

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
March 22, 2016 - 9:00 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 a presentation by Priority Power Management and discuss power supply (electricity) options for the City of Midland.
2. Receive a presentation by the Mobile Food Vendor's Association and DMMD regarding use of City owned property for mobile food vending.
3. Presentation on the Fire Department's Community Paramedic Healthcare Program.

AGENDA FOR CITY COUNCIL MEETING
March 22, 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. Roy 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 of Proclamation for Women History Day.
 - b. Recognize the S. Javaid Anwar Family for their contributions to the Midland Parks and Recreation Endowment Fund.

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 23, 2016.
 - b. Special meeting of February 24, 2016.
6. Consider a resolution awarding a contract for the Fiscal Year 2016 Mill and Inlay Project to Jones Bros. Dirt & Paving Contractors, Inc. of Odessa, Texas, at a

total cost of \$1,907,589.09; and authorizing payment therefor. (PURCHASING) (2016 - 068)

7. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Beal Parkway Paving Project; said project will provide for the construction of a shared-use roadway from Anetta Drive to Thomason Drive. (PURCHASING) (2016 - 069)
8. Consider a resolution approving the purchase of twenty-seven (27) cars and light trucks for the Garage Division. (PURCHASING) (2016 - 070)
9. Consider a resolution approving the purchase of one (1) 2-3 cubic yard dump body from BTE Body Co., Inc., of Irving, Texas, one (1) utility service body and one (1) platform body from Fabco Industries, Inc., of Odessa, Texas, and two (2) utility service bodies from J&B Trailers of Midland, Texas, at a total cost of \$94,659.00. (PURCHASING) (2016 - 071)
10. Consider a resolution approving plans and specifications and authorizing advertisement for bids for janitorial services for City buildings. (PURCHASING) (2016 - 072)
11. Consider a resolution authorizing the execution of Amendment Number Twelve to the Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, for improvements contained in the Airport Capital Improvement Program; said amendment to include additional site assessment services; and appropriating funds. (AIRPORTS) (2016 - 073)
12. Consider a resolution authorizing the Department of Airports to reimburse the Federal Aviation Administration in the amount of \$418,549.51 for funds spent on the East Side Development Project; authorizing the execution of Federal Aviation Administration Amended Grant Number 55 in the amount of \$673,545.00; and appropriating funds. (AIRPORTS) (2016 - 074)
13. Consider a resolution finding that Parkhill, Smith & Cooper, Incorporated, is the most qualified submitter of qualifications for professional engineering and architectural services for the purpose of certain Airport Capital Improvement Projects that may be constructed at Midland International Air & Space Port or Midland Airpark Airport. (AIRPORTS) (2016 - 075)

14. Consider a motion approving the Midland Development Corporation's sale of the property described as Lot 6, Block 9, Midland International Airport Industrial Park Addition, Section 5, Midland, Midland County, Texas, for an office facility for the Texas Department of Public Safety. (CITY MANAGER'S OFFICE) (036-2016)
15. Consider a resolution 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 regarding the company's 2015 rate review mechanism 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; requiring the company to reimburse cities' reasonable ratemaking expenses; determining that this resolution 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 resolution to the company and the WTX Cities' Legal Counsel. (CITY MANAGER'S OFFICE) (2016-076)
16. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("Operator") to drill an oil and gas well within the City limits located 306 feet from the south line and 2,528 feet from the east line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 405 feet north of the Green Tree Boulevard extension and approximately 2,528 feet west of North Midkiff Road); 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 - 077)
17. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("Operator") to drill an oil and gas well within the City limits located 306 feet from the south line and 2,468 feet from the east line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 405 feet north of the Green Tree Boulevard extension and approximately 2,468 feet west of North Midkiff Road); 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 - 078)
18. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC ("Operator") to drill an oil and gas well within the City limits located 306 feet from the south line and 2,498 feet from the east line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located

approximately 405 feet north of the Green Tree Boulevard extension and approximately 2,498 feet west of North Midkiff Road); 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 - 079)

19. Consider a resolution approving the issuance of a permit to Diamondback E&P LLC (“Operator”) to drill an oil and gas well within the City limits located 306 feet from the south line and 2,558 feet from the east line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 405 feet north of the Green Tree Boulevard Extension and approximately 2,558 feet west of North Midkiff Road); 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 - 080)
20. Consider a resolution approving an amendment to the permit issued to Trail Ridge Energy Partners II LLC (“Operator”) to drill an oil and gas well within the City limits located 250 feet from the north line and 1,130 feet from the west line, Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of the North Fairgrounds Road Extension, south of the Mockingbird Lane Extension); said amendment authorizes a reduction in the height of the berm around the tanks within the tank battery and alteration of the size and location of vessels within the tank battery. (DEVELOPMENT SERVICES) (2016 - 081)
21. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Diamondback E&P, LLC, regarding City-owned property described as Sections 13 & 14, Block 40, Township 1 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2016 - 082)
22. Consider a motion on request by Maverick Engineering to defer public improvements for Saltbrush Estates, and to waive the corresponding financial security guarantee valued at \$295,885.44, an amount equal to the estimated cost of construction. The subject property is generally located west of the intersection of North County Road 1150 and Jadan Kate Road. A portion of the property lies within the Midland City Limits, and it crosses the county line between Midland and Martin Counties. (ENGINEERING SERVICES) (037-2016)
23. Consider a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Empire Heights, and to waive the corresponding financial

security guarantee valued at \$1,590,571.00, an amount equal to the estimated cost of construction. The subject property is generally located approximately 710 feet west of the intersection of East County Road 91 and South County Road 1120, approximately 2.55 miles outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (038-2016)

24. Consider a resolution approving a Mutual Termination and Release Agreement between the Midland Development Corporation and the City of Midland for the Market Street Paving and Water Line Extension Project; and transferring unexpended funds to the Midland Development Corporation. (ENGINEERING SERVICES) (2016 - 083)
25. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Vitol Midstream, LLC, regarding City-owned property described as Section 9, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2016 - 084)
26. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland and Oryx Southern Delaware Oil Gathering and Transport, LLC, regarding City-owned property described as Sections 4, 5, and 8, Block 38, Township 2 South, T&P RR Co. Survey, Midland County, Texas. (ENGINEERING SERVICES) (2016 - 085)
27. Consider a resolution authorizing the acceptance of a 0.0057-acre Water Line Easement located in Section 1, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, from Western-T Corporation; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2016 - 086)
28. Consider a resolution authorizing the acceptance of a 0.0092-acre Water Line Easement located in Section 1, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, from Western-T Corporation; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2016 - 087)
29. Consider a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Dove Acres, and to waive the corresponding financial security guarantee valued at \$107,469.00, an amount equal to the estimated cost of construction. The subject property is an 21.85-acre development, located approximately 8,480 feet north of Loop 250 and Elkins Road (North County Road 1150), approximately 780 feet south outside the City of Midland corporate limits

in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (039-2016)

30. Consider a motion on request by Schumann Engineering Co. Inc. to defer public improvements for Hollyhock Addition, and to waive the corresponding financial security guarantee valued at \$68,463.42, an amount equal to the estimated cost of construction. The subject property is generally located approximately 840 feet east of the intersection of State Highway 349 and East County Road 120, approximately 3,290 feet south outside the City of Midland corporate limits in the Extraterritorial Jurisdiction of the City of Midland, in Midland County, Texas. (ENGINEERING SERVICES) (040-2016)
31. Consider a resolution authorizing the submission of an application to the Office of the Governor, Texas Criminal Justice Division, for the Body-Worn Camera Program Grant. (POLICE) (2016 - 088)
32. Consider a resolution authorizing an Operating Certificate for Red Raider Rides to operate a limousine business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2016 - 089)
33. Consider a resolution authorizing the execution of a Sanitary Sewer Discharge License Agreement with Affordable Dewatering Service, LLC, for the purpose of discharging treated wastewater at 2201 South Midkiff Street, Midland, Texas. (UTILITIES) (2016 - 090)

SECOND READINGS

34. 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 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)(First reading held February 23, 2016.)(9543)
35. Consider an ordinance on second reading 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)

PUBLIC HEARINGS

36. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1004H) located 230 feet from the north line and 275 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 251 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (041-2016)
37. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1005H) located 230 feet from the north line and 315 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 291 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (042-2016)
38. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1006H) located 230 feet from the north line and 830 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 806 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (043-2016)
39. Hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a permit to drill an oil & gas well within the City Limits, (Mask HZ Unit No 1007H) located 230 feet from the north line and 870 feet from the west line located in Section 10, Block X, Hilliard Survey, City of Midland and County of Midland, Texas. (Generally located 846 feet east of North Garfield Street and 1,095 feet north of Passage Way Extension.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES) (044-2016)
40. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a Church Family Fair and a Carnival on Lot 8, Block 7, Glendale Addition, and 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 - 091)

41. 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 and the south 20 feet of Lot 1, Block 104A, Wilshire Park Addition, Section 9, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Office Center, in part, and PD, Planned District for a Shopping Center, in part, to be used as a PD, Planned District for a Housing Development (Generally located northeast of the intersection of Beal Parkway and Leisure 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) (9545)
42. Hold a public hearing and consider an ordinance declaring certain structures located at 304 North Lee Street, 721 North Lincoln Street, 1101 West Wall Street, 1109 East Illinois Avenue, and 1211 North Lamesa Road, to be dilapidated, substandard or unfit for human habitation and hazards to the public health, safety and welfare; ordering their destruction or removal; directing the City Secretary to publish notice; and directing the Building Official to deliver a copy of this ordinance to affected owners, lienholders and mortgagees; said ordinance being authorized by Chapter 214 of the Texas Local Government Code. (DEVELOPMENT SERVICES) (9546)

MISCELLANEOUS

43. Consider an ordinance granting to Sharyland Utilities, L.P., its successors and assigns, an Electric Power Franchise to use the present and future streets, alleys, highways, public utility easements, and public ways of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Sharyland Utilities, L.P., its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public. (CITY MANAGER'S OFFICE) (9547)
44. Consider an ordinance amending the official municipal budget for Fiscal Year 2015-2016 in order to provide additional funds to the Sports and Entertainment Association of Midland; the additional funding provided to the Sports and Entertainment Association of Midland will be used for upcoming events; the additional funds will allow for the promotion of tourism in the City of Midland; and appropriating funds. (CITY SECRETARY'S OFFICE) (9548)

45. Consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 1, Green Acres, City and County of Midland, Texas (Generally located on the west side of North Highway 349, approximately 400 feet north of the intersection of North Highway 349 and Arapahoe 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 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) (9549)

46. Consider an ordinance changing the zoning use classification of the property described as the north 100 feet of the south 400 feet of the west half of Block 2, and the south 75 feet of the north 465 feet of the west half of Block 2, Brookshire Village, First Section, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 225 feet north of West Wadley Avenue), 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) (9550)

47. Consider a resolution authorizing the execution of a Workforce Housing Incentive Agreement with Midland Community Development Corporation for the development of single-family residential construction in the City and County of Midland, Texas; said agreement being authorized by Chapter 380 of the Texas Local Government Code; establishing an incentive program for the construction of single-family workforce housing; appropriating funds in the amount of \$153,000.00; and authorizing payment therefor. (DEVELOPMENT SERVICES) (2016 - 092)

48. Consider a motion for an interpretation of Ordinance 8495 regarding the addition of playground equipment and a shade structure to Common Area E, Block 8, Grassland Estates West, Section 5 (Generally located on the south side of Prairie Ridge Drive, approximately 640-feet west of Haywood Drive). (DEVELOPMENT SERVICES) (045-2016)

EXECUTIVE SESSION

49. 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.