

**CITY OF MIDLAND, TEXAS**  
**AGENDA FOR CITY COUNCIL MEETING**  
Council Chamber - City Hall  
June 13, 2017 – 10:00 AM  
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 - Msgr. Larry J. Droll, Pastor, St. Ann's Catholic 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 Juneteenth Proclamation

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular City Council meeting of May 23, 2017
  - b. Special City Council meeting of May 30, 2017
5. Consider a resolution authorizing the execution of an agreement with All City Management Services, Inc., of Santa Fe Springs, California, for supplying school crossing guard services for the Administrative Services Department, at a total cost of \$546,249.00 per year. (PURCHASING) (2017 - 142)
6. Consider a resolution authorizing the issuance of a request for proposals for concession services at the Scharbauer Sports Complex Football Stadium for the Community Services Department. (PURCHASING) (2017 - 143)

7. Consider a resolution approving a contract with Huber Technology, Inc., for the purchase of screens for the Membrane Bioreactor Reclaimed Water Production Facility for the Utilities Department at a total cost of \$83,292.50. (PURCHASING) (2017 - 144)
8. Consider a resolution authorizing the execution of a Professional Services Agreement with Enprotec/Hibbs & Todd, Inc., for the evaluation and design of plant water and irrigation system improvements at the Membrane Bioreactor Reclaimed Water Production Facility in an amount not to exceed \$85,700.00. (PURCHASING) (2017 - 145)
9. Consider a resolution awarding a contract for the Sprayberry Farm and Plant Farm Rehabilitation Project to Onyx General Contractors, LLC, in the amount of \$1,049,379.00. (PURCHASING) (2017 - 146)
10. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Utility Extension Program 03 Project; said project will provide for the construction of utility extension projects throughout the City on an as-needed basis. (PURCHASING) (2017 - 147)
11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Water, Wastewater, & Fire Hydrant Taps Expanded Program 04 Project; said project will provide for the construction of small utility projects and service laterals throughout the City on an as-needed basis. (PURCHASING) (2017 - 148)
12. Consider a resolution authorizing the advertisement of a request for proposals to equip and operate a non-exclusive fixed base operation at Midland Airpark Airport. (AIRPORTS) (2017 - 149)
13. Consider a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Incorporated, 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, Incorporated. (CITY SECRETARY'S OFFICE) (2017 - 150)
14. Consider a resolution ratifying and approving a resolution of the Board of Directors of the Midland Football-Soccer and Baseball Complex Development Corporation approving the termination of the Midland Football-Soccer and Baseball Complex Development Corporation (the "Corporation"); authorizing and directing the City Secretary to deliver three originals of the Corporation's Certificate of termination to the Texas Secretary of State for filing and to certify a

copy of this resolution to the Texas Comptroller of Public Accounts and any other appropriate entity as necessary; authorizing and directing the City Treasurer to pay a filing fee to the Texas Secretary of State; authorizing and directing the City Manager or the City Manager's designee to sign all documents and take all actions necessary or appropriate to effect the transfer to the City of Midland of all funds and property owned by the Corporation on termination of the Corporation; and authorizing and directing the City Treasurer to transfer said funds. (COMMUNITY SERVICES) (2017 - 151)

15. Consider a resolution approving the issuance of a permit to RSP Permian, LLC ("Operator") to drill an oil and gas well within the City limits located 230 feet from the north line and 1,690 feet from the west line, Section 10, Block X, H.P. Hilliard Survey, City 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.) (DEVELOPMENT SERVICES) (2017 - 152)
16. Consider a resolution approving the transfer of certain oil and gas well permits from DE Operating LLC ("Operator") to Parsley Energy Operations, LLC ("Transferee"); and approving the transfer of the Road Repair Agreement regarding said oil and gas well permits from operator to transferee; the oil and gas wells being Moss Partnership "9" Well No. 1, Moss Partnership "9" Well No. 2, Smith-Hughes "9" Well No. 1, and Smith-Hughes "9" Well No. 2; said oil and gas wells being located in Section 9, Block X, H.P. Hilliard survey, City and County of Midland, Texas (Generally located on the west side of the extension of North Garfield Street, approximately one half mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES) (2017 - 153)
17. Consider a resolution approving DE Operating, LLC's assignment of an existing Right-of-Way License to Parsley Energy Operations, LLC, regarding City-owned property in a portion of Garfield Street right-of-way and a portion of the Midland Draw Floodway located approximately 1/4 mile east of Passage Way in Sections 9 and 10, Block "X", H.P. Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES) (2017 - 154)
18. Consider a resolution authorizing the execution of an amendment to the Community Development Block Grant Contract with Mission Health Care, Incorporated for the Take Home Terrific Program; said amendment increasing the contract amount to \$20,000.00; appropriating funds; and authorizing payment therefor. (DEVELOPMENT SERVICES) (2017 - 155)
19. Consider a resolution authorizing the execution of an amendment to the Community Development Block Grant Contract with Casa de Amigos, Inc. for the Home Cleaning Program; said amendment increasing the contract amount to \$33,500.00; appropriating funds; and authorizing payment therefor. (DEVELOPMENT SERVICES) (2017 - 156)

20. Consider a resolution authorizing the execution of an amendment to the Community Development Block Grant Contract with Senior Link Midland for the Southeast Senior Center and Casa de Amigos Nutrition Programs; said amendment increasing the contract amount to \$67,500.00; appropriating funds; and authorizing payment therefor. (DEVELOPMENT SERVICES) (2017 - 157)
21. Consider a resolution authorizing the City of Midland and the State of Texas (the "State"), acting by and through the Texas Department of Transportation ("TxDOT"), to participate in the rehabilitation and widening of Business State Highway 349-C and the construction of related improvements (the "Project"); authorizing the execution of an Advance Funding Agreement with the State, acting by and through TxDOT, for the project; authorizing payment to the State therefor in an amount not to exceed \$1,650,000.00; and authorizing and directing the City Secretary to certify a copy of this resolution to TxDOT. (ENGINEERING SERVICES) (2017 - 158)
22. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Pavilion Midland, LLC for paving, water distribution, and sewer improvements associated with the extension of Mockingbird Lane to serve a portion of Pavilion Park, Section 10, City and County of Midland, Texas (Generally located on the south side of Mockingbird Lane, approximately one half mile east of Business State Highway 349-C); and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2017 - 159)
23. Consider a resolution authorizing the execution of an amendment to the Right-of-Way License between the City of Midland and Crownquest Operating, LLC. (ENGINEERING SERVICES) (2017 - 160)
24. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Sunoco Pipeline, LP, regarding City-owned property described as Section 10, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2017 - 161)
25. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Navitas Midstream Midland Basin, LLC, regarding City-owned property described as Sections 16 and 17, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2017 - 162)
26. Consider a motion on a request by Maverick Engineering for approval of the proposed Preliminary Plat of The Way, being a 28.975-acre tract of land out of Section 29, Block 38, T-1-S RR CO. Survey, Midland County, Texas (Generally located on the east side of Todd Drive, approximately 1,800 feet south of East

Loop 250 North Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES) (042-2017)

27. Consider a motion on a request by Schumann Engineering Inc. for approval of the proposed Preliminary Plat of Empire Heights, being a plat of 39.99-acre tract of land out of Section 47, Block 38, T-1-S, T. & P. RR. CO. Survey, Midland County, Texas (Generally located approximately 860 feet north of East County Road 95 Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES) (043-2017)

## **SECOND READINGS**

28. Consider an ordinance on second reading granting a special exception for Lots 7, 8, 9, and 10, Gardens Addition, Block 27, City and County of Midland, Texas (Generally located northwest of the intersection of West Illinois Avenue and Sunset Street), 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 on May 23, 2017)(9665)
29. Consider an ordinance on second reading granting a special exception for Lot 2, Block 1, Rocking M Ranch Addition, City and County of Midland, Texas (Generally located northeast of the intersection of Todd Drive and East County Road 77), by permitting the use of a manufactured home as a fixed dwelling; 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 on May 23, 2017)(9666)
30. Consider an ordinance on second reading granting a special exception for Lot 7, Block 5, Urbandale Addition, City and County of Midland, Texas (Generally located northeast 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)(First reading held on May 23, 2017)(9667)
31. 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 2-A, Block 3, Corporate Plaza, Section 19, 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 south of

Spring Park Drive, approximately 348 feet west of Edwards 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 on May 23, 2017)(9668)

32. 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 8, Brookshire Village Addition, Section 3, and a 2.4109-acre tract of land out of the west half of the southeast quarter of Section 14, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as an LR-2, Local Retail District (Generally located northwest of the intersection of Fiesta Avenue and Edwards 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 on May 23, 2017)(9669)
33. 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 7.19-acre tract of land out of Sections 1 and 2, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as an O-1, Office District (Generally located southeast of the intersection of Solomon 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 on May 23, 2017)(9670)
34. Consider an ordinance on second reading vacating and abandoning 27.535 acres of right-of-way within Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive); adopting the City Manager's determination that the fair market value of said right-of-way is exceeded by the fair market value of 34.632 acres to be dedicated by the property owner to the City for right-of-way and drainage purposes; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on May 23, 2017)(9671)
35. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to retitle Section 11 as "School Zones" and to designate each school zone within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 9595; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars

(\$200.00); and ordering publication. (ENGINEERING SERVICES)(First reading held on May 23, 2017)(9672)

## **PUBLIC HEARINGS**

36. Hold a public hearing and consider a resolution authorizing the temporary use of land for an ice cream festival on a 0.55-acre portion of North Colorado Street right-of-way located adjacent to Blocks 55 and 56, Original Town Addition, City and County of Midland, Texas (Generally located on North Colorado Street between West Texas Avenue and West Wall Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 163)
37. Hold a public hearing to receive public comments and hear community recommendations for the Community Development Block Grant 2017/18 applications submissions. (DEVELOPMENT SERVICES) (044-2017)
38. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Isbell HZ Unit No. 115H) located 2,416 feet from the north line and 2,270 feet from the east line located in Section 1, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 200 feet north of Solomon Lane extension and 2,190 feet west of Fairgrounds Road.) This is a public hearing only. (DEVELOPMENT SERVICES) (045-2017)
39. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Bozeman Unit 802WA) located 306 feet from the south line and 1,045 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 407 feet north of Green Tree Boulevard extension and 1,002 feet east of North Midland Drive.) This is a public hearing only. (DEVELOPMENT SERVICES) (046-2017)
40. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Bozeman Unit 813WB) located 306 feet from the south line and 1,075 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 407 feet north of Green Tree Boulevard extension and 1,032 feet east of North Midland Drive.) This is a public hearing only. (DEVELOPMENT SERVICES) (047-2017)
41. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Whitefish Unit 802WB) located 306 feet from the south line and 1,015 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 407 feet north of

Green Tree Boulevard extension and 972 feet east of North Midland Drive) This is a public hearing only. (DEVELOPMENT SERVICES) (048-2017)

42. Hold a public hearing regarding a proposed oil and gas permit to Diamondback E&P LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Whitefish Unit 812MS) located 306 feet from the south line and 985 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 407 feet north of Green Tree Boulevard extension and 942 feet east of North Midland Drive.) This is a public hearing only. (DEVELOPMENT SERVICES) (049-2017)
43. 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 2C, Block 43, Fairmont Park Addition, Section 47, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, in part, and LR-2, Local Retail District, in part, to be used as a PD, Planned District for a Shopping Center (Generally located on the east side of West Loop 250 North, approximately 2,025 feet north of Tremont 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) (9673)
44. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 8, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 720 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) (9674)
45. Hold a public hearing and consider a resolution authorizing the temporary use of land for a music festival on Lots 13-18, Block 65, Lots 13-24, Block 66, all of Block 86, a 0.25-acre portion of West Missouri Avenue right-of-way located adjacent to Lot 19, Block 65, and Block 86, a 0.26-acre portion of West Missouri Avenue right-of-way located adjacent to Lot 13, Block 66, and Block 85, a 0.34-acre portion of South Loraine Street right-of-way located adjacent to Lots 19-21, Block 65, and Lots 13-19, Block 66, and a 0.28-acre portion of South Loraine Street right-of-way located adjacent to Lots 15-20, Block 85, and Lots 1-6, Block 86, all out of Original Town Addition, City and County of Midland, Texas (Generally located at the intersection of South Loraine Street and West Missouri Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 164)

## **MISCELLANEOUS**

46. Consider a motion on a request by Maverick Engineering for approval of a Preliminary Plat for Pavilion Park, Section 10, being a replat of all of Blocks 3 through 16; Lots 1 through 9, Block 17; Lots 1 through 5 & Tract 17A, Block 19; all located in Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES) (050-2017)
47. Consider a motion on request by Skyline Civil Group to defer public paving and wastewater improvements for Yadon Addition, and to waive the corresponding financial security guarantee valued at \$22,888.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1,300 feet south of I-20 on the east side of Rankin Highway, inside the corporate limits of the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (051-2017)
48. Consider a motion approving the recommendation and determination of the Planning and Zoning Commission that a for-profit plasma donation center should be a permitted use in the following zoning district: LR-3, Local Retail District; and
  - a. Determining that said use is distinctly different from those listed as permitted uses in said zoning district and ordering City staff to begin the process of amending Title XI, "Planning and Development", Chapter 1, "Zoning", to permit said use in said zoning district; or
  - b. Determining that said use is closely related to one or more of the listed permitted uses in said zoning district and approving a resolution determining that said use is permitted in said zoning district.

## **PUBLIC COMMENT**

49. 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.)

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.