

**CITY OF MIDLAND, TEXAS**  
**AGENDA FOR CITY COUNCIL MEETING**  
**May 09, 2017- 10:00 A.M.**  
Council Chamber - City Hall  
300 North Loraine  
Midland, Texas

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
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation of a Proclamation for Public Service Recognition Week
  - b. Presentation of a Proclamation to VisitMidland for National Travel and Tourism Week
  - c. Presentation of a Proclamation to Midland County System of Care for Children's Mental Health Awareness Day
  - d. Presentation of Certificates of Completion to the 2017 Midland 101 graduates.

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular meeting of April 25, 2017
  - b. Special meeting of April 26, 2017

5. Consider a resolution authorizing the execution of a Professional Services Agreement with DBR Engineering Consultants, Inc., to provide System Commissioning Services for the Midland Convention Center Building, in the amount of \$48,500.00; and providing \$4,850.00 in contingency funding therefor. (PURCHASING) (2017 - 117)
6. Consider a resolution awarding a service contract for mowing, litter pick-up, and other miscellaneous services at the City Landfill to Dee Sky Services, of Midland, Texas, at a cost of \$220,000.00 per year. (PURCHASING) (2017 - 118)
7. Consider a resolution rejecting all bids received for the Spraberry Farm and Plant Farm Improvements Project for the Utilities Department; and authorizing the City Manager to re-advertise for competitive bids for said project. (PURCHASING) (2017 - 119)
8. Consider a resolution awarding a contract for the construction of new electrical service facilities at the Water Pollution Control Plant to Dennard Electric Supply, Inc., in the amount of \$1,291,589.00. (PURCHASING) (2017 - 120)
9. Consider a resolution authorizing the City of Midland to continue its membership with the Steering Committee of Cities served by Oncor (the "Steering Committee"); and authorizing the payment of 11 cents per capita to the Steering Committee to Fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. (CITY MANAGER'S OFFICE) (2017 - 121)
10. Consider a resolution of the City Council of the City of Midland, Texas, Nominating Pioneer Natural Resources USA, Inc., 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. (CITY MANAGER'S OFFICE) (2017 - 122)
11. Consider a resolution authorizing the City Manager to purchase, on behalf of the City of Midland, Lot 9, Block 9, Greenwood Addition, Second Section, and Lot 9, Block 10, and Lot 4, Block 11, Greenwood Addition, Third, Fourth & Fifth Sections, City and County of Midland, Texas; authorizing the City Manager to negotiate, execute and file all documents necessary to purchase said real property, purchase title insurance policies and hold the closings for said purchases; authorizing payment for said real property, title insurance policies and closing costs; and ordering the City Secretary to record, or ensure that the title company records, all instruments of conveyance. (DEVELOPMENT SERVICES) (2017 - 123)

12. Consider a resolution appropriating \$98,161.20 from the General Fund (001) Unappropriated Fund balance (35650) to the Beal Parkway Project (900139). (ENGINEERING SERVICES) (2017 - 124)
13. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Permian Basin Area Foundation for development of Lot 3, Block 12, Sunset Acres Addition, Section 7, City and County of Midland, Texas (Generally located on the north side of Andrews Highway, between Andrews Highway's intersections with Upland Street and Austin Street); and authorizing payment therefor in the amount of \$22,042.50 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2017 - 125)
14. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and DCP Operating Company, LP, regarding City-owned property described as Section 4, Block 38, Township-2-South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2017 - 126)
15. Consider a resolution authorizing the acceptance of a 0.057-acre utility easement located in Section 19, Block 39, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2017 - 127)
16. Consider a resolution authorizing the acceptance of a 0.3915-acre utility easement located in Lot 2, Block 17, Skyline Terrace, Unit 6, and Lot 1A, Block 17, Skyline Terrace, Unit 7, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2017 - 128)
17. Consider a resolution adopting the Jal and Midland Draw Watershed Study report prepared by Freese and Nichols, Inc. as an addition to the City of Midland Master Drainage Plan. (ENGINEERING SERVICES) (2017 - 129)
18. Consider a resolution authorizing an Operating Certificate for the Party Wagon, LLC to operate a limousine business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2017 - 130)
19. Consider a resolution authorizing the execution of an amendment to that certain Commercial Hangar Lease Agreement between the City of Midland and the Midland Development Corporation regarding certain property located at Midland International Air and Space Port; and authorizing the execution of an amendment to that certain lease agreement, dated January 29, 2014, between the City of Midland and the Midland Development Corporation regarding certain property located at Midland International Air and Space Port. (CITY ATTORNEY'S OFFICE) (2017 - 131)

## **SECOND READINGS**

20. 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 8, 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 720 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 April 25, 2017)(9656)
21. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 1-H, Block 5, correction plat of Colony Place, Section 5, City and County of Midland, Texas (Generally located southeast of the intersection of West Wadley Avenue and North Garfield Street), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a Specific Use Permit Without term for a Wireless Communication System; 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 April 25, 2017)(9657)
22. 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 2D, Block 33, Correction Plat of Northgate Addition, Section 21, 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 West Loop 250 North, approximately 500 feet west of North Midland 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 April 25, 2017)(9658)
23. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 35.77-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as a 1F-1, One-Family Dwelling District; said tract is generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158; 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 April 25, 2017)(9659)

24. 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 2, 349 Ranch Estates, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Transition District, to be used as an LR-2, Local Retail District (Generally located southeast of the intersection of North State Highway 349 and Tejas); 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 April 25, 2017)(9660)
25. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as a 1F-3, One-Family Dwelling District; said tract is generally located on the west side of Arlington Road, approximately 1,800 feet south of State Highway 191; 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 April 25, 2017)(9661)

#### **PUBLIC HEARINGS**

26. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask HZ Unit No 1008H) located 230 feet from the north line and 1,690 feet from the west line located in Section 10, Block X, H.P. Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,624 feet east of North Garfield Street Extension and 1,095 feet north of Passage Way Extension.) This is a public hearing only. (DEVELOPMENT SERVICES) (041-2017)
27. Hold a public hearing and consider an ordinance on first reading changing the zoning use classification of the property described as the east 75 feet of the west 175 feet of the remainder of the south half of Block 16, Loma Linda Addition, Section 4, City and County of Midland, Texas (Generally located on the south side of West Oak Avenue, approximately 122 feet east of North Big Spring Street), 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) (9663)

28. Hold a public hearing and consider an ordinance on first reading changing the zoning use classification of the property described as a 2,250-square foot portion of Block 1, replat of Blocks 1 and 2, Imperial Heights Addition, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 270 feet east of North Midkiff Road), 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) (9664)
29. At approximately 6:00 p.m. hold a public hearing regarding the Fiscal Year 2017/2018 Community Development Block Grant funding application request. This is a public hearing only. (DEVELOPMENT SERVICES) (042-2017)

### **MISCELLANEOUS**

30. Consider an ordinance on first reading granting a special exception for 120.625-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 on the west side of Arlington Road, approximately 1,800 feet south of State Highway 191), by permitting a reduced rear 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)(Deferred from April 25, 2017 meeting.)(9662)
31. Consider a motion approving a proposed Preliminary Plat of Legacy Addition, Section 5, being a 120.625-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 on the west side of Arlington Road, approximately 1,780 feet south of State Highway 191.) (DEVELOPMENT SERVICES)(Deferred from April 25, 2017 meeting.)(040-2017)

### **PUBLIC COMMENT**

32. 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**

33. 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 Block 54, Original Town, City and County of Midland, Texas.
  - c. Section 551.074, Personnel Matters.
    - c.1. Deliberate the employment, evaluation, and duties of the City Manager, including the City Manager's supervision of the Chief of Police and the Midland Police Department.

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.