

**CITY OF MIDLAND, TEXAS  
RECEPTION AGENDA  
December 11, 2018 - 9:00 A.M.  
COUNCIL CHAMBER FOYER  
300 North Loraine  
Midland, Texas**

1. Reception honoring outgoing Council Member W. Jeffrey Sparks.

AGENDA FOR CITY COUNCIL MEETING  
December 11, 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 - Pastor Brent Johnson, Cornerstone Christian Fellowship
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation recognizing XTO Energy, Inc. for their \$500,000 donation to the Dennis the Menace Park renovation project.

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular meeting of November 20, 2018.
5. Consider a resolution approving the City of Midland's Fiscal Year 2019 Investment Policy. (FINANCE) (2018 - 489)
6. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for emergency medical services receivables and Health Department receivables. (FINANCE) (2018 - 490)
7. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for miscellaneous accounts receivable and insufficient funds checks. (FINANCE) (2018 - 491)
8. Consider a resolution declaring expectation to reimburse expenditures with proceeds of future debt. (FINANCE) (2018 - 492)

9. Consider a resolution awarding a contract for the Fiscal Year 2019 Crack Fill Project to Crackseal of Texas, LLC of Mathis, Texas, at a total cost of \$636,120.00; and authorizing payment therefor. (PURCHASING) (2018 - 493)
10. Consider a resolution awarding a contract for the Hot-in-Place Recycle Program project to Jones Bros. Dirt & Paving Contractors, Inc. of Odessa, Texas, at a total cost of \$5,399,969.60; and authorizing payment therefor. (PURCHASING) (2018 - 494)
11. Consider a resolution authorizing the City Manager to approve the plans and specifications and advertise for bids for eight projects that will provide road, sidewalk, pedestrian ramp, and public utilities improvements at the following locations: (1) Cuthbert Avenue, from Ward Street to Garfield Street; (2) Wood Drive, from Midland Drive to Oriole Drive, and Oriole Drive, from Mockingbird Lane to Teakwood Trace; (3) Carter Avenue, from Garfield Street to Big Spring Street; (4) Bluebird Lane, from Midland Drive to a point east of Butler Park; (5) Bankhead Highway, from Front Street to Midkiff Road; (6) Michigan Avenue, from Garfield Street to A Street; (7) Louisiana Avenue, from Garfield Street to A Street; and (8) Texas Avenue, from Andrews Highway to A Street; said projects being year two bond projects. (PURCHASING) (2018 - 495)
12. Consider a resolution approving the purchase of a KMT2 Asphalt Recycler from Crafc0, Inc., through the Houston-Galveston area Council at a total cost of \$76,575.00. (PURCHASING) (2018 - 496)
13. Consider a resolution approving the purchase of TYMCO Model 600 Street Sweeper from TYMCO, Inc., through Buyboard at a total cost of \$215,383.50. (PURCHASING) (2018 - 497)
14. Consider a resolution approving the purchase of an aerial bucket truck from Grande Truck Center through Buyboard at a total cost of \$135,124.00. (PURCHASING) (2018 - 498)
15. Consider a resolution approving the purchase of three (3) administrative cars, one (1) full-size three-quarter (3/4) ton extended cab four-wheel drive diesel pickup truck, one (1) full-size three-quarter (3/4) ton crew cab four-wheel drive diesel pickup truck, one (1) full-size one (1) ton regular cab diesel pickup truck, one (1) full-size three-quarter (3/4) ton cab and chassis, three (3) full-size one (1) ton cab and chassis, one (1) mid-size front-wheel drive sport utility vehicle, and one (1) mid-size all-wheel drive sport utility vehicle from Randall Reed's Prestige Ford, of Garland, Texas; the purchase of ten (10) full-size one-half (1/2) ton regular cab pickup trucks and one (1) full-size one-half (1/2) ton crew cab pickup truck from Grapevine DCJ, LLC, of Grapevine, Texas; the purchase of four (4) full-size one-half (1/2) ton extended cab pickup trucks from Four Star Ford of Jacksboro, Texas; and the purchase of one (1) full-size one-half (1/2) ton crew cab pickup truck and two (2) full-size four-wheel drive sport utility vehicles from Caldwell County Chevrolet, of Caldwell, Texas. (PURCHASING) (2018 - 499)

16. Consider a resolution approving a Landscape Improvements Contract between the Midland Development Corporation and a Rendon Ramirez Corporation dba RRC Construction for the Spaceport Business Park Landscape Improvements Project at Midland International Air & Space Port. (PURCHASING) (2018 - 500)
17. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for professional engineering services for the Northeast Sewer System Improvements Project and appropriating funds therefor. (PURCHASING) (2018 - 501)
18. Consider a resolution authorizing the issuance of a request for proposals for Apparent Water Loss Detection Software Services for the Utilities Department. (PURCHASING) (2018 - 502)
19. Consider a resolution approving the purchase and upfitting of thirty (30) police vehicles for the Garage Division from Caldwell County Chevrolet through Buyboard at a total cost of \$1,618,912.00; and approving the purchase and upfitting of three (3) police trucks for the Garage Division from Rockdale County Ford through the Houston-Galveston Area Council at a total cost of \$173,904.00. (PURCHASING) (2018 - 503)
20. Consider a resolution approving the purchase of a hostage negotiator vehicle through the Federal Government Services Administration at a total cost of \$179,826.00. (PURCHASING) (2018 - 504)
21. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc., providing for design and engineering services and development of bid documents for the Landfill Cell Six Project for the Solid Waste Department at an amount not to exceed \$211,915.00. (PURCHASING) (2018 - 505)
22. Consider a resolution authorizing the execution of an agreement with Parkhill, Smith & Cooper, Inc., for providing services related to the preparation of Disadvantaged Business Enterprise and Airport Concession Disadvantaged Business Enterprise Program goals for Midland International Air & Space Port; and appropriating funds therefor. (AIRPORTS) (2018 - 506)
23. Consider a resolution authorizing the advertisement of a Request for Proposals to lease all or a portion of City-owned property described as Lots D and E, Block 11, Midland International Airport Industrial Park Addition, Section 6, an addition to the City of Midland, Midland County, Texas, for the purpose of developing a private aircraft hangar at Midland International Air & Space Port. (AIRPORTS) (2018 - 507)
24. Consider a resolution approving the transfer of five oil and gas well permits from Endeavor Energy Resources, L.P. ("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; said oil and gas wells being located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Planning Admin) (2018 - 508)

25. Consider a resolution approving the transfer of a Right-of-Way License from Endeavor Energy Resources L.P. (“Operator”) to Parsley DE Lone Star LLC (“Transferee”); said Right-of-Way License being located in the northern half of Section 9, Block X, H.P. Hilliard Survey, Midland County, Texas. (UTILITIES) (2018 - 509)
26. Consider a resolution granting a variance for Dahlia Estates Addition, City and County of Midland, Texas (generally located on the west side of the North Garfield Street extension, approximately 1,960 feet north of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 135 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2018 - 510)
27. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and WPX Energy Permian, LLC, regarding City-owned property described as Section 12, Block C-24, A-1028, PSL Survey, Loving County, Texas. (UTILITIES) (2018 - 511)
28. Consider a motion to receive and file the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2017/2018. (DEVELOPMENT SERVICES) (142 - 2018)
29. Consider a resolution approving an amendment to the permit issued to Permian Deep Rock Oil Co., LLC (“Operator”) to drill an oil and gas well within the City limits 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; said amendment changing the name of the well. (DEVELOPMENT SERVICES) (2018 - 512)
30. Consider a motion approving a proposed Preliminary Plat of Central Park Addition, Section 2, being a plat of 30.52-acre tract of land located in Section 7 and 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located on the northeast corner of the intersection of Loop 40 and South Farm-to-Market Road 1788). (DEVELOPMENT SERVICES) (143 - 2018)
31. Consider a resolution authorizing the City Manager to execute a Surface Use Agreement between the City of Midland and Felix Energy Holdings II, LLC for oil and gas exploration, development and production regarding City-owned property described as Sections 8, 9, 10, 11, and 27, Block 74, PSL Survey, Winkler County, Texas and Sections 13, 18, 19, 21, 24, 25, 26 and 27, Block C-23, PSL

Survey, Winkler County, Texas. (DEVELOPMENT SERVICES) (2018 - 513)

32. Consider a resolution authorizing the City Manager to execute a lease agreement between the City of Midland and Felix Energy Holdings II, LLC for a produced water disposal site located on City-owned property described as Section 27, Block C-23, PSL Survey, Winkler County, Texas and Section 10, Block 74, PSL Survey, Winkler County, Texas. (DEVELOPMENT SERVICES) (2018 - 514)

## **SECOND READINGS**

33. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter 9, "Miscellaneous Driving Rules", of the City Code of Midland, Texas, by adding Section 16, "Vulnerable Road Users", so as to regulate the operation of a motor vehicle near vulnerable road users within the territorial limits of the City of Midland; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of two hundred dollars (\$200.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of January 1, 2019. (CITY ATTORNEY'S OFFICE) (9849)
34. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 9.75-acre tract of land out of the northeast quarter of Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an MF-2, Multiple-Family Dwelling District; said tract being generally located at the northwest corner 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) (9850)
35. 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 26.15-acre tract of land out of the southwest quarter of Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-1, Local Retail District, in part, and AE, Agriculture Estate District, in part, to be used as a PD, Planned District for a Housing Development (generally located on the east side of North Fairgrounds Road, approximately 715 feet south of East Pecan 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) (9851)
36. 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 1A, Block 1, Midland Memorial Hospital, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a

Medical Center, to be used as an Amended Planned District (generally located at the southwest corner of the intersection of West Michigan Avenue and North N 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) (9853)

37. 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 14.00-acre tract of land, a 2.497-acre tract of land, and a 1.937-acre tract of land out of Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which are presently zoned FD, Future Development District, to be used as an MF-1, Multiple-Family Dwelling District, in part, and as an LR-2, Local Retail District, in part, (generally located at the northeast corner of the intersection of Briarwood Avenue and North County Road 1250); 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) (9854)
38. 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 1A, Block 3, Country Sky Addition, Section 24, City and County of Midland, Texas, which is presently zoned CE, Country Estate District, to be used as an O-1, Office District (generally located at the southeast corner of the intersection of Briarwood Avenue and Roadrunner Trail); 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. (DOWNTOWN DEVELOPMENT) (9855)
39. Consider an ordinance on second reading amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", of the City Code of Midland, Texas; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of January 1, 2019. (CITY ATTORNEY'S OFFICE) (9856)

## **PUBLIC HEARINGS**

40. 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 7, 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 220 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) (9857)

41. Hold a public hearing and consider an ordinance granting a special exception for Lot 12, Block, 1, Grandridge Estates Addition, City and County of Midland, Texas (generally located at the northwest corner of the intersection of Blake Drive and Trennon Place), by permitting a reduced setback for the side yard adjacent to Blake 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); ordering recordation by the City Secretary in the Deed Records of Midland County, Texas; and ordering publication. (DEVELOPMENT SERVICES) (9858)
42. 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 1.03-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned IP, Industrial Park District, to be used as an LR-2, Local Retail District (generally located on the east side of South Farm-to-Market Road 1788, approximately 2,410 feet north of State Highway 80); 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) (9859)
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 a 14.18-acre tract of land out of Sections 7 and 8, and a 15.81-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which are presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District, in part, and as an IP, Industrial Park District, in part, (generally located at the northeast corner of the intersection of Loop 40 and South Farm-to-Market Road 1788); 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) (9860)
44. Hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, 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 (generally located approximately 703 feet west of the intersection of Tradewinds Boulevard and Thomason Drive); approving a Public Service Plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9861)
45. Hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 25.410-acre tract of land out of Section 38, Block 40, T-1-S, T&P

RR Co. Survey, Midland County, Texas (generally located approximately 896 feet south of State Highway 191 and approximately 1,020 feet west of Avalon Drive); approving a Public Service Plan; ordering publication; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9862)

46. Hold a public hearing and consider an annexation of a 28.84-acre tract located in 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 - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES) (144 - 2018)
47. Hold a public hearing and consider an annexation of a 21.30-acre tract located in Section 38, Block 40, T-1-S, T&P RR Co. Survey, and a 6.975-acre right-of-way 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 2,287 feet west of Avalon Drive - Extraterritorial Jurisdiction). This a public hearing only. (DEVELOPMENT SERVICES) (145 - 2018)
48. Hold a public hearing and consider a resolution authorizing the temporary use of land for a wedding reception on the west 24.25 feet of Lot 9, all of Lots 10 through 12, and a 0.03-acre portion of South Colorado Street adjacent to Lot 12, Block 65, Original Town Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of West Wall Street and South Colorado Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 515)
49. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a Christmas Party on the west 24.25 feet of Lot 9, all of Lots 10 through 12, and a 0.03-acre portion of South Colorado Street adjacent to Lot 12, Block 65, Original Town Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of West Wall Street and South Colorado Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 516)
50. Hold a public hearing and consider an ordinance of the City of Midland, Texas, designating a 0.87-acre tract of land out of Lots 4, 5 and 6 and the rights-of-way adjacent thereto, Block 34, Original Town Addition, City and County of Midland, Texas (generally located at the northwest corner of the intersection of North Big Spring Street and West Texas Avenue), as Tax Abatement Reinvestment Zone Number 2018-02, for commercial and industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; and providing a savings and severability clause. (DEVELOPMENT SERVICES) (9863)
51. Hold a public hearing and consider an ordinance of the City of Midland, Texas, designating a 6.11-acre tract of land out of Blocks 88 and 93 and the rights-of-way adjacent thereto, Original Town Addition, City and County of Midland, Texas (generally located at the southwest corner of the intersection of South Big Spring

Street and West Missouri Avenue), as Tax Abatement Reinvestment Zone Number 2018-03, for Commercial and Industrial Tax Abatement, as authorized by Chapter 312 of the Texas Tax Code; establishing the boundaries thereof and other matters relating thereto; declaring findings of fact; and providing a savings and severability clause. (DEVELOPMENT SERVICES) (9864)

### **MISCELLANEOUS**

52. Consider an ordinance making certain amendments to the 2017-2018 Fiscal Year Budget so as to increase amounts appropriated to certain funds. (FINANCE) (9865)
53. Consider a motion making appointments to various boards and commissions.

### **PUBLIC COMMENT**

54. 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.