

AGENDA FOR CITY COUNCIL MEETING
October 24, 2017 – 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. Presentation of a Proclamation to Rotary Club for Polio Day
 - b. Presentation of a Proclamation to Municipal Court for Municipal Court Week

CONSENT AGENDA

4. Consider a motion approving the following minutes:
 - a. Regular City Council meeting of October 10, 2017
 - b. Special City Council meeting of October 12, 2017
 - c. Special City Council meeting of October 17, 2017
5. Consider a resolution rejecting all proposals received for an Agenda and Document Management System; and authorizing the City Manager to reissue a Request for Proposals for an Agenda and Document Management System. (PURCHASING) (2017 - 302)

6. Consider a resolution approving the purchase of fifty-five (55) National Electric Manufacturing Association TS2 Type 2 controllers with Maxtime from Texas Highway Products, Ltd, for the Engineering Services Department, through TXSmartbuy at a total cost of \$120,285.00. (PURCHASING) (2017 - 303)
7. Consider a resolution awarding a contract for the renovation of two (2) elevators at City Hall to the sole bidder, Thyssenkrupp Elevator Corporation, at a total cost of \$413,026.00; approving \$41,302.60 for contingencies; and appropriating funds therefor. (PURCHASING) (2017 - 304)
8. Consider a resolution authorizing payment in the amount of \$52,487.86 for the annual maintenance cost of the Municipal Court's Case Management Software to Tyler Technologies, Inc. (PURCHASING) (2017 - 305)
9. Consider a resolution approving the purchase of three hundred fifty (350) tons of gypsum from BWI Companies, Inc., for the Spraberry Farm and Plant Farm at a total cost of \$56,700.00. (PURCHASING) (2017 - 306)
10. Consider a resolution approving specifications and authorizing advertisement for bids for Plant Farm Labor Contracting Services for the Utilities Department. (PURCHASING) (2017 - 307)
11. Consider a resolution approving the amended Fiscal Year 2016-2017 Budget of the Midland Development Corporation, a Type A Corporation as authorized by Chapter 504 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2017 - 308)
12. Consider a resolution approving a Donation Agreement between the Midland Development Corporation and the Texas Department of Transportation for a Highway Safety Improvement Project to provide for the construction of main lanes and interchanges on system at the intersection of Interstate Highway 20 and South Midkiff Road in Midland County, Texas. (CITY MANAGER'S OFFICE) (2017 - 309)
13. Consider a resolution approving a Donation Agreement between the Midland Development Corporation and the Texas Department of Transportation for a Highway Safety Improvement Project to provide for the construction of main lanes and interchanges on system at the Intersection of Loop 250 and State Highway 191 in Midland County, Texas. (CITY MANAGER'S OFFICE) (2017 - 310)

14. Consider a resolution approving a Donation Agreement between the Midland Development Corporation and the Texas Department of Transportation for a Highway Safety Improvement Project to provide for the construction of main lanes and interchanges on system at the intersection of Loop 250 and County Road 1140 in Midland County, Texas. (CITY MANAGER'S OFFICE) (2017 - 311)
15. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("Operator") to drill an oil and gas well within the City limits located 306 feet from the south line and 2,528 feet from the west line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 405 feet north of the Green Tree Boulevard extension and approximately 2,528 feet east of North Midland Drive); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2017 - 312)
16. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("Operator") to drill an oil and gas well within the City limits located 306 feet from the south line and 2,498 feet from the west line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 405 feet north of the Green Tree Boulevard extension and approximately 2,498 feet east of North Midland Drive); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2017 - 313)
17. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("Operator") to drill an oil and gas well within the City limits located 306 feet from the south line and 2,558 feet from the west line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 405 feet north of the Green Tree Boulevard extension and approximately 2,558 feet east of north Midland Drive); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2017 - 314)
18. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("Operator") to drill an oil and gas well within the City limits located 306 feet from the south line and 2,588 feet from the west line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 405 feet north of the Green Tree Boulevard extension and approximately 2,588 feet east of north Midland Drive); and providing that said

permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2017 - 315)

19. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City limits located 1,656 feet from the north line and 2,291 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 339 feet south of the east Cynthia Drive extension and approximately 2,291 feet west of Todd Drive). (DEVELOPMENT SERVICES) (2017 - 316)
20. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City limits located 1,655 feet from the north line and 2,266 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 340 feet south of the east Cynthia Drive extension and approximately 2,266 feet west of Todd Drive). (Planning Admin) (2017 - 317)
21. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City limits located 2,398 feet from the north line and 2,284 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 1,082 feet south of the East Cynthia Drive extension and approximately 2,284 feet west of Todd Drive). (DEVELOPMENT SERVICES) (2017 - 318)
22. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City limits located 2,398 feet from the north line and 2,309 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 1,082 feet south of the east Cynthia Drive extension and approximately 2,309 feet west of Todd Drive). (DEVELOPMENT SERVICES) (2017 - 319)
23. Consider a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, L.P. regarding its applications to drill oil and gas wells within the City limits in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2017 - 320)

24. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. (“Operator”) to drill an oil and gas well within the City limits located 285 feet from the north line and 2,588 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 2,588 feet west of Business State Highway 349-C and 5,030 feet north of Mockingbird Lane). (DEVELOPMENT SERVICES) (2017 - 321)
25. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. (“Operator”) to drill an oil and gas well within the City limits located 285 feet from the north line and 2,628 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 2,628 feet west of Business State Highway 349-C and 5,030 feet north of Mockingbird Lane). (DEVELOPMENT SERVICES) (2017 - 322)
26. Consider a resolution authorizing the City Manager to execute an amendment to the Advance Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation, for the rehabilitation and widening of Business State Highway 349-C (commonly known as North State Highway 349) and the construction of related improvements; said amendment to provide for the construction of additional medians along Business State Highway 349-C, from Cerrillos Avenue to Pueblo; authorizing payment therefor in an amount not to exceed \$200,000.00; authorizing the execution of a Public Improvement Development Agreement with Midland Country Club for roadway facilities improvements adjacent to Lot 2, Block 1, Midland Country Club Estates, Section 2, City and County of Midland County, Texas; and appropriating funds therefor; said Public Improvement Development Agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2017 - 323)
27. Consider a resolution authorizing the execution of a Memorandum of Agreement with the Department of State Health Services Designated Lead Regional Advisory Council Far West Texas & Southern New Mexico Trauma Regional Advisory Council dba Boarder RAC regarding the Midland Fire Department’s participation as a member of the Emergency Medical Task Force Program. (FIRE) (2017 - 324)

SECOND READINGS

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 3, Block 14, Claydesta Plaza, Section 13, 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 north side of Veterans Airpark Lane, approximately 575 feet west of 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 October 10, 2017.)(9695)

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 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 October 10, 2017.)(9705)
30. 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 Lots 3A and 4, Block 15, Hyde Park Addition, Section 6, 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 southwest of the intersection of West Wadley Avenue and 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 October 10, 2017.)(9706)
31. Consider an ordinance on second reading granting a special exception for 84.743 acres of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the west side of Sandstone Drive, approximately 930 feet north of Sherwood Drive, and southwest of the intersection of Sherwood Drive and Val Verde 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 on October 10, 2017.)(9707)

32. Consider an ordinance on second reading adopting a site plan for Lot 1A, Block 21, Greenwood Addition, Section 13, City and County of Midland, Texas (Generally located southwest of the intersection of East Washington Avenue and South Calhoun Street); 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 October 10, 2017.)(9708)
33. Consider an ordinance on second reading prohibiting parking on the north side of Conroe Court from the west curb line of Conroe Street continuing west to the east curb line of Holiday Hill Road except to residents whose property abuts said portion of Conroe Court and who have obtained valid parking permits; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; 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 October 10, 2017.)(9709)
34. Consider an ordinance on second reading amending Title IX, "Public Ways and Property", by establishing Chapter 7, "Small Wireless Facility Siting", so as to establish standards for network nodes and node support poles in the public right-of-way in the City of Midland; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (DEVELOPMENT SERVICES)(First reading held October 10, 2017.)(9710)

PUBLIC HEARINGS

35. Hold a public hearing and consider an ordinance vacating and abandoning a 0.092-acre portion of alley right-of-way located adjacent to Lots 1-4 and 9-12, Block 8, Moody Addition, City and County of Midland, Texas (Generally located on the west side of North Madison Street, approximately 140 feet south of Houston Avenue); adopting the appraisal by the City Manager of \$8,015.40; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9711)
36. Hold a public hearing and consider an ordinance adopting a site plan for lot 1-A, Block 6, Crestgate Addition, Section 28, City and County of Midland, Texas (Generally located northwest of the intersection of West Loop 250 North and Crestfield Street); 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) (9712)

37. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for Pop-Up Markets on Lot 12, Block 26, Original Town Addition, and a previously-vacated 0.032-acre portion of West Ohio Avenue right-of-way adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 325)
38. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a Mobile Food Vendor with Seating on Lot 12, Block 26, Original Town Addition, and a previously-vacated 0.032-acre portion of West Ohio Avenue right-of-way adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 326)

MISCELLANEOUS

39. Consider a motion making appointments to various boards and commissions
40. The City Council will recess and at approximately 1:00 p.m. will reconvene at Basin PBS, located at 203 N. Main Street, to tour the facilities. (DEVELOPMENT SERVICES)

PUBLIC COMMENT

41. 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

42. 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 sale, exchange, lease, or value of real property described as a 4.142 acre tract out of Section 14, Block 49, T-1-S T&P R.R. Co. Survey, City of Midland, Midland County, Texas (Generally located on the west side of Big Spring Street, approximately 800 feet north of Veterans Airpark).

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.