

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
April 11, 2017 - 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 a presentation from the Development Services Department regarding commissioning requirements contained in the adopted 2015 International Energy Conservation Code.

AGENDA FOR CITY COUNCIL MEETING
April 11, 2017 – 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 - Rev. 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 Proclamation for Fair Housing Month
 - b. Proclamation honoring Public Safety Dispatchers

CONSENT AGENDA

4. Consider a motion approving the following minutes:
 - a. Special meeting of March 21, 2017
 - b. Regular meeting of March 28, 2017
5. Consider a resolution authorizing the issuance of a request for proposals for Software and Implementation Services for a Computer-Aided Dispatch and Records Management System for the Communication and Information Systems Department. (PURCHASING) (2017 - 081)
6. Consider a resolution approving the purchase of cellular data services, mobile wireless devices, aircards, WIFI/hotspot devices, cellular phones, i-Phones, and i-Pads for the Communication and Information Systems Department from Verizon Wireless through the Texas Department of Information Resources at a total cost of \$416,543.28. (PURCHASING) (2017 - 082)

7. Consider a resolution awarding a contract for the replacement of cable at City Hall and the Police and Communications Building to the sole bidder, Freedoms Computer Cabling and Electrical Contractor, of Midland, Texas, at a total cost of \$319,020.00; and appropriating funds therefor. (PURCHASING) (2017 - 083)
8. Consider a resolution awarding a contract for the FY 2017 Mill and Inlay Project to Jones Bros. Dirt & Paving Contractors, Inc. of Odessa, Texas, at a total cost not to exceed \$2,591,806.95; and authorizing payment therefor. (PURCHASING) (2017 - 084)
9. Consider a resolution awarding a contract for the Frictional Asphaltic Surface Preservation Treatment Project to Crossroads Asphalt Preservation, Inc. of Winnie, Texas, at a total cost of \$1,900,173.33; and authorizing payment therefor. (PURCHASING) (2017 - 085)
10. Consider a resolution awarding a contract for the Hot in Place Asphalt Recycling Project to the sole bidder, Cutler Repaving, Inc. of Lawrence, Kansas, at a total cost not to exceed \$1,231,419.00; and authorizing payment therefor. (PURCHASING) (2017 - 086)
11. Consider a resolution authorizing the purchase of four (4) trash compactor wheels for the Garage Division from Terra Compactor Wheel Corporation, of Sheboygan, Wisconsin, at a total cost of \$82,760.00. (PURCHASING) (2017 - 087)
12. Consider a resolution authorizing the City Manager to negotiate and execute a contract for Software and Implementation Services for the expansion of the Shortel VOIP Telephone System and associated session initiated protocol trunks to Centurylink, of Stephenville, Texas, at a total cost of \$645,331.71; and appropriating funds therefor. (PURCHASING) (2017 - 088)
13. Consider a resolution of the City of Midland suspending the April 21, 2017, effective date of the requested rate change of Oncor Electric delivery company, LLC ("Oncor") to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of cities served by Oncor to hire legal and consulting services and to negotiate with Oncor and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to Oncor and legal counsel for the Steering Committee. (CITY MANAGER'S OFFICE) (2017 - 089)
14. Consider a resolution approving a Term Sheet between the Midland Development Corporation ("MDC") and the University of Texas of the Permian Basin ("UTPB") for the purpose of facilitating certain agreements relating to the construction of a new Engineering Building to be located within the corporate limits of the City of Midland, Texas, and the establishment and management of

an incubator and makerspace to be located in UTPB's Center for Energy & Economic Development Building. (CITY MANAGER'S OFFICE) (2017 - 090)

15. Consider a resolution granting a variance for an oil and gas well to be located 463 feet from the north line and 285 feet from the west line, Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 453 feet south of Andrews Highway and 248 feet east of North Loop 250 West) by allowing said oil and gas well to be no closer than 315 feet of an occupied commercial structure; and approving the issuance of a permit to Fasken Oil and Ranch, Ltd. ("Operator") to drill said oil and gas well within the City limits. (DEVELOPMENT SERVICES) (2017 - 091)
16. Consider a resolution granting a variance for an oil and gas well to be located 556 feet from the north line and 734 feet from the west line, Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 403 feet south of Andrews Highway and 823 feet east of North Loop 250 West) by allowing said oil and gas well to be no closer than 436 feet of an occupied commercial structure; and approving the issuance of a permit to Fasken Oil and Ranch, Ltd. ("Operator") to drill said oil and gas well within the City limits. (DEVELOPMENT SERVICES) (2017 - 092)
17. Consider a resolution authorizing the execution of a Road Repair Agreement with Fasken Oil and Ranch, Ltd. regarding its applications to drill oil and gas wells (Fee "CK" Wells) within the City limits in Section 30, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2017 - 093)
18. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 285 feet from the north line and 1,978 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 1,978 feet west of Business State Highway 349-C and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES) (2017 - 094)
19. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 285 feet from the north line and 2,018 feet from the east line, Section 11, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 2,018 feet west of Business State Highway 349-C and 5,030 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES) (2017 - 095)
20. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 230 feet from the north line and 1,730 feet from the west line, Section 10, Block X, H.P. Hilliard Survey, City and County of Midland, Texas (Generally located 1,664 feet east of North Garfield Street extension and 1,095 feet north of Passage Way Extension.) (DEVELOPMENT SERVICES) (2017 - 096)

21. Consider a resolution authorizing the execution of a Surface Use Agreement between the City of Midland and Endeavor Energy Resources, LP, regarding City-owned property described as Section 10, Block 37, Township-3-South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2017 - 097)
22. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, a 3.209-acre tract of land out of Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; authorizing the City Manager to execute a purchase and sale agreement, negotiate, execute and file all documents and take all actions necessary to acquire said tract of land, purchase a title insurance policy and hold the closing for said acquisition; authorizing payment for said tract of land, title insurance policy and closing costs; and ordering the City Secretary to record, or ensure that the title company has recorded, all instruments of conveyance. (ENGINEERING SERVICES) (2017 - 098)
23. Consider a resolution authorizing Midland County, Texas to perform paving services on Antelope Trail, from County Road 120 to the existing terminus of Antelope Trail located approximately 600 feet south of Cholla Road, in accordance with the City - County Interlocal Cooperation Contract authorized by Resolution No. 2013-401; appropriating funds; and authorizing payment therefor in an amount not to exceed \$270,000.00. (ENGINEERING SERVICES) (2017 - 099)
24. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Graham Oil and Gas LP for paving improvements to Bluebird Lane adjacent to Blackbird Estates, City and County of Midland, Texas (Generally located on the north side of Bluebird Lane, approximately 520 feet east of north Midland Drive); and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2017 - 100)
25. Consider a resolution authorizing the acceptance of a 0.098-acre utility easement located in Section 19, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2017 - 101)
26. Consider a resolution authorizing the acceptance of a 0.360-acre utility easement located in Section 19, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2017 - 102)
27. Consider a resolution authorizing the City Manager to provide a notice of cancellation to Spraberry CGC, Ltd. and Spraberry CGC, Incorporated regarding that certain Waste Water Operations Agreement concerning certain property

described as Sections 13, 14 (save and except an 80-acre tract described as the E/2 of the NE/4) and 15, Block 37, T-3-S, T&P RR Co. Survey, Midland County, Texas. (UTILITIES) (2017 - 103)

28. Consider a resolution authorizing the execution of a Chapter 380 Economic Development Agreement between the City of Midland and Midland Owner LLC, as authorized by Chapter 380 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2017 - 104)

SECOND READINGS

29. 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 2.59-acre tract of land out of Block 6, John and Moran Addition, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as an LR-2, Local Retail District (Generally located west of the intersection of Andrews Highway and West Cuthbert 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)(First reading held March 28, 2017)(9647)
30. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 25, Block 5, Ranchland Hills Addition, City and County of Midland, Texas (Generally located northeast of the intersection of Lincoln Street and Magnolia Avenue), which is presently zoned 2F, Two-Family Dwelling District, by permitting said property to be used under a Specific Use Permit without Term for an accessory building to be used for living or sleeping quarters; 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 March 28, 2017)(9648)
31. Consider an ordinance on second reading changing the zoning use classification of the property described as a 2,241-square foot portion of Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas (Generally located southwest of the intersection of Starboard Drive and Liberty Drive), which is presently zoned LR-3, 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 March 28, 2017)(9649)

32. Consider an ordinance on second reading 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 (the "Company") regarding the Company's 2016 rate review mechanism ("RRM") 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; establishing a process for renegotiating the RRM tariff in 2017; requiring the Company to reimburse WTX 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)(First reading held March 28, 2017)(9650)

PUBLIC HEARINGS

33. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,152-square foot portion of Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas (Generally located southwest of the intersection of Starboard Drive and Liberty Drive), which is presently zoned LR-3, Local Retail District, by permitting said property to be used under a Specific Use Permit with Term for the sale of beer and wine 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) (9651)
34. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1-F, Block 5, Correction Plat of Colony Place, Section 5, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 670 feet east of North Garfield Street), 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) (9652)
35. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as the west 12.15 feet of Lot 3, and Lot 4, less the west 3 feet, Block 3, Scottsdale Addition, Section 3, City and County of Midland, Texas (Generally located on the north side of Cimmaron Avenue, approximately 165 feet east of Mark Lane), which is presently zoned 1F-2, One-

Family Dwelling District, by permitting said property to be used under a Specific Use Permit without Term for an accessory building to be used for living or sleeping quarters; 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) (9653)

36. Hold a public hearing and consider a resolution authorizing the temporary use of land for a family fair and carnival on Blocks 86, 94, and 95, Original Town Addition, City and County of Midland, Texas (Generally located north of West Front Street, between South Big Spring Street and South Loraine Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 105)
37. Hold a public hearing and consider a resolution authorizing the temporary use of land for a street party on Lot 24 and a 0.17-acre portion of east Texas Avenue right-of-way located adjacent to Lot 24, Block 53, Original Town Addition, City and County of Midland, Texas (Generally located southeast of the intersection of North Main Street and East Texas Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 106)
38. Hold a public hearing and consider a resolution authorizing the temporary use of land for an Arts Festival on Lot 13A, Block 53, Original Town Addition, Section 7, the north 7 feet of Lot 9 and the east 65 feet of Lots 9, 10, 11, and 12, Block 53, Original Town Addition, a 0.05-acre portion of North Main Street right-of-way and a 0.12-acre portion of alley right-of-way, both located adjacent to Lot 13A, Block 53, Original Town Addition, Section 7, and a 0.64-acre portion of East Wall Street right-of-way and a 0.56-acre portion of North Baird Street right-of-way, both located adjacent to Block 53, Original Town Addition, City and County of Midland, Texas (Generally located northeast of the intersection of North Main Street and East Wall Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2017 - 107)

MISCELLANEOUS

39. Consider a resolution providing for the redemption of the outstanding City of Midland, Texas, General Obligation Refunding Bonds, Series 2006B; and resolving other matters incident and related to the redemption of such bonds. (FINANCE) (2017 - 108)
40. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 120.625-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co.

Survey, Midland County, Texas (Generally located on the west side of Arlington Road, approximately 1,800 feet south of State Highway 191); and approving a Public Service Plan. (DEVELOPMENT SERVICES) (9654)

41. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 35.77-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the north side of Brandy Hill Road, approximately 330 feet east of State Highway 158); and approving a Public Service Plan. (DEVELOPMENT SERVICES) (9655)
42. Consider a motion authorizing the City Manager to negotiate and execute a license agreement with Dawson Geophysical Company regarding certain City-owned real property located in Winkler County and Loving County, Texas. (DEVELOPMENT SERVICES) (037-2017)

PUBLIC COMMENT

43. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. 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.)

EXECUTIVE SESSION

44. 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 sale, exchange, lease, or value of certain City-owned real property located in Winkler County and Loving County, 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.