

AGENDA FOR CITY COUNCIL MEETING
August 13, 2013 – 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 Douglas P. Lamb, Fannin Terrace Baptist 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 Tedrick Macklin Day.

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.

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular meeting of July 23, 2013.
 - b. Special meeting of August 6, 2013.
6. Consider a resolution ratifying emergency actions taken to replace wiring in thirty-three (33) vandalized light poles at the Scharbauer Sports Complex at a cost of \$58,335.38; and waiving the formal bidding requirement. (GENERAL SERVICES) (2013 - 220)

7. Consider a resolution awarding the City of Midland Paving: Alley, Street and Sidewalk ("Compass") Project to Onyx Contractors Operations, LP, of Midland, Texas, at an amount not to exceed \$1,000,000.00; and appropriating funds. (GENERAL SERVICES) (2013 - 221)
8. Consider a resolution authorizing the purchase of five hundred (500) 520RA single port radios for use with the City's automatic water meter reading system, from Western Industrial Supply, L.L.C., of Odessa, Texas, at a total cost of \$60,000.00; and said purchase was not bid but purchased as a sole source. (GENERAL SERVICES) (2013 - 222)
9. Consider a resolution authorizing the purchase of sixteen (16) mobile radios in assorted configurations, with accessories, from Holsum Bakers, Incorporated, dba Caprock Communications of Midland, Texas; said purchase was not bid but purchased as a sole source; and the costs for the radios shall be approximately \$71,276.25. (GENERAL SERVICES) (2013 - 223)
10. Consider a resolution approving the purchase of three (3) refuse bodies and one (1) cart body, for refuse trucks for the Garage Division, through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$409,597.00; and this item was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2013 - 224)
11. Consider a resolution authorizing the execution of a contract with Jones Bros. of Odessa, Texas, for the project described as Terminal Vehicle Parking Expansion (9019) at the Midland International Airport; the Council previously authorized advertisement for bids for the project; the total estimated cost of said project is \$1,929,554.35; and appropriating funds. (AIRPORTS) (2013 - 225)
12. Consider a resolution authorizing the Mayor, City Manager, and the City Attorney to execute Federal Aviation Administration Grant Number 54 in the estimated amount of \$3,404,500.00 upon receipt from the Federal Aviation Administration; said grant will fund ninety percent (90%) of the FAA eligible portion of projects at the Midland International Airport; said grant funds are to be deposited in the Airport Fund upon receipt. (AIRPORTS) (2013 - 226)
13. Consider a resolution authorizing the Mayor to execute a Lease and Operating Agreement with the Midland County Fresh Water Supply District No. 1; the District has acquired right-of-way and designed, constructed, installed, and financed, certain infrastructure including wells and pipelines to deliver groundwater owned by the City from beneath those certain tracts of land located in Winkler and Loving Counties to a delivery point located approximately at the intersection of Highway 191 and FM 1788; and the District has constructed extended infrastructure related to the T-Bar Project at the request of the City; and the City will operate and maintain the extended infrastructure. (CITY ATTORNEY'S OFFICE) (2013 - 227)

14. Consider a resolution approving a 20-foot sewer line easement located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas; providing that said easement shall be in a form acceptable to Western-T Corporation, Vineyard Reserve, LLC, and the City of Midland; authorizing the City of Midland's acceptance of said easement contingent upon inspection and approval of the sewer line located therein; determining the value of said easement to be \$49,400; and providing Western-T Corporation a credit in said amount at the time of platting. (CITY ATTORNEY'S OFFICE) (2013 - 228)
15. Consider a resolution authorizing the acceptance of Lots 7 and 8, Block 35, Original Town, City and County of Midland, Texas (Commonly known as the Building of the Southwest and located at 310 West Texas Avenue); directing the City Manager to obtain a deed from the owner; authorizing the City Manager to negotiate, execute and file all documents necessary for the acceptance of said property; authorizing payment for closing costs; and ordering recordation. (CITY MANAGER'S OFFICE) (2013 - 229)
16. Consider a resolution authorizing the allocation of funds from the Hotel/Motel Construction Fund and appropriating funds for the Bill Williams Softball Complex Renovations Project. (CITY SECRETARY'S OFFICE) (2013 - 230)
17. Consider a resolution granting a variance for Lots 11-13, Block 4, Stonebridge Addition, City and County of Midland, Texas (Commonly known as 1120, 1122 and 1200 Milltown Road), by permitting construction of residences where no portion of any structure is closer than 374.8 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2013 - 231)
18. Consider a resolution approving the issuance of a permit to Vector Oil & Gas LP ("Operator") to drill an oil and gas well within the City limits located 838 feet from the north line and 2,186 feet from the west line, Section 6, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of Oriole Drive, approximately 840 feet south of Mockingbird Lane); 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) (2013 - 232)
19. Consider a resolution approving the issuance of a permit to Midland Energy, Inc. ("Operator") to drill an oil and gas well within the City limits located 832 feet from the south line and 982 feet from the east line, Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of East Loop 250 North, north of North Fairgrounds Road); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 233)

20. 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 1,550 feet from the south line and 1,980 feet from the east line, Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and Martin County, Texas (Generally located on the east side of the State Highway 349, approximately 2 ½ miles north of Arapahoe Road); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 234)
21. 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 660 feet from the north line and 2,173 feet from the east line, Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and Martin County, Texas (Generally located on the east side of the State Highway 349, approximately 3 miles north of Arapahoe Road); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 235)
22. 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 467 feet from the north line and 467 feet from the east line, Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and Martin County, Texas (Generally located on the east side of the State Highway 349, approximately 3 miles north of Arapahoe Road); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 236)
23. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 660 feet from the north line and 660 feet from the west line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane, approximately 3/4 of a mile west of Golden Gate Drive); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 237)
24. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 660 feet from the north line and 587 feet from the east line, Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane, approximately 1 mile north of Briarwood Avenue); 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) (2013 - 238)
25. Consider a resolution approving the issuance of a permit to Petroplex Energy, Inc. ("Operator") to drill an oil and gas well within the City limits located 2,173 feet from the south line and 2,173 feet from the west line, Section 8, Block 39, T-

1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of the extension of north Midland Drive, approximately ½ mile north of Green Tree Boulevard); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 239)

26. Consider a resolution granting a variance for Lots 37-42, Block 7, Lots 4-13, 19-25 and 36, Block 18, Lots 1-10, Block 20, and Lots 1-7, 9-12 and 21-25, Block 21, Greathouse Addition, Section 7, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, south of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 155.0 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2013 - 240)
27. Consider a resolution granting a variance for Lots 38-41, Block 18, Lot 2, Block 19, and Lots 1 and 2, Block 24, Greathouse Addition, Section 7, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, south of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 330.1 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2013 - 241)
28. Consider a resolution granting a variance for Lots 7-12 and 15, Block 13, Lots 6, 7, 9 and 13-39, Block 14, Lots 12-21, Block 24, and Lots 3-16, Block 26, Greathouse Addition, Section 7, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, south of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 155.0 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2013 - 242)
29. Consider a resolution granting a variance for Lots 38 and 39, Block 18, and Lots 1-5 and 36-42, Block 24, Greathouse Addition, Section 7, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, south of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 155.0 feet of a tank battery; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2013 - 243)
30. Consider a resolution authorizing a Right-of-Way License with the City of Midland, Texas and Crownquest Operating LLC; said Right-of-Way License is for the purpose of drilling and maintaining three (3) oil wells and associated road way, surface flow lines, tank batteries, transmission lines, and frac pits; the three oil wells are located within the City of Midland, Section 36, Block 39, T-1-N, T&P RR Co. Survey, Martin County, Texas; the license term is for ten (10) years, commencing with the date of this license and may renew at the end of the term for one Additional five (5) year term upon 90 days written request prior to expiration. (ENGINEERING SERVICES) (2013 - 244)

31. Consider a resolution authorizing the execution of a Supplemental Agreement with Union Pacific Railroad Company ("Union Pacific") regarding certain utilities that have been abandoned or removed from Union Pacific's right-of-way. (ENGINEERING SERVICES) (2013 - 245)
32. Consider a motion on a request by Schumann Engineering Company for the Ranchero Park – Section 7 to approve items requested for deferral and to waive the associated public improvement guarantee. The subject property is located south of I-20 along County Road 1120. (ENGINEERING SERVICES)
33. Consider a resolution accepting a cash donation of \$44,000.00 from the "Bad Boy Blast" Fund-Raising Project sponsored by Conoco-Phillips; the donated funds will be used to purchase law enforcement equipment, technology, and training; and appropriating said funds. (POLICE) (2013 - 246)
34. Consider a resolution authorizing the Midland Police Department to transfer the appropriation of funds from the Police Equipment and Technology Project to the Police Supervisory Training Project in the amount of \$48,000.00; the Midland Police Department will use said funds to host a law enforcement supervisory training series; there is no fiscal impact to the City. (POLICE) (2013 - 247)
35. Consider a resolution authorizing the execution of an agreement with Del Carmen Consulting, LLC, to provide services in connection with the evaluation of racial profiling data collected by the Midland Police Department. (POLICE) (2013 - 248)
36. Consider a resolution authorizing the execution of a Professional Services Agreement Task Order with CDM Smith Inc., for professional inspection services and construction management services for the Midland Water Purification Plant Raw Water Project and the MBR Satellite Reuse Project, at an estimated total cost of \$248,000.00; and appropriating funds. (UTILITIES) (2013 - 249)

SECOND READINGS

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 6.08-acre tract of land ("Tract 1") which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District; by permitting a 40.90-acre tract of land ("Tract 2") which is presently zoned FD, Future Development District, to be used as an LI, Light Industrial District; by permitting a 13.70-acre tract of land ("Tract 3") which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-2, Local Retail District; by permitting a 16.61-acre tract of land ("Tract 4") which is presently zoned PD, Planned District for a Shopping Center, to be used as a PD, Planned District for a Housing Development; by permitting a 34.39-acre tract of land ("Tract 5") which is presently zoned BP, Business Park District, to be used as a

PD, Planned District for a Housing Development; by permitting a 37.72-acre tract of land ("Tract 6") which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a Housing Development; by permitting a 21.82-acre tract of land ("Tract 7") which is presently zoned PD, Planned District for a Shopping Center, to be used as a BP, Business Park District; by permitting a 0.74-acre tract of land ("Tract 8") which is presently zoned LR-2, Local Retail District, to be used as a BP, Business Park District; by permitting a 2.77-acre tract of land ("Tract 9") which is presently zoned BP, Business Park District, to be used as a 1F-3, One-Family Dwelling District; by permitting a 55.83-acre tract of land ("Tract 10") which is presently zoned FD, Future Development District, to be used as a 1F-3, One-Family Dwelling District; all of said tracts being out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas; all of said tracts being more specifically described by metes and bounds made a part hereof; said tracts are generally located on the south side of West Interstate Highway 20, South of Loop 250; providing for such use to be subject to certain special conditions and restrictions as set out 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) (9171)

38. Consider an ordinance on second reading changing the zoning use classification of the property described as a 5,000 square foot portion of Lot 1, Block 1, Mesa Verde Addition, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of North Midland Drive and Neely Avenue), 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 lounge for on-premises consumption; making said permit subject to certain conditions and restrictions contained herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9172)

PUBLIC HEARINGS

39. At approximately 10:30 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on Lots 10-12, Block 93, Lots 1-5, Block 105, and Blocks 94 and 104, West End Addition, City and County of Midland, Texas (Generally located on the south side of Missouri Avenue, between "J" Street and "I" Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2013 - 250)
40. At approximately 10:33 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a philanthropic event on the west 51.5 feet of Lot 5, all of Lots 6-10, and the east 22 feet of Lot 11, Block 8, Loma Linda Replat, City and County of Midland, Texas (Generally located on the north side

of Scharbauer Drive, approximately 250 feet west of Lamesa Road); making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2013 - 251)

41. At approximately 10:36 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of a 1.50-acre portion of Lot 53, Block 2, Skyview Development, City and County of Midland, Texas (Generally located on the west side of Irvin Drive, approximately 240 feet south of East Loop 250 North), which is presently zoned AE, Agriculture Estate District, by permitting said property to be used under a Specific Use Permit Without Term for a Vineyard; 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) (9173)
42. At approximately 10:39 a.m. 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 20, Block 5, North Park, Section 16, 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 Loop 250, east of Billingsley Boulevard); providing for such use to be subject to certain special conditions and restrictions as set out 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) (9174)
43. At approximately 10:42 a.m. hold a public hearing regarding a proposed oil and gas permit to Rust Oil Corporation (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Moss Partnership "9" No. 1) located 2,183 feet from the south line and 1,616 feet from the east line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the extension of North Garfield Street, approximately 1/2 mile north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
44. At approximately 6:00 p.m. hold a public hearing regarding a proposal establishing the ad valorem tax rate of .431927 per \$100 taxable assessed valuation for the Fiscal Year 2013 - 2014. (FINANCE)

MISCELLANEOUS

45. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

46. 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 551.074 Personnel Matters
 - a.1. Deliberate the employment, evaluation, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.
- 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.