

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
January 12, 2016 - 9:00 am
BASEMENT CONFERENCE ROOM
300 North Loraine
Midland, Texas**

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Receive and discuss the Draft Tall City Tomorrow Comprehensive Plan.

AGENDA FOR CITY COUNCIL MEETING

January 12, 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 - Reverend Pat Bryant, Travis 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 Crime Stoppers Month.

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 December 15, 2015.
6. Consider a resolution awarding a contract for the Scharbauer Sports Complex Improvements Project to Mid-Tex of Midland, Incorporated, in the amount of \$2,100,000.00; and approving \$260,056.00 for contingencies. (PURCHASING) (2016 - 001)

7. Consider a resolution approving the purchase of forty (40) bunker coats and forty (40) bunker pants for the Fire Department from Dooley Tackaberry, Incorporated, through Buyboard at a total cost of \$80,880.00. (PURCHASING) (2016 - 002)
8. Consider a resolution approving the purchase of one (1) Rosco RA-400 spray patcher for the Garage Division from Bee Equipment Sales, Limited, through Buyboard at a total cost of \$195,018.00. (PURCHASING) (2016 - 003)
9. Consider a resolution approving the purchase of one (1) Bomag BW-27RH pneumatic roller for the Garage Division from Anderson Machinery Company through Buyboard at a total cost of \$131,839.50. (PURCHASING) (2016 - 004)
10. Consider a resolution authorizing the execution of a contract with DN Tanks, Incorporated, at a total cost of \$1,368,625.00, for the Edgewood Booster Station Rehabilitation East and West Ground Storage Tanks Project for the Utilities Department. (PURCHASING) (2016 - 005)
11. Consider a resolution approving the selection of Parkhill, Smith & Cooper, Incorporated, CDM Smith, Incorporated, HDR Engineering, Incorporated, Enprotec/Hibbs & Todd, Incorporated, and Burgess & Niple, Incorporated, as respective first choices for performance of On-Call Engineering Support Services for the Utilities Department over the next five (5) years; and providing that any agreement exceeding \$50,000 shall not become effective until approved by the City Council. (PURCHASING) (2016 - 006)
12. Consider a resolution authorizing the execution of a contract for the purchase and installation of playground equipment and artificial turf surfacing for the Midland United Girls Softball Association (MUGS) with Playgrounds Etc, LLC, through Buyboard at a total cost of \$56,849.00. (PURCHASING) (2016 - 007)
13. Consider a resolution approving a Request for Qualifications and authorizing the City Manager to accept statements of qualifications for professional engineering and architectural services regarding future Capital Improvement Plan Projects that may be constructed at the Midland International Air & Space Port and/or Midland Airpark. (AIRPORTS) (2016 - 008)
14. Consider a resolution authorizing the execution of an amendment to the Professional Services Agreement with Luck Design Team, LLC, to perform engineering and architectural design services in accordance with the City of Midland Parks, Recreation, and Open Space Master Plan at a total cost of \$39,500.00; and appropriating funds. (COMMUNITY SERVICES) (2016 - 009)
15. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the University of Texas of the Permian Basin ("UTPB"), as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2016 - 010)

16. Consider a resolution approving a second amendment to the Economic Development Agreement between the Midland Development Corporation and XCOR Aerospace, Inc.; approving an amendment to the Sublease Agreement between the Midland Development Corporation and XCOR Aerospace, Inc.; and approving an amendment to the Standard Form of Agreement between the Midland Development Corporation, XCOR Aerospace, Inc., and N.C. Sturgeon, LP. (CITY MANAGER'S OFFICE) (2016 - 011)
17. Consider a resolution of the City Council of the City of Midland, Texas authorizing the City Manager to negotiate and execute, on behalf of the City of Midland (the "City"), a Public Improvement Development Agreement with DDC Merritt Leisure, Ltd. ("Developer") under which the City will contribute one half and developer will contribute one half of the costs of streets, curbs, gutters, sidewalks, and traffic controls located in and adjacent to those portions of Beal Parkway and Leisure Drive that are adjacent to Lots 1 and 2, Block 162, and the south 378 feet of Lot 1R, Block 163, Wilshire Park Addition, Section 9, City and County of Midland, Texas; providing that this resolution supersedes and rescinds Resolution Nos. 2014-072 and 2015-034; authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs; and providing an effective date. (DEVELOPMENT SERVICES)
18. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Sprint Communications Company, Limited Partnership, regarding City-owned property described as Section 42, Block 38, Township 1 South, and Section 25, Block 39, Township 1 South, T&P RR Co. Survey, Midland County, Texas, for the purpose of maintaining and operating a fiber optic cable system. (ENGINEERING SERVICES) (2016 - 013)
19. Consider a motion on request by Newton Engineering, PC to defer public improvements for Desert Winds, and to waive the corresponding financial security guarantee valued at \$638,134, an amount equal to the estimated cost of construction. The subject property is generally located approximately 14,780 feet south of the City of Midland corporate limits, on the south side of West County Road 140 approximately 2,200 feet west of the intersection with South County Road 1210, in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (001-2016)
20. Consider a motion on request by Engineering Services to renew for one year the existing blanket deferral for wastewater collection and paving improvements to serve Country Sky Addition, and to waive the corresponding financial security guarantee. The subject property is generally located on the south side of Briarwood Avenue, between Roadrunner Trail and Tumbleweed Trail, in the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (002-2016)

SECOND READINGS

21. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 8, Block 2, Westridge Park Addition, Section 20, City and County of Midland, Texas (Generally located northwest of the intersection of Deauville Boulevard and North Loop 250 West), 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 bar for on-premises consumption; making said permit subject to certain conditions and restrictions contained herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES)(First reading held December 15, 2015.)(9515)
22. Consider an ordinance on second reading vacating and abandoning a 0.12-acre portion of alley right-of-way located in Block 5, Gardens Addition, City and County of Midland, Texas (Generally located on the east side of Andrews Highway, approximately 330 feet north of West Louisiana Avenue); adopting the appraisal by the City Manager of \$20,720.00; retaining a General Utility and Access Easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held December 15, 2015.)(9516)
23. Consider an ordinance on second reading granting a special exception for Lot 6, Block 2, Northwestern Addition, Section 15, City and County of Midland, Texas (Generally located on the south side of Mockingbird Lane, approximately 230 feet east of North Midland Drive), by permitting a reduced openness of a fence within the 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 December 15, 2015.)(9517)
24. Consider an ordinance on second reading changing the zoning use classification of the property described as a 2,583-square foot portion of Lot 15F, Block 40, Fairmont Park Addition, Section 40, City and County of Midland, Texas (Generally located on the north side of West Wadley Avenue, approximately 250 feet west of Sagemont Drive), 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)(First reading held December 15, 2015.)(9518)

25. Consider an ordinance on second reading making certain transfers in various funds of the 2014-2015 Fiscal Year Budget and making certain budget amendments; and ordering recordation. (FINANCE)(First reading held December 15, 2015.)(9519)

PUBLIC HEARINGS

26. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas (Generally located southwest of the intersection of Andrews Highway and North Loop 250 West), 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) (9520)
27. 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 18B, Block 109, Wilshire Park Addition, Section 17, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, in part, and LR-2, Local Retail District, in part, to be used as an LR-1, Local Retail District (Generally located north of the intersection of Thomason Drive and West Illinois 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) (9521)
28. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A3 #5H) located 280 feet from the north line and 335 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (003-2016)
29. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22A4 #6H) located 250 feet from the north line and 335 feet from the east line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located on the south side of the west extension of Mockingbird Lane (West

County Road 50), approximately one mile north of Briarwood Avenue.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (004-2016)

30. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #9SH) located 577 feet from the north line and 2,560 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,224 feet west of Golden Gate Drive. -District 4) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (005-2016)
31. Hold a public hearing regarding a proposed Oil and Gas Permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 PSA 2 #16AH) located 577 feet from the north line and 2,520 feet from the east line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,184 feet west of Golden Gate Drive.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (006-2016)
32. Hold a public hearing regarding a proposed Oil and Gas Permit to XTO Energy Inc. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Robbie 2421SH) located 752 feet from the west line and 255 feet from the north line located in Section 24, Block 40, T-1-S, T&P RR Co. Survey, City of Midland and County of Midland, Texas. (Generally located 595 feet west of Avalon Drive and 272 feet from South Mockingbird Lane extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (007-2016)
33. Hold a public hearing and consider an ordinance vacating and abandoning a 0.05-acre portion of North Pecos Street Right-of-Way adjacent to Lots 1 and 2, Block 59, Original Town Addition, City and County of Midland, Texas (Generally located southwest of the intersection of West Texas Avenue and North Pecos Street); adopting the appraisal by the City Manager of \$8,000.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9522)
34. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 5A, Block 3, Westridge Park Addition, Section 14, City and County of Midland, Texas (Generally located on the west side of Tradewinds Boulevard, approximately 160 feet north of Deauville Boulevard), 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) (9523)

35. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1-F, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 670 feet east of North Garfield 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) (9524)
36. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 2, Bankhead Addition, Section 2, City and County of Midland, Texas (Generally located northwest of the intersection of South Midkiff Road and Bankhead Highway), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a nightclub 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. (Planning Admin) (9525)
37. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,725-square foot portion Lot 6C, Block 2, Westridge Park Addition, Section 24, City and County of Midland, Texas (Generally located on the west side of North Loop 250 West, approximately 550 feet north of Deauville Boulevard), 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) (9526)
38. Hold a public hearing and consider an ordinance granting a special exception for Lot 4, Block 5, Green Hill Terrace, City and County of Midland, Texas (Generally located on the south side of Tanforan Avenue, approximately 110 feet west of

Saratoga Drive), by permitting a reduced side 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) (9527)

39. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 3, Block 45, Fairmont Park Addition, Section 13, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 750 feet west of Henry Koontz Boulevard), 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 movie theater 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) (9528)

MISCELLANEOUS

40. Consider a motion appealing the Building Official's denial of a sign permit application by Chevron, located on 6301 Deauville Boulevard, Midland, Texas. (DEVELOPMENT SERVICES) (008-2016)
41. Consider an ordinance vacating and abandoning a 10.7901-acre portion of a drainage easement located in Section 42, Block 38, T-1-S, T&P RR Co. Survey, County of Midland, Texas (Generally located on the west side of County Road 1160, approximately one quarter mile south of Business Interstate Highway 20); adopting the appraisal by the City Manager of \$21,580.20; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (9529)
42. Consider an ordinance amending Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish", Section 24, "Charges for Dumping or Unloading at Sanitary Landfill Operated by the City of Midland", of the City Code of Midland, Texas, so as to increase the rates charged for dumping or unloading at the sanitary landfill facility operated by the City of Midland and to eliminate the state permit fee of one dollar and twenty-five cents (\$1.25) per ton; providing for a maximum penalty or fine of one thousand dollars (\$1,000.00); containing an escalation clause; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9530)
43. Discuss the possible issuance of certificates of obligation for the purpose of paying for the construction, improvement and acquisition of public works and equipment. The discussion may include the potential amount of the certificates of

obligation as well as potential public works projects such as streets, drainage, park and recreational facilities, police facilities, and communication information technology improvements and equipment. This item is for discussion only, no action will be taken.

- 44. Consider a motion appointing a Mayor Pro Tempore. (009-2016)
- 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 551.087 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.