

AGENDA FOR CITY COUNCIL MEETING  
January 10, 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 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:
  - a. Recognition of 2016 Christmas Parade Float Winners.
  - b. Presentation of a Proclamation for Crime Stoppers Month.
  - c. Presentation recognizing the 2016 Texas Downtown Association President's Awards winners.

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular meeting of December 13, 2016.
5. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for miscellaneous accounts receivable and insufficient funds checks. (FINANCE) (2017 - 001)
6. Consider a resolution authorizing the issuance of a Request for Proposals for the lease of City-owned minerals located in approximately 337.08-acres out of Section 15, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of West Wadley Avenue, east of North Garfield Street, south of Loop 250, and west of North A Street); said lease to require

compliance with all applicable ordinances, laws, rules and regulations.  
(PURCHASING) (2017 - 002)

7. Consider a resolution authorizing the issuance of a Request for Proposals for the lease of City-owned minerals located in approximately 114.37-acres out of Section 14, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of West Wadley Avenue, east of North A Street, south of Loop 250, and west of North Lamesa Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations.  
(PURCHASING) (2017 - 003)
8. Consider a resolution authorizing the issuance of a Request for Proposals for the lease of City-owned minerals located in approximately 68.61-acres out of Section 22, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of West Golf Course Road, east of North Garfield Street, south of West Wadley Avenue, and west of North A Street); said lease to require compliance with all applicable ordinances, laws, rules and regulations.  
(PURCHASING) (2017 - 004)
9. Consider a resolution authorizing the issuance of a Request for Proposals for the lease of City-owned minerals located in approximately 9.11-acres out of Section 23, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of East Golf Course Road, east of North A Street, south of West Wadley Avenue, and west of North Lamesa Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations.  
(PURCHASING) (2017 - 005)
10. Consider a resolution authorizing the issuance of a Request for Proposals for the lease of City-owned minerals located in approximately 6.74-acres out of Section 26, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of Illinois Avenue, east of North A Street, south of East Golf Course Road, and west of North Lamesa Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations.  
(PURCHASING) (2017 - 006)
11. Consider a resolution awarding a contract for the 2017 Crack Seal Project to Champion Infrastructure LLC of Salado, Texas, at a total cost of \$363,141.00; and authorizing payment therefor. (PURCHASING) (2017 - 007)

12. Consider a resolution approving the purchase of six (6) administrative cars, seven (7) full-size one-half (½) ton regular cab pickup trucks and one (1) full-size three-quarter (¾) ton super cab pickup truck for the Garage Division from Caldwell Automotive Partners, Ltd., D/B/A Caldwell Country Chevrolet, of Caldwell, Texas, at a total cost of \$294,175.00. (PURCHASING) (2017 - 008)
13. Consider a resolution approving the purchase of twelve (12) police package sport utility vehicles for the Garage Division from Freedom Chevrolet, of Dallas, Texas, and one (1) police package sport utility vehicle for the Garage Division from Caldwell Automotive Partners, Ltd., D/B/A Caldwell Country Chevrolet, of Caldwell, Texas, at a total cost of \$421,725.00. (PURCHASING) (2017 - 009)
14. Consider a resolution approving the purchase one thousand (1000) three (3) cubic yard refuse containers with lids and three hundred (300) three and one-half (3.5) cubic yard refuse containers with lids from Roll Offs USA, Inc., of Durant, Oklahoma, at a total cost of \$579,200.00. (PURCHASING) (2017 - 010)
15. Consider a resolution authorizing the issuance of a Request for Proposals for cellular services; said services will provide voice, data and messaging features for cellular devices used by City personnel. (PURCHASING) (2017 - 011)
16. Consider a resolution authorizing the execution of a contract for the purchase and installation of clubhouse flooring in the Security Bank Ballpark at the Scharbauer Sports Complex with Sports Surfaces Distributing, Inc., through the Cooperative Purchasing Network at a total cost of \$62,960.00; and providing \$6,000.00 in contingency funding therefor. (PURCHASING) (2017 - 012)
17. Consider a resolution authorizing the execution of a Professional Services Agreement with Cushman & Wakefield | PIREs to provide real estate marketing services in connection with certain real property described as approximately 49.18 acres of land out of Section 8, Block 40, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (CITY MANAGER'S OFFICE) (2017 - 013)
18. Consider a resolution approving the transfer of certain Oil and Gas Well Permits from Rust Oil Corporation ("Operator") to DE Operating LLC ("Transferee"); and approving the transfer of the Road Repair Agreement regarding said Oil and Gas Well Permits from Operator to Transferee; the oil and gas wells being Moss Partnership "9" Well No. 1, Moss Partnership "9" Well No. 2, Smith-Hughes "9" Well No. 1, and Smith-Hughes "9" Well No. 2; said oil and gas wells being located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland,

Texas (Generally located on the west side of the extension of North Garfield Street, approximately one half mile north of Mockingbird Lane). (DEVELOPMENT SERVICES) (2017 - 014)

19. Consider a resolution approving Rust Oil Corporation's assignment of an existing Right-of-Way License to DE Operating, LLC, regarding City-owned property in a portion of Garfield Street right-of-way and a portion of the Midland Draw floodway located approximately 1/4 mile east of Passage Way in Sections 9 and 10, Block "X", H.P. Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES) (2017 - 015)
20. Consider a resolution of the City of Midland, Texas, inviting the United States Army Special Operations Command to conduct the Unconventional Warfare Exercise 17 in Midland, Texas, from March 31, 2017, through April 24, 2017. (POLICE) (2017 - 016)

## **SECOND READINGS**

21. 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 7, Town and Country Annex, Section 9, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-1, Local Retail District (Generally located on the south side of West Cuthbert Avenue, approximately 150 feet east 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 on December 13, 2016)(9625)
22. Consider an ordinance on second reading amending Title VI, "Police Regulations", Chapter 2, "Animals and Fowl", Section 7, "License and Fees; Issuance of Tags; Penalties", Subsection (C), of the City Code of Midland, Texas, so as to require the neutering or spaying of a repeat animal-at-large before the owner may reclaim the impounded animal from the Animal Services Division; containing a cumulative clause and expressly repealing any ordinance or part thereof in conflict with this ordinance; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication. (COMMUNITY SERVICES)(First reading held on December 13, 2016)(9626)

23. Consider an ordinance on second reading amending the Unaltered Impoundment Fee of the City of Midland Community Services Department, Animal Services Division; and repealing prior ordinances or parts of ordinances in conflict with said fee set forth herein. (COMMUNITY SERVICES)(First reading held on December 13, 2016)(9627)

## **PUBLIC HEARINGS**

24. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas (Generally located southwest of the intersection of North Colorado Street and West Louisiana Avenue), which is presently zoned C-1, Central Area 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) (9628)
25. 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 Lots 32B1 and 32B2, Block 39, Fairmont Park Addition, Section 48, 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 east side of West Loop 250 North, approximately 490 feet north of Tremont Avenue); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9629)
26. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 5,141-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas (Generally located southeast of the intersection of North Garfield Street and Castleford Road), which is presently zoned PD, Planned District for a Shopping Center, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a restaurant for on-premises consumption; making said permit subject to certain conditions and restrictions contained herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9630)

27. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City Limits, (Bozeman Unit 803LS) located 306 feet from the south line and 2,145 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,102 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (001-2017)
28. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City limits, (Bozeman Unit 803MS) located 306 feet from the south line and 2,175 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,132 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (002-2017)
29. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City Limits, (Bozeman Unit 803WA) located 306 feet from the south line and 2,115 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 2,072 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (003-2017)
30. Hold a public hearing regarding a proposed Oil and Gas Permit to Diamondback E&P LLC (Operator), for a permit to drill an oil & gas well within the City Limits, (Bozeman Unit 803WB) located 306 feet from the south line and 2,085 feet from the west line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas (Generally located 405 feet north of Green Tree Boulevard extension and 1,976 feet east of North Midland Drive). This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (004-2017)
31. Hold a public hearing and consider an ordinance vacating and abandoning a 0.196-acre service access and utility easement and a 0.034-acre water line easement located in Lot 1, Block 10, Arbor Park Addition, Section 5, City and County of Midland, Texas (Generally located southwest of the intersection of

Sunshine Parkway and Idlewilde Drive); adopting the appraisal by the City Manager of \$24,720.30; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9631)

32. Hold a public hearing and consider an ordinance vacating and abandoning a 0.046-acre portion of alley right-of-way located adjacent to Lots 1, 2 and 18, Tract 6, Replat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas (Generally located on the north side of Marlin Avenue, approximately 190 feet west of Rankin Highway); adopting the appraisal by the City Manager of \$4,007.52; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9632)
33. Hold a public hearing and consider an ordinance granting a special exception for Lots 1, 2 and 18, and a 0.046-acre portion of alley right-of-way located adjacent to said Lots, Tract 6, Replat of Tracts 5 and 6, Lindsay Acres Addition, City and County of Midland, Texas (Generally located northwest of the intersection of Rankin Highway and Marlin Avenue), by permitting a reduced side yard setback; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the City Secretary in the Deed Records of Midland County, Texas; and ordering publication. (DEVELOPMENT SERVICES) (9633)
34. Hold a public hearing and consider an ordinance granting a special exception for Lots 1-4, 7 and 8, Block 2, Ball Park Addition, City and County of Midland, Texas (Generally located southwest of the intersection of West Indiana Avenue and Baldwin Street), by permitting off-site parking benefitting Lots 16-18, Block A, Garrett Place Addition, City and County of Midland, Texas (Generally located on the north side of West Indiana Avenue, approximately 160 feet east of Carlton 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); ordering recordation by the City Secretary in the Deed Records of Midland County, Texas; and ordering publication. (DEVELOPMENT SERVICES) (9634)
35. Hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement event on Lots 1-12 and 16-18, a 0.55-acre portion of North Colorado Street right-of-way and a 0.14-acre portion of alley right-of-way, both located adjacent to Lots 1-12, all out of Block 56, Original Town Addition, City and County of Midland, Texas (Generally located southwest of the intersection of North Colorado Street and West Texas Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 017)

**MISCELLANEOUS**

- 36. Consider an ordinance making certain amendments to the 2015-2016 Fiscal Year Budget so as to increase amounts appropriated to certain funds. (FINANCE) (9635)
  
- 37. Consider a motion appointing a Mayor Pro Tempore.

**PUBLIC COMMENT**

- 38. 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.