

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
February 23, 2016 - 8:30 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 and discuss a presentation by Rhotenberry Wellen Architects on the Midland Center schematic design and pricing.
2. Receive and discuss a presentation by Freese & Nichols of the proposed Zoning Ordinance.

AGENDA FOR CITY COUNCIL MEETING  
February 23, 2016 – 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. Rendall Fox, Jesus Way 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 Appreciation Award to Mayor Morales and the City Council from the Midland Affordable Housing Alliance
  - b. Presentation of Proclamation for The Museum of the Southwest Day
  - c. Presentation recognizing the Police Department for receiving their Certificate of Advanced Meritorious Accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc.

**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 February 9, 2016.
6. Consider a resolution authorizing the execution of a Professional Services Agreement with Stantec Consulting Services, Inc., for traffic signal design services related to the reconstruction of the intersection of West Wadley Avenue and North A Street; and authorizing payment therefor in an amount not to exceed \$39,800.00. (PURCHASING) (2016 - 045)
7. Consider a resolution authorizing the execution of a Professional Services Agreement with Maverick Civil & Survey, LLC, doing business as Maverick Engineering, for surveying and civil engineering design services related to the reconstruction of the intersection of West Wadley Avenue and North A Street; and authorizing payment therefor in an amount not to exceed \$97,500.00. (PURCHASING) (2016 - 046)
8. Consider a resolution authorizing the execution of Change Order Number One with Jones Bros. Dirt and Paving Contractors, Inc. regarding the FY2015 Mill and Inlay Project; said change order to provide for additional work; appropriating funds; and authorizing payment therefor in the amount of \$275,184.48. (PURCHASING) (2016 - 047)
9. Consider a resolution rescinding Resolution Number 2016-003 which approved the purchase of one (1) Rosco Ra-400 Spray Patcher from Bee Equipment Sales, Limited, through Buyboard; and approving the purchase of one (1) Bergkamp SP5 Spray Injection Pothole Patcher from French Ellison Truck Center through the Houston-Galveston Area Council at a total cost of \$205,743.00. (PURCHASING) (2016 - 048)
10. Consider a resolution authorizing the execution of a 2-year purchase agreement for uniforms for City of Midland employees with Cintas-Rus, LP, at a total cost of \$95,862.00; and providing that all other bids are rejected in favor of the local bidder pursuant to Texas Local Government Code Section 271.9051. (PURCHASING) (2016 - 049)
11. Consider a resolution authorizing the execution of a Professional Services Agreement with Halff Associates, Incorporated, of Austin, Texas, for professional architectural and engineering services for the Hogan Park Hike and Bike Trail as part of the Hike and Bike Trail Plan Development Project at a cost of \$189,930.00. (PURCHASING) (2016 - 050)

12. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc. for Engineering Services in connection with certain Stormwater Management Tasks required by the City of Midland's Small MS4 General Permit TXR04000; and authorizing payment therefor in an amount not to exceed \$81,237.00. (PURCHASING) (2016 - 051)
13. Consider a resolution authorizing the office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Midland Central Appraisal District v. Guadalupe S. Dominquez, et al., in the 142nd Judicial District Court, Midland County, Texas, Cause No. TX14379. (CITY ATTORNEY'S OFFICE) (2016 - 052)
14. Consider a resolution authorizing the office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Midland Central Appraisal District v. Lynetta Shaw, et al., in the 238th Judicial District Court, Midland County, Texas, Cause No. TX14060. (CITY ATTORNEY'S OFFICE) (2016 - 053)
15. Consider a resolution approving a second amendment to the agreement between the Midland Development Corporation and Permian Basin Public Telecommunications, Inc. (CITY MANAGER'S OFFICE) (2016 - 054)
16. Consider a resolution authorizing the City Manager to purchase, on behalf of the City of Midland, all of Block 7, Original Town Addition, City and County of Midland, Texas; authorizing the negotiation, execution and filing of all documents necessary for the purchase of said real property; authorizing payment for said purchase; and ordering the City Secretary to record, or ensure that the title company records, the instrument(s) of conveyance. (CITY MANAGER'S OFFICE) (2016 - 055)
17. Consider a motion authorizing the City Manager, or his designee, to advertise a request for proposals, in accordance with State Law, for the installation of fiber optic cable connecting the new Municipal Court Building to the City of Midland Data Center at Loraine Center and thereby to the City's existing wide area network. (CISD) (033-2016)
18. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 280 feet from the north line and 335 feet from the east line, Section 22,

Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (Planning Admin) (2016 - 056)

19. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (“Operator”) to drill an oil and gas well within the City limits located 250 feet from the north line and 335 feet from the east line, Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of the west extension of Mockingbird Lane (West County Road 50), approximately one mile north of Briarwood Avenue); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (Planning Admin) (2016 - 057)
20. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (“Operator”) to drill an oil and gas well within the City limits located 577 feet from the north line and 2,560 feet from the east line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,224 feet west of Golden Gate Drive); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (Planning Admin) (2016 - 058)
21. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company (“Operator”) to drill an oil and gas well within the City limits located 577 feet from the north line and 2,520 feet from the east line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 577 feet south of the west extension of Mockingbird Lane (West County Road 50) and 1,184 feet west of Golden Gate Drive); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (Planning Admin) (2016 - 059)
22. Consider a resolution approving the issuance of a permit to XTO Energy, Inc. (“Operator”) to drill an oil and gas well within the City limits located 752 feet from the west line and 255 feet from the north line, Section 24, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located 595 feet east of Avalon Drive and 272 feet south of the west extension of Mockingbird Lane (West County Road 50)); and providing that said permit does not require a

new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2016 - 060)

23. Consider a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Ceniza Addition, and to waive the corresponding financial security guarantee valued at \$154,764.77, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1530 feet west of the intersection of South County Road 1180 and East County Road 120, approximately 0.6 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES) (034-2016)
24. Consider a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Petro-Crete Industries Addition, and to waive the corresponding financial security guarantee valued at \$162,155.29, an amount equal to the estimated cost of construction. The subject property is generally located approximately 1043 feet west of the intersection of Farm to Market 715 and East County Road 140, approximately 2.9 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES) (035-2016)
25. Consider a resolution authorizing the submission of an application to the Office of the Governor, Texas Criminal Justice Division, for Fiscal Year 2017 Edward Byrne Memorial Justice Assistance Grant Program; said grant will be used to purchase two (2) speed radar trailers. (POLICE) (2016 - 061)
26. Consider a resolution authorizing the execution of a Professional Services Agreement with HDR Engineering, Incorporated, for Engineering Services for the Rehabilitation and Improvements to Spraberry Farm and Plant Farm. (UTILITIES) (2016 - 062)

## **SECOND READINGS**

27. Consider an ordinance on second reading vacating and a 0.06-acre portion of alley right-of-way located in Block 143, Southern Addition, City and County of Midland, Texas (Generally located on the east side of South Fort Worth Street, approximately 150 feet north of East Pennsylvania Avenue); not adopting the appraisal by the City Manager of \$5,227.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on February 9, 2016)(9535)

28. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 1, Block 16, Haley Heights, City and County of Midland, Texas (Generally located southwest 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; changing the zoning use classification of the property described as a 2.86-acre tract of land out of Section 7, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Interstate 20, approximately 350 feet east of Lote Bush Drive), 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 a Billboard; changing the zoning use classification of the property described as all of Block 17, less 1,351 square feet, Original Town, City and County of Midland, Texas (Generally located northwest 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; changing the zoning use classification of the property described as a 7.98-acre tract of land out of Section 4, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Interstate 20, approximately 1,100 feet east of South Midkiff Road), 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 permits 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 February 9, 2016)(9537)
  
29. Consider an ordinance on second reading changing the zoning use classification of the property described as an 8,853-square foot portion of Lot 1A, Block 2, Grandridge Park Addition, Section 6, City and County of Midland, Texas (Generally located southwest of the intersection of Holiday Hill Road and League Drive), 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 lounge or nightclub 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 February 9, 2016)(9538)
  
30. 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 1, Block 1, Green Acres, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as an LR-2, Local Retail District (Generally located on the west side of North State Highway 349, approximately 400 feet north of Arapahoe Road); 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 February 9, 2016)(9539)

31. Consider an ordinance on second reading 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)(First reading held on February 9, 2016)(9540)
32. Consider an ordinance on second reading 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)(First reading held on February 9, 2016)(9541)
33. Consider an ordinance on second reading vacating and abandoning a 0.45-acre Utility Easement located in Section 33, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the north side of State Highway 191, approximately one mile east of County road 1275); adopting the appraisal by the City Manager of \$10,350.00; waiving the fee for the cost of the utility easement; and ordering recordation by the City Secretary. (ENGINEERING SERVICES)(First reading held on February 9, 2016)(9542)

### **PUBLIC HEARINGS**

34. 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 6C, Block 3, Westridge Park 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 LR-3, Local Retail District (Generally located southeast of the intersection of Andrews Highway and Catalina 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) (9543)

35. Hold a public hearing and consider a resolution authorizing the temporary use of land for a tent sale on Lots 1A, 7, and 8, Block 17, Skyline Terrace Addition, Unit 7, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 220 feet west of North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 063)

### **MISCELLANEOUS**

36. Consider a resolution approving a schematic design option for the Midland Center Building and authorizing the City Manager to direct Rhotenberry Wellen Architects to proceed with design development, site utility and demolition specification for selected option. (PURCHASING) (2016 - 064)
37. Consider an ordinance establishing or amending certain fees and charges of the City of Midland Community Services Department, Parks and Recreation Division; and repealing prior ordinances or parts of ordinances in conflict with such fees and charges set forth herein. (COMMUNITY SERVICES) (9544)
38. Consider a resolution of the City Council of the City of Midland, Texas supporting the proposed Merritt Monument Housing Development; the applicant is DDC Merritt Monument, Ltd.; the proposed development is located at Leisure Drive and Rocky Lane; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES) (2016 - 065)
39. Consider a resolution of the City Council of the City of Midland, Texas recognizing prior adoption of the Midland Airport Corridor Community Revitalization Plan; supporting the proposed Merritt Monument Housing Development; identifying the proposed Merritt Monument Housing Development as the development in the 2016 Tax Credit Application Pool that contributes most significantly to the concerted revitalization efforts of the City of Midland, Texas; the applicant is DDC Merritt Monument, Ltd.; the proposed development is located at Leisure Drive and Rocky Lane; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES) (2016 - 066)
40. Consider a resolution of the City Council of the City of Midland, Texas supporting

the proposed Chaparral Apartments; the applicant is Midland Chaparral Associates, LP, an entity of the Michaels organization; the proposed development is located at 4201 North Garfield Street; providing an effective date; and authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs. (DEVELOPMENT SERVICES) (2016 - 067)

41. Consider a motion making appointments to various Boards and Commissions.

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.