3) 2-3 cubic yard dump bodies from BTE Body Company, Inc., at a total cost of \$89,850.00 and (ii) one (1) utility service body from Fabco Industries, LLC, at a total cost of \$18,350.00 for the Garage Division. (PURCHASING) (2019 - 020)

**APPROVED**

10. Consider a resolution authorizing the execution of a Professional Services Agreement with Enprotec/Hibbs & Todd, Inc., to provide design and engineering services for the design of airport lift station improvements for the City of Midland, for a total cost of \$192,000.00. (PURCHASING) (2019 - 021)

**APPROVED**

11. Consider a resolution authorizing the issuance of a Request for Qualifications for Professional Services to develop, implement and support an Industrial Pretreatment Program for the Utilities Department. (PURCHASING) (2019 - 022)

**APPROVED**

12. Consider a resolution declaring the City of Midland's support of the Priority Midland Initiative; and authorizing the participation of the Mayor and City Manager as representatives of the City of Midland. (CITY MANAGER'S OFFICE) (2019 - 023)

**APPROVED**

13. Consider a motion to adopt the Schedule for CDBG Application Cycle, 2019-2020 Action Plans. (DEVELOPMENT SERVICES) (007 - 2019)

**APPROVED**

14. Consider a resolution authorizing the City Manager to execute a lease agreement between the City of Midland and Impetro Operating, LLC, for a produced water disposal site located on City-owned property described as Section 25, Block C-23, PSL Survey, Winkler County, Texas. (DEVELOPMENT SERVICES) (2019 - 024)

**APPROVED**

15. Consider a motion authorizing the City Comptroller to pay the Midland-Odessa Urban Transit District (MOUTD) in an amount not to exceed \$200,000.00 per month for the purpose of temporarily funding MOUTD operations during the Federal government shutdown; directing that said funds be paid from the General Fund Misc. Accounts Receivable Account (001-11950); providing that upon receipt of reimbursement funds from MOUTD, the City Treasurer shall deposit such funds into the Misc. Accounts Receivable Account (001-11950); and authorizing the City Manager to negotiate and execute all documents necessary for such purposes. (DEVELOPMENT SERVICES) (008 - 2019)

**APPROVED**

16. Consider a motion on request by Maverick Engineering, to defer wastewater, paving and sidewalk improvements for High Sky Addition, and to waive the corresponding financial security guarantee valued at \$324,168.00, an amount equal to the estimated cost of construction. The subject property is generally located on the south side of West County Road 60, approximately 1,200 feet west of State Highway 158, outside

the corporate limits of the City of Midland, in Midland County. (ETJ)  
(ENGINEERING SERVICES) (009 - 2019)

**APPROVED**

17. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and ETC Texas Pipeline, Ltd., regarding City-owned property described as Sections 16 and 21, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 025)

**APPROVED**

18. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Sections 4 and 5, Block 38, Townships 1 and 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 026)

**APPROVED**

19. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Endeavor Energy Resources, L.P., regarding City-owned property described as Sections 5, 8 and 9, Block 38, Townships 1 and 2 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2019 - 027)

**APPROVED**

20. 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 (1) along the south side of West Cuthbert Avenue from a point approximately 300 feet west of North Garfield Street to a point at or near the intersection of West Cuthbert Avenue and North Garfield Street, and (2) along the north side of West Cuthbert Avenue from a point approximately 600 feet east of North Garfield Street to a point at or near the intersection of West Cuthbert Avenue and North Garfield Street; authorizing the City Manager to obtain appraisals, negotiate, execute and file all documents necessary to acquire said real property interests, including purchase and sale agreements or other such agreements, 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) (2019 - 028)

**APPROVED**

**SECOND READINGS**

21. Consider an ordinance on second reading granting a special exception for Lots 37 and 38, Block 5, Midkiff Plaza Addition, City and County of Midland, Texas (generally located on the north side of Tealwood Place, approximately 230 feet east of Whitney Drive), 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) (First reading held January 8, 2019.) (9868)

**SECOND READING APPROVED**

22. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 123.28-acre tract of land out of Sections 37 and 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as a 1F-3, One-Family Dwelling District; said tract being generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason 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 January 8, 2018) (9869)

**SECOND READING APPROVED**

23. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 3.199-acre tract of land and a 5.266-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an LR-2, Local Retail District; said tract being generally located approximately 896 feet south of State Highway 191 and approximately 1,020 feet west 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 January 8, 2018) (9870)

**SECOND READING APPROVED**

24. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 16.946-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as a PD, Planned District for a Housing Development; said tract being generally located approximately 1,081 feet south of State Highway 191 and approximately 1,020 feet west 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 January 8, 2018) (9871)

**SECOND READING APPROVED**

25. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 21.30-acre tract of land and a 6.975-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located approximately 688 feet south of State Highway 191 and approximately 2,287 feet west of Avalon Drive); approving a public service plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held January 8, 2018) (9872)

**SECOND READING APPROVED**

26. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 28.84-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas (generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40); approving a public service plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held January 8, 2018) (9873)

**SECOND READING APPROVED**

27. Consider an ordinance on second reading vacating and abandoning a 0.907-acre portion of East Taylor Avenue right-of-way out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located approximately 732 feet south of Garden City Highway, approximately 711 feet east of King Street, and approximately 312 feet west of South Fairgrounds Road); adopting the appraisal by the City Manager of \$27,210.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (First reading held January 8, 2018) (9875)

**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 1, Block 5, Hollandale Heights Addition, resubdivision of Blocks 3-9, City and County of Midland, Texas, which is presently zoned O-1, Office District, to be used as an MF-2, Multiple-Family Dwelling District (generally located at the northwest corner of the intersection of North Carver Street and East Dormard 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 January 8, 2018) (9876)

**SECOND READING APPROVED**

29. Consider an ordinance on second reading adopting a site plan for Lot 1, Block 5, Hollandale Heights Addition, resubdivision of Blocks 3-9, City and County of Midland, Texas (generally located at the northwest corner of the intersection of North Carver Street and East Dormard 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) (First reading held January 8, 2018) (9877)

**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 7, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (generally located on the south side of West Loop 250 North, approximately 220 feet west of North Midkiff Road), 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) (9878)

**FIRST READING APPROVED**

31. Hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 21.30-acre tract of land and a 6.975-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an MF-1, Multiple-Family Dwelling

District; said tracts being generally located approximately 688 feet south of State Highway 191 and approximately 2,287 feet west 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) (9879)

**FIRST READING APPROVED**

32. Hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 14.97-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an LR-2, Local Retail District; establishing the zoning classification of the area indicated as being a 13.87-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an IP-2, Industrial Park District; said tracts being generally located at the southeast corner of the intersection of South Farm-to-Market Road 1788 and Loop 40; 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) (9880)

**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 2.004-acre tract of land out of Lot 2, Block 4, Corporate Plaza, Section 5, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an O-2, Office District (generally located on the east side of North Big Spring Street, approximately 1,605 feet south 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) (9881)

**FIRST READING APPROVED**

34. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 2A, Block 3, Gateway Plaza, Section 7, City and County of Midland, Texas (generally located on the north side of Starboard Drive, approximately 1,167 feet east of South Tradewinds Boulevard), 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) (9882)

**FIRST READING AMENDED AND APPROVED**

35. Hold a public hearing and consider an annexation of a 126.162-acre tract located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, and a 13.537-acre tract located in Section 13, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas, (generally located approximately 2,630-feet east of the intersection of Mockingbird Lane and Holiday Hill Road - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES) (010 - 2018)

**HELD**

36. 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 6.823-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as a BP, I-20 Business Park District (generally located at the northwest corner of the intersection of South Fairgrounds Road and East Interstate Highway 20 Frontage 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) (9883)

**FIRST READING APPROVED**

**MISCELLANEOUS**

37. Consider a resolution approving the plan submitted by Parsley Energy Operations, LLC ("Operator") to drill and use a non-commercial salt water disposal well within the City limits located 2,390 feet from the south line and 1,072 feet from the east line, Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally located 1,072 feet west of the North Garfield Street Extension and 2,390 feet north of Mockingbird Lane); and authorizing the issuance of a permit therefor. (DEVELOPMENT SERVICES) (2019 - 029)

**FIRST READING AMENDED AND APPROVED**

38. Consider a resolution of the City Council of the City of Midland, supporting the proposed development of affordable housing apartments and confirming that the City shall provide a loan, grant, reduced fee or contribution of \$500.00 for such development; the applicant is Carver Ridge Apartments, LP; the proposed development is located at 1301 East

Dormard Avenue, Midland, Texas 79705; 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) (2019 - 030)

**APPROVED**

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

**APPOINTMENTS MADE**

**PUBLIC COMMENT**

40. 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**

41. 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