

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
July 24, 2018 - 9:30 AM  
BASEMENT CONFERENCE ROOM  
300 North Loraine  
Midland, Texas**

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Discuss Union Pacific Railroad's recommendation of closure of the K Street Grade Crossing.

AGENDA FOR CITY COUNCIL MEETING  
July 24, 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 - Reverend Roy Smith, True Lite Christian Fellowship
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 July 9, 2018
  - b. Regular Meeting of July 10, 2018
5. Consider a resolution appropriating the sum of \$525,000.00 from the General Fund (001) Unappropriated Fund Balance Account (35650) to the Hwy 349 from 250 Loop to Martin Co. Project (900234), said sum having been contributed to the City by the Midland Development Corporation. (FINANCE) (2018 - 254)
6. Consider a resolution authorizing new signatories to and removing certain signatories from City of Midland bank accounts. (FINANCE) (2018 - 255)
7. Consider a resolution approving the sole source purchase of Intelight Maxview Traffic Management System Software for the Traffic Operations Division from Texas Highway Products, Ltd. of Round Rock, Texas, at a total cost of \$122,250.00; authorizing the execution of a License Agreement therefor; and authorizing payment therefor. (PURCHASING) (2018 - 256)

8. Consider a resolution authorizing the execution of a Master Intergovernmental Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance Company; said agreement providing for the City of Midland's participation in a purchasing cooperative in accordance with Texas Local Government Code § 271.102. (PURCHASING) (2018 - 257)
9. Consider a resolution authorizing the execution of a contract with Consolidated Traffic Controls, Inc., through the Houston-Galveston area Council, for the purchase and installation of Opticom Traffic Control Equipment at a total cost not to exceed \$829,091.50; and authorizing payment therefor. (PURCHASING) (2018 - 258)
10. Consider a resolution creating the Royalty Allocation Advisory Board and establishing duties, qualifications, terms of office, methods for filling vacancies, and related organizational matters. (CITY ATTORNEY'S OFFICE) (2018 - 259)
11. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and The University of Texas of the Permian Basin. (CITY MANAGER'S OFFICE) (2018 - 260)
12. Consider a resolution approving a fourth amendment to the agreement between the Midland Development Corporation and Permian Basin Public Telecommunications, Inc. (CITY MANAGER'S OFFICE) (2018-261)
13. Consider a resolution approving the Midland Development Corporation's purchase of certain real property described as Lots five (5) and six (6), Block thirty-five (35), Original Town of Midland, an Addition to the City of Midland, Midland County, Texas. (CITY MANAGER'S OFFICE) (2018 - 262)
14. Consider a resolution granting a variance for an oil and gas well to be located 240 feet from the north line and 1,720 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located 1,720 feet west of Rankin Highway and 620 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 265 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC ("operator") to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 263)
15. Consider a resolution granting a variance for an oil and gas well to be located 240 feet from the north line and 2,050 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located 2,050 feet west of Rankin Highway and 620 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 316 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC ("operator") to drill said oil and gas well within

the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 264)

16. Consider a resolution granting a variance for an oil and gas well to be located 240 feet from the north line and 2,380 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located 2,380 feet west of Rankin Highway and 620 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 263 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 265)
17. Consider a resolution granting a variance for an oil and gas well to be located 240 feet from the north line and 862 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located 862 feet west of Rankin Highway and 620 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 254 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 266)
18. Consider a resolution granting a variance for an oil and gas well to be located 270 feet from the north line and 862 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located 862 feet west of Rankin Highway and 590 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 227 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 267)
19. Consider a resolution granting a variance for an oil and gas well to be located 270 feet from the north line and 892 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located 892 feet west of Rankin Highway and 590 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 226 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 268)
20. Consider a resolution granting a variance for an oil and gas well to be located 270 feet from the north line and 922 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally

located 922 feet west of Rankin Highway and 590 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 255 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 269)

21. Consider a resolution granting a variance for an oil and gas well to be located 240 feet from the north line and 922 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located 922 feet west of Rankin Highway and 620 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 255 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 270)
22. Consider resolution granting a variance for an oil and gas well to be located 270 feet from the north line and 952 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located 952 feet west of Rankin Highway and 590 feet north of Dayton Road) by allowing said oil and gas well to be no closer than 228 feet of an occupied residential or commercial structure; approving the issuance of a permit to Permian Deep Rock Oil Co., LLC (“operator”) to drill said oil and gas well within the City limits; and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 271)
23. Consider a resolution authorizing the execution of an amendment to the right-of-way license between the City of Midland and Sunoco Midland Terminal LLC, successor-in-interest to Vitol Midstream LLC, regarding City-owned property described as Section 44, Block 38, T-1-S, T & P RR Co. Survey, Midland County, Texas. (UTILITIES) (2018 - 272)
24. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Enterprise Crude Pipeline LLC regarding City-owned property described as Sections 40 and 41, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2018 - 273)
25. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Enterprise Crude Pipeline LLC regarding City-owned property described as Sections 16 and 17, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2018 - 274)

## **SECOND READINGS**

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 43.97-acre tract of land out of the east half of Section 18, Block 40, T-1-S, and a 6.66-acre tract of land out of east half of Section 18 and the southwest quarter of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the west side of south FM 1788, approximately 187 feet north of West County Road 127); approving a public service plan; and ordering publication. (DEVELOPMENT SERVICES)(First reading held July 10, 2018.)(9789)
27. 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 3.31-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill Road); approving a public service plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held July 10, 2018.)(9790)

## **PUBLIC HEARINGS**

28. 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 15, Block 2, and Lot 1, Block 3, Adobe Meadows, Section 2, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, in part, and MF-1, Multiple-Family Dwelling District, in part, to be used as a PD, Planned District for a housing development (generally located at the northeast corner of the intersection of Mockingbird Lane and 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)(Deferred from July 10, 2018 Meeting)(9788)
29. 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 1A, Block 6, Barberdale Addition, Section 3, City and County of Midland, Texas, which is presently zoned PD, Planned District for an office center, to be used as an LR-3, Local Retail District, (generally located at the southwest corner of the intersection of West Wadley Avenue and North Main 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) (9791)

30. Hold a public hearing and consider a request by John Gannon, Inc., for a Specific Use Permit with Term for a Billboard on a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas, (generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market Road 1788). This is a public hearing only. (DEVELOPMENT SERVICES) (066-2018)
31. Hold a public hearing and consider a request by John Gannon, Inc., for a Specific Use Permit with Term for an Electronic Billboard on the north portion of a 115-acre tract of land out of Section 6, Block 40, T-2-S, T&P RR Co. Survey, City and County Midland Texas, (generally located at the southwest corner of the intersection of West County Road 100 and South Farm to Market Road 1788). This is a public hearing only. (DEVELOPMENT SERVICES) (067-2018)
32. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a memorial event on a 15,570-square foot portion of Block 64 and a 0.56-acre portion of West Wall Street Right-of-Way located adjacent to Blocks 56 and 64, Original Town Addition, City and County of Midland, Texas, (generally located southeast of the intersection of North Big Spring Street and West Wall Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 275)
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 Lot 2, Block 1, West 191 Industrial Park, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an LI, Light Industry District, (generally located on the north side of State Highway 191, approximately 2,400 feet west of North County Road 1275); 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) (9792)
34. Hold a public hearing and consider a resolution authorizing the temporary use of land for a fair and carnival on Lot 13, Block 71, West End Addition, Section 15, Lots 1 through 3, Block 77, Lots 2 through 6, Block 78, West End Addition, and a 0.65-acre portion of West Texas Avenue right-of-way located between North N Street and North M Street, City and County of Midland, Texas (generally located southeast of the intersection of West Illinois Avenue and North O Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 276)
35. Hold a public hearing and consider a resolution authorizing the temporary use of land for a church tent meeting on Lot 4, Block 4, Tanglewood Addition, Section 3, City and County of Midland, Texas (generally located on the west side of North Lamesa Road, approximately 600 feet north of East Wadley Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 277)

36. Hold a public hearing and consider an ordinance vacating and abandoning a 0.13-acre portion of alley right-of-way located in Block 48, Original Town Addition, City and County of Midland, Texas, (generally located approximately 180 feet west of Mineola Street, between East Industrial Avenue and East Wall Street); adopting the appraisal by the City Manager of \$11,030.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9793)
37. Hold a public hearing and consider a resolution authorizing the temporary use of land for a church tent meeting on Lots 1 through 4, Block 125, Southern Addition, City and County of Midland, Texas (generally located southwest of the intersection of East Washington Avenue and South Lamesa Road); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 278)
38. Hold a public hearing and consider a resolution authorizing the temporary use of land for a barbecue competition on Lots 3 through 7, Block 2, Lynside Neighborhood, and Lot 1, Block 10, Lynside Neighborhood, Section 2, City and County of Midland, Texas (generally located southwest of the intersection of East Scharbauer Drive and North Tyler Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 279)
39. Hold a public hearing and consider ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 2.60-acre tract of land out of Section 4, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as an LR-2, Local Retail District (generally located at the northwest corner of the intersection of Whitman Drive and 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) (9794)
40. Hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 3.31-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as a PD, Planned District for a recreation center; said tract being generally located on the north side of Briarwood Avenue, approximately 2,460 feet west of Holiday Hill 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) (9795)
41. Hold a public hearing and consider an annexation of a 15.83-acre tract located in Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, (generally located on the northeast corner of the intersection of North County Road 1247 and West State Highway 158). This is a public hearing only. (DEVELOPMENT SERVICES) (068-2018)



**MISCELLANEOUS**

- 42. Consider a motion making appointments to various boards and commissions.

**PUBLIC COMMENT**

- 43. 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**

- 44. 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 551.072 Deliberation Regarding Real Property.
    - a.1. Discuss the purchase, exchange, lease, or value of real property described as Lot 1, Block A1, Johnson and Moran Addition, and Lots 5 and 6, Block 2, University Park Addition, City and County of Midland, 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.