

**CITY OF MIDLAND, TEXAS**  
**AGENDA FOR CITY COUNCIL MEETING**  
January 26, 2016 – 10:00 AM  
300 N. Loraine  
Council Chamber - City Hall  
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 - Rev. Pat Bryant, Travis Baptist 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 Retirement Proclamation to Bobbie Jo Land
  - b. Presentation recognizing Jones Brothers Dirt & Paving for their donation of roadway easements for future roadways in northeast Midland
  - c. Presentation recognizing Greg Sikes who was named the 2015 Golf Professional of the year for the West Texas Chapter of the North Texas PGA

**PUBLIC COMMENT**

4. Receive public comments where individuals may address the City Council on City related issues and projects. 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.)

## **CONSENT AGENDA**

5. Consider a motion approving the following minutes:
  - a. Special Meeting of January 11, 2016.
  - b. Regular Meeting of January 12, 2016.
6. Consider a resolution authorizing the execution of a contract with Field Turf USA, Incorporated, for the purchase and installation of artificial turf for four (4) multi-purpose sports fields at the Scharbauer Sports Complex, through Buyboard at a total cost of \$1,834,906.00. (PURCHASING) (2016 - 014)
7. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for Engineering Services including surveying, design, schematic development, right-of-way map preparation, and services pertaining to right-of-way acquisition in connection with the widening of Briarwood Avenue from a point approximately 500 feet west of County Road 1255 to a point approximately 500 feet east of Avalon Drive; depositing and appropriating funds in the amount of \$730,000.00; and authorizing payment therefor in an amount not to exceed \$430,109.00. (PURCHASING) (2016 - 015)
8. Consider a resolution authorizing the execution of a contract with Restroom Facilities, Limited, for the purchase and installation of a modular restroom/concession building for the Scharbauer Sports Complex, through Buyboard at a total cost of \$289,087.24. (PURCHASING) (2016 - 016)
9. Consider a resolution approving the sole source purchase of twenty-two (22) XG-75M mobile radios for public safety vehicles from Dailey-Wells Communications, Incorporated, at a total cost of \$100,897.50. (PURCHASING) (2016 - 017)
10. Consider a resolution approving the purchase of equipment to outfit twenty-one (21) police vehicles for the Garage Division from Cap Fleet Upfitters through Buyboard at a total cost of \$204,242.43. (PURCHASING) (2016 - 018)
11. Consider a resolution authorizing the execution of a contract with Strong Environmental Services, LLC, dba Texas Consulting Services, at a total cost of \$7,250.00, for a phase 1 environmental site assessment for the Chamber of Commerce and the Midland Center buildings, with the option to include an asbestos survey for the Chamber of Commerce building; and appropriating funds. (PURCHASING) (2016 - 019)
12. Consider a resolution authorizing the execution of a contract with Strong Environmental Services, LLC, dba Texas Consulting Services, at a total cost of

\$26,500.00, for air monitoring services, project management, and bid document preparation for the removal of asbestos at the Midland Center; and appropriating funds. (PURCHASING) (2016 - 020)

13. Consider a resolution authorizing the execution of a Professional Services Agreement with Maverick Engineering, LLC, for survey services, development of construction plans, and the preparation of bid documents to re-route the Midland Center main sewer line; allocating funds in the amount of \$50,000.00; and authorizing payment therefor. (PURCHASING) (2016 - 021)
14. Consider a resolution authorizing the Midland Chamber of Commerce to hold the annual Star Spangled Salute at Hogan Park on July 4, 2016; and authorizing the sale and consumption of alcoholic beverages at said event. (COMMUNITY SERVICES) (2016 - 022)
15. Submit 2016 CDBG Application Schedule. (DEVELOPMENT SERVICES) (010-2016)
16. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 250 feet from the north line and 610 feet from the east line, Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue); 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) (2016 - 023)
17. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 280 feet from the north line and 610 feet from the east line, Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue); 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) (2016 - 024)
18. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 310 feet from the north line and 610 feet from the east line, Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue); 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) (2016 - 025)

19. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Midland Heritage Oaks, Inc., for development of Heritage Oaks Addition, Section 5, City and County of Midland, Texas (Generally located west of the intersection of Pedernales Drive and Frio Drive); and authorizing payment therefor in an amount not to exceed \$34,404.00; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2016 - 026)
20. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Sunoco Pipeline, Limited Partnership, regarding City-Owned property described as Section 44, Block 38, Township 1 South, and Section 10, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2016 - 027)
21. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith at or near the following-described locations: from the intersection of Midland Drive and State Highway 349 (Nadine and Tom Craddick Highway), if the existing Midland Drive were extended to intersect with State Highway 349 (Nadine and Tom Craddick Highway), to the point at which said Midland Drive extension meets the northern corporate limits of the City of Midland; from the intersection of Garfield Street and State Highway 349 (Nadine and Tom Craddick Highway), if the existing Garfield Street were extended to intersect with State Highway 349 (Nadine and Tom Craddick Highway), to the point at which said Garfield Street extension meets the northern corporate limits of the City of Midland; and from a point on Midkiff Drive approximately 1.5 miles south of State Highway 349 (Nadine and Tom Craddick Highway), if the existing Midkiff Drive were extended to intersect with State Highway 349 (Nadine and Tom Craddick Highway), to a point on Business State Highway 349-C (Big Spring Street) approximately 1.5 miles south of State Highway 349 (Nadine and Tom Craddick Highway); authorizing the City Manager to obtain appraisals, negotiate, execute and file all documents necessary to acquire said real property interests, purchase title insurance policies and hold the closings for said acquisitions; authorizing payment for said appraisals, title insurance policies and closing costs; and ordering the City Secretary to record, or ensure that the title company has recorded, all instruments of conveyance. (ENGINEERING SERVICES) (2016 - 028)
22. Consider a motion on request by Schumann Engineering Co. Inc., to defer public improvements for North Williams Addition, Section 4 and to waive the corresponding financial security guarantee valued at \$273,832.41, an amount equal to the estimated cost of construction. The subject property is within the

City of Midland corporate limits and generally located at the southwest corner of the Mockingbird Lane and Garfield Street intersection. (ENGINEERING SERVICES) (011-2016)

23. Consider a motion on request by Maverick Engineering LLC. to defer public improvements for Threat Estates and to waive the corresponding financial security guarantee valued at \$70,236.03 an amount equal to the estimated cost of construction. The subject property is generally located 2.76 miles south of the City of Midland corporate limits, on the east side of FM715 and approximately 230 feet south of County Road 138 in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES) (012-2016)
24. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Petree-Isbell, Inc., for development of Pavilion Park Addition, Section 8, City and County of Midland, Texas (Generally located on the north side of Solomon Drive, approximately 670 feet east of Lamesa Road); and authorizing payment therefor in an amount not to exceed \$29,879.00; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2016 - 029)
25. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Rangeland Rio Pipeline, LLC, regarding City-Owned property described as Section 5, Block C24, PSL Survey, Loving and Winkler Counties, Texas and Sections 27, 20, 19, 13, 12, and 7, Block C23, PSL Survey, Winkler County, Texas. (ENGINEERING SERVICES) (2016 - 030)
26. Consider a resolution authorizing the Midland Fire Department to file an application with the United States Department of Homeland Security for the 2015 Assistance to Firefighters Grant; said funds will be used to purchase a grass firefighting truck and a community healthcare paramedic vehicle; said grant is a matching funds grant in which the Assistance to Firefighters Grant would fund 90% (\$276,300.00) of the total amount (\$307,000.00) and the City of Midland would fund 10% (\$30,700.00) of the total amount. (FIRE) (2016 - 031)

## **SECOND READINGS**

27. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas (Generally located southwest of the intersection of Andrews Highway and North Loop 250 West), 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)(First reading held on January 12, 2016)(9520)

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 18B, Block 109, Wilshire Park Addition, Section 17, 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 an LR-1, Local Retail District (Generally located north of the intersection of Thomason Drive and West Illinois 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)(First reading held on January 12, 2016)(9521)
29. Consider an ordinance on second reading vacating and abandoning a 0.05-acre portion of North Pecos Street right-of-way adjacent to Lots 1 and 2, Block 59, Original Town Addition, City and County of Midland, Texas (Generally located southwest of the intersection of West Texas Avenue and North Pecos Street); adopting the appraisal by the City Manager of \$8,000.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on January 12, 2016)(9522)
30. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 5A, Block 3, Westridge Park Addition, Section 14, City and County of Midland, Texas (Generally located on the west side of Tradewinds Boulevard, approximately 160 feet north of Deauville Boulevard), 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)(First reading held on January 12, 2016)(9523)
31. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 1-F, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 670 feet east of North Garfield 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)(First reading held on January 12, 2016)(9524)

32. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 1, Block 2, Bankhead Addition, Section 2, City and County of Midland, Texas (Generally located northwest of the intersection of South Midkiff Road and Bankhead Highway), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a nightclub 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)(First reading held on January 12, 2016)(9525)
33. Consider an ordinance on second reading changing the zoning use classification of the property described as a 3,725-square foot portion Lot 6C, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas (Generally located on the west side of North Loop 250 West, approximately 550 feet north of Deauville Boulevard), 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)(First reading held on January 12, 2016)(9526)
34. Consider an ordinance on second reading granting a special exception for Lot 4, Block 5, Green Hill Terrace, City and County of Midland, Texas (Generally located on the south side of Tanforan Avenue, approximately 110 feet west of Saratoga Drive), 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 January 12, 2016)(9527)
35. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 3, Block 45, Fairmont Park Addition, Section 13, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 750 feet west of Henry Koontz Boulevard), 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 movie theater 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)(First reading held on January 12, 2016)(9528)

36. Consider an ordinance on second reading vacating and abandoning a 10.7901-acre portion of a drainage easement located in Section 42, Block 38, T-1-S, T&P RR Co. Survey, County of Midland, Texas (Generally located on the west side of County Road 1160, approximately one quarter mile south of Business Interstate Highway 20); adopting the appraisal by the City Manager of \$21,580.20; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)(First reading held on January 12, 2016)(9529)
37. Consider an ordinance on second reading amending Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish", Section 24, "Charges for Dumping or Unloading at Sanitary Landfill Operated by the City of Midland", of the City Code of Midland, Texas, so as to increase the rates charged for dumping or unloading at the sanitary landfill facility operated by the City of Midland and to eliminate the state permit fee of one dollar and twenty-five cents (\$1.25) per ton; providing for a maximum penalty or fine of one thousand dollars (\$1,000.00); containing an escalation clause; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE)(First reading held on January 12, 2016)(9530)

### **PUBLIC HEARINGS**

38. Hold a public hearing at approximately 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, (Butte Unit 804LS) located 306 feet from the south line and 2,528 feet from the east 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 405 feet north of Green Tree Blvd. extension and 2,528 feet west of North Midkiff Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (013-2016)
39. Hold a public hearing at approximately 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, (Butte Unit 804MS) located 306 feet from the south line and 2,468 feet from the east 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 405 feet north of Green Tree Blvd. extension and 2,468 feet west of North Midkiff Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (014-2016)
40. Hold a public hearing at approximately 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, (Butte Unit 804WA) located 306 feet from the south line and 2,498 feet from the east 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

405 feet north of Green Tree Blvd. extension and 2,498 feet west of North Midkiff Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (015-2016)

41. Hold a public hearing at approximately 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, (Butte Unit 804WB) located 306 feet from the south line and 2,558 feet from the east 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 405 feet north of Green Tree Blvd. extension and 2,558 feet west of North Midkiff Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (016-2016)
42. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 2, Block 1, Garden Twenty, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of East Interstate 20 and East State Highway 158), 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 bar 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) (9531)
43. Hold a public hearing and consider a request by Lamar Advertising on appeal for a Specific Use Permit with Term for a Billboard, on the north 100-feet of the south 400-feet of the west half of Block 2, and the south 75-feet of the north 465-feet of the west half of Block 2, Brookshire Village, First Section, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 225-feet north of West Wadley Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (017-2016)
44. 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 3, Block 7, Westridge Park Addition, Section 16, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-3, Local Retail District (Generally located southwest of the intersection of Andrews Highway and Catalina 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) (9532)
45. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 2,460-square foot portion of Lot 2B,

Block 52, Belmont Addition, Section 21, City and County of Midland, Texas (Generally located southeast of the intersection of Summit Avenue and Belmont 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) (9533)

### **MISCELLANEOUS**

46. Consider an ordinance ordering a Special Election to be held on May 7, 2016, for the purpose of voting for or against the extension of the imposition of the sales and use tax within the City of Midland at the rate of one-quarter (1/4) of one percent (1%), which is currently used for the Scharbauer Sports Complex Football/Soccer Stadium and Baseball Stadium, and related infrastructure, pursuant to Texas Local Government Code, Chapter 505, as amended ("Chapter 505"), in order to undertake projects authorized by Chapter 505; setting forth said projects herein; making provision for the conduct of such election; and setting forth other matters incident and related to such election. (CITY SECRETARY'S OFFICE) (9534)
47. Consider a motion making appointments to various Boards and Commissions.

### **EXECUTIVE SESSION**

48. 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 all of Block 7, Original Town Addition, Midland, Midland County, 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.