

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
August 14, 2018 - 9:45 A.M.
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 a proposed ordinance regulating the parking of vehicles on private property.

AGENDA FOR CITY COUNCIL MEETING

August 14, 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 Phillip Allman, Grace Lutheran 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 July 24, 2018
 - b. Regular meeting of July 31, 2018
5. Consider a resolution accepting the proposal submitted by Allegiance Benefit Plan Management, Inc. of Missoula, Montana, for third party benefits administration services for the Administrative Services Department including self-insured medical and dental claims administration, large case management/precertification, preferred provider organization, pharmacy benefit manager retail/mail order, and Section 125 Claims Administration; authorizing the negotiation and execution of all contracts and documents necessary to effect the City's acceptance of said proposal; and authorizing payment therefor in an amount not to exceed \$575,000.00. (PURCHASING) (2018 - 281)
6. Consider a resolution authorizing the issuance of a request for qualifications for professional architectural and engineering services for renovations and improvements to the driving range at Hogan Park Golf Course. (PURCHASING) (2018 - 282)

7. Consider a resolution approving the purchase of one (1) Chevrolet Traverse, one (1) Chevrolet Impala, and one (1) Chevrolet Silverado 3500 cab and chassis for the Garage Division from Caldwell County Chevrolet through Buyboard at a total cost of \$78,958.00. (PURCHASING) (2018 - 283)
8. Consider a resolution awarding a contract for the Utilities Department with Terracon Consultants, for environmental compliance sampling at Spraberry and the Plant Farm at a total cost of \$65,800.00 per year; and authorizing payment therefor. (PURCHASING) (2018 - 284)
9. Consider a resolution ratifying the procurement of construction services from Red Deer Construction, LLC of Midland, Texas, for the emergency repair of the storm drain located in Midkiff Road near Golf Course Road; and authorizing payment therefor in an amount not to exceed \$245,480.25. (PURCHASING) (2018 - 285)
10. Consider a resolution awarding a contract for on-call pavement marking services to Pavement Marking, Inc. of El Paso, Texas, at a total cost not to exceed \$250,000.00; and authorizing payment therefor. (PURCHASING) (2018 - 286)
11. Consider a resolution authorizing the execution of the second amendment to the Interlocal Management Services Agreement between the City of Midland, Texas and Midland County Hospital District, doing business as Midland Memorial Hospital, for certain medical and well-being services; said amendment adjusting the annual fee; and authorizing payment therefor. (ADMINISTRATIVE SERVICES) (2018 - 287)
12. Consider a resolution selecting Basin Aviation, Inc., to equip and operate a non-exclusive fixed-base operation at Midland Airpark Airport; and authorizing the execution of a Non-Exclusive Commercial Fixed-Base Operation Lease Agreement between Basin Aviation, Inc., and the City of Midland for the purpose of leasing certain City-owned real property and facilities for said purpose. (AIRPORTS) (2018 - 288)
13. Consider a motion authorizing the City Manager and/or the Director of Airports to submit paperwork to the Federal Aviation Administration/TxDOT to release the land at Executive Airpark (approximately 2,600 acres located in Martin County, Texas) for sale. (AIRPORTS) (069-2018)
14. Consider a resolution authorizing the execution of an agreement with Fasken Land and Minerals, Ltd. and related entities Fasken Oil and Ranch, Ltd., Vineyard Reserve Water Supply Company, Ltd., Vineyard Reserve, LLC, Holiday Hill Holdings, LLC, and Sandstone Drive, LLC for the purpose of using certain public rights-of-way for the installation and maintenance of utility lines and oil and gas pipelines. (CITY MANAGER'S OFFICE) (2018 - 289)

15. Consider a resolution authorizing the execution of a Sponsorship License Agreement with XTO Energy, Inc.; said agreement providing for the granting of the naming rights to the splash pad at Dennis the Menace Park to XTO Energy, Inc. (COMMUNITY SERVICES) (2018 - 290)
16. Consider a resolution authorizing the adoption of the City of Midland's 2018-2019 Action Plan to the Consolidated Plan for Community Development and Housing Funds for the City's Fiscal Years 2016-2020; the consolidated plan having been approved by Resolution Number 2015-223; and authorizing the execution of an application for Community Development Block Grant funds. (DEVELOPMENT SERVICES) (2018 - 291)
17. Consider a resolution authorizing the City of Midland to accept a donation in the amount of \$5,295.50 from Gardner Denver; said donation shall be used to refurbish the original lion water fountain located in Dennis the Menace Park; and appropriating funds to the Dennis the Menace Park Renovation Project. (COMMUNITY SERVICES) (2018 - 292)
18. Consider a resolution approving the issuance of a permit to Parsley Energy Operations, LLC ("Operator") to drill an oil and gas well within the City limits located 2,370 feet from the south line and 2,226 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 2,226 feet east of Lamesa Road and 2,125 feet north of Loop 250); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 293)
19. Consider a resolution approving the issuance of a permit to Parsley Energy Operations, LLC ("Operator") to drill an oil and gas well within the City limits located 2,370 feet from the south line and 2,386 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 2,386 feet east of Lamesa Road and 2,125 feet north of Loop 250); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 294)
20. Consider a resolution approving the issuance of a permit to Parsley Energy Operations, LLC ("Operator") to drill an oil and gas well within the City limits located 2,400 feet from the south line and 2,226 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 2,226 feet east of Lamesa Road and 2,155 feet north of Loop 250); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 295)
21. Consider a resolution approving the issuance of a permit to Parsley Energy Operations, LLC ("Operator") to drill an oil and gas well within the City limits located 2,400 feet from the south line and 2,386 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally

located 2,386 feet east of Lamesa Road and 2,155 feet north of Loop 250); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 296)

22. Consider a resolution granting a variance for an oil and gas well to be located 2,430 feet from the south line and 2,226 feet from the west line, Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally located 2,226 feet east of Lamesa Road and 2,185 feet north of Loop 250) by allowing said oil and gas well to be no closer than 479 feet of an occupied residential structure; approving the issuance of a permit to Parsley Energy Operations, 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 - 297)
23. Consider a resolution approving the issuance of a permit to Parsley Energy Operations, LLC (“Operator”) to drill an oil and gas well within the City limits located 2,430 feet from the south line and 2,386 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 2,386 feet east of Lamesa Road and 2,185 feet north of Loop 250); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 298)
24. Consider a resolution granting a variance for an oil and gas well to be located 110 feet from the south line and 720 feet from the west line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located 782 feet east of South Garfield Street and 327 feet north of West County Road 111) by allowing said oil and gas well to be no closer than 223 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 - 299)
25. Consider a motion approving a proposed Preliminary Plat of Hawk View Addition, Section 4 being a replat of Lots 29 through 32, and Common Area, Block 1, Lots 1 and 2, 8 and 9, 12 through 15 and Drainage Common Area Block 2, Hawk View Addition, and Lots 33A and 33B, 34 and 35, Block 1, Hawk View Addition, Section 3, all out of Section 29, Block 40, T-2S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of West County Road 150 and South County Road 1270. ETJ, Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES) (070-2018)
26. Consider a motion approving a proposed Preliminary Plat of Dahlia Estates being a plat of a 30.74-acre tract of land located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland Texas. (Generally located on the west side of North Garfield Street approximately 594-feet north of the Mockingbird Lane.) (DEVELOPMENT SERVICES) (071-2018)

27. Consider a motion approving a proposed Preliminary Plat of Dove Acres, Section 2, being a re-plat of Lots 1 and 2, Block 1, Dove Acres, and a 10.00 Acre Tract of Land out of Section 16, Block 38, T-1-S, T&P. RR. Co. Survey, Midland County, Texas. (Generally located on the west side of North County Road 1140, approximately 630-feet north from North County Road 45. Extraterritorial Jurisdiction.) (DEVELOPMENT SERVICES) (072-2018)
28. Consider a resolution approving the transfer from RSP Permian, L.L.C. ("Operator") to COG Operating LLC ("Transferee") of all of Operator's Oil and Gas Well Permits, Road Repair Agreements and Right-of-Way Licenses; said Oil and Gas Well Permits, Road Repair Agreements and Right-of-Way Licenses being associated with operations located in Sections 1, 10, 11 and 12, Block X, H.P. Hilliard Survey, and Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2018 - 300)
29. Consider a resolution granting a variance for a 9.51-acre tract of land out of Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally located on the north side of the Mockingbird Lane extension, approximately 1,300 feet east of North Garfield Street), by permitting construction of commercial buildings 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 - 301)
30. Consider a resolution appropriating the sum of \$150,000.00 from the General Fund (001) Unappropriated Fund Balance Account (35650) to the A Street & Wadley Intersection Improvement Project (900202-175); and authorizing an additional payment of \$140,164.00 to the Texas Department of Transportation Trust Fund pursuant to the terms of the City's Advance Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation, for the engineering and construction of highway safety improvements at or near the intersection of West Wadley Avenue and North A Street. (ENGINEERING SERVICES) (2018 - 302)
31. 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 (1) along the south side of West Cuthbert Avenue from a point approximately 300 feet west of North Garfield Street to a point at or near the intersection of West Cuthbert Avenue and North Garfield Street, and (2) along the north side of West Cuthbert Avenue from a point approximately 600 feet east of North Garfield Street to a point at or near the intersection of West Cuthbert Avenue and North Garfield Street; 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 records, all instruments of conveyance. (ENGINEERING SERVICES) (2018 - 303)

32. Consider a resolution authorizing the City of Midland to file a joint application with Midland County for Fiscal Year 2018 Justice Assistance Grant Program funds totaling \$31,185.00, with the City of Midland to receive \$18,711.00 (60%) and Midland County to receive \$12,474.00 (40%); authorizing the execution of an agreement regarding the division of said grant funds; and authorizing the execution of all necessary documents. (POLICE) (2018 - 304)
33. Consider a resolution accepting a grant in the amount of \$21,000.00 from the Texas Department of Transportation in order to conduct a Fiscal Year 2018-2019 Comprehensive Special Traffic Enforcement Program for distracted driving enforcement and speed enforcement; providing that the grant funds shall be used to pay overtime to police officers working on said program; and authorizing the execution of acceptance documents. (POLICE) (2018 - 305)

SECOND READINGS

34. 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 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 MR-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)(First reading held July 24, 2018)(9788)
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 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)(First reading held July 24, 2018,)(9791)
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 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)(First reading held July 24, 2018.)(9792)

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 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)(First reading held July 24, 2018.)(9794)
38. Consider an ordinance on second reading 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)(First reading held July 24, 2018.)(9795)

PUBLIC HEARINGS

39. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as the south half of Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas (generally located on the east side of North Main Street, approximately 65 feet south of East Illinois 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 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) (9796)
40. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,490-square foot portion of Lot 1A,

Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (generally located on the west side of North Midkiff Road, approximately 630 feet south of Loop 250 North), 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 beer and wine in a barbershop and salon 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) (9797)

41. Hold a public hearing and consider an ordinance granting a special exception for the east 34 feet of Lot 21 and all of Lot 22, Block 5, Avalon Addition, City and County of Midland, Texas (generally located at the southwest corner of the intersection of Gulf Avenue and North I Street), by permitting a reduced setback for the side yard adjacent to North I 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) (9798)
42. Hold a public hearing and consider an ordinance granting a special exception for Lot 5, Block 4, Elm Grove Addition, City and County of Midland, Texas (generally located west of Racquet Club Drive, approximately 149 feet north of Neely Avenue), by permitting a reduced setback for the side yard adjacent to the south alley and a reduced rear 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) (9799)
43. Hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as 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, as an IP-2, Industrial Park District; said tracts being generally located on the west side of South FM 1788, approximately 187 feet north of West County Road 127; 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) (9800)
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 15.83-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located at the southeast

corner of the intersection of North County Road 1247 and West State Highway 158); approving a public service plan; and ordering publication. (DEVELOPMENT SERVICES) (9801)

45. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 4, Block 12, Sunset Acres, Section 9, City and County of Midland, Texas (generally located on the south side of West Golf Course Road, approximately 270 feet west of North Midkiff 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 beer and wine in a brewery and tap room 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) (9802)
46. At approximately 10:00 a.m. and 6:00 p.m. hold a public hearing on a tax increase for Fiscal Year 2018-2019. (FINANCE) (073-2018)

MISCELLANEOUS

47. Consider an ordinance prohibiting parking (1) on the north side of the east-west portion of Conroe Court from the west curb line of the north-south portion of Conroe Court continuing west to the east curb line of Holiday Hill Road and (2) on both sides of the north-south portion of Conroe Court from the south curb line of the east-west portion of Conroe Court continuing north to the south curb line of Rio Grande Avenue except to residents whose property abuts said portions of Conroe Court and who have obtained valid parking permits; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; containing a cumulative; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (9803)
48. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (9804)
49. Consider an ordinance establishing yield right of way signs at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at said intersections; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (9805)

PUBLIC COMMENT

50. 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

51. 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.
 - b. Section 551.087, Deliberate Economic Development Negotiations
 - b.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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.