

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
December 17, 2013 - 9:30 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 from Andrew Nelson, COO of XCOR, regarding Midland Research and Development Facility and XCOR business activities.

AGENDA FOR CITY COUNCIL MEETING
December 17, 2013 – 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 Roy L. Smith, True-Lite Christian Fellowship
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. [Presentation to the 2013 Management Award Recipients.](#)
 - b. [Receive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.](#)

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 November 26, 2013.](#)

6. Consider a resolution authorizing the execution of a Professional Services Agreement with Agri-Waste Technology, Incorporated, of Apex, North Carolina for an agronomic compliance consultation for the Utilities Department; and appropriating \$185,000.00 for said professional services. (PURCHASING) (2013 - 437)
7. Consider a resolution approving the selection of AMD Engineering, LLC, Dunaway Associates, LP, Maverick Engineering, Parkhill, Smith & Cooper, Inc., and Savant Group to provide professional services for engineering designs and studies on an as-needed basis; 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) (2013 - 438)
8. Consider a resolution authorizing issuance of a Request for Qualifications for architectural and engineering services for golf course improvements at Hogan Park Golf Course for the Community Services Department. (PURCHASING) (2013 - 439)
9. Consider a resolution authorizing the execution of a Professional Services Agreement with Kimley-Horn and Associates, Incorporated, of Irving, Texas for design development, construction documents, bidding assistance, and construction oversight for the Doug Russell Pool Renovation Project Phase II; and appropriating \$325,000.00 for said professional services. (PURCHASING) (2013 - 440)
10. Consider a resolution authorizing the City Manager to negotiate and execute a Professional Services Agreement with Silverwing Enterprises LLC to conduct an airport sensitivity study of land compatibility surrounding the Midland International Airport and appropriating \$200,500.00 to the Commercial Launch Site Application Project; the contract with Silverwing Enterprises will be approved by the City Manager and will not come back before the Council. (AIRPORTS) (2013 - 441)
11. Consider a resolution authorizing the City Manager to execute a Memorandum of Understanding regarding blood testing resulting from occupational exposure with the Midland County Hospital District; the City Manager is authorized to make modifications to the Memorandum of Understanding as long as the purpose is not amended. (CITY ATTORNEY'S OFFICE) (2013 - 442)
12. Receive and file the Consolidated Annual Performance and Evaluation Report for 2012/2013. (DEVELOPMENT SERVICES)
13. 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 773 feet from the south line and 825 feet from the west line, Section 10, Block "X", H.P.

Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 443)

14. 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 1,176 feet from the south line and 825 feet from the west line, Section 10, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 444)
15. 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 513 feet from the south line and 1,773 feet from the west line, Section 10, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Mockingbird Lane, approximately 1,773 feet east of the extension of North Garfield Street); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 445)
16. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, LP ("Operator") to drill an oil and gas well within the City limits located 655 feet from the north line and 467 feet from the east line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of Passage Way, approximately 467 feet west of the extension of North Garfield Street). (DEVELOPMENT SERVICES) (2013 - 446)
17. Consider a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, LP regarding its applications to drill oil and gas wells (Chaps Wells) within the City limits in Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2013 - 447)
18. Consider a resolution authorizing a Right-of-Way License with the City of Midland, Texas and Endeavor Energy Resources, L.P.; said Right-of-Way License is for the purpose of installing one (1) three inch (3") oil and gas, production water poly pipeline, and one four inch (4") fresh water poly pipeline all contained within an eight and one-half inch (8 ½") standard steel casing in a portion of Green Tree Boulevard.; the casing is located within the City of Midland right-of-way, Section 9, Block "X", H.P. Hilliard Survey, Midland, Midland County, Texas; the license term is for five (5) years, commencing with the date of this license and may be renewed at the end of the term for one additional five (5) year term upon 90 days written request prior to expiration. (ENGINEERING SERVICES) (2013 - 448)

19. Consider a resolution authorizing the execution of a Professional Services Agreement with Transmap Corporation for engineering, planning, and administrative services in connection with the Pavement Condition Survey Project; and authorizing payment therefor in the amount of \$182,000.00. (ENGINEERING SERVICES) (2013 - 449)
20. Consider a resolution authorizing the Midland Fire Department to file an application with the United States Government for the 2013 Assistance to Firefighters Grant; said funds will be used to purchase a Command Simulation Program; said grant is a matching funds grant in which the assistance to firefighters grant would fund 90% (\$315,000.00) of the total amount (\$350,000.00) and the City of Midland would fund 10% (\$35,000.00) of the total amount. (FIRE) (2013 - 450)
21. Consider a resolution authorizing an Operating Certificate for Moore's Limo Service, LLC to operate a limousine business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2013 - 451)
22. Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and CK Hay & Cattle Farms, L.L.C., for effluent farm operations at the City's plant farm. (UTILITIES) (2013 - 452)
23. Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Schumann Cattle Company, for operation of the Conner Effluent Farm. (UTILITIES) (2013 - 453)

SECOND READINGS

24. 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 0.287-acre tract of land out of Section 18, Block 39, T-1-S, T&P RR Co. Survey, and Lot 2A, Block 45, Fairmont Park Addition, Section 23, 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 North Midland Drive, approximately 780 feet south of West Loop 250 North; 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 26, 2013)(9211)
25. Consider an ordinance on second reading changing the zoning use classification of the property described as a 6,369 square foot portion of the west 24.25 feet of Lot 9 and all of Lots 10-12, Block 65, Original Town, City and County of Midland,

Texas (Generally located on the southeast corner of the intersection of West Wall Street and South Colorado Street), 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)(First reading held on November 26, 2013)(9212)

26. Consider an ordinance on second reading vacating and abandoning a 0.05-acre portion of South Calhoun Street and East Washington Avenue rights-of-way adjacent to Lot 12, Block 22, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of South Calhoun Street and East Washington Avenue); adopting the appraisal by the City Manager of \$3,962.50; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on November 26, 2013)(9213)
27. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," of the City Code of Midland, Texas, so as to change the rates charged for water and sewer services; containing a cumulative clause; containing a savings and severability clause; and ordering publication; and the City Manager shall notify all customers outside the City limits as required by state law. (UTILITIES)(First reading held on November 26, 2013)(9214)

PUBLIC HEARINGS

28. 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 1A, Block 2, Westridge Park Addition, Section Three less 2.352 acres, 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 northeast corner of the intersection of Tradewinds Boulevard and Westridge Boulevard); 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) (9215)
29. 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 Lot 2, Block 84, East Midland Addition, Section 16, 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 950 feet south of Golf Course Road); 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) (9216)

30. At approximately 10:36 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 4.896-acre tract of land out of Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of South Midkiff Road and West Wall Street), which is presently zoned LR-3, Local Retail District, in part, and C-3, Commercial District, in part, 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) (9217)

MISCELLANEOUS

31. Consider a motion approving an Economic Development Agreement between the Midland Development Corporation and Pro Terminal Operators, LLC, setting forth the terms and conditions upon which incentive funds will be provided to Pro Terminal Operators, LLC, as consideration for Pro Terminal Operators, LLC making certain improvements to the property described as a 7.89-acre tract located in Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. Said tract is generally located at Midland International Airport. (CITY ATTORNEY'S OFFICE)
32. Consider a motion approving the Midland Development Corporation's sale of Building "A" and the property described as Lot 9, Block 10, Midland International Airport Industrial Park Addition, Section 5, Midland, Midland County, Texas, to Pro Terminal Operators, LLC. (CITY ATTORNEY'S OFFICE)
33. Consider a motion authorizing the City Manager to execute all documents to sell to the Midland Community Development Corporation an eight (8) acre tract of land out of a City owned forty-eight (48) acre tract located at Loop 250 and North Big Spring. The City Manager may establish an appraisal if necessary and select the appropriate abstract company, and execute all closing documents and deeds. The sale of the property is not subject to the bidding requirements. (CITY MANAGER'S OFFICE)

34. [Consider a motion establishing a policy to waive a percentage of the fees at the City's landfill for demolition in the downtown area. The City shall continue to collect the State Tipping Fee. \(CITY MANAGER'S OFFICE\)](#)

EXECUTIVE SESSION

35. 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 551.072 Deliberation Regarding Real Property.](#)
 - a.1. [Discuss the purchase, exchange, lease or value of real property described as Lot 1 less 7.87 acres, Block 1, Westridge Park Addition, Section 1, an addition to the City of Midland, Midland County, Texas.](#)
 - 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.