

**CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
January 23, 2018 – 10:00 AM
300 North Loraine
Midland, Texas
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 Brad Smith, Calvary Assembly of God 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 January 9, 2017.
5. Consider a resolution authorizing the purchase of a seven-month Microsoft Office 365 subscription from SHI Government Solutions, Inc. of Austin, Texas, through the Texas Department of Information Resources, for the Communication and Information Systems Department at a total cost not to exceed \$53,081.21; and authorizing payment therefor. (PURCHASING) (2018 - 014)
6. Consider a resolution authorizing the execution of an agreement with Berry Dunn McNeil & Parker, LLC, through the Texas Department of Information Resources, for the oversight and project management services for the CAD/RMS Project for the Communication and Information Systems Department at a total cost not to exceed \$359,616.00; and authorizing payment therefor. (PURCHASING) (2018 - 015)

7. Consider a resolution authorizing the City Manager to advertise a request for qualifications for professional services for up to three firms to assist the Engineering Services Department by providing professional engineering services, architecture services, landscape architecture services, land surveying services, real estate appraising services, and services provided in connection therewith on an as-needed basis; authorizing the City Manager to negotiate Professional Services Agreements for said services; and providing that said agreements shall not become effective until approved by the City Council. (PURCHASING) (2018 - 016)
8. Consider a resolution approving the purchase of one hundred thirty (130) 2018 Yamaha Drive 2 Golf Carts for the Garage Division from Yamaha Golf-Cart Company, through Buyboard at a total cost of \$331,500.00; and authorizing the trade-in of one hundred thirty (130) City-Owned E-Z-Go Golf Carts. (PURCHASING) (2018 - 017)
9. Consider a resolution approving the purchase of two (2) Type I Ambulances from Knapp Chevrolet, Inc., through the Houston-Galveston Area Council at a total cost of \$466,974.68. (PURCHASING) (2018 - 018)
10. Consider a resolution authorizing the execution of a second amendment to the Professional Services Agreement with HDR Engineering, Inc., for final design review services regarding plans and specifications for the construction of secondary improvements at the Water Pollution Control Plant; said second amendment will authorize a fee increase of \$110,000.00 and an extension of the agreement term until June 30, 2018; and appropriating funds therefor. (PURCHASING) (2018 - 019)
11. Consider a resolution authorizing advertisement of a request for proposals for development of city-owned property located at 310 West Texas Avenue, described as Lots seven (7) and eight (8), Block thirty-five (35), Original Town of Midland, an addition to the City of Midland, Midland County, Texas. (PURCHASING) (2018 - 020)
12. Consider a resolution approving the Midland Development Corporation's appropriation of \$987,543.00 from the Fiscal Year 2016-2017 budget to be used for promotional purposes, as authorized by Chapter 504 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2018 - 021)
13. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and Susie's South Forty Confections, Inc., as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2018 - 022)
14. Consider a resolution approving the issuance of a permit to Crownquest Operating, LLC ("operator") to drill an oil and gas well within the City limits located 800 feet from the east line and 1,950 feet from the south line, Section 36,

Block 39, T-1-N, T&P RR Co. Survey, City of Midland, Martin County, Texas (generally located 4,540 feet east of North State Highway 349 and 9,750 feet north of Occidental Parkway); and waiving the requirement of a Road Repair Agreement. (Planning Admin) (2018 - 023)

15. Consider a resolution authorizing the execution of a Surface Use Agreement between the City of Midland and Crownquest Operating, LLC, regarding City-owned property described as Section 36, Block 39, Township 1 north, T&P RR Co. Survey, Martin County, Texas. (ENGINEERING SERVICES) (2018 - 024)
16. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("operator") to drill an oil and gas well within the City limits located 2,274 feet from the east line and 1,649 feet from the north line, Section 8, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 1,553 feet south of Green Tree Boulevard and 2,306 feet west of North Midkiff Road); 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) (2018 - 025)
17. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("operator") to drill an oil and gas well within the City limits located 1,345 feet from the south line and 595 feet from the west line, Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas (generally located 1,328 feet north of Briarwood Avenue and 610 feet east of Avalon Drive). (DEVELOPMENT SERVICES) (2018 - 026)
18. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("operator") to drill an oil and gas well within the City limits located 1,345 feet from the south line and 535 feet from the west line, Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas (generally located 1,328 feet north of Briarwood Avenue and 550 feet east of Avalon Drive). (DEVELOPMENT SERVICES) (2018 - 027)
19. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("operator") to drill an oil and gas well within the City limits located 1,345 feet from the south line and 565 feet from the west line, Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas (generally located 1,328 feet north of Briarwood Avenue and 580 feet east of Avalon Drive). (DEVELOPMENT SERVICES) (2018 - 028)
20. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("operator") to drill an oil and gas well within the City limits located 1,345 feet from the south line and 505 feet from the west line, Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas (generally located 1,328 feet North of Briarwood Avenue and 520 feet east of Avalon Drive). (DEVELOPMENT SERVICES) (2018 - 029)

21. Consider a resolution authorizing the execution of a Road Repair Agreement with Diamondback E&P LLC regarding its applications to drill oil and gas wells within the City limits in Section 24, Block 40, T-1-S, T&P RR. Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2018 - 030)
22. 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 755 feet from the south line and 240 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 215 feet east of Lamesa road and 755 feet north of Loop 250). (DEVELOPMENT SERVICES) (2018 - 031)
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 775 feet from the south line and 564 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 539 feet east of Lamesa Road and 775 feet north of Loop 250). (DEVELOPMENT SERVICES) (2018 - 032)
24. 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 805 feet from the south line and 240 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 215 feet east of Lamesa Road and 805 feet north of Loop 250). (DEVELOPMENT SERVICES) (2018 - 033)
25. 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 805 feet from the south line and 564 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 539 feet east of Lamesa Road and 805 feet north of Loop 250). (DEVELOPMENT SERVICES) (2018 - 034)
26. 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 835 feet from the south line and 240 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 215 feet east of Lamesa Road and 835 feet north of Loop 250). (DEVELOPMENT SERVICES) (2018 - 035)
27. 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 835 feet from the south line and 564 feet from the west line, Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas (generally located 539 feet east of Lamesa Road and 835 feet north of Loop 250). (DEVELOPMENT SERVICES) (2018 - 036)

28. Consider a resolution authorizing the execution of a Road Repair Agreement with Parsley Energy Operations, LLC regarding its applications to drill oil and gas wells within the City limits in Section 1, Block X, H. P. Hilliard Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2018 - 037)
29. Consider a resolution granting a variance for two tracts of land totaling approximately 50.131 acres out of Section 29, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located on the south side of Mockingbird Lane, approximately 370 feet east of Stonebridge Drive), 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 - 038)
30. Consider a motion approving a proposed preliminary plat for Longview Subdivision, Section 3, being a replat of Lot 1, Block 30, Longview Subdivision, Section 2, Midland County, Texas (generally located southwest of the intersection of West County Road 50 and North County Road 1270, ETJ, Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES) (005 - 2018)
31. Consider a motion authorizing the submission of the schedule for CDBG Application Cycle, 2018-2019 Action Plans. (DEVELOPMENT SERVICES) (006 - 2018)
32. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Nustar Permian Transportation and Storage, LLC, regarding City-owned property described as Sections 2, 3, 4, and 9, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 039)
33. Consider a resolution authorizing the City Manager to negotiate and accept, on behalf of the City of Midland, an instrument from STG Development II, LLC granting to the City of Midland an approximate 0.219-acre sewer line easement located in Section 11, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; ordering recordation of said Sewer Line Easement by the City Secretary; authorizing the City Manager to negotiate and execute, on behalf of the City of Midland, an instrument granting to STG Development II, LLC an approximate 2,821-square foot access easement located in Section 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; authorizing the City Manager to execute all documents and take all action necessary or appropriate to effect the acceptance of said sewer line easement and the grant of said access easement; and authorizing the Mayor to negotiate and execute, on behalf of the City of Midland, an instrument amending the agreement in lieu of annexation between the City of Midland, GGB Leasing, L.P., STG Development, LLC, and STG Development II, LLC. (ENGINEERING SERVICES) (2018 - 040)

34. Consider a motion on request by West Company to defer water, wastewater, paving and sidewalk improvements for Phoenix Park 2, and to waive the corresponding financial security guarantee valued at \$462,820.00 an amount equal to the estimated cost of construction. The subject property is generally located at the southeast corner of the intersection of Interstate 20 & South County Road 1270, approximately 1.6 miles west of the western corporate limits of the City of Midland along Interstate 20, Midland County, Texas. (ENGINEERING SERVICES) (007 - 2018)

SECOND READINGS

35. Consider an ordinance on second reading granting a special exception for Lot 21, Block 4, Woodland Park Addition, Section 4, City and County of Midland, Texas (generally located northwest of the intersection of Almont Place and Gunnison Drive), by permitting 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) (First reading held January 09, 2017.) (9724)
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 2E, Block 33, Correction Plat Northgate Addition, Section 21, 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 north side of West Loop 250 North, approximately 695 feet west of North Midland 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)(First reading held January 09, 2017.) (9725)
37. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 2E, Block 33, Correction Plat Northgate Addition, Section 21, City and County of Midland, Texas (generally located on the north side of West Loop 250 North, approximately 695 feet west of North Midland Drive), 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 January 09, 2017.) (9726)

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 1, Block 2, Bent Tree Addition, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Transition District, to be used as an O-1, Office District (generally located southeast of the intersection of North Midkiff Road and Bluebird Lane); 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 January 09, 2017.) (9727)
39. Consider an ordinance on second reading making certain amendments to the 2017-2018 fiscal year budget for municipal purposes so as to increase amounts appropriated to certain funds. (FINANCE) (First reading held January 09, 2017.) (9728)

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 Tracts 1 and 2, Patterson Acres, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Transition District, in part, and 1F-2, One-Family Dwelling District, in part, to be used as a PD, Planned District for a Transition District (generally located on the south side of East Wadley Avenue, approximately 365 feet east of Ranchland 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) (9731)
41. 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 10-13, Block 3, Common Area A, Block 4, Lots 16 and 17, Block 5, and Common Area B, Block 6, Quail Ridge Addition, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an amended Planned District (generally located on the north side of East Business Interstate 20, approximately 300 feet west of Chukar Lane); 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) (9732)

MISCELLANEOUS

42. Consider an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Midland, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through

said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-way; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; providing for a term and effective date; providing for written acceptance of this franchise; providing that the meeting at which this ordinance is passed is open to the public; providing for severability; and ordaining other provisions related to the subject matter hereof. (CITY MANAGER'S OFFICE) (9733)

43. Consider a resolution of the City Council of the City of Midland, Texas, supporting the proposed Chaparral Apartments and confirming that the City shall provide a loan, grant, reduced fee or contribution or other value of benefit in the nominal amount of \$500.00 for such development; the applicant is MJL acquisitions IX, LLC, an affiliate of the Michaels organization; the proposed development is located at 4201 North Garfield Street; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES) (2018 - 041)

PUBLIC COMMENT

44. 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

45. 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 551.087 Deliberate Economic Development Negotiations
 - a.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.
 - b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease, or value of real property described as Lot 6, Block 2, University Park Addition, City of 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.