

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
November 18, 2014 - 9:30 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 the City Attorney's Office regarding proposed contract provisions relating to retainage, liquidated damages for late completion, and bonus or incentive payments for early completion.

AGENDA FOR CITY COUNCIL MEETING
November 18, 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 Pay 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:

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 4, 2014.
6. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for water, sewer, and sanitation services. (FINANCE) (2014 - 411)

7. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for miscellaneous accounts receivable and insufficient funds checks. (FINANCE) (2014 - 412)
8. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for emergency medical services receivables. (FINANCE) (2014 - 413)
9. Consider a resolution approving the City of Midland's Fiscal Year 2015 Investment Policy. (FINANCE) (2014 - 414)
10. Consider a resolution authorizing the execution of a Professional Services Agreement with Luck Design Team, LLC, to perform design and construction administration services for the development and construction of sports fields at the Scharbauer Sports Complex at a total cost of \$225,900.00; and appropriating funds. (PURCHASING) (2014 - 415)
11. Consider a resolution authorizing the execution of a Professional Services Agreement with Luck Design Team, LLC, to perform engineering and architectural design services for sports fields at Bill Williams Softball Complex and Hogan Park at a total cost of \$30,600.00; and appropriating funds. (PURCHASING) (2014 - 416)
12. Consider a resolution authorizing the execution of an agreement with Restroom Facilities, Ltd., of Marble Falls, Texas for the purchase and installation of a restroom facility at Hogan Park, for a total cost of \$114,639.00 through Buyboard; this item was not bid but purchased through a cooperative purchasing program. (PURCHASING) (2014 - 417)
13. Consider a resolution approving the purchase of one thousand eight (1,008) ninety-six (96) gallon roll out carts from Otto Environmental Systems (NC), LLC, of Charlotte, North Carolina, at a total cost of \$50,702.40. (PURCHASING) (2014 - 418)
14. Consider a resolution authorizing the appropriation of funds in the amount of \$125,000.00 from the 2014 Certificates of Obligation to the Beal Dog Park Project (9120) to begin procuring the elements necessary for the installation of a new dog park at Beal Park. (PURCHASING) (2014 - 419)
15. Consider a resolution approving the purchase of one (1) 623K wheeled scraper from Warren Power and Machinery, Incorporated, dba Warren Cat, through Buyboard at a total cost of \$773,801.81; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2014 - 420)

16. Consider a resolution approving an assignment between the Midland Development Corporation ("MDC") and the City of Midland ("City") regarding the transfer of the parking garage facility located on Lot 1A, Block 53, Original Town, City and County of Midland, Texas, from the MDC to the City; said parking garage facility was constructed as part of the Wall Street Lofts Project; and ordering recordation by the City Secretary. (CITY MANAGER'S OFFICE) (2014 - 421)
17. Consider a resolution approving the issuance of a permit to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 2,129 feet from the south line and 2,262 feet from the east line, Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of Mockingbird Lane, approximately 3,000 feet east of State Highway 349); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2014 - 422)
18. Consider a resolution approving the issuance of a permit to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 1,795 feet from the south line and 467 feet from the east line, Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of Mockingbird Lane, approximately 470 feet west of the extension of Fairgrounds Road); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2014 - 423)
19. Consider a resolution approving the issuance of a permit to High Sky Partners, LLC ("Operator") to drill a non-commercial salt-water disposal well within the City limits located 1,577 feet from the north line and 1,122 feet from the east line, Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Solomon Lane, approximately 1,099 feet west of the extension of Fairgrounds Road.) (DEVELOPMENT SERVICES) (2014 - 424)
20. Consider a resolution authorizing the execution of a Road Repair Agreement with High Sky Partners, LLC regarding its application to drill a non-commercial saltwater disposal well within the City limits in Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2014 - 425)
21. Consider a resolution approving an amendment to the permit issued to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 2,416 feet from the north line and 1,472 feet from the west line, Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Solomon Lane, approximately 1,472 feet east of State Highway 349); said amendment authorizes 24-hour continuous fracture stimulation operations. (DEVELOPMENT SERVICES) (2014 - 426)

22. Consider a resolution approving an amendment to the permit issued to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 2,416 feet from the north line and 1,522 feet from the west line, Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Solomon Lane, approximately 1,522 feet east of State Highway 349); said amendment authorizes 24-hour continuous fracture stimulation operations. (DEVELOPMENT SERVICES) (2014 - 427)
23. Consider a resolution approving an amendment to the permit issued to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 2,416 feet from the north line and 1,572 feet from the west line, Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Solomon Lane, approximately 1,572 feet east of State Highway 349); said amendment authorizes 24-hour continuous fracture stimulation operations. (DEVELOPMENT SERVICES) (2014 - 428)
24. Consider a resolution approving an amendment to the permit issued to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 2,416 feet from the north line and 1,622 feet from the west line, Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Solomon Lane, approximately 1,622 feet east of State Highway 349); said amendment authorizes 24-hour continuous fracture stimulation operations. (DEVELOPMENT SERVICES) (2014 - 429)
25. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Crownquest Operating, LLC; said Right-of-Way License is for entering City of Midland's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing poly flow lines 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 and 8, Block 38, Township 2 South, T&P RR Co. Survey; the license term is for fifteen (15) 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. (DEVELOPMENT SERVICES) (2014 - 430)
26. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Los Conchos Ventures, LLC for development of Greathouse Addition, Section 7, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, approximately 800 feet south of Mockingbird Lane); and authorizing payment therefor in an amount not to exceed \$64,499.00; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2014 - 431)

27. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Municipal Solid Waste Landfill Scale House and Entrance Facilities Construction Project. (SOLID WASTE) (2014 - 432)

SECOND READINGS

28. Consider an ordinance on second reading changing the zoning use classification of the property described as a Lots 11 and 12, Block 40, College Heights, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of South Garfield Street and Front Street), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for an Electronic Billboard; 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 November 4, 2014.)(9346)
29. Consider an ordinance on second reading changing the zoning use classification of the property described as a 0.046-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located at the intersection of South Midland Drive and West Interstate Highway 20), which is presently zoned BP, I-20 Business Park District, by permitting said property to be used under a Specific Use Permit with Term for an Electronic Billboard; 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 November 04, 2014.)(9347)
30. Consider an ordinance on second reading amending Title VII, "Fire Regulations," Chapter 1, "Fire Prevention Code," of the Midland City Code; designating the Fire Marshal as the Fire Code Official; adopting the 2012 edition of the International Fire Code with certain amendments as the Fire Prevention Code of the City of Midland, Texas; requiring fire lanes on private property, devoted to public use, to be approved by the Fire Marshal; establishing a presumption of validity of a fire lane that substantially complies with the requirements of Title VII, "Fire Regulations," Chapter 1, "Fire Prevention Code," of the Midland City Code; repealing Ordinance Numbers 7425 and 8867 and all other ordinances or parts of ordinances which are in conflict with this ordinance; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); providing an appeal process; and ordering publication. (FIRE)(First Reading Held on November 04, 2014.)(9348)

PUBLIC HEARINGS

31. 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 a 6.51-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, in part, and 1F-1, One-Family Dwelling District, in part, to be used as an LR-3, Local Retail District; by permitting a 15.65-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, in part, and 1F-1, One-Family Dwelling District, in part, to be used as an MF-2, Multiple-Family Dwelling District (Generally located on the west side of South Lamesa Road, approximately 600 feet north of East Interstate Highway 20); 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) (9349)
32. 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 0.31-acre tract of land out of Blocks 3, 4 and 5, W.W. Harris Addition, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a 1F-3, One-Family Dwelling District (Generally located on the east side of North Weatherford Street, approximately 110 feet north of Mississippi 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) (9350)
33. 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 Lots 10, 11 and 12, Block 183, Southern Addition, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an LR-3, Local Retail District (Generally located southeast of the intersection of West Florida Avenue and South 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) (9351)
34. At approximately 10:42 A.M. hold a public hearing and consider an ordinance vacating and abandoning a 0.07-acre portion of alley right-of-way adjacent to Lots 3-10, Block 59, Original Town Addition, City and County of Midland, Texas (Generally located on the north side of West Wall Street, approximately 150 feet west of North Pecos Street); adopting the appraisal by the City Manager of \$12,196.80; and ordering recordation by the City Secretary. (DEVELOPMENT

SERVICES) (9352)

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 Lots 3A, 4A and 5A, Block 1, Gamblin Addition, Section 4, and Lots 6 and 7, Block 1, Gamblin Addition, Section 3, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as a C-3, Commercial District (Generally located northwest of the intersection of South Midland Drive and Seminole 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) (9353)
36. At approximately 10:48 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for a mobile food vendor on Lot 12, Block 26, Original Town, City and County of Midland, Texas (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 433)
37. At approximately 10:51 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3.13-acre tract of land out of the southeast quadrant of Section 31, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the north side of State Highway 191, approximately 3,000 feet east of North Farm-to-Market Road 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 an Electronic Billboard; 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) (9354)
38. At approximately 10:54 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 6, Haley Heights Addition, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of South Rankin Highway and Collins 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 an Electronic Billboard; 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) (9355)

39. At approximately 10:57 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 17, Original Town Addition, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of North Lamesa Road and East Front Street), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for a Billboard; 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) (9356)
40. At approximately 11:03 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lots R and S, Tract 1, Stockyard Acres, City and County of Midland, Texas (Generally located between West Industrial Avenue and West Florida Avenue, approximately 1,100 feet east of South Garfield Street), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for a Billboard; 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) (9357)
41. At approximately 11:06 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 4, Block 10, Greenwood Addition, City and County of Midland, Texas (Generally located on the west side of South Fairgrounds Road, approximately 110 feet north of East Washington Avenue), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for a Billboard; 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) (9358)
42. At approximately 11:09 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 6B, Block 3, Corporate Plaza Addition, Section 9, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 200 feet south of Spring Park Drive), 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) (9359)

43. At approximately 11:12 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 12, Block 26, Original Town, City and County of Midland, Texas (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue), which is presently zoned C-1, Central Area 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) (9360)
44. At approximately 11:15 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 2, West Industrial Park, Section 3, City and County of Midland, Texas (Generally located on the north side of State Highway 191, approximately 750 feet east of Farm-to-Market Road 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 a Billboard; 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) (9361)
45. At approximately 11:18 A.M. hold a public hearing and consider a resolution authorizing the Temporary Use of Land for Outdoor Christmas Tree Sales on Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of North Midland Drive, approximately 160 feet south of West Dengar Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 434)
46. At approximately 11:21 a.m. hold a public hearing regarding route changes to EZ-Rider. (DEVELOPMENT SERVICES) (This is a public hearing only, no action will be taken.)
47. At approximately 11:24 a.m. hold a public hearing and consider an annexation of the property being a 5.23-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions Drive.) (DEVELOPMENT SERVICES) (This is a public hearing only, no action will be taken.)

48. At approximately 11:27 A.M. hold a public hearing and consider an ordinance granting a special exception for Lot 1A, Block 8, Westridge Park Addition, Section 30, City and County of Midland, Texas (Generally located southeast of the intersection of Deauville Boulevard and Griffith Drive), 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) (9362)
49. At approximately 11:30 A.M. hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas stating no objection to VDC Compass Pointe, LP's application to the Texas Department of Housing and Community Affairs for 2014 housing tax credits for a proposed development of affordable rental housing that will be located at 1509 Wayside Drive, Midland, Texas, known as Compass Pointe Apartments; authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs; and providing an effective date. (DEVELOPMENT SERVICES) (2014 - 435)

MISCELLANEOUS

50. Consider a motion appealing the Building Official's denial of a sign permit application by Terry Productions Inc. located on 5501 Sherwood Drive, City and County of Midland, Texas. (Generally located southeast of the intersection of Sherwood Drive and Sandstone Drive.) (DEVELOPMENT SERVICES)
51. 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) (9363)
52. 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) (9364)
53. Consider a resolution authorizing the Mayor to execute an employment agreement with the next City Attorney effective March 1, 2015. (CITY ATTORNEY'S OFFICE) (2014 - 436)
54. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

55. 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 City Attorney.

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.