

AGENDA FOR CITY COUNCIL MEETING  
October 25, 2016 – 10:00 AM  
Council Chamber - City Hall  
300 North Loraine  
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 - Reverend 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:

**CONSENT AGENDA**

4. Consider a motion approving the following minutes:
  - a. Regular meeting of October 11, 2016.
5. Consider a resolution authorizing the execution of a Professional Services Agreement with HDR Engineering, Inc., for final design review services of plans and specifications for the construction of secondary improvements at the Water Pollution Control Plant; and appropriating funds therefor. (PURCHASING) (2016 - 311)
6. Consider a resolution authorizing the sale of real property described as Lot 7A, Block 27, Original Town Addition, Section 3 (301 North Colorado Street), and Lot 13A, Block 27, Original Town Addition, Section 3 (310 West Illinois Avenue), City and County of Midland, Texas, to the Midland Chamber of Commerce; providing that the purchase price shall be \$252,000.00; authorizing the negotiation and execution of all documents necessary for said sale; and ordering recordation by the City Secretary. (PURCHASING) (2016 - 312)

7. Consider a resolution approving the purchase of fifty-five (55) NEMA TS2 Type 2 Controllers with Maxtime for the Traffic Operations Division from Texas Highway Products, Ltd., through TXSmartbuy at a total cost of \$120,285.00. (PURCHASING) (2016 - 313)
8. Consider a resolution approving the purchase of one (1) street sweeper for the Garage Division from Tymco, Inc., through Buyboard at a total cost of \$253,750.50. (PURCHASING) (2016 - 314)
9. Consider a resolution authorizing the execution of two purchase agreements for an annual supply of uniforms for the Police Department from Galls, LLC, of Lexington, Kentucky, and GT Distributors, Inc., of Austin, Texas, at a total cost of \$52,460.50. (PURCHASING) (2016 - 315)
10. Consider a resolution authorizing the execution of a Professional Services Agreement with HDR Engineering, Inc., for design, bidding, and construction services for the 2017 Midland Water Pollution Control Plant Rehabilitation Project. (PURCHASING) (2016 - 316)
11. Consider a resolution ratifying the execution of Change Order Number One with Crossroads Asphalt Preservation, Inc. regarding the Fiscal Year 2016 Frictional Asphaltic Surface Preservation Treatment Project; said change order to provide for additional work; and authorizing payment therefor in the amount of \$119,777.54. (PURCHASING) (2016 - 317)
12. 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 335 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 4,972 feet north of Briarwood Avenue and 2,383 feet west of Trobaugh Boulevard); 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 - 318)
13. 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 528 feet from the north line and 2,210 feet from the west line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 4,753 feet north of Briarwood Avenue and 1,730 feet west of Golden Gate 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) (2016 - 319)

14. 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 528 feet from the north line and 2,251 feet from the west line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 4,753 feet north of Briarwood Avenue and 1,690 feet west of Golden Gate 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) (2016 - 320)
15. 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 1,388 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 1,388 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2016 - 321)
16. 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 1,418 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 1,418 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2016 - 322)
17. 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 1,448 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 1,448 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2016 - 323)
18. 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 1,478 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 1,478 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2016 - 324)

19. Consider a resolution authorizing the City Manager to negotiate and execute, on behalf of the City of Midland, an agreement for the lease of City-owned minerals located in Section 19, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located north of Andrews Highway, west of North Midland Drive, south of West Wadley Avenue, and east of North Loop 250 West), said agreement to require compliance with all applicable ordinances, laws, rules and regulations. (DEVELOPMENT SERVICES) (2016 - 325)
20. Consider a resolution authorizing the execution of an amendment to the contract with the Midland-Odessa Urban Transit District, the City of Odessa, Texas, and McDonald Transit Associates, Inc., related to the management and operation of a motorbus transit system in the City of Midland and the City of Odessa. (DEVELOPMENT SERVICES) (2016 - 326)
21. Consider a resolution authorizing the execution of a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, LP, regarding City-owned property described as Section 9, Block 37, T-3-S, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2016 - 327)
22. Consider a resolution authorizing the execution of a Sanitary Sewer Discharge License Agreement with Broadbent & Associates, Inc., for the purpose of discharging effluent at 4015 South Farm to Market Road 1788, Midland, Texas. (UTILITIES) (2016 - 328)

## **SECOND READINGS**

23. 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 6, Block 5, Midland Industrial Park Addition, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an LR-3, Local Retail District (Generally located northwest of the intersection of Interstate 20 and Commerce 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) (9608)

## **PUBLIC HEARINGS**

24. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,170-square foot portion of Lot 3, less the west 1.5 feet, Lots 4-6, and Lot 7, less the east 24.25 feet, Block 65, Original Town Addition, City and County of Midland, Texas (Generally located on the south side of West Wall Street, approximately 170 feet east of South

Colorado Street), 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 lounge 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) (9609)

25. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 4,320-square foot portion of Lots 1 and 2, Block 187, Southern Addition, City and County of Midland, Texas (Generally located southwest of the intersection of East Florida Avenue and South Weatherford Street), which is presently zoned LR-3, Local Retail District, by permitting said property to be used under a Specific Use Permit with term for the sale of beer and wine 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) (9610)
26. 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 1, Block 10, Bush Tennis Center, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Recreation Center, to be used as an Amended Planned District (Generally located on the north side of Briarwood Avenue, approximately 1,300 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) (9611)
27. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 630-square foot portion of the common area and a 6,250-square foot portion of Lots 14-17, Block 11A, Fairway Park Addition, Section 3, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 100 feet south of Palmer Drive), 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) (9612)

28. Conduct a public hearing on a request by the Midland Odessa Urban Transit District for route and schedule changes. (This is a public hearing only. No action will be taken.) (DEVELOPMENT SERVICES) (110-2016)

### **MISCELLANEOUS**

29. Consider a motion making appointments to various boards and commissions.

### **PUBLIC COMMENT**

30. 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**

31. 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 551.071, Consultation with Attorney
    - a.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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.