

**CITY OF MIDLAND, TEXAS**  
**BRIEFING SESSION AGENDA**  
**June 14, 2016 - 8:30 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 Engineering Services regarding updates on roadway conditions.
2. Receive a presentation from Eric West of Parkhill, Smith and Cooper regarding the Tall City Tomorrow Comprehensive Plan.

AGENDA FOR CITY COUNCIL MEETING  
June 14, 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 - Pastor Larry Long, Fellowship Community 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 the Air Race Classic
  - b. Presentation of proclamation for Juneteenth
  - c. Presentation of proclamation for Garbage Man Recognition Week

**PUBLIC COMMENT**

4. 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.)

**CONSENT AGENDA**

5. Consider a motion approving the following minutes:
  - a. Regular meeting of May 24, 2016.
6. Consider a resolution awarding a contract for the Fiscal Year 2016 Miscellaneous Concrete Program to the sole bidder, Onyx General Contractors, LLC of Midland, Texas, at a total cost not to exceed \$250,000.00; and

- authorizing payment therefor. (PURCHASING) (2016 - 163)
7. Consider a resolution awarding a contract for Janitorial Services for City Buildings to Kemp & Sons General Services, Inc., in the amount of \$350,166.48. (PURCHASING) (2016 - 164)
  8. Consider a resolution rejecting all bids received for Pump and Motor Maintenance Services for the Utilities Department; and authorizing the City Manager to re-advertise for competitive bids for said services. (PURCHASING) (2016 - 165)
  9. Consider a resolution authorizing the execution of a Consultant Services Agreement with Berry, Dunn, McNeil & Parker, Inc., doing business as Berry, Dunn, McNeil & Parker of Maine, Inc., through the Texas Department of Information Resources at a total cost of \$84,580.00; said agreement providing for definitions requirements and development of a request for proposals for a new public safety system; transferring funds; and authorizing payment therefor. (PURCHASING) (2016 - 166)
  10. Consider a resolution authorizing the execution of an Airport Fueling Agreement with Eagles Nest Aviation, LLC, in order to store and dispense all forms of aviation propellants and fuels from fixed and mobile dispensers only to Eagles Nest Aviation, LLC Aircraft at the Midland International Air & Space Port, Midland, Midland County, Texas. (AIRPORTS) (2016 - 167)
  11. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and Tuna Investment, LLC, as authorized by Chapter 501 of the Texas Local Government Code. (CITY ATTORNEY'S OFFICE) (2016 - 168)
  12. Consider a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Incorporated, as authorized by Chapter 351 of the Texas Tax Code; finding that said agreement is for the promotion of tourism and the hotel and motel industry; finding that the funds provided under said agreement shall be expended in a manner directly enhancing and promoting tourism and the hotel and motel industry; and providing that approval of the agreement is not to be construed or interpreted as endorsing the message or activities promoted by Rock the Desert Ministries, Incorporated. (CITY SECRETARY'S OFFICE) (2016 - 169)
  13. 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 802 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 645 feet east of Avalon Drive and 255 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 - 170)

14. Consider a resolution authorizing the execution of an amendment to the Right-of-Way License between the City of Midland and Crownquest Operating, LLC. (DEVELOPMENT SERVICES) (2016 - 171)
15. Consider a resolution authorizing the execution of an Interlocal Cooperation Agreement between the City of Midland and the Downtown Midland Management District (the "DMMD") to provide for the funding of a Parking Enforcement Officer to perform duties within the boundaries of the DMMD. (DOWNTOWN DEVELOPMENT) (2016 - 172)
16. Consider a resolution granting a variance for a 64.96-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of Avalon Drive, approximately 1,800 feet north of Briarwood Avenue), by permitting construction of buildings where no portion of any structure is closer than 250 feet of an oil and gas well; and authorizing issuance of Building Permits. (DEVELOPMENT SERVICES) (2016 - 173)
17. Consider a resolution authorizing \$161,242.38 of grant funds received from the United States Department of Housing and Urban Development, which were previously authorized to be used for the design and construction of the second phase of improvements to Centennial Plaza, to be used for improvements in connection with the City of Midland's downtown transfer station (Generally located at the intersection of east Texas Avenue and North Fort Worth Street), including sidewalk improvements, curb ramps, shelters with benches, street scraping, and street lighting. (DEVELOPMENT SERVICES) (2016 - 174)
18. Consider a motion on request by Landgraf Crutcher & Associates Inc. to defer public improvements for Bynum School Addition, and to waive the corresponding financial security guarantee valued at \$246,355.00, an amount equal to the estimated cost of construction. The subject property is located within the City of Midland corporate limits, and is generally located ½ mile north of Briarwood Avenue on the east side of Avalon Drive. (ENGINEERING SERVICES) (053-2016)

19. Consider a resolution approving a Mutual Termination and Release Agreement between the Midland Development Corporation and the City of Midland for the Midkiff Interstate 20 Water Main Extension and Bore Project; and transferring unexpended funds to the Midland Development Corporation. (ENGINEERING SERVICES) (2016 - 175)
20. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and the City of Midland for the Midland Interstate 20 Water Main Extension and Bore Project; and appropriating funds therefor. (ENGINEERING SERVICES) (2016 - 176)
21. Consider a resolution awarding a contract for the Midland Interstate 20 Water Main Extension and Bore Project to Scott Tucker Construction Company, LLC, in the amount of \$285,660.00; and approving \$42,849.00 for contingencies. (PURCHASING) (2016 - 177)
22. Consider a resolution authorizing an Operating Certificate for Imperial Taxi to operate a Taxicab Business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2016 - 178)
23. Consider a resolution appropriating unclaimed or abandoned funds in the amount of \$11,061.00 to the Police Equipment and Technology Project (800922). (POLICE) (2016 - 179)
24. Consider a resolution authorizing the City of Midland to file a joint application with Midland County for Fiscal Year 2016 Justice Assistance Grant Program Funds totaling \$30,915.00; and authorizing the execution of an agreement regarding the division of said grant funds; the City of Midland will receive \$18,549.00 (60%) and Midland County will receive \$12,366.00 (40%) of the grant funds respectively; this agreement does not supersede, modify or amend any other prior agreements. (POLICE) (2016 - 180)
25. Consider a resolution appropriating proceeds from the sealed bid sale of old service weapons and court awarded weapons to the Police Equipment and Technology Project (800820) for the replacement of Midland Police Department Duty Weapons. (POLICE) (2016 - 181)

## **SECOND READINGS**

26. 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 45.18-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned FD, Future Development District, in part, and 1F-3, One-Family Dwelling District, in part, to be used as a PD, Planned District for a Housing Development; permitting a 3.65-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned FD, Future Development District, to be used as an O-1, Office District; said tracts being generally located on the south side of Briarwood Avenue, approximately 900 feet west of Holiday Hill 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 May 24, 2016)(9572)
  
27. Consider an ordinance on second reading changing the zoning use classification of the property described as a 4,472-square foot portion of Lot 1, Block 8, Polo Park Addition, Section 3, City and County of Midland, Texas (Generally located southeast of the intersection of North Garfield Street and Castleford Road), 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 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 May 24, 2016)(9573)
  
28. 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 May 24, 2016)(9574)
  
29. 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.

**PUBLIC HEARINGS**

30. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a block party on the north half of Lot 12 and a 0.23-acre portion of East Illinois Avenue right-of-way located adjacent to Lot 12, Block 38, Original Town Addition, City and County of Midland, Texas (Generally located on the east side of the intersection of North Main Street and East Illinois Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 182)
  
31. Hold a public hearing and consider an ordinance granting a special exception for Lot 1 and the south half of Lot 2, Block 3, Grafaland Addition, City and County of Midland, Texas (Generally located northwest of the intersection of West Broadway Street and West Ohio Avenue), by permitting a detached accessory structure with open sides having a maximum height not to exceed 15 feet; 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) (9576)
  
32. Hold a public hearing and consider a resolution authorizing the temporary use of land for a church outdoor conference on Lot 13A, Block 7, Glendale Addition, Section 2, City and County of Midland, Texas (Generally located northeast of the intersection of North Tyler Street and Garden Lane); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 183)
  
33. Hold a public hearing and consider a resolution authorizing the temporary use of land for a music festival on lots 13-24, Block 54, all of Block 55, the portion of North Loraine Street right-of-way located between West Texas Avenue and West Missouri Avenue, and the portion of West Wall Street right-of-way located between South Main Street and South Colorado Street, Original Town Addition, City and County of Midland, Texas (Generally located on the south side of the intersection of West Texas Avenue and North Loraine Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 184)
  
34. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for an ice cream festival on Lots 9-12 and the north 200 feet of the north-south alley, Block 93, Original Town Addition, City and County of Midland, Texas

(Generally located southeast of the intersection of South Marienfeld Street and West Indiana Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 185)

35. Hold a public hearing regarding the Fiscal Year 2016/2017 Community Development Block Grant applications recommended by the CDBG Prioritization committee. (DEVELOPMENT SERVICES) (054-2016)

### **MISCELLANEOUS**

36. Consider an ordinance amending Title V, "Business Regulations", Chapter 6, "Taxicabs", of the Midland City Code; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication. (CITY ATTORNEY'S OFFICE) (9577)

### **EXECUTIVE SESSION**

37. 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 §551.087 Deliberate Economic Development Negotiations.
    - a.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.