

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
February 24, 2015 - 9:00 A.M**

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:

AGENDA FOR CITY COUNCIL MEETING
February 24, 2015 – 9:00 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.

EXECUTIVE SESSION

1. 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 551.074, Personnel Matters.
 - a.1. Deliberate the employment, evaluation, compensation, and duties of the new Municipal Court Presiding Judge.
 - b. Section 551.071, Consultation with the City Attorney.
 - b.1. Discuss with the City Attorney and attorneys from the Cotton, Bledsoe, Tighe & Dawson law firm litigation styled Lockridge Outdoor Advertising, LLC v. City of Midland, in the 142nd Judicial District Court in Midland County, Texas, Cause No. CV-50,846.
 - c. Section 551.087, Deliberation Regarding Economic Development Negotiations.
 - c.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.
 - d. Section 551.072, Deliberation Regarding Real Property.
 - d.1. Discuss the purchase, exchange, lease, or value of Block 7, all lots, Original Town, Midland, Midland County, Texas.

REGULAR SESSION (Will begin at approximately 10:00 a.m.)

OPENING ITEMS

2. Invocation - Pastor Davis, Temple Baptist Church.
3. Pledge of Allegiance

PRESENTATIONS

4. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for American Red Cross Month.
 - b. Presentation of a Proclamation to City Attorney Keith Stretcher .

PUBLIC COMMENT

5. 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

6. Consider a motion approving the following minutes:
 - a. Regular meeting of February 10, 2015.
7. Consider a resolution rescinding items six (6) and seven (7) of resolution no. 2014-163; item 6 for two (2) octagon gazebos (\$40,164.00), and item 7 for one (1) hexagon picnic shelter (\$17,264.00), bid by Site Source Incorporated, said bid required installation services and therefore compelled the execution of a purchase and installation agreement. (PURCHASING) (2015 - 051)
8. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Douglas Avenue and D Street paving and Drainage Improvement Project; said project will provide for storm water sewer and pavement improvements to be installed on Douglas Avenue, from North B Street to North D Street, and on North D Street, from Douglas Avenue to Storey Avenue. (PURCHASING) (2015 - 052)
9. Consider a resolution approving the purchase of one (1) ambulance remount on a Chevrolet 3500 chassis from Knapp Chevrolet, Incorporated through the Houston-Galveston Area Council at a total cost of \$90,175.00; this item was not bid but purchased through a Council of Governments. (PURCHASING) (2015 -

053)

10. Consider a resolution approving the purchase of one (1) turf spray rig with boom and one (1) fairway mower from Professional Turf Products, L.P., through Buyboard at a total cost of \$91,190.33; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2015 - 054)
11. Consider a resolution adding three (3) Special City Council Meetings on July 27, 2015, August 4, 2015, and August 18, 2015; and adding three (3) Regular City Council Meetings on March 10, 2015, May 19, 2015 and September 1, 2015, to the City Council Meetings scheduled for the 2015 calendar year; and removing the May 12, 2015 and May 26, 2015 Regular City Council Meetings. (CITY MANAGER'S OFFICE) (2015 - 055)
12. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and XCOR Aerospace, Inc. for the construction of a Rocket Engine Test Stand Facility at Midland International Air and Space Port; and approving a change order to the construction agreement between the Midland Development Corporation, XCOR Aerospace, Inc., and N.C. Sturgeon, LP for said purpose. (CITY MANAGER'S OFFICE) (2015 - 056)
13. Consider a resolution authorizing the transfer of Lot 12A, Block 1, Glen Frances Addition Section 2, City and County of Midland; Lots 3, 4 and 5, Block 6, Glenn Frances Addition Section 2, City and County of Midland to Midland Habitat for Humanity, Incorporated, in accordance with Section 253.011 and Section 272.001 of the Texas Local Government Code; and authorizing the City Manager to execute all documents necessary to transfer ownership; the transfer of this property is not subject to the notice, bidding, and obtaining fair market value requirements of state law; and authorizing the City Manager to execute an agreement between the City of Midland and Habitat for Humanity, Incorporated. (DEVELOPMENT SERVICES) (2015 - 057)
14. Consider a resolution authorizing the transfer of Lot 3A, Block 4, Glenn Frances Addition Section 2, City and County of Midland; Lot 15, Block 6, Glen Frances Addition Section 2, City and County of Midland an Addition to the City of Midland, Midland County, Texas, to Midland Community Development Corporation, Incorporated, in accordance with Section 253.011 and Section 272.001 of the Texas Local Government Code; and authorizing the City Manager to execute all documents necessary to transfer ownership; the transfer of this property is not subject to the notice, bidding, and obtaining fair market value

requirements of state law; and authorizing the City Manager to execute an agreement between the City of Midland and Midland Community Development Corporation, Incorporated. (DEVELOPMENT SERVICES) (2015 - 058)

15. Consider a resolution authorizing the acceptance of a 0.05-acre pedestrian access easement located in Lot 5, Block 2, Grandview Addition, Section 5, Midland, Midland County, Texas (Generally located on the west side of Culver Drive, at the west end of Gulf Avenue); and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (2015 - 059)
16. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Atlas Pipeline Mid-Continent Westtex, LLC; said Right-of-Way License is for entering City of Midland property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a low pressure gas pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland County, Texas, being Sections 5, 8, and 9, Block 38, T-2-S, T&P RR Co. Survey; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration. (ENGINEERING SERVICES) (2015 - 060)

SECOND READINGS

17. Consider an ordinance on second reading changing the zoning use classification of the property described as Lots R and S, Tract 1, Stockyard Acres, City and County of Midland, Texas (Generally located between West Industrial Avenue and West Florida Avenue, approximately 1,100 feet east of South Garfield 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; 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 November 18, 2014.)(9357)
18. 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 49.32-acre tract of land out of Section 48, Block 41, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an LI, Light Industry District (Generally located on the south side of State Highway 191, approximately 0.5 miles west of

South Farm to Market Road 1788); 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 10, 2015)(9408)

PUBLIC HEARINGS

19. At approximately 10:30 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 10, Block 3, Plunk Addition, Section 8, City and County of Midland, Texas (Generally located on the south side of Garden City Highway, approximately 400 feet west of Henderson Boulevard), which is presently zoned LI, Light Industry 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) (9371)
20. At approximately 10:33 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1A, Block 2A, Midkiff Plaza, Section 11, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 680 feet east of North 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 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) (9375)
21. At approximately 10:36 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as the west 100 feet of the south half of Block 16, Loma Linda Addition, Section 4, City and County of Midland, Texas (Generally located southeast of the intersection of North Big Spring Street and West Oak 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) (9387)

22. At approximately 10:39 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 4.25-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 approximately 280 feet north of Gist Avenue, between South Midkiff Road and West Industrial Loop), 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; 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) (9370)
23. At approximately 10:42 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 2.86-acre tract of land located in 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 West Interstate Highway 20, approximately 1,600 feet east of South Loop 250 West), 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; 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) (9400)
24. At approximately 10:45 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 33.49-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 West I-20, approximately 2,000 feet east of South Loop 250 West), 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; 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) (9409)
25. At approximately 10:48 A.M. hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", Chapter 3, "Flood Hazard Areas", of the City Code of Midland, Texas, so as to rename said chapter "Flood Damage Prevention Code" and to make comprehensive revisions pertaining to the regulation of flood hazard areas within the City of Midland; setting forth variance and appeal procedures; providing for a maximum penalty or fine of two

thousand dollars (\$2,000.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (DEVELOPMENT SERVICES) (9410)

26. At approximately 10:51 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for a private outdoor amusement event on the south half of Lot 2 and Lot 3, Block 19, Cowden Addition, City and County of Midland, Texas (Generally located on the west side of North Big Spring Street, approximately 80 feet south of Hart Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2015 - 061)

MISCELLANEOUS

27. Consider a motion directing staff to begin the annexation of a 1.53-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES)
28. Consider a motion directing staff to begin the annexation of a 9.15-acre tract of land out of Section 7, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas (Generally located on the south side of East State Highway 158, approximately 2,200-feet east of South Fairgrounds Road.) (DEVELOPMENT SERVICES)
29. Consider an ordinance amending Title XIII, "Airports", Chapter 1, "Airport Regulations", Section 2, "Airport Manager", Section 4, "Absence or Disability of Airport Manager", and Section 13, "Compensation of Airport Manager", of the City Code of Midland, Texas, so as to authorize the City Manager of the City of Midland to appoint the Airport Manager as the administrative head of the department of airports under the direction and supervision of the City Manager or the City Manager's designee, to appoint a qualified person to perform the duties of the Airport Manager in the absence or disability of the Airport Manager, and to determine the compensation of the Airport Manager; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (CITY MANAGER'S OFFICE) (9411)
30. Consider a motion interpreting Ordinance 9178, Section Two, regarding the paint color restrictions specified for a multi-family development in a Planned District, on Lot 2A, Block 8, Westridge Park Addition, Section 26, City and County of Midland, Texas. (Generally located on the south side of Deauville Boulevard, approximately 650 feet west of Tradewinds Boulevard.) (DEVELOPMENT

SERVICES)

31. Consider a motion making appointments to various Boards and Commissions, including appointing a Chairman to the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) Board of Directors. (CITY SECRETARY'S OFFICE)
32. Consider a resolution appointing a new City of Midland Municipal Court Presiding Judge effective April 16, 2015; and authorizing the Mayor to execute an employment agreement with the new Presiding Judge. (CITY ATTORNEY'S OFFICE) (2015 - 062)
33. Consider a resolution authorizing the posting of the City of Midland Municipal Court Associate Judge position; and authorizing the acceptance of applications or resumes for said position; the City of Midland Municipal Court Associate Judge position will become vacant on April 16, 2015. (CITY ATTORNEY'S OFFICE) (2015 - 063)

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.