

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
November 17, 2015 - 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 a presentation from Engineering Services regarding the proposed stormwater Ordinance.
2. Receive and discuss a presentation regarding the issuance of certificates of obligation for the 2016 and 2017 proposed Capital Projects.

AGENDA FOR CITY COUNCIL MEETING
November 17, 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 - 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 of Texas Association of Governmental Information Technology Managers (TAGITM) 2015 President's Award to Chief Information Officer Sharlett Chowning.
 - b. Receive holiday cheer from the North Pole.

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 November 3, 2015.
6. Consider a resolution awarding a contract for the construction of Fire Station #6 to Mid-Tex of Midland, Inc., of Midland, Texas; and appropriating funds in the amount \$4,799,750.00. (PURCHASING) (2015 - 365)

7. Consider a resolution selecting Lee Lewis Construction, Inc., of Lubbock, Texas as the Construction Manager at Risk for construction of the new Midland Center Building; authorizing the City Manager to negotiate and execute an agreement with Lee Lewis Construction, Inc., for preconstruction services for said project in an amount not to exceed \$10,000; authorizing the City Manager to negotiate an agreement with Lee Lewis Construction, Inc., to provide construction manager at risk services for said project; and providing that said agreement for construction at manager at risk services shall not become effective until approved by the Midland City Council. (PURCHASING) (2015 - 366)
8. Consider a resolution approving a new Air Service Incentive Program to assist in local marketing for new air service at the Midland international Air & Space Port; and appropriating funds therefor. (AIRPORTS) (2015 - 367)
9. Consider a motion dissolving the Managed Competition Committee. (CITY SECRETARY'S OFFICE) (092-2015)
10. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Crownquest Operating, LLC, regarding City-Owned Property described as Section 30, Block 36, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (DEVELOPMENT SERVICES) (2015 - 368)
11. Consider a motion on a request by Schumann Engineering Co. Inc. to defer public improvements for South Midkiff Addition, Section 2, and to waive the corresponding financial security guarantee valued at \$161,000.00, an amount equal to the estimated cost of construction. The subject property is generally located on the east side of South County Road 1210, approximately 950 feet south of the intersection with East County Road 130, outside the City of Midland corporate limits in the ETJ, Midland County, Texas. (ENGINEERING SERVICES) (093-2015)
12. Consider a motion on request by Newton Engineering PC to defer public improvements for Lindsay Acres Addition, Section 6, and to waive the corresponding financial security guarantee valued at \$62,059.00, an amount equal to the estimated cost of construction. The subject property is generally located on the northwest corner of the intersection with Rankin Highway and Stokes Avenue in the City and County of Midland, Texas. (ENGINEERING SERVICES) (094-2015)
13. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Plains Pipeline, L.P., regarding City-owned property described as Section 8, Block 38, Township 1 South, T&P RR Co. Survey, Midland County, Texas, and Sections 5 and 8, Block 38, Township 1 South, and Section 34, Block 38, Township 1 North T&P RR Co. Survey, Martin County, Texas. (ENGINEERING SERVICES) (2015 - 369)

14. Consider a resolution authorizing the execution of a Professional Services Agreement with Dunaway Associates, L.P. for value Engineering Services for the widening of Fairgrounds Road from East Pecan Avenue to State Highway Loop 250; and authorizing payment for said professional services in an amount not to exceed \$162,212.00. (ENGINEERING SERVICES) (2015 - 370)
15. Consider a resolution ratifying two amendments to the City of Midland's Professional Services Agreement with Dunaway Associates, L.P. for design surveying, construction plan preparation, and construction administration services required by the Texas Department of Transportation for the widening of Fairgrounds Road from East Pecan Avenue to State Highway Loop 250 Frontage Road; authorizing the execution of a third amendment to said agreement; and authorizing payment therefor in an amount not to exceed \$658,998.00, inclusive of payments for all work performed under said agreement prior to the adoption of this resolution. (ENGINEERING SERVICES) (2015 - 371)
16. Consider a resolution accepting a Grant Award from the Texas "J" Regional Advisory Council in the amount of \$9,846.00; said funds to be used by the Midland Fire Department for training equipment and supplies. (FIRE) (2015 - 372)

SECOND READINGS

17. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 8, Block 2, Westridge Park Addition, Section 20, City and County of Midland, Texas (Generally located northwest of the intersection of Deauville Boulevard and North Loop 250 West), which is presently zoned PD, Planned District for a Shopping Center, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a bar 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 November 03, 2015.)(9505)
18. Consider an ordinance on second reading granting a special exception for Lot 2, Block 1, Quail Ridge Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of Chukar Lane, approximately 400 feet north of East Business Interstate Highway 20), by permitting an encroachment into the required front yard setback for an accessory structure; 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 November 03, 2015.)(9506)

19. Consider an ordinance on second reading changing the zoning use classification of the property described as a 2,316-square foot portion of Lot 15F, Block 40, Fairmont Park, Section 40, City and County of Midland, Texas (Generally located on the north side of West Wadley Avenue, approximately 250 feet west of Sagemont 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 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 November 03, 2015.)(9507)
20. Consider an ordinance on second reading changing the zoning use classification of the property described as a 5.01-acre tract of land out of Lot 1, Block 14, Oxford Heights, Section 4, City and County of Midland, Texas (Generally located approximately 570 feet east of North Midland Drive and approximately 460 feet north of West Illinois Avenue), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a Specific Use Permit without Term for utility storage; 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 November 03, 2015.)(9508)
21. Consider an ordinance on second reading amending Title V, "Business Regulations", of the City Code of Midland, Texas, by establishing Chapter 12, "Transportation Network Companies", so as to establish a program to register and regulate transportation network companies within the City of Midland; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of January 1, 2016. (CITY ATTORNEY'S OFFICE)(First reading held November 03, 2015.)(9509)

PUBLIC HEARINGS

22. Hold a public hearing and consider an ordinance granting a special exception for Tract 19, Block 19, Hillcrest Acres, City and County of Midland, Texas (Generally located on the south side of Princeton Avenue, approximately 330 feet west of North Midland Drive), by permitting a detached accessory structure of a size that exceeds the total finished area of the principal structure; 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) (9510)

23. 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 4B, Block 2, Westridge Park Addition, Section 34, 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 on the west side of North Loop 250 West, approximately 800 feet north of Deauville Boulevard); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9511)
24. 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 2.30-acre tract of land out of Lot 1, Block 3, Lindsay Acres, Section 2, 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 northwest of the intersection of West Stokes Avenue and Rankin Highway); 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) (9512)
25. Hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", of the City Code of Midland, Texas, by establishing Chapter 12, "Stormwater Management Code", so as to establish methods for controlling the introduction of pollutants into the City's Municipal separate storm sewer system; setting forth the minimum requirements for stormwater management; regulating non-stormwater discharges to the municipal stormwater drainage system; providing for civil enforcement and remedies; providing for criminal enforcement and a maximum penalty or fine of two thousand dollars (\$2,000.00); setting forth an appeal procedure; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (ENGINEERING SERVICES) (9513)

MISCELLANEOUS

26. Consider an ordinance vacating and abandoning an 11.6-acre portion of a drainage easement located in Section 44, Block 38, T-1-S, T&P RR Co. Survey, County of Midland, Texas (Generally located approximately one half mile south of Business Interstate 20 and approximately one-half mile west of County Road

1150); adopting the appraisal by the City Manager of \$11,600.00; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (9514)

27. Consider a motion on request by Schumann Engineering Co. Inc. to defer public improvements for El Montecito Estates, and to waive the corresponding financial security guarantee valued at \$5.86 million, an amount equal to the estimated cost of construction. The subject property is generally located on the west side of North County Road 1150, approximately 660 feet north of the intersection with East Loop 250 North outside the City of Midland corporate limits in the ETJ, Midland County, Texas. (ENGINEERING SERVICES) (095-2015)
28. Consider a motion to approve a proposed preliminary plat of El Montecito Estates, being a 133.68-acre tract of land out of Section 20, Block 38, T-1-S, T & P R.R. Co. Survey, Midland County, Texas (Generally located on the west side of North County Road 1150, approximately 600 feet north of East Loop 250 North.) (DEVELOPMENT SERVICES) (096-2015)
29. Consider a resolution authorizing the execution of all documents necessary to settle litigation styled Lockridge Outdoor Advertising, LLC v. City of Midland (142nd Judicial District Court, Midland County, Texas; Cause Number CV-50,846). (CITY ATTORNEY'S OFFICE) (2015 - 373)
30. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

31. 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 551.071, Consultation with Attorney
 - a.1. Discuss litigation styled Lockridge Outdoor Advertising, LLC v. City of Midland (142nd Judicial District Court, Midland County, Texas, Cause No. CV-50,846), litigation styled WHF Electrical Contractors, Inc. v. Cajun Constructors, Inc. and Liberty Mutual Insurance Co. v. City of Midland, Texas and CDM Smith, Inc. (142nd Judicial District Court, Midland County, Texas, Cause No. CV-48,216), and other pending litigation involving the City of Midland.
 - a.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

b. Section 551.072, Deliberation Regarding Real Property

- b.1. Discuss the sale, exchange, lease, or value of real property described as Lots 7A and 13A, Block 27, Original Town, Section 3, City and County of Midland, Texas.

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.