

AGENDA FOR CITY COUNCIL MEETING

April 26, 2016 – 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 - Father David Galletly, Holy Trinity Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for National Service Recognition Day.
 - b. Presentation of a Proclamation for Public Service Appreciation Week.
 - c. Presentation of Certificates of Completion to the 2016 Midland 101 graduates.
 - d. Presentation of a Proclamation for Travel & Tourism Week.

PUBLIC COMMENT

4. Receive public comments where individuals may address the City Council on City related issues and projects. 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.)

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular meeting of April 12, 2016.

6. Consider a resolution authorizing the execution of a Professional Services Agreement with Freese and Nichols, Inc. for professional services for the performance of a Planning and Environmental Linkage Study for a new regional highway on the northeast side of Midland; and authorizing payment for said professional services in an amount not to exceed \$200,227.00. (PURCHASING) (2016 - 111)
7. Consider a resolution authorizing the issuance of a request for proposals for Metropolitan Area Network Service; said service will provide computer network connectivity between the City's new Municipal Court Building located at 201 East Texas Avenue and the City's data center located at 601 North Loraine Street. (PURCHASING) (2016 - 112)
8. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 26.25-acres out of Section 5, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located north of West Loop 250, east of North Midland Drive, south of Mockingbird Lane, and west of North Midkiff Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 113)
9. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 35.483-acres out of Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of Carter Avenue, east of South Midkiff Road, south of West Illinois Avenue, and west of South Garfield Street); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 114)
10. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 17.912-acres out of Section 24, Block 39, T-1-S T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of East Golf Course Road, east of North Lamesa Road, south of East Wadley Avenue, and west of North Fairgrounds Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 115)
11. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 320.00-acres out of Section 13, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland,

Texas (Generally located north of East Wadley Avenue, east of North Lamesa Road, south of East Loop 250 North, and west of North Fairgrounds Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 116)

12. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 44.771-acres out of Section 25, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of South Street, east of North Lamesa Road, south of East Golf Course Road, and west of North Fairgrounds Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 117)
13. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 10.477-acres out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of Interstate Highway 20, east of Rankin Highway, south of East New Jersey Avenue, and west of South Lamesa Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 118)
14. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 8.701-acres out of Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of Interstate Highway 20, east of Cotton Flat Road, south of Carter Avenue, and west of Rankin Highway); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 119)
15. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 13.188-acres out of Section 34, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of Carter Avenue, east of Cotton Flat Road, south of West Illinois Avenue, and west of South A Street); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 120)
16. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 21.784-acres out of Section 35, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of East New Jersey Avenue, and east of South A

Street, south of West Michigan Avenue, and west of South Lamesa Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 121)

17. Consider a resolution authorizing the issuance of a request for proposals for the lease of City-owned minerals located in approximately 20.544-acres out of Section 36, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located north of Cloverdale Road, east of South Lamesa Road, south of South Street, and west of South Fairgrounds Road); said lease to require compliance with all applicable ordinances, laws, rules and regulations. (PURCHASING) (2016 - 122)
18. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the annual purchase of gasoline and diesel fuel. (PURCHASING) (2016 - 123)
19. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Pipe Bore Project; said project will provide a conduit under Interstate Highway 20 near South Midland Drive for a future City utility line, with two additive alternates under Interstate Highway 20 near South Midkiff Road. (PURCHASING) (2016 - 124)
20. 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 230 feet from the north line and 275 feet from the west line, Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 251 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension). (DEVELOPMENT SERVICES) (2016 - 125)
21. 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 230 feet from the north line and 315 feet from the west line, Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 291 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension). (DEVELOPMENT SERVICES) (2016 - 126)
22. 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 230 feet from the north line and 830 feet from the west line, Section 10, Block H, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 806 feet east of

North Garfield Street and 1,095 feet north of Passage Way Extension). (DEVELOPMENT SERVICES) (2016 - 127)

23. 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 230 feet from the north line and 870 feet from the west line, Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 846 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension). (DEVELOPMENT SERVICES) (2016 - 128)
24. Consider a resolution of the City Council of the City of Midland, Texas committing to make a loan with conditions to DDC Merritt Leisure, Ltd. to pay for costs associated with the proposed Merritt Leisure Housing Development; the proposed development is located at the northeast quadrant of Leisure Drive and South Texas Loop 250 West; providing no waiver of governmental immunity or sovereign immunity; 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) (2016 - 129)
25. Consider a motion on request by Newton Engineering, PC to defer public improvements for Furrever Acres, and to waive the corresponding financial security guarantee valued at \$219,959.65, an amount equal to the estimated cost of construction. The subject property is generally located approximately 2.8 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (047-2016)
26. Consider a resolution authorizing the acceptance of a 1.0307-acre Sanitary Sewer Easement granted by the Board of Regents of the University of Texas System and located in Section 42, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; authorizing the City Manager to execute all documents necessary and appropriate to effect the acceptance of said easement; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2016 - 130)
27. Consider a resolution approving Bluestem Energy Assets, LLC's assignment of an existing Right of Way License to Diamondback Energy LLC (regarding City-owned property abutting the northeast quarter (NE/4) of Section 8, Block X, H.P. Hilliard Survey and the northwest quarter (NW/4) of Section 9, Block X, H.P. Hilliard Survey, Midland County, Texas); and approving DCP Midstream, LP's assignment of three (3) existing Right of Way Licenses to Navitas Midstream

Partners (regarding City-owned properties located in: Sections 13 and 30, Blocks 38 and 39, T-1-S, T&P RR Co. Survey, Midland County, Texas; Sections 31 and 32, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas; and Sections 4 and 5, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas, respectively). (ENGINEERING SERVICES) (2016 - 131)

28. Consider a motion on request by Dawson Geophysical Compay to defer public improvements for Dawson Addition, and to waive the corresponding financial security guarantee valued at \$330,693, an amount equal to the estimated cost of construction. The subject property is a 40 acre tract out of Section 18, Block 39 T 2 S, approximately 1.3 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (048-2016)
29. Consider a motion on request by Schumann Engineering to defer public improvements for Midland 817, and to waive the corresponding financial security guarantee valued at \$137,112.13, an amount equal to the estimated cost of construction. The subject property is generally located approximately 2910 feet west of the intersection of State Highway 158 and West County Road 60, approximately 0.55 miles west outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (049-2016)

SECOND READINGS

30. 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 6A, Block 2, Amaron Addition, Section 6, 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 west side of Rankin Highway, approximately 280 feet south of Wolcott Avenue); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9551)
31. Consider an ordinance on second reading changing the zoning use classification of the property described as a 4,116-square foot portion of Lot 27A, Block 46, Skyline Terrace West, Section 8, City and County of Midland, Texas (Generally located approximately 250 feet east of North Midland Drive, and approximately 170 feet north of Raleigh Court), 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) (9552)

32. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 13A, Block 28, Wydeewood Estates, Section 27, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 240 feet east of Sunburst 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) (9553)
33. 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 7, Block 17, Skyline Terrace, Unit 7, 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 south side of West Loop 250 North, approximately 220 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) (9554)
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 3, less the east 45.84 feet, Lots 4-8, 11, and the west 8.8 feet of Lot 12, Block 6, Barberdale Addition, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Office Center, in part, LR-2, Local Retail District, in part, and 1F-2, One-Family Dwelling District, in part, to be used as an LR-3, Local Retail District (Generally located southeast of the intersection of West Wadley Avenue and North 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) (9556)
35. Consider an ordinance on second reading vacating and abandoning a 0.087-acre portion of alley right-of-way located in Block 6, Barberdale Addition, City and County of Midland, Texas (Generally located on the east side of North Big

Spring Street, approximately 140 feet north of West Shandon Avenue); adopting the appraisal by the City Manager of \$15,176.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9557)

PUBLIC HEARINGS

36. 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 1A, Block 20, Northgate Addition, Section 25, City and County of Midland, Texas, which is presently zoned LR-1, Local Retail District, to be used as an LR-2, Local Retail District (Generally located on the east side of Holiday Hill Road, approximately 240 feet south of Briarwood Avenue); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9558)
37. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 2,831-square foot portion of Lot 5, Block 1, Amaron Addition, Section 7, City and County of Midland, Texas (Generally located on the north side of West Interstate Highway 20, approximately 400 feet east of Johnston 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) (9559)
38. 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 64.96-acre tract of land out of Section 24, 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 a 1F-1, One-Family Dwelling District (Generally located on the east side of Avalon Drive, approximately 1,800 feet north of Briarwood Avenue); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9560)

39. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for an Amusement Facility on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas (Generally located on the west side of North Loop 250 West, approximately 600 feet south of Deauville Boulevard); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 132)
40. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a Carnival on Lot 4, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, approximately 850 feet south of West Loop 250 North); and making said permit subject to certain special conditions and restrictions contained herein; and providing that the Chief of Police shall ensure that all participants are licensed pursuant to Title V, Chapter 9 of the Midland City Code. (DEVELOPMENT SERVICES) (2016 - 133)
41. Hold a public hearing and consider an ordinance adopting a site plan for Lot 1, Block 10, Arbor Park Addition, Section 5, City and County of Midland, Texas (Generally located southwest of the intersection of Sunshine Parkway and Idlewilde Drive); 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) (9561)
42. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 4,300-square foot portion of Lots 21-25, Block 82, Permian Estates Addition, City and County of Midland, Texas (Generally located on the north side of West Wall Street, approximately 600 feet west of Fasken Drive), 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 all alcoholic beverages in a bowling center 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) (9562)
43. Hold a public hearing and consider an ordinance vacating and abandoning a 2.20-acre portion of a utility easement located in Lots 1, 2 and 14, Block 8, Sunridge Ranch Estates, Section 3, City and County of Midland, Texas (Generally located northwest of the intersection of North County Road 1240 and West County Road 44); adopting the appraisal by the City Manager of \$89,100.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9563)

44. Hold a public hearing and consider a resolution authorizing the temporary use of land for an event featuring live music on Lot 1, Block 3, Green Tree North, City and County of Midland, Texas (Generally located on the north side of Green Tree Boulevard, approximately 400 feet east of Holiday Hill Road); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 134)
45. Hold a public hearing and consider an ordinance granting a special exception for Tract 4, less the south 31.3 feet, Parker Acres Addition, City and County of Midland, Texas (Generally located on the west side of Todd Drive, approximately 400 feet south of East Golf Course Road), by permitting a detached accessory building that is not incidental to another permitted use; 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) (9564)
46. 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 7.00-acre tract of land out of Section 5, 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 PD, Planned District for a Transition District (Generally located on the west side of North Elkins Road, approximately 100 feet north of Crownridge 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) (9565)

MISCELLANEOUS

47. Consider an ordinance changing the name of the portion of Northrup Drive that is adjacent to Lot 6, Block 1, and Lot 1, Block 2, Park Place Addition, Section 2, City and County of Midland, Texas (Generally located between Princeton Avenue and the southern terminus of Northrup Drive), to "Silver Star Way"; containing a cumulative clause; containing a savings and severability clause; and directing the City Secretary to send the Midland Emergency Communications District a certified copy of this ordinance. (ENGINEERING SERVICES) (9566)

48. Consider an ordinance on third reading granting to Sharyland Utilities, L.P., its successors and assigns, an electric power franchise to use the present and future streets, alleys, highways, public utility easements, and public ways of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Sharyland Utilities, L.P., its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public. (CITY MANAGER'S OFFICE)(First reading held on March 22, 2015)(9547)

EXECUTIVE SESSION

49. 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.

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.