

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
April 14, 2015 - 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 RDG/Parkhill Smith and Cooper regarding status of the Comprehensive Plan.

AGENDA FOR CITY COUNCIL MEETING

April 14, 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 Tim Walker, First United Methodist 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 "Fair Housing Month".
 - b. Presentation of a Proclamation for "Public Safety Telecommunicators Week".
 - c. Presentation of a Proclamation for "Sexual Assault Awareness Month".
 - d. Presentation of a Proclamation for "Judge Robin Smith 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 24, 2015.

- b. Special meeting of March 25, 2015.
6. Consider a resolution awarding a contract for the Market Street Utility Improvements Project to Entrench, Inc., of Hobbs, New Mexico, at a total cost of \$147,161.25; and authorizing payment therefor. (PURCHASING) (2015 - 099)
 7. Consider a resolution rejecting the single bid received for the 2015 Residential Street Pavement Restoration Project. (PURCHASING) (2015 - 100)
 8. Consider a resolution approving the selection of Freese and Nichols, Inc., Halff Associates, Inc., and Kimley-Horn & Associates, Inc. to provide professional services assisting the Engineering Services Department on an as-needed basis with tasks related to the City's engineering review and project development process, and dealing with development, engineering, administration, and capital improvements projects for a term of three years; authorizing the negotiation and execution of Professional Services Agreements with said firms; and providing that any agreement exceeding \$50,000 shall not become effective until approved by the City Council. (PURCHASING) (2015 - 101)
 9. Consider a resolution awarding a contract for the Traffic Signal Upgrade and Reconstruction Project to the sole bidder, Willis Electric Co., LP of Abilene, Texas, at a cost not to exceed \$250,000.00; allocating funds; and authorizing payment therefor. (PURCHASING) (2015 - 102)
 10. Consider a resolution approving plans and specifications and accepting the guaranteed maximum price for the construction of the new Municipal Court Building from MW Builders, Incorporated, for \$12,738,711.00; and appropriating funds in the amount of \$250,000.00. (PURCHASING) (2015 - 103)
 11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Space Port Business Park Demolition Project at Midland International Air and Space Port. (AIRPORTS) (2015 - 104)
 12. Consider a resolution authorizing the execution of a three (3) year contract for the use of Geographic Information System (GIS) Software with Environmental Systems Research Institute, Incorporated (ESRI); said contract will consolidate the use and expense of the current ESRI software license package; the cost of the contract is \$75,000.00 per year for a total of \$225,000.00. (CISD) (2015 - 105)
 13. Consider a motion on request by Schumann Engineering Company Inc., to defer public improvements for Overstreet Addition Section 10, and to reduce the corresponding financial security guarantee by \$52,186, an amount equal to the full cost of construction. The subject property is located at 2710 Garden City Highway in the City of Midland. (ENGINEERING SERVICES) (030-2015)

14. Consider a resolution authorizing an Operating Certificate for Metro Transportation Shuttle Service to operate a limousine business; setting forth conditions accompanying the Certificate; and establishing the terms of the Certificate. (POLICE) (2015 - 106)
15. Consider a resolution authorizing the execution of a Professional Services Agreement for construction administration and resident project representative services with Parkhill Smith & Cooper, Inc., for the Elevated Tower and Tank Rehabilitation Project; providing that the fee shall not exceed \$54,500.00; and appropriating funds. (UTILITIES) (2015 - 107)

SECOND READINGS

16. 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 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)(First reading held on March 24, 2015.)(9414)
17. 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)(First reading held on March 24, 2015.)(9415)
18. 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 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)(First reading held on March 24, 2015.)(9416)

19. Consider an ordinance on second reading 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)
20. 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 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)(First reading held on March 24, 2015.)(9418)
21. 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 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)
22. 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 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)(First reading held on March 24, 2015.)(9420)

23. Consider an ordinance on second reading 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; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on March 24, 2015.)(9421)
24. Consider an ordinance on second reading 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)(First reading held on March 24, 2015.)(9422)

PUBLIC HEARINGS

25. At approximately 10:30 A.M. hold a public hearing and consider an ordinance adopting a site plan for Lot 6A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas (Generally located on the west side of Rankin Highway, approximately 250 feet north of Crump Street); subject to certain conditions and restrictions; 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) (9423)
26. At approximately 10:33 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 302.19-acre tract of land out of Section 12, 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 Housing Development to be used as an Amended Planned District; approving a revised site plan for the above-described tract and a 15.60-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned O-1; said tracts being 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) (9424)
27. 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 Lot 2A, Block 84, East Midland Addition, Section 19, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended

Planned District (Generally located on the west side of North Fairgrounds Road, approximately 1,000 feet south of East Golf Course 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) (9425)

28. At approximately 10:39 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 1.90-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned FD, Future Development District, to be used as an AE, Agriculture Estate District (Generally located approximately 1,300 feet south of West Interstate Highway 20, and 0.75 miles west of Antelope Trail); 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) (9426)
29. 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 a 40.60-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned 1F-3, One-Family Dwelling District, to be used as an AE, Agriculture Estate District (Generally located approximately 1,300 feet south of West Interstate Highway 20, and 0.5 miles west of Antelope Trail); 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) (9427)
30. 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 a 33.30-acre tract of land out of Section 11, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned FD, Future Development District, to be used as an AE, Agriculture Estate District (Generally located approximately 1,100 feet south of West Interstate Highway 20, and 0.8 miles west of Antelope Trail); 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) (9428)
31. At approximately 10:48 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 1 through 6, Block 120, Southern Addition, City and County of Midland, Texas, which are presently zoned LI, Light Industry District, to be used as an MH, Mobile Home Dwelling District (Generally located southwest of the intersection of East Washington Avenue and South Dallas 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) (9429)

32. At approximately 10:51 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as an 8,202-square foot portion of Lot 2, Block 15A, Oxford Heights Addition, Section 7, City and County of Midland, Texas (Generally located on the north side of West Illinois Avenue, approximately 300 feet east of North Midland 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 an indoor commercial amusement facility 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) (9430)
33. At approximately 10:54 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 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200 feet east of South Fairgrounds Road); and approving a Public Service Plan. (DEVELOPMENT SERVICES) (9431)
34. At approximately 10:57 A.M. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an LR-2, Local Retail District; said tract is generally located on the south side of East State Highway 158, approximately 2,200 feet east of South Fairgrounds 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) (9432)
35. At approximately 11:00 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 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200 feet east of South Fairgrounds Road); and approving a Public Service Plan. (DEVELOPMENT SERVICES) (9433)
36. At approximately 11:03 A.M. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 1.53-acre

tract of land out of Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an LR-2, Local Retail District; said tract is generally located on the south side of East State Highway 158, approximately 2,200 feet east of South Fairgrounds 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) (9434)

37. At approximately 11:06 A.M. hold a public hearing and consider a resolution authorizing the Temporary Use of Land for an Outdoor Amusement Function on the 100 Block of East Texas Avenue, Original Town Addition, City and County of Midland, Texas (Generally located on East Texas Avenue, between North Main Street and North Baird Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2015 - 108)
38. At approximately 11:12 A.M. hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a carnival on Lot 1R, 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; 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) (2015 - 109)
39. At approximately 11:15 A.M. hold a public hearing and consider a resolution authorizing a Temporary Special Permit for a Manufactured Home on Lot 14, Block 3, Crestlawn Addition, City and County of Midland, Texas (Generally located southwest of the intersection of North Pecos Street and West Cowden Avenue.) (DEVELOPMENT SERVICES) (2015-110)

MISCELLANEOUS

40. Consider a resolution approving a Master Development Agreement between the City of Midland, the Midland Development Corporation, and Hotel Santa Rita No. 1 Midland Partners, LLC for the development of Block 55, Original Town, City and County of Midland, Texas (the site of the former Midland County Courthouse), and for improvements to the adjoining Centennial Plaza property; and authorizing the negotiation and execution of all related agreements. (CITY MANAGER'S OFFICE) (2015 - 111)
41. Consider an ordinance of the City Council of the City of Midland, Texas approving a negotiated resolution between the Atmos West Texas Cities Steering Committee ("WTX Cities") and Atmos Energy Corp., West Texas Division regarding the company's 2014 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments

consistent with the negotiated settlement; finding the rates to be set by the attached tariffs to be just and reasonable and in the public interest; requiring the company to reimburse cities' reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the WTX Cities' legal counsel. (CITY MANAGER'S OFFICE) (9435)

42. Consider a motion to approve a proposed preliminary plat on a request by Real Property Resources, Inc., being a 317.79-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 349, approximately 840-feet north of Arapahoe Road.) (DEVELOPMENT SERVICES) (031-2015)
43. Consider a motion to approve a proposed preliminary plat on a request by Chris Kawaja, being a replat of the previously vacated Blocks 3 through 16; Lots 1 through 9, Block 17; and Lots 1 through 5 and Tract 17A, Block 19; Pavilion Park Addition, Section 2, City and County of Midland, Texas. (Generally located southeast of the intersection of Mockingbird Lane and Stonebridge Drive.) (DEVELOPMENT SERVICES) (032-2015)
44. Consider a motion on a request by Comet Sign appealing the Building Official's denial concerning the allowed maximum signage on 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.) (DEVELOPMENT SERVICES) (033-2015)
45. 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) (9436)
46. 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) (9437)
47. Consider a motion on request by Parkhill, Smith & Cooper, Inc. to defer public improvements for Lot 4, Spanish Trails Station, Section 2, City and County of Midland, Texas, and to reduce the corresponding financial security guarantee by \$148,600, an amount equal to the full cost of construction. The Council may (1) defer the public improvements in whole or in part; (2) require the appropriate

party to post an approved financial security guarantee covering the public improvements in whole or in part; or, (3) authorize the City Manager to negotiate and execute an agreement with the appropriate party to guarantee construction of the public improvements. The Council may also discuss and consider Lots 2 or 3, or other lots within said addition. The subject property is located at the northwest corner of the intersection at South County Road 1250 and West Interstate Highway 20 in the City of Midland. (ENGINEERING SERVICES) (034-2015)

48. Consider a resolution appointing a new City of Midland Municipal Court Associate Judge; and providing that said appointment shall not become effective until an employment agreement with said Associate Judge is approved by the Midland City Council. (CITY MANAGER'S OFFICE) (2015 - 112)
49. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

50. 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. 551.074 Personnel Matters
 - a.1. Deliberate the appointment, employment, duties, and compensation of the new Associate Judge. Interview candidates for the position of Associate Judge.
 - b. Section 551.087 Deliberate Economic Development Negotiations
 - b.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Respectfully Submitted,

Courtney B. Sharp
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please contact the City Secretary's Office at (432) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.