

**CITY OF MIDLAND, TEXAS**  
**BRIEFING SESSION AGENDA**  
**March 24, 2015 - 8:45 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 and discuss a presentation from Engineering Services regarding Pavement Management.
2. Receive an update from representatives of Hotel Santa Rita No. 1 Midland Partners, LLC regarding a proposed mixed-use development to be potentially located on Block 55, Original Town Addition, City and County of Midland, Texas (the site of the former Midland County Courthouse).

AGENDA FOR CITY COUNCIL MEETING  
March 24, 2015 – 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:
  - a. Annual GFOA Budget Award for FY 2015 Budget Document.
  - b. Presentation of a Proclamation for "West Texas Food Bank Community Volunteer Center Day".
  - c. Presentation of a Proclamation for "National Service Recognition Day".
  - d. Presentation of a Proclamation for "Yucca Theater 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. (Please limit comments to three minutes or less.)

**CONSENT AGENDA**

5. Consider a motion approving the following minutes:
  - a. Regular meeting of March 10, 2015.

6. Consider a resolution authorizing the execution of a contract with Playgrounds, Etc., LLP, for playground surfacing at Fasken Park through Buyboard, in the amount of \$78,749.00; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2015 - 076)
7. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc. for conceptual planning and schematic design services in connection with the extension of Mockingbird Lane from Garfield Street to "A" Street; allocating funds in the amount of \$99,000.00; and authorizing payment therefor. (PURCHASING) (2015 - 077)
8. Consider a resolution approving the purchase of one (1) Type I Ambulance from Mac Haik DCJ through the Houston-Galveston Area Council at a total cost of \$198,865.00; this item was not bid but purchased through a Council of Governments. (PURCHASING) (2015 - 078)
9. Consider a resolution authorizing the City Manager to execute an agreement with Lloyd D. Nabors Demolition, LLC, for demolition of the former Midland County Courthouse (located on Block 55, Original Town, City and County of Midland, Texas), the Midland Executive Center (located on Lot 13A, Block 27, Original Town, Section 3, City and County of Midland, Texas), and the Mid-America Building (located on Lot 7A, Block 27, Original town, Section 3, City and County of Midland, Texas); and allocating and appropriating funds therefor. (PURCHASING) (2015 - 079)
10. Consider a resolution authorizing the execution of a 2015 Routine Airport Maintenance Program Agreement between the City of Midland, Texas and the Texas Department of Transportation to provide an automated weather observing system at Midland Airpark; and appropriating necessary funds (AIRPORTS) (2015 - 080)
11. Consider a resolution authorizing the execution of a Commercial Hangar Lease Agreement between the City of Midland, Texas and Ross Midland LLC dba Landmark Aviation; the lease will allow Ross Midland LLC dba Landmark Aviation to lease Hangar N-54 at the Midland International Air and Space Port. (AIRPORTS) (2015 - 081)
12. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("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 34, Block 38, T-1-N, T & P RR Co. Survey, City of Midland, County of Martin, Texas (Generally located in the northeast corner of Section 34, approximately 467 feet west of North County Road 1150.) (DEVELOPMENT SERVICES) (2015 - 082)
13. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City limits

located 1980 feet from the north line and 467 feet from the east line, Section 34, Block 38, T-1-N, T & P RR Co. Survey, City of Midland, County of Martin, Texas (Generally located in the eastern half of Section 34, approximately 467 feet west of North County Road 1150.) (DEVELOPMENT SERVICES) (2015 - 083)

14. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City limits located 1980 feet from the south line and 467 feet from the east line, Section 34, Block 38, T-1-N, T & P RR Co. Survey, City of Midland, County of Martin, Texas (Generally located in the eastern half of Section 34, approximately 467 feet west of North County Road 1150.) (DEVELOPMENT SERVICES) (2015 - 084)
15. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City limits located 467 feet from the south line and 467 feet from the east line, Section 34, Block 38, T-1-N, T & P RR Co. Survey, City of Midland, County of Martin, Texas (Generally located in the southeast corner of Section 34, approximately 467 feet west of North County Road 1150.) (DEVELOPMENT SERVICES) (2015 - 085)
16. Consider a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, L.P. regarding its applications to drill oil and gas wells (Nail "34" wells) within the City limits in Section 34, Block 38, T-1-N, T & P RR Co. Survey, City of Midland and County of Martin, Texas. (DEVELOPMENT SERVICES) (2015 - 086)
17. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Endeavor Energy Resources, L.P. regarding City-owned property described as Section 34, Block 38, T-1-N, T&P RR Co. Survey, Martin County, Texas. (ENGINEERING SERVICES) (2015 - 087)
18. Consider a resolution authorizing the consolidation of existing allocations in the Owner-Occupied Housing Assistance Minor Repairs Program and the Owner-Occupied Housing Assistance Major Projects Program (DEVELOPMENT SERVICES) (2015 - 088)
19. Consider a resolution approving an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) and AKA Square, Incorporated. (DEVELOPMENT SERVICES) (2015 - 089)
20. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Coronado Midstream LLC; said right-of-way license is for entering City of Midland property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a gas transportation pipeline, and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland

County, Texas, being Sections 1 and 12, Block "X", H.P. Hilliard Survey; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one (1) additional five (5) year term upon 120 days written request prior to expiration. (ENGINEERING SERVICES) (2015 - 090)

21. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Atlas Pipeline Mid-Continent Westtex, LLC; said right-of-way license is for entering City of Midland property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a low pressure gas pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland County, Texas, being Sections 5, 8, and 9, Block 38, Township 2 South, T&P RR Co. Survey; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration; and rescinding City of Midland Resolution No. 2015-060. (ENGINEERING SERVICES) (2015 - 091)
22. Consider a motion on request by West Company of Midland Inc. to defer public paving and wastewater improvements for Hannah Addition Section 1, and to reduce the corresponding financial security guarantee by \$510,133, an amount equal to the full cost of construction. The subject property is generally located in Midland County near the southwest corner of the intersection of South County Road 1230 and West County Road 120. (ENGINEERING SERVICES)
23. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Rosalva Martinez and Bertina Martinez for water distribution improvements to Hannah Addition, Section 1, Midland County, Texas; and depositing funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2015 - 092)
24. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Castle Restorations, Inc. for Development of Sun Garden Village Addition, Section 3, City and County of Midland, Texas (Generally located approximately 0.3 miles south of East Wadley Avenue and 0.5 miles west of North Fairgrounds Road); and authorizing payment therefor in an amount not to exceed \$35,744.00; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2015 - 093)
25. Consider a resolution approving the Muscular Dystrophy Association's application to solicit charitable contributions in roadways on behalf of the Muscular Dystrophy Association by participating in the "Fill-the-Boot" Fundraiser; this is authorized by Section 552.0071 of the Texas Transportation Code; the

dates and times of the solicitation are April 8, 9, and 10, 2015 from 8:00 a.m. to 6:00 p.m.; alternate dates due to inclement weather are May 20, 21, and 22, 2015 from 8:00 a.m. to 6:00 p.m.; the intersection locations at which the solicitations shall occur are Midkiff Road and Wadley Avenue, Midland Drive and Loop 250, Midland Drive and Andrews Highway, and Garfield Street and Golf Course Road; there will be fifteen (15) solicitors involved in solicitations at each location; and the Muscular Dystrophy Association, Incorporated is required to provide general liability insurance prior to the event and the Fire Chief shall ensure that the insurance is received and approved prior to the "Fill-the-Boot" Fundraiser; members of the Midland Fire Department are authorized to solicit charitable contributions in roadways; and all other individuals are authorized to participate in solicitations if authorized by Section 552.0071 of the Texas Transportation Code. (FIRE) (2015 - 094)

26. Consider a resolution authorizing the submission of an application to the Office of the Governor, Texas Criminal Justice Division, for Fiscal Year 2016 Edward Byrne Memorial Justice Assistance Grant Program; said grant will be used to purchase classroom and surveillance equipment. (POLICE) (2015 - 095)
27. Consider a resolution authorizing an Interlocal Contract between the City of Midland, Texas and Midland County, Texas regarding cooperation between the Midland Police Department and the Midland County Sheriff's Office in the investigation of criminal activity and law enforcement; and rescinding City of Midland Resolution No. 2014-409. (POLICE) (2015 - 096)

## **SECOND READINGS**

28. Consider an ordinance on second reading granting a special exception for Lot 3, Block 2, Westridge Park Addition, Section 4, City and County of Midland, Texas (Generally located southwest of the intersection of North Loop 250 West and Andrews Highway), by permitting a building to exceed the maximum height limit; 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 March 10, 2015.)(9412)
29. Consider an ordinance on second reading amending the official Municipal Budget for Fiscal Year 2014-2015 in order to provide additional funds to the Sports and Entertainment Association of Midland; the additional funding provided to the Sports and Entertainment Association of Midland will be used for upcoming events; the additional funds will allow for the promotion of tourism in the City of Midland; and ordering recordation; and appropriating funds. (CITY SECRETARY'S OFFICE)(First reading held on March 10, 2015.)(9413)

## **PUBLIC HEARINGS**

30. At approximately 10:30 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 4, Block 1, Westridge Addition, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an O-1, Office District (Generally located on the west side of Beal Parkway, approximately 400 feet north of West Wall Street); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9414)
31. At approximately 10:33 A.M. hold a public hearing and consider an ordinance granting a special exception for Lot 4, Block 1, Westridge Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of Beal Parkway, approximately 400 feet north of West Wall Street), by permitting a building to exceed the maximum height limit; 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) (9415)
32. 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 4.857-acre tract of land which is presently zoned MF-1, Multiple-Family Dwelling District, in part, and 1F-3, One-Family Dwelling District, in part, to be used as an LR-2, Local Retail District; by permitting a 58.250-acre tract of land which is presently zoned TH, Townhouse Dwelling District, in part, and 2F, Two-Family Dwelling District, in part, to be used as a 1F-3, One-Family Dwelling District; by permitting a 17.459-acre tract of land which is presently zoned TH, Townhouse Dwelling District, in part, and 1F-3, One-Family Dwelling District, in part, to be used as a PD, Planned District for a Housing Development; by permitting a 20.007-acre tract of land which is presently zoned MF-1, Multiple-Family Dwelling District, in part, and 1F-3, One-Family Dwelling District, in part, to be used as an LR-2, Local Retail District; said tracts being out of Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge 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) (9416)
33. At approximately 10:39 A.M. hold a public hearing and consider an ordinance vacating and abandoning 28.725 acres of right-of-way within Pavilion Park Addition, Section 2, City and County of Midland, Texas (Generally located

southeast of the intersection of Mockingbird Lane and Stonebridge Drive); adopting the City Manager's determination that the fair market value of said right-of-way is exceeded by the fair market value of 33.271 acres to be dedicated by the property owner to the City for right-of-way and drainage purposes; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9417)

34. At approximately 10:42 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 7A, Block 1, Corporate Plaza Addition, Section 17, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Office Center, to be used as an amended Planned District (Generally located southwest of the intersection of Edwards Street and Corporate 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) (9418)
35. At approximately 10:45 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 3, Block 2, Wallco Addition, Section 3, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an O-2, Office District (Generally located on the south side of Veterans Airpark Lane, approximately 700 feet west of North Big Spring Street); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9419)
36. At approximately 10:48 A.M. hold a public hearing on a request by Pilot Addition for the annexation of a 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
37. At approximately 10:51 A.M. hold a public hearing on a request by Pilot Addition #2 for the annexation of a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
38. At approximately 10:54 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 Lots 22, 23, and 24, Block 5, North Park Addition, Section 17, City and County of Midland, Texas, which are presently zoned PD, Planned District for a shopping center, to be used as an LR-2, Local

Retail District (Generally located on the north side of West Loop 250 North, approximately 260 feet west of Whitman 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) (9420)

39. At approximately 11:00 A.M. hold a public hearing and consider an ordinance vacating and abandoning 0.138 acres of alley right-of-way located on Block 72, Original Town Addition, City and County of Midland, Texas (Generally located approximately 150 feet east of South Terrell Street, between East Wall Street and East Missouri Avenue); adopting the appraisal by the City Manager of \$2,404.51; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9421)
40. At approximately 11:03 A.M. hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a Church Family Fair on Lot 8, Block 7, Glendale Addition, and Lot 13A, Block 7, Glendale Addition, Section 2, City and County of Midland, Texas (Generally located northeast of the intersection of North Tyler Street and Garden Lane); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2015 - 097)

### **MISCELLANEOUS**

41. Consider an ordinance amending fees and charges for Hogan Park Golf Course; and repealing prior ordinances or parts of ordinances in conflict with such fees and charges established herein. (COMMUNITY SERVICES) (9422)
42. Consider a motion appealing the Building Official's denial of a Sign Permit application by Bowie Fine Arts Academy located on 805 Elk Avenue, Midland, Texas (Generally located southeast of the intersection of North "B" Street and Elk Avenue). (DEVELOPMENT SERVICES)
43. Notification to City Council regarding no legal action filed pertaining to dilapidated structures Ordinance 9365, approved January 13, 2015. (DEVELOPMENT SERVICES)
44. Consider a resolution stating that the City of Midland will negotiate exclusively with Hotel Santa Rita No. 1 Midland partners, LLC for the development of Block 55, Original Town Addition, City and County of Midland, Texas (the site of the former Midland County Courthouse) and adjoining property until April 30, 2015; providing that any future development agreement between the parties will not be effective until it is approved by the Midland City Council; and authorizing the Mayor to execute a letter agreement with Hotel Santa Rita No. 1 Midland Partners, LLC expressing the intent of this resolution. (CITY ATTORNEY'S OFFICE) (2015 - 098)

45. Receive public comments and hold a question and answer session regarding Hotel Santa Rita No. 1 Midland Partners, LLC's proposed mixed-use development to be potentially located on Block 55, Original Town Addition, City and County of Midland, Texas (the site of the former Midland County Courthouse). The City Council may discuss proposed terms and conditions of a potential development agreement between the City of Midland, the Midland Development Corporation and Hotel Santa Rita No. 1 Midland Partners, LLC regarding the possible sale and development of said Block 55 and adjacent property. Representatives of Hotel Santa Rita No. 1 Midland Partners, LLC may present an update on said proposed development. (CITY ATTORNEY'S OFFICE)
46. Consider a motion making appointments to various Boards and Commissions.

### **EXECUTIVE SESSION**

47. 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 is 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.