

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
February 28, 2017 - 9:00 A.M.**

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 staff in regards to the adopted 2015 building codes, specifically the requirement for buildings over 75 feet tall.
2. Receive an update from Engineering Services on the partnering with TxDot for the widening of Highway 349.

AGENDA FOR CITY COUNCIL MEETING
February 28, 2017 – 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 Jon Slayden, Second Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

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

CONSENT AGENDA

4. Consider a motion approving the following minutes:
 - a. Special City Council meeting of February 13, 2017
 - b. Regular City Council meeting of February 14, 2017
5. Consider a resolution authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc. for Engineering Services to assist the Engineering Services Department with the design phase of the Briarwood Paving and Drainage Project (Phase 2), including the preparation of construction plans and bid documents; and authorizing payment therefor in an amount not to exceed \$474,207.79. (PURCHASING) (2017 - 054)
6. Consider a resolution authorizing the purchase of ammunition of assorted types and in assorted quantities for the Midland Police Department from the respective low bidders, GT Distributors, Inc., Kiesler Police Supply, and Altered Wheel, LLC, D/B/A Stone Flower Armory, at a total cost of \$108,164.42. (PURCHASING) (2017 - 055)

7. Consider a resolution awarding a contract for the replacement of certain existing walkway and stair railings within the Water Pollution Control Plant to the sole bidder, JFA Construction, LLC, of Midland, Texas, in the amount of \$126,258.08. (PURCHASING) (2017 - 056)
8. Consider a motion approving the ratification of a contract for the removal and replacement of expansion joints between bleacher sections on the home and visitor sides of the football stadium at the Scharbauer Sports Complex for the Community Services Department. (PURCHASING) (022-2017)
9. Consider a resolution authorizing the execution of an amendment to the Interlocal Management Services Agreement between the City of Midland, Texas and Midland County Hospital District, doing business as Midland Memorial Hospital, for certain medical and well-being services; said amendment to provide for a reduction of fees, the addition of services, and pricing for additional testing; and authorizing payment therefor. (ADMINISTRATIVE SERVICES) (2017 - 057)
10. Consider a motion on request by Maverick Engineering, LLC to defer public water and wastewater improvements for Blackbird Estates, and to waive the corresponding financial security guarantee valued at \$238,339.00, an amount equal to the estimated cost of construction. The subject property is generally located at 4000 & 4002 Bluebird Lane in the City of Midland. (ENGINEERING SERVICES) (023-2017)
11. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Graham Oil and Gas LP for paving improvements to Bluebird Lane adjacent to Blackbird Estates, City and County of Midland, Texas (Generally located on the north side of Bluebird Lane, approximately 520 feet east of North Midland Drive); and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2017 - 058)
12. Consider a resolution authorizing the submission of an application to the office of the Governor, Texas Criminal Justice Division, for Fiscal Year 2018 Edward Byrne Memorial Justice Assistance Grant Program; said grant will be used to purchase two (2) driving simulators for the police department. (POLICE) (2017 - 059)
13. Consider a resolution accepting a Fiscal Year 2017 Grant Award from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount

of \$88,700.00; said grant will be used to enhance and coordinate drug control efforts among Federal, State, and Local Law Enforcement Agencies; and appropriating funds. (POLICE) (2017 - 060)

SECOND READINGS

14. Consider an ordinance on second reading changing the zoning use classification of the property described as a 1,140-square foot portion of the north half of Lot 11 and Lot 12, Block 187, Southern Addition, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of South Baird Street and East Florida Avenue), 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 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 on February 14, 2017.)(9637)
15. Consider an ordinance on second reading changing the zoning use classification of the property described as an 8,319-square foot portion of Lots 16-18, Block A, Garrett Place Addition, City and County of Midland, Texas (Generally located on the north side of West Indiana Avenue, approximately 160 feet east of Carlton 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)(First reading held on February 14, 2017.)(9638)
16. Consider an ordinance on second reading granting a special exception for Lot 12A, Block 2, Kelview Heights, Section 10, City and County of Midland, Texas (Generally located southeast of the intersection of North Pecos Street and West Wadley Avenue), by permitting a reduced number of parking spaces; 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 on February 14, 2017.)(9639)

17. 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 1C, Block 33, Northgate Addition, Section 26, 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 northeast of the intersection of Northgate Avenue and Northcrest 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)(First reading held on February 14, 2017.)(9640)
18. Consider an ordinance on second reading vacating and abandoning a 0.046-acre portion of alley right-of-way located adjacent to Lots 1, 2 and 18, Tract 6, replat of Tracts 5 & 6, Lindsay Acres Addition, City and County of Midland, Texas (Generally located on the north side of Marlin Avenue, approximately 190 feet west of Rankin Highway); adopting the appraisal by the City Manager of \$4,007.52; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on February 14, 2017.)(9641)
19. Consider an ordinance on second reading granting a special exception for Lots 1, 2 and 18, and a 0.046-acre portion of alley right-of-way located adjacent to said Lots, Tract 6, replat of Tracts 5 and 6, Lindsay Acres Addition, City and County of Midland, Texas (Generally located northwest of the intersection of Rankin Highway and Marlin Avenue), by permitting a reduced side yard setback and a reduced number of parking spaces; 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 on February 14, 2017.)(9642)
20. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," of the City Code of Midland, Texas, so as to amend the requirement that non-residential customers that use water for outside landscape irrigation purposes have a separate water meter for such purposes and so as to list current water and sewer rates; containing a cumulative clause; containing a savings and severability clause; ordering publication; and directing notification to customers outside the City limits as required by State Law. (UTILITIES)(First reading held on February 14, 2017.)(9643)

PUBLIC HEARINGS

21. Hold a public hearing and consider an annexation of a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the west side of Arlington Road, approximately 1,800-feet south of State Highway 191.) This annexation item is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (024-2017)
22. Hold a public hearing and consider an annexation of a 36.36-acre tract of land out of Section 35, Block 40, T-1-S, T&P, RR Co. Survey, Midland County, Texas. (Generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158. This annexation item is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (025-2017)
23. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 109,130-square foot portion of the south half of the northwest quarter of Section 42, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of State Highway 191, approximately 1,300 feet east of North FM 1788), 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 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) (9644)
24. Hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor retail sales on Lot 1, Block 5, Park Place Addition, Section 3, City and County of Midland, Texas (Generally located on the north side of Andrews Highway, approximately 390 feet east of Whitney Drive); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 061)
25. Hold a public hearing regarding a proposed oil and gas permit to Fasken Oil and Ranch, Ltd (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Fee "CK" No. 1H) located 463 feet from the north line and 285 feet from the west line located in Section 30, Block 39, T-1-S, T&P RR CO. Survey, City of Midland and County of Midland, Texas (Generally located 453 feet south of Andrews Highway and 248 feet east of North Loop 250 West.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (026-2017)

26. Hold a public hearing regarding a proposed oil and gas permit to Fasken Oil and Ranch, Ltd (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Fee "CK" No. 2H) located 556 feet from the north line and 734 feet from the west line located in Section 30, Block 39, T-1-S, T&P RR CO. Survey, City of Midland and County of Midland, Texas (Generally located 403 feet south of Andrews Highway and 823 feet east of North Loop 250 West.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (027-2017)
27. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Mask HZ Unit No 1009H) located 230 feet from the north line and 1,730 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,664 feet east of North Garfield Street Extension and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (028-2017)
28. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit No 1108H) located 285 feet from the north line and 1,978 feet from the east line located in Section 11, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 1,978 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (029-2017)
29. Hold a public hearing regarding a proposed oil and gas permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (MCC HZ Unit No 1109H) located 285 feet from the north line and 2,018 feet from the east line located in Section 11, Block X, Hilliard Survey, City of Midland and County of Midland, Texas (Generally located 2,018 feet west of North State Highway 349 and 5,030 feet north of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (030-2017)
30. Hold a public hearing and consider a resolution authorizing the temporary use of land for a carnival on Lot 1A, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 200 feet west of North Midkiff Road); 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) (2017 - 062)

31. Hold a public hearing and consider a resolution authorizing the temporary use of land for a tent sale on Lot 1A, Block 17, Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 220 feet west of North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 063)
32. Hold a public hearing and consider a resolution authorizing the temporary use of land for a performance on Lots 2, 3, and 4, and a 0.30-acre portion of North Marienfeld Street right-of-way located adjacent to said lots, all out of Block 29, Original Town Addition, City and County of Midland, Texas (Generally located north of the intersection of North Marienfeld Street and West Illinois Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 064)
33. Hold a public hearing regarding the cost and impact of (1) land, buildings, facilities, and improvements for use for sports and athletic purposes, including stadiums, ball parks, parks, and related infrastructure, and (2) the Scharbauer Sports Complex football/soccer stadium and baseball stadium, and related infrastructure. This public hearing is being held in accordance with the applicable provisions of Texas Local Government Code Chapter 505 as required for the May 6, 2017 special election regarding the City of Midland's Type B sales and use tax, which was ordered by City of Midland Ordinance No. 9636. This is a public hearing only. No further action will be taken. (COMMUNITY SERVICES) (031-2017)

MISCELLANEOUS

34. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (9645)
35. Consider an ordinance establishing yield right-of-way signs at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at said intersections; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES) (9646)

PUBLIC COMMENT

36. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

EXECUTIVE SESSION

37. 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.
 - b. Section §551.071, Consultation with Attorney
 - b.1. Discuss with the city attorney pending or contemplated litigation involving the City of Midland.

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.