

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
August 26, 2014 - 9:00 AM
BASEMENT CONFERENCE ROOM
300 North Loraine
Midland, Texas

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

1. Receive an update regarding the new Municipal Court Building and the costs for the building.
2. Receive a presentation from Freese & Nichols regarding final draft of the Midessa Study including updates on spaceport designation.

AGENDA FOR CITY COUNCIL MEETING
August 26, 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 - Reverend Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation honoring the Midland Police Explorers.

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.

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular meeting of August 5, 2014.
 - b. Regular meeting of August 12, 2014.
 - c. Special meeting of August 15, 2014.
6. Consider a resolution authorizing the appropriation of \$12,209,712.00 from the General Fund unappropriated fund balance; and appropriating \$150,000.00 from the Municipal Court Technology Fund unappropriated fund balance; and appropriating \$250,000.00 from the Municipal Court Security Fund

unappropriated fund balance; to the Municipal Court Building Project for a total appropriation of \$12,609,712.00 in order to construct the new Municipal Court Building; the estimated total budget for this project is \$14,951,000.00, which includes the combination of this appropriation along with funds already available in this project . (PURCHASING) (2014 - 275)

7. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Tradewinds Boulevard Utility Improvements Project; said project will provide for the installation of various water and wastewater utilities servicing a large area west of Loop 250 and south of Thomason Drive, and will enable future extensions of utility service to locations east and west of this area. (PURCHASING) (2014 - 276)
8. Consider a resolution authorizing the execution of an agreement for heating, ventilation and air conditioning controls network upgrades at the Midland International Airport with Control Technologies, Incorporated, of Lubbock, Texas, at a total cost of \$95,139.00; and this item was not bid but purchased as a sole source. (PURCHASING) (2014 - 277)
9. Consider a resolution approving the purchase of ten (10) Wavetronix Smartsensor Matrix Systems for radar detection packages for use at traffic signals and traffic signal maintenance from Twincrest Technologies, Incorporated, through the Houston-Galveston Area Council at a total cost of \$184,380.00; this item was not bid but purchased through a Council of Governments; the Wavetronix Smartsensor Matrix Systems will help improve the flow of traffic Citywide; and allocating funds. (PURCHASING) (2014 - 278)
10. Consider a resolution authorizing the execution of a Professional Services Agreement with Transmap Corporation for professional services to assist the Engineering Services Department with the collection of information pertaining to traffic assets, utility assets, and linear assets within the City of Midland, Texas (phase II of the pavement condition indexing survey); and authorizing payment therefor in an amount not to exceed \$156,290.20. (PURCHASING) (2014 - 279)
11. Consider a resolution authorizing the City Manager to negotiate and execute a Professional Services Agreement with HDR, Inc. for oversight of the Wastewater Control Plant upgrades for secondary treatment; HDR, Incorporated, will be the owner's representative in overseeing the upgrades to the plant and helping to negotiate the contract for the sale of reclaimed wastewater from the plant; the contract with HDR, Incorporated, will not come back to the Council for final approval; and the source of payment is to be determined. (PURCHASING) (2014 - 280)
12. Consider a resolution authorizing the appropriation of an additional \$150,000.00 from the Airport Operating Fund to the project described as Commercial Space Launch Site Application at the Midland International Airport; and these funds are

in addition to the \$628,502.00 appropriated in August of 2012. (AIRPORTS) (2014 - 281)

13. Consider a resolution authorizing the execution of a contract with the Midland Tennis Center, Incorporated, a Texas Nonprofit Corporation, to promote tourism and the convention and hotel industry in the City of Midland; and appropriating funds from the Hotel/Motel Fund; and the Midland Tennis Center, Incorporated, will also promote tennis activities and tennis tournaments at the Bush Tennis Center in Midland. (CITY ATTORNEY'S OFFICE) (2014 - 282)
14. Consider a resolution of the City Council of the City of Midland, Texas, nominating Chevron U.S.A. Inc. to the Office of the Governor, Economic Development and Tourism, through the Economic Development Bank as an Enterprise Project pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; providing an effective date; and designating a liaison for the communication with interested parties. (CITY MANAGER'S OFFICE) (2014 - 283)
15. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and Orbital Outfitters, LTD., as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2014 - 284)
16. Consider a resolution approving an Affiliate Partnership Intermediary Memorandum of Understanding between the Midland Development Corporation and the Center for Innovation at Arlington, LLC to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises; said Memorandum of Understanding being authorized by Chapter 504 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2014 - 285)
17. Consider a resolution authorizing the execution of a Professional Services Agreement between the City of Midland, Texas, and Parkhill, Smith and Cooper, Incorporated, of Midland, Texas in the amount of \$47,121.00 in order to prepare the schematic and construction plans, specifications, estimates, oversee the bidding process, and provide construction oversight for the development of Greathouse Park; and appropriating funds. (COMMUNITY SERVICES) (2014 - 286)
18. Consider a resolution approving Bluestem Energy Holdings, LLC's ("Operator") transfer of certain oil and gas well permits to Diamondback E&P LLC ("Transferee"); and approving operator's transfer of the road repair agreement regarding said oil and gas well permits to transferee; the oil and gas wells are Evans B #2, Evans C #1, Evans D #1, Evans E #1, Evans F #1, Evans G #1, Evans H #1, Evans I #1, Evans J #1, Evans K #1, Evans L #1, Evans N #1, Evans P #1, D Evans A #2 (application pending), and D Evans O #2 (application

pending); said oil and gas wells are located in Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, east of Midland Drive.) (DEVELOPMENT SERVICES) (2014 - 287)

19. Consider a resolution appropriating additional funds from the Street / Sidewalk Improvement Fund (095) unappropriated fund balance (5650) to the Street Paving and Ancillary Uses Project (8912) in the amount of \$150,000.00. (ENGINEERING SERVICES) (2014 - 288)
20. Consider a motion on a request by Schumann Engineering Co. Inc. for the Crownridge Addition to approve items requested for deferral, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located at the northeast corner of North County Road 1150 (a.k.a., Elkins Road) and East County Road 2300 in the City of Midland, Martin County, Texas. (ENGINEERING SERVICES)
21. Consider a resolution accepting a donation of \$10,000.00 from the Westwood Trust - Yarborough Foundation; the donated funds will be deposited in the Invest-in-a-Vest Project to purchase bullet proof vests for police officers; and appropriating said funds. (POLICE) (2014 - 289)
22. Consider a resolution accepting a cash donation of \$32,000.00 from the "Bustin' for Badges" fund-raising project sponsored by Pioneer Natural Resources; the donated funds will be used to purchase equipment, technology, and training essential to the delivery of law enforcement services; and appropriating said funds. (POLICE) (2014 - 290)
23. Consider a resolution authorizing the City of Midland in conjunction with Midland County to accept the Fiscal Year 2014 Justice Assistance Grant Funds totaling \$31,422.00; the City of Midland will receive \$18,853.00 (60%) and Midland County will receive \$12,569.00 (40%) of the grant funds; authorizing the execution of acceptance documents; and appropriating funds. (POLICE) (2014 - 291)
24. Consider a resolution accepting a grant in the amount of \$21,000.00 from the Texas Department of Transportation in order to conduct a Fiscal Year 2014-2015 Comprehensive Special Traffic Enforcement Program for intersection traffic control enforcement, speed enforcement, and driving while intoxicated enforcement; said grant award requires a City cash match in the amount of \$4,200.00; providing that the grant funds shall be used to pay overtime to police officers working on said program; authorizing the execution of acceptance document. (POLICE) (2014 - 292)

SECOND READINGS

25. 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 33B, Block 3, Briarwood Addition, Section 16, 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 250 feet west of north Midland Drive and 300 feet north of Briarwood Avenue); 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) (9305)
26. Consider an ordinance on second reading amending Title XI, "Planning and Development", Chapter 2, "Plats and Subdivisions", Section 5, "Requirements for Public Improvements, Reservation and Design", Subsection (c), "Streets and Alleys", Paragraph 3, "Design and Improvement Standards", Subparagraph (s), "Alleys", Subpart 6, of the City Code of Midland, Texas, so as to prohibit any residential lot final platted after June 30, 1994 or any commercial lot to have access from an unpaved alley that does not conform to City of Midland standard specifications to a vehicle garage, carport, or parking area or business loading area; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. (DEVELOPMENT SERVICES) (9307)
27. Consider an ordinance on second reading granting a special exception for Lots 6 and 7, Block 7, University Park, City and County of Midland, Texas (Generally located northeast of the intersection of "N" Street and Harvard Avenue), by permitting an encroachment into the required side yard setback for construction of accessory structures; 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) (9308)
28. Consider an ordinance on second reading of the City of Midland, Texas, establishing and adopting a drought contingency plan for the City of Midland, Texas, in order to conserve the available water supply and protect the integrity of water supply facilities; and to protect and preserve public health, welfare, and safety and minimize the adverse impact of water supply shortages or other water supply emergency conditions; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and negating a mental state; and ordering publication. (UTILITIES) (9310)

PUBLIC HEARINGS

29. 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 2A, Block 52, Belmont Addition, Section 12, 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 southeast of the intersection of Belmont Street and Summit Avenue); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9313)
30. 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 49.85-acre tract of land out of the south portion of Block 83, the west portion of Block 84, the north half of Blocks 85 and 86, and including a vacated 5.192-acre portion of Benton Avenue right-of-way and Poplar Lane right-of-way, east Midland Addition, City and County of Midland, Texas, which is presently zoned 2F, two-family Dwelling District, in part, and C-3, Commercial District, in part, to be used as a PD, Planned District for a Housing Development (Generally located on the west side of North Fairgrounds Road, approximately 650 feet north of East Cuthbert Avenue); 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) (9314)
31. 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 an 18.584-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 AE, Agriculture Estate District, to be used as an MF-1, Multiple-Family Dwelling District (Generally located on the west side of Lamesa Drive, approximately 1,000 feet north of Wadley Avenue); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9315)
32. At approximately 10:39 A.M. hold a public hearing and consider an ordinance changing the name of Liberty Court to "Freedom Court" adjacent to Lots 1-16, Block 1, Floyd Acres, City and County of Midland, Texas (Generally located on the west side of Beal Parkway, approximately 240 feet south of Logan Court); 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) (9316)

33. At approximately 10:42 A.M. hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a Festival on Lots 7-9, Block 191, Southern Addition, City and County of Midland, Texas (Generally located northeast of the intersection of South Terrell Street and East Dakota Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 293)

MISCELLANEOUS

34. Consider a resolution authorizing the acceptance of a 16.386-acre water and sewer line easement, being 10.406 acres located in Section 48, Block 40, T-1-S, T & P RR Company Survey, Midland County, Texas, and 5.980 acres located in Section 1, Block 40, T-2-S, T & P RR Company survey, Midland County, Texas, granted by Cumberland & Western Resources, LLC; said easement containing a reversionary clause requiring the City to (A) advertise for competitive bids to construct a water line and sewer line prior to October 31, 2014, (B) award a contract to construct said water line and sewer line prior to February 28, 2015, and (C) provide written notice to the successful bidder to proceed with construction prior to March 31, 2015; said easement containing a reversionary clause requiring the City to replace a removed water line and sewer line within 366 days of removal; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 294)
- a. Consider a resolution releasing a water pipeline easement and right-of-way granted by Cumberland & Western Resources, LLC; authorizing the execution of said release of water pipeline easement and right-of-way; and ordering recordation by the City Secretary.
35. Consider a resolution authorizing the acceptance of a 4.487-acre water and sewer line easement located in the northeast quarter of Section 48, Block 40, T-1-S, T & P RR Company Survey, Midland County, Texas, granted by SBC, LP; said easement containing a reversionary clause requiring the City to (A) advertise for competitive bids to construct a water line and sewer line prior to October 31, 2014, (B) award a contract to construct said water line and sewer line prior to February 28, 2015, and (C) provide written notice to the successful bidder to proceed with construction prior to March 31, 2015; said easement containing a reversionary clause requiring the City to replace a removed water line and sewer line within 366 days of removal; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 296)
- a. Consider a resolution releasing a water pipeline easement and right-of-way granted by SBC, LP; authorizing the execution of said release of water pipeline easement and right-of-way; and ordering recordation by the City Secretary.

36. Discuss a Purchase and Sale Agreement between the City of Midland and Energy Related Properties, LLC, which was executed by the City Manager on March 18, 2013, regarding the possible purchase and sale of Block 55, Original Town Addition, City and County of Midland, Texas (the "Property"). Discuss the First Amendment to the Purchase and Sale Agreement between the City of Midland and Energy Tower, LLC, which was executed by the City Manager on November 6, 2013, regarding the potential purchase and sale of real property described as Block 55, Original Town Addition, City and County of Midland, Texas and a portion of Loraine Street between Block 55 and 54, Original Town Addition, City and County of Midland, Texas. Discuss a potential Development Agreement as outlined in the Purchase and Sale Agreement. An approved Development Agreement is required before the sale of the property may occur. The Council will hear a presentation from the developer and their representatives. (CITY ATTORNEY'S OFFICE)
37. Consider a motion making appointments to Building Codes Review Committee, Midland Football-Soccer and Baseball Complex Development Corporation, Midland-Odessa Urban Transit District Board, Planning and Zoning Commission; and consider motions appointing individuals to all other Boards and Commissions.

EXECUTIVE SESSION

38. 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. Among the matters to be discussed will be a potential economic development agreement with Energy Related Properties, LLC and/or Energy Tower, LLC.
 - b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Energy Related Properties, LLC and/or Energy Tower, LLC.

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.