

AGENDA FOR CITY COUNCIL MEETING

March 27, 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 Dr. Darin Wood, Pastor First 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 February 27, 2018
5. Consider a resolution authorizing the purchase of various amounts of spring and fall seed for the Plant Farm and the Spraberry Farm from Helena Chemical Company, of Stanton, Texas, and West Gaines Seed, Inc., of Seminole, Texas, at a total cost of \$198,231.80. (PURCHASING) (2018 - 087)
6. Consider a resolution awarding a contract for the West Cuthbert Avenue Mill & Inlay Paving Project to Reece Albert, Inc. of Midland, Texas, at a total cost not to exceed \$836,752.00; said project being a Year One Bond Project; allocating funds; and authorizing payment therefor. (PURCHASING) (2018 - 088)
7. Consider a resolution authorizing the negotiation and execution of a Master Real Estate Broker Services Agreement for the sale of various city-owned properties to Real Estate One - Bill Scott, of Midland, Texas. (PURCHASING) (2018 - 089)
8. Consider a resolution authorizing the execution of a contract with S&M Businesses, Inc., of Cedar Park, Texas, for yard waste mulching at a total cost of \$405,000.00. (PURCHASING) (2018 - 090)

9. Consider a resolution approving the purchase of two thousand four hundred and thirty (2,430) ninety-six (96) gallon roll-out carts from Rehrig Pacific Company, of Dallas, Texas, at a total cost of \$118,754.10. (PURCHASING) (2018 - 091)
10. Consider a resolution authorizing the execution of an amendment to the Professional Services Agreement with Enprotec/Hibbs & Todd, Inc., providing for Hydraulic Modeling Services for the City of Midland's Water Distribution System; said amendment providing for a fee increase of \$105,000.00 over and above the original not-to-exceed amount of \$240,000.00 for the performance of additional professional services. (PURCHASING) (2018 - 092)
11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Cuthbert Avenue East Storm Drain Project; said project will provide for drainage improvements in the area generally located along Cuthbert Avenue, from G Street to D Street. (PURCHASING) (2018 - 093)
12. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc. to provide Professional Services associated with the development of the City's land use assumptions and water, wastewater, and roadway impact fees in accordance with Chapter 395 of the Texas Local Government Code; transferring funds; and authorizing payment therefor in an amount not to exceed \$210,000.00. (PURCHASING) (2018 - 094)
13. Consider a resolution authorizing the City Manager to approve the plans and specifications and advertise for bids for the Tradewinds Boulevard Project; said project to provide road, sidewalk, pedestrian ramp, and drainage improvements along Tradewinds Boulevard, from Thomason Drive to a point approximately 1,200 feet north of Starboard Drive. (PURCHASING) (2018 - 095)
14. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Lavatory Disposal Station and Concrete Pavement Project at Midland International Air & Space Port. (AIRPORTS) (2018 - 096)
15. Consider a resolution authorizing the execution of a Lease Agreement between the American National Red Cross and the City of Midland, Texas, to lease city-owned office space in the Wright Office Complex located at Midland International Air & Space Port. (AIRPORTS) (2018 - 097)
16. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Airport Security Access Control and CCTV Upgrade Project at Midland International Air & Space Port. (AIRPORTS) (2018 - 098)

17. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and New Teraco, Inc. (CITY MANAGER'S OFFICE) (2018 - 099)
18. Consider a resolution approving the amended bylaws of the Midland Development Corporation. (CITY MANAGER'S OFFICE) (2018 - 100)
19. Consider a resolution approving an Interlocal Agreement between the Midland Development Corporation and The University of Texas of the Permian Basin, as authorized by Chapter 791 of the Texas Local Government Code, to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE) (2018 - 101)
20. Consider a resolution approving a Mutual Termination and Release Agreement between the Midland Development Corporation and Orbital Outfitters, LTD., regarding a certain Economic Development Agreement and Sublease Agreement. (CITY MANAGER'S OFFICE) (2018 - 102)
21. Consider a motion to approve a proposed Preliminary Plat of Reese Acres Industrial Park, being a 65.972-acre tract of land out of Section 12, Block 39, T-2-S, T&P, RR Co. Survey, Midland County, Texas, generally located on East County Road 117 approximately 290 feet east of South County Road 1180 - Extraterritorial Jurisdiction. (DEVELOPMENT SERVICES) (033 - 2018)
22. Consider a resolution granting a variance for Lot 2, Block 1, West 1788 Industrial Park, Section 6, City and County of Midland, Texas, (generally located on the south side of Onyx Drive, approximately 1,000 feet west of Farm-to-Market road 1788), by permitting construction of commercial buildings where no portion of any structure is closer than 175 feet of an oil and gas well; and authorizing issuance of Building Permits. (DEVELOPMENT SERVICES) (2018 - 103)
23. Consider a resolution approving the issuance of a permit to Permian Deep Rock Oil Co., LLC ("Operator") to drill an Oil and Gas Well within the City limits located 110 feet from the south line and 990 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 1,052 feet east of South Garfield Street and 325 feet north of West County Road 111); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 104)
24. 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 1,728 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located 1,728 feet west of Business State Highway 349-C and 5,030 feet north of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 105)

25. 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 1,688 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located 1,688 feet west of Business State Highway 349-C and 5,030 feet north of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 106)
26. 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 1,768 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, (generally located 1,768 feet west of Business State Highway 349-C and 5,030 feet north of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2018 - 107)
27. Consider a resolution authorizing the transfer of Lot 9, Block 9, Greenwood Addition, Second Section, City and County of Midland, Texas, to Midland Community Development Corporation in accordance with Section 253.011 and Section 272.001 of the Texas Local Government Code; authorizing the City Manager to execute an agreement on behalf of the City of Midland with Midland Community Development Corporation regarding the transfer of said property; and authorizing the City Manager to execute a Quitclaim Deed and all other documents necessary to effect the transfer of said property; the transfer of said property not being subject to the notice, bidding, and fair market value requirements of state law. (DEVELOPMENT SERVICES) (2018 - 108)
28. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, real property interests in a 1.211- acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located southwest of the intersection of Pilot Avenue and Norden Drive); authorizing the City Manager to negotiate, execute and file all documents necessary to acquire said real property interests, purchase a title insurance policy and hold the closing for said acquisition; authorizing payment for said title insurance policy and closing costs; and ordering the City Secretary to record, or ensure that the title company records, the instrument of conveyance. (DEVELOPMENT SERVICES) (2018 - 109)
29. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, real property interests in a 4.29-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located approximately 1,282 feet west southwest of the southern intersection of Interstate 20 and Fairgrounds Road); authorizing the City Manager to negotiate, execute and file all documents necessary to acquire said

real property interests, purchase a title insurance policy and hold the closing for said acquisition; authorizing payment for said title insurance policy and closing costs; and ordering the City Secretary to record, or ensure that the title company records, the instrument of conveyance. (DEVELOPMENT SERVICES) (2018 - 110)

30. Consider a motion on request by Dunaway Associates, to defer wastewater, paving and sidewalk improvements for Polo Club Addition, Section 7, and to waive the corresponding financial security guarantee valued at \$215,786.54, an amount equal to the estimated cost of construction. The subject property is generally located on the north side of Mockingbird Lane, approximately 1,294 feet east of North Garfield Street, in the City of Midland, Midland County, Texas. (ENGINEERING SERVICES) (034 - 2018)
31. Consider a resolution allocating \$50,000.00 from the road bond (2018 bond) proceeds to each of the following projects: East Hicks Ave. & East Taylor Ave. Project (900258) and Greentree Blvd. Mill & Inlay Project (900259). (ENGINEERING SERVICES) (2018 - 111)
32. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Lucid Energy Delaware, LLC, regarding City-owned property described as Sections 22 and 23, Block C23, Public School Land Survey, Winkler County, Texas. (ENGINEERING SERVICES) (2018 - 112)
33. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Anadarko Gathering Company, LLC, regarding City-owned property described as Sections 4, 6, 12, and 17, Block C24, Public School Land Survey, Loving County, Texas. (ENGINEERING SERVICES) (2018 - 113)
34. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Parsley Energy, L.P., regarding City-owned property described as Section 44, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 114)
35. Consider a resolution authorizing the execution of a right-of-way license between the City of Midland and Oryx Delaware Oil Transport, LLC, regarding City-owned property described as Sections 8 and 9, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 115)
36. Consider a resolution authorizing the execution of a second amendment to the right-of-way license between the City of Midland and Oryx Southern Delaware Oil Gathering and Transport, LLC, regarding City-owned property described as Section 4, 5, and 8, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2018 - 116)

37. Consider a resolution authorizing the City Manager to execute, on behalf of the City of Midland, an instrument granting an approximate 1.35-acre electric line, station site and road easement and right-of-way located in Section 30, Block 36, T-3-S, T&P RR Co. Survey, Midland County, Texas (generally located north of East County Road 230, approximately 3.5 miles southwest of East Highway 158), to Navitas Midstream Midland Basin, LLC. (ENGINEERING SERVICES) (2018 - 117)
38. Consider a resolution authorizing the submission of an application to the Office of the Governor, Texas Criminal Justice Division, for Fiscal Year 2019 Edward Byrne Memorial Justice Assistance Grant Program; said grant will be used to purchase an accident reconstruction system and an electronic ticket-writing system for the Police Department. (POLICE) (2018 - 118)
39. Consider a resolution accepting a Fiscal Year 2018 grant award from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$54,180.00; said grant will be used to enhance and coordinate drug control efforts among federal, state, and local law enforcement agencies; and appropriating funds. (POLICE) (2018 - 119)
40. Consider a resolution authorizing the execution of a Lease Agreement with New Cingular Wireless PCS, LLC, for space at the Westwood Shell Avenue Water Tower site. (UTILITIES) (2018 - 120)
41. Consider a resolution approving the Muscular Dystrophy Association's application to solicit charitable contributions in roadways on behalf of the Muscular Dystrophy Association by participating in the "Fill-the-Boot" fundraiser; this is authorized by Section 552.0071 of the Texas Transportation Code; the dates and times of the solicitation are April 2, 4, and 6, 2018, from 8:00 a.m. to 6:00 p.m.; the intersection locations at which the solicitations shall occur are Midkiff Road and Wadley Avenue, Midland Drive and Loop 250, Midland Drive and Andrews Highway, and Garfield Street and Golf Course Road; there will be fifteen (15) solicitors involved in solicitations at each location; and the Muscular Dystrophy Association is required to provide general liability insurance prior to the event and the Fire Chief shall ensure that the insurance is received and approved prior to the "Fill the Boot" fundraiser; members of the Midland Fire Department are authorized to solicit charitable contributions in roadways; and all other individuals are authorized to participate in solicitations if authorized by Section 552.0071 of the Texas Transportation Code. (FIRE) (2018 - 121)
42. Consider a resolution authorizing the execution of a contract with L3 Technologies, Inc., for the purchase and installation of a driving simulator for the Police Department, at a total cost of \$123,000.00. (PURCHASING) (2018 - 122)

SECOND READINGS

43. 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 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a 1F-3, One-Family Dwelling District (generally located northeast of the intersection of Arapahoe Road and Fairgrounds 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 February 27, 2018)(9739)
44. Consider an ordinance on second reading granting a special exception for a 306.65-acre tract of land out of Section 7, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (generally located northeast of the intersection of Arapahoe Road and Fairgrounds Road), by permitting a reduced front 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 February 27, 2018)(9740)
45. Consider an ordinance on second reading vacating and abandoning a 0.257-acre portion of Adams Street right-of-way located adjacent to Blocks 55 and 56, East Midland Addition, City and County of Midland, Texas (generally located north of the intersection of Adams Street and Garden Lane); adopting the appraisal by the City Manager of \$22,390.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held February 27, 2018)(9741)
46. 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 an 11.32-acre tract of land and a 19.42-acre tract of land out of Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas, which are presently zoned 1F-1, One-Family Dwelling District, to be used as a 1F-2, One-Family Dwelling District (generally located west of North Garfield Street, approximately 617 feet north of Mockingbird 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 February 27, 2018)(9742)
47. Consider an ordinance on second reading granting a special exception for a 15.18-acre tract of land out of Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (generally located approximately 640 feet north of

Mockingbird Lane and approximately 1,308 feet east of North Garfield Street), by permitting the use of a manufactured home as a fixed dwelling; granting a variance for said property permitting the construction of a residence where no portion of any structure is closer than 200 feet of an oil and gas well; authorizing issuance of a building permit; said special exception and variance being effective for a term of two years; 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 February 27, 2018)(9743)

48. 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 1.68-acre tract of land out of Section 29, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Office Center, to be used as a PD, Planned District for a Shopping Center (generally located on the south side of West Golf Course Road, approximately 270 feet west 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 February 27, 2018)(9744)
49. Consider an ordinance on second reading of the City Council of the City of Midland, Texas, approving a tariff authorizing an annual rate review mechanism as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., West Texas Division ("Atmos West Texas" or the "Company") and the steering committee of cities served by Atmos West Texas ("WTX Cities"); requiring the Company to reimburse WTX Cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and Legal Counsel for WTX Cities. (CITY MANAGER'S OFFICE)(First reading held February 27, 2018)(9745)
50. Consider an ordinance on second reading adopting a Health & Senior Services Fee Schedule, a Hogan Park Golf Course Fee Schedule, and a Recreation Fee Schedule; amending Title VIII, "Food Establishments, Health and General Sanitation", Chapter 2, "Food Service", Section 2, "Permit Fees; Permits", Chapter 3, "Retail Food Stores", Section 2, "Permit Fees", Chapter 4, "Mobile Food Vendors", Section 2, "Permit Fees", and Chapter 5, "Food Products Establishments", Section 3, "Permit Fees" of the City Code of Midland, Texas; repealing ordinances specifically in conflict with such fee schedules established herein; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (COMMUNITY SERVICES)(First reading held February 27, 2018)(9746)

PUBLIC HEARINGS

51. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 9, Block 6, Saddle Club South, Section 2, City and County of Midland, Texas, (generally located on the south side of Castleford Road, approximately 190 feet east of Heather Road), which is presently zoned 1F-1, One-Family Dwelling District, by permitting said property to be used under a Specific Use Permit with term for a Day Care Center; 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) (9747)
52. 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 a 2.43-acre tract of land out of Section 33, Block 40, T-1-S, T&P RR Co. Survey, 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 1,110 feet east of North County Road 1271); 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) (9748)
53. 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 a 36.18-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District, (generally located southwest of the intersection of Becker Drive and 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) (9749)
54. Hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor retail sales on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas, (generally located on the north side of Andrews Highway, approximately 390 feet east of Whitney Drive); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2018 - 123)
55. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lots 7-9, Block 183, Southern Addition, City and County of Midland, Texas (generally located northeast of the

intersection of West Dakota Avenue and South Big Spring 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) (9750)

56. Hold a public hearing and consider an ordinance adopting a site plan for Lot 3, Block 1, Cross Pointe Addition, Section 24, City and County of Midland, Texas, (generally located on the north side of Briarwood Avenue, approximately 305 feet West Holiday Hill Road); subject to certain conditions and restrictions; 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) (9751)
57. Hold a public hearing regarding the proposed granting of an oil and gas permit to Permian Deep Rock Oil Co., LLC, for the drilling of an oil and gas well, being Mustang #H120UH located 100 feet from the north line and 1,675 feet from the west line, Section 11, Block 39, T-2-S, T&P RR. CO. Survey, City and County of Midland, Texas (said well is generally located 1,675 feet east of Rankin Highway and 380 feet south of I-20). This is a public hearing only. (DEVELOPMENT SERVICES) (035 - 2018)
58. Hold a public hearing and consider a resolution authorizing an amendment to the 2017/2018 Action Plan to the City of Midland Consolidated Plan for Community Development and Housing Funds per amendment documents on file with the City Secretary; said amendment to include the reallocation of \$335,884.20 and related budget transfers; and a copy of said amendment documents shall be on file in the City Secretary's office. (DEVELOPMENT SERVICES) (2018 - 124)
59. Hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", of the City Code of Midland, Texas, by establishing Chapter 13, "Municipal Drainage Utility", Article I, "Creation of Utility", so as to declare the drainage of the City of Midland to be a public utility; establishing the service area for said public utility; dedicating City assets to said public utility; providing for exemptions; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (ENGINEERING SERVICES) (9752)
60. Hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", Chapter 13, "Municipal Drainage Utility" of the City Code of Midland, Texas, by adding Article II, "Administration of Drainage Utility", so as to establish rules for the City of Midland Drainage Utility; establishing a Drainage Utility Fund; levying a schedule of drainage charges that shall be billed after October 1, 2018; providing an appeal procedure; negating and dispensing with the culpable mental state requirement; providing for criminal enforcement and a

maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (ENGINEERING SERVICES) (9753)

61. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas, providing for the annexation of an approximate 3.31-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (the "Area"); the owner of the Area having submitted a petition for annexation of the property; said Area being sparsely populated and being adjacent to and contiguous to the present boundary limits of the City of Midland; granting said petition for annexation as authorized by Section 43.028 of the Texas Local Government Code; and authorizing and directing the City Secretary to record a copy or duplicate of the petition with a certified copy of the ordinance annexing the Area upon the approval of such ordinance by the City Council. (DEVELOPMENT SERVICES) (2018 - 125)
62. Hold a public hearing and consider a resolution authorizing the execution of a Development Agreement with Cumberland & Western Resources, LLC in accordance with Sections 43.016 and 212.172 of the Texas Local Government Code concerning tracts of land located in Section 48, Block 40, T-1-S, T & P RR Co. Survey, and Section 1, Block 40, T-2-S, T & P RR Co. Survey, Midland County, Texas; authorizing the acceptance of a Special Warranty Deed from Cumberland & Western Resources, LLC conveying to the City an approximate 16.386-acre tract of land located in Section 48, Block 40, T-1-S, T & P RR Co. Survey, and Section 1, Block 40, T-2-S, T & P RR Co. Survey, Midland County, Texas, and a Special Warranty Deed from SBC, LP conveying to the City an approximate 4.487-acre tract of land located in the northeast quarter of Section 48, Block 40, T-1-S, T & P RR Co. Survey, Midland County, Texas; authorizing the City Manager to hold closings for said conveyances; authorizing and directing the City Secretary to record, or ensure that the title company records, said special Warranty Deeds; said agreement and Special Warranty Deeds constituting a written petition to annex the tracts described in the Special Warranty Deeds (collectively, the "Area"); said Area being sparsely populated and being adjacent to and contiguous to the present boundary limits of the City of Midland; granting said petition for annexation as authorized by Section 43.028 of the Texas Local Government Code; and authorizing and directing the City Secretary to record a copy or duplicate of the petition with a certified copy of the ordinance annexing the Area upon the approval of such ordinance by the City Council. (ENGINEERING SERVICES) (2018 - 126)

MISCELLANEOUS

63. Consider a resolution approving an amendment to the permit issued to Endeavor Energy Resources, L.P. ("operator") to drill an Oil and Gas Well within the City limits located 1,656 feet from the north line and 2,291 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland,

Texas, (generally located approximately 339 feet south of the East Cynthia Drive extension and approximately 2,291 feet west of Todd Drive); said amendment authorizes the use of an onsite compressor. (DEVELOPMENT SERVICES) (2018 - 127)

64. Consider a resolution approving an amendment to the permit issued to Endeavor Energy Resources, L.P. ("Operator") to drill an Oil and Gas Well within the City limits located 1,655 feet from the north line and 2,266 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located approximately 340 feet south of the East Cynthia Drive extension and approximately 2,266 feet west of Todd Drive); said amendment authorizes the use of an onsite compressor. (DEVELOPMENT SERVICES) (2018 - 128)
65. Consider a resolution approving an amendment to the permit issued to Endeavor Energy Resources, L.P. ("Operator") to drill an Oil and Gas Well within the City limits located 2,398 feet from the north line and 2,284 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located approximately 1,082 feet south of the East Cynthia Drive extension and approximately 2,284 feet west of Todd Drive); said amendment authorizes the use of an onsite compressor. (DEVELOPMENT SERVICES) (2018 - 129)
66. Consider a resolution approving an amendment to the permit issued to Endeavor Energy Resources, L.P. ("Operator") to drill an Oil and Gas Well within the City limits located 2,398 feet from the north line and 2,309 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, (generally located approximately 1,082 feet south of the East Cynthia Drive extension and approximately 2,309 feet west of Todd Drive); said amendment authorizes the use of an onsite compressor. (DEVELOPMENT SERVICES) (2018 - 130)
67. Consider a motion directing staff to begin the annexation of a 70.04-acre tract of land located in Section 20, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located on the north side of East Loop 250 North, approximately 1,872 feet east of North County Road 1162 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES) (036 - 2018)
68. Consider a motion directing staff to begin the annexation of a 43.97- acre tract of land out of the east 1/2 of Section 18, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (generally located on the east side of South FM 1788, approximately 187 feet north of West County Road 127 - Extraterritorial Jurisdiction). (DEVELOPMENT SERVICES) (037 - 2018)
69. Consider a motion making appointments to various Boards & Commissions. (CITY SECRETARY'S OFFICE) (038 - 2018)

PUBLIC COMMENT

70. 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.