

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
February 25, 2014 - 9:00 A.M.
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 a presentation from Bart Hotchkiss regarding water conservation.
2. Presentation of the 2013 Midland Police Department Traffic Contact Report by Dr. Alex del Carmen of Del Carmen Consulting, LLC.

AGENDA FOR CITY COUNCIL MEETING
February 25, 2014 – 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 Daniel Stephens, Mid-Cities Community Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

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 remarks to no more than three minutes)

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular meeting of February 11, 2014.
6. Consider a resolution authorizing the execution of a Professional Services Agreement with Blackstone Engineering PLLC, of Mansfield, Texas at a total cost of \$47,000.00 under which Blackstone Engineering PLLC will perform hydraulic model update and evaluation services for the City of Midland (PURCHASING) (2014 - 049)
7. Consider a resolution authorizing the purchase of 2 backhoes, 2-3 CY rubber tire loaders, and 2 maintainers for the Garage Division from Warren Power and Machinery, Inc., dba Warren Cat of Odessa, Texas, at a total cost of

\$810,060.00. (PURCHASING) (2014 - 050)

8. Consider a resolution awarding a contract for the rehabilitation of the Edgewood Elevated Water Storage Tank and the Wadley Elevated Storage Tank Project to Luckinbill, Inc. of Enid Oklahoma; and appropriating funds; and the bid amount was for \$2,409,068.75. (PURCHASING) (2014 - 051)
9. Consider a resolution approving the purchase of five (5) administrative cars, one (1) sport utility vehicle two wheel drive, ten (10) full size ½ ton regular cab pickups; one (1) full size ½ ton 4x4 regular cab pickup with spotlight, one (1) full size ½ ton extended cab pickup, one full size ½ ton crew cab pickup, two (2) full size ¾ ton extended cab & chassis, (2) full size ¾ ton crew cab pickup from Rogers Ford Lincoln of Midland, Texas, at a total cost of \$468,150.00; and other lower bids are rejected in favor of the local bidder pursuant to Texas Local Government Code Section 271.9051. (PURCHASING) (2014 - 052)
10. Consider a resolution approving the purchase of one (1) Elgin Eagle 4M Street Sweeper for the Garage Division from Masters International Inc. through Buyboard at a total cost of \$241,987.00; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2014 - 053)
11. Consider a resolution authorizing the purchase of twenty-nine (29) police package sport utility vehicles from the sole bidder, Caldwell Country Chevrolet, of Caldwell, Texas, at a total cost of \$865,737.00. (PURCHASING) (2014 - 054)
12. Consider a resolution authorizing issuance of a Request for Proposals for Concession Services for the Martin Luther King Jr. Community Center, Washington Pool, and Doug Russell Pool for the Community Services Department. (PURCHASING) (2014 - 055)
13. Consider a resolution awarding a contract for the construction of the Lamesa Road Paving Improvements Project to Reece Albert, Inc. at a total cost of \$2,719,284.60; providing for a ten percent contingency amount; and appropriating funds in the amount of \$2,087,872.00 from bond funds and \$903,341.00 from the General Fund unappropriated fund balance. (PURCHASING) (2014 - 056)
14. Consider a resolution authorizing the execution of a Land Lease Agreement with Eagles Nest Aviation, LLC for hangar development located on a 0.91 acre tract of land located in Lot 4B, Block 11, Midland International Airport, Industrial Park Addition, Section 6, an addition to the City of Midland, Midland County, Texas. (AIRPORTS) (2014 - 057)
15. Consider a resolution approving the issuance of a permit to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City Limits located 1,476 feet from the south line and 1,784 feet from the west line, Section 12, Block "X",

H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2014 - 058)

16. Consider a resolution approving the issuance of a permit to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City Limits located 1,476 feet from the south line and 1,834 feet from the west line, Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2014 - 059)
17. Consider a resolution approving the issuance of a permit to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City Limits located 1,476 feet from the south line and 1,884 feet from the west line, Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2014 - 060)
18. Consider a resolution approving the issuance of a permit to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City Limits located 1,476 feet from the south line and 1,934 feet from the west line, Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane); and waiving the requirement of a road repair agreement. (DEVELOPMENT SERVICES) (2014 - 061)
19. 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 330 feet from the north line and 1,831 feet from the west line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of Passage Way, approximately 1,800 feet east of North Midkiff Road); said amendment authorizes (1) the relocation of the access road, flow lines, gathering lines, gas lines, and buried electric lines, (2) the addition of a temporary road, and (3) the use of a closed loop system. (DEVELOPMENT SERVICES) (2014 - 062)
20. Consider a resolution authorizing the establishment of a fee pursuant to Texas Local Government Code Section 395.081 for property adjoining Briarwood Avenue from Holiday Hill Road to Avalon Drive; providing that said fee shall be in the amount of \$211 per foot of frontage along said portion of Briarwood Avenue; and providing that said fee shall be collected through Public Improvement Development Agreements which must be approved by the Midland City Council. (ENGINEERING SERVICES) (2014 - 063)

21. Consider a resolution authorizing the acceptance of a 0.01-acre Water Line Easement located in Lot 1, Block 8, Westridge Park Addition, Section 23, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 064)
22. Consider a resolution authorizing the City Manager to advertise a Request for Qualifications for Professional Services, including but not limited to planning, engineering, and administration services for development review services to assist the Engineering Services Department and the Development Services Department; authorizing the City Manager to negotiate a Professional Services Agreement for said services; and providing that said agreement shall not become effective until approved by the City Council. (ENGINEERING SERVICES) (2014 - 065)
23. Consider a resolution authorizing the execution of an agreement concerning the donation of property to the Texas Department of Transportation to allow for the placement of a monument sign adjacent to Fire Station #4; and authorizing the dedication of a Landscape Easement to the State of Texas for said purpose. (ENGINEERING SERVICES) (2014 - 066)
24. Consider a resolution authorizing a Right-of-Way License between the City of Midland, Texas and Occidental Permian Manager, the general partner of Occidental Permian, LTD.; said Right-of-Way License is for entering the City of Midland's right-of-way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a fresh water surface line and to have the right of ingress and egress at convenient points for such purpose; the pipeline is located within the City of Midland right-of-way, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (ENGINEERING SERVICES) (2014-067)
25. Consider a resolution authorizing the execution of Change Order Number Three with Archer Western Contractors, L.L.C., adding \$99,523.62 for additional work to the existing contract for the Raw Water Project; and appropriating funds; the original contract was for \$7,058,965.00; this Change Order brings the total contract price to \$7,528,236.62. (UTILITIES) (2014 - 068)

SECOND READINGS

26. 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 2, Block 2, Pavilion Park, Section 1, and Lot 3, Block 2, Pavilion Park, Section 2, City and County of Midland, Texas, which is presently zoned O-1, Office District, in part, and PD, Planned District for Housing Development, in part, to be used as a PD, Planned District for a Housing Development (Generally located near the southeast corner of the intersection of North Big Spring Street

and Pavilion Parkway); 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) (9232)

27. 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 Lots 2A and 3A, Block 7, Claydesta Plaza, Section 4, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Transition District, to be used as an Amended Planned District (Generally located near the northwest corner of the intersection of West Wadley Avenue and Desta Drive); 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) (9233)
28. Consider an ordinance on second reading changing the name of the Guadalupe Street to "Stonebridge Drive" adjacent to Lots 14 and 15, Block 2, and Lot 1, Block 3, Adobe Meadows, Section 2, City and County of Midland, Texas, and to Lot 13A, Block 2, and Lot 2A, Block 3, Adobe Meadows, Section 6, City and County of Midland, Texas; changing the name of Lamesa Road to "Stonebridge Drive" adjacent to Lots 2, 4 and 5, Block 1, Lot 3, Block 2, Lots 1 and 11, Block 3, Lot 1, Block 4, and Lots 1, 14, 15 and 21, Block 9, Pavilion Park, Section 2, City and County of Midland, Texas; said Streets are generally located on the north and south sides of East Mockingbird Lane, east of North Big Spring Street; 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. (DEVELOPMENT SERVICES) (9234)
29. Consider an ordinance on second reading making certain transfers in various funds of the 2012-2013 Fiscal Year Budget and making certain budget amendments; and ordering recordation. (FINANCE) (9235)
30. Consider an ordinance on second reading amending the official municipal budget for Fiscal Year 2013-2014 in order to provide additional funds to the Downtown Midland Management District for a Fourth of July event in downtown Midland; the additional funding provided will help promote tourism in the City of Midland; and authorizing the City Manager to execute an agreement with the Downtown Midland Management District. (CITY SECRETARY'S OFFICE) (9236)
31. Consider an ordinance on second reading vacating and abandoning a 0.14-acre north/south alley adjacent to Lots 1-12, Block 40, Belmont Addition, City and County of Midland, Texas (Generally located on the east side of Rankin

Highway, between West Gist Avenue and West Stokes Avenue); adopting the appraisal by the City Manager of \$12,196.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9237)

PUBLIC HEARINGS

32. At approximately 10:29 A.M. hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 37.09-acre tract of land out of Sections 7 and 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the northeast corner of the intersection of Farm-to-Market Road 1788 and Loop 40); and approving a Public Service Plan. (DEVELOPMENT SERVICES) (9238)
33. At approximately 10:30 A.M. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 15.81-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an IP, Industrial Park District; establishing the zoning classification of the area indicated as being a 14.71-acre tract of land out of Sections 7 and 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an LR-2, Local Retail District; said tracts are generally located on the northeast corner of the intersection of Farm-to-Market Road 1788 and Loop 40; 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) (9239)
34. At approximately 10:32 A.M. hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being Lot 3, Block 5, Pecan Acres Addition, Section 5, and Lots 4A and 4B, Block 5, Pecan Acres Addition, Section 7, Midland County, Texas, (Generally located on the north side of Trenton Drive, approximately 550 feet east of Trobaugh Boulevard); and approving a Public Service Plan. (DEVELOPMENT SERVICES) (9240)
35. At approximately 10:33 A.M. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being Lot 3, Block 5, Pecan Acres Addition, Section 5, and Lots 4A and 4B, Block 5, Pecan Acres Addition, Section 7, Midland County, Texas, as an AE, Agriculture Estate District; said tract is generally located on the north side of Trenton Drive, approximately 550 feet east of Trobaugh Boulevard; 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) (9241)
36. At approximately 10:36 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 a 5.86-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-2, Local Retail District (Generally located on the west side of North Big Spring Street, approximately 280 feet south of West Loop 250 North); 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) (9242)

37. At approximately 10:39 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 1A, Block 1, Midland Memorial Hospital Addition, Section 2, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of West Illinois Avenue and Andrews Highway), which is presently zoned PD, Planned District for a Medical Center, by permitting said property to be used under a Specific Use Permit without Term for a Heliport; 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) (9243)
38. At approximately 10:42 A.M. hold a public hearing and consider an ordinance changing zoning use classification of the property described as Lot 8, Block 6, Ranchland Acres replat of Lots 1-3, Block 1, Lots 2, 3 and 6-8, Block 4, Lots 1, 8 and 9, Block 5, Lots 1, 2 and 5-7, Block 6, Lots 1-3, Block 7, Lots 1-3, Block 8, and Lots 1-4, Block 9, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Interstate Highway 20 and Chisholm Trail), which is presently zoned BP, I-20 Business Park District, by permitting said property to be used under a specific use permit with term for a billboard; 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) (9244)
39. At approximately 10:45 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 5.10-acre tract of land out of Section 37, Block 41, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the north side of State Highway 191, approximately 485 feet northeast of Jordy Road), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a Specific Use Permit with Term for a Billboard; 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) (9245)

40. At approximately 10:48 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 4,650 square foot portion of Lot 27A, Block 46, Skyline Terrace West, Section 8, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of North Midland Drive and West Loop 250 North), 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) (9246)
41. At approximately 10:51 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor tent sale on an approximately 27.313-acre portion of Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 069)

MISCELLANEOUS

42. Consider an ordinance amending the official Municipal Budget for Fiscal Year 2013-2014 in order to provide additional funds to the Permian Basin Petroleum Museum, Library and Hall of Fame for advertising, promotion and solicitation of oil industry activities in the City of Midland; the City will pay up to \$500,000.00 to match funds raised by the Petroleum Museum between January 15, 2014 until September 30, 2014; the additional funding provided will help promote tourism in the City of Midland; and authorizing the City Manager to execute an agreement with the Permian Basin Petroleum Museum, Library and Hall of Fame. (FINANCE) (9247)
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 302.19-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Housing Development; by permitting a 15.83-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as an O-1, Office District; said tracts being out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 840 feet north of Arapahoe 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) (9223)

44. Consider a resolution approving a preliminary plat of Lone Star Trails, being a plat of a 318.02-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 840 feet north of Arapahoe Road); said preliminary plat was denied by the City of Midland Planning and Zoning Commission and is on an appeal to the City Council. (DEVELOPMENT SERVICES) (2014 - 047)
45. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Real Property Resources, Inc. for development of Lone Star Trails Addition, City and County of Midland, Texas (Generally located along the east side of State Highway 349, approximately 1 mile north of Mockingbird Lane); and appropriating funds in the amount of \$440,608.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2014 - 048)
46. At approximately 1:30 p.m. conduct a workshop with the Planning and Zoning Commission and receive an update from Freese and Nichols regarding the update to the Zoning Code. (DEVELOPMENT SERVICES)
47. Consider a motion making appointments to the Midland Odessa Urban Transit District Board, Midland Football-Soccer and Baseball Complex Development Corporation Board, and consider making appointments to all other boards and commissions.
48. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Estates Housing Development; the applicant is DDC Merritt Estates, LTD.; the proposed development is located at the northeast quadrant of Leisure Drive and South Texas Loop 250 West; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (CITY ATTORNEY'S OFFICE) (2014 - 070)
49. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas adopting the Midland Airport Corridor Community Revitalization Plan; supporting the proposed Merritt Estates Housing Development; identifying the proposed Merritt Estates Housing Development as the development in the 2014 Tax Credit Application Pool that contributes most significantly to the concerted revitalization efforts of the City of Midland, Texas; the applicant is DDC Merritt Estates, LTD.; the proposed development is located at the northeast quadrant of Leisure Drive and South Texas Loop 250 West; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (CITY ATTORNEY'S OFFICE) (2014 - 071)

50. Hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas committing to make a loan with conditions to DDC Merritt Estates, LTD. to pay for costs associated with the proposed Merritt Estates 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. (CITY ATTORNEY'S OFFICE) (2014 - 072)

EXECUTIVE SESSION

51. 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.