

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA**

**April 22, 2014 - 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 from Freese & Nichols regarding Midessa 191 Corridor Study.
2. Receive a presentation from Midland Independent School District regarding the elementary boundaries draft proposal.

## AGENDA FOR CITY COUNCIL MEETING

April 22, 2014 – 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 Sheldon Riley, Christian Fellowship 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 a Retirement Commendation to Carlton L. Grant.
  - b. Presentation of Certificates of Completion to the 2014 Midland 101 Graduates.

### **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.

### **CONSENT AGENDA**

5. Consider a motion approving the following minutes:
  - a. Regular meeting of April 8, 2014.
6. Consider a resolution approving and authorizing advertisement of Request for Qualifications for audit services for the City of Midland, Texas. (FINANCE) (2014 - 126)

7. Consider a resolution approving the purchase of sixteen (16) Opticom units and accessories from Consolidated Traffic Controls, Incorporated through the Houston-Galveston Area Council at a total cost of \$99,472.00; this item was not bid but purchased through a Council of Governments; and allocating funds; these Opticom units will help responders reach their destination quickly and safely. (PURCHASING) (2014 - 127)
8. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Airfield Lighting Cabling Replacement and Airfield Signage Project; said project will provide for the replacement of existing runway lighting cable and pilot guidance signs adjacent to taxiways and runways at Midland International Airport. (AIRPORTS) (2014 - 128)
9. Consider a resolution consenting to Fifty Five, LLC's assignment of its Non-Commercial Corporate Hangar Land Lease Agreement to 812KC, LLC; said lease agreement covers property located in Section 5, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (AIRPORTS) (2014 - 129)
10. Consider a resolution appointing election officials for the election of one City Official on May 10, 2014. (CITY SECRETARY'S OFFICE) (2014 - 130)
11. Consider a resolution granting a variance for Lot 3, Block 2, Pavilion Park, Section 2, City and County of Midland, Texas (Generally located at the southwest corner of the intersection of Pavilion Parkway and Lamesa Road), by permitting construction of a multi-family residential building where no portion of the building is closer than four hundred twenty-five (425) feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2014 - 131)
12. Consider a resolution authorizing the acceptance of a 1.81-acre drainage easement located in Lot 1, Block 4, Mayfield Place Addition, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 132)
13. Consider a resolution authorizing the sale of a 5.157-acre tract of land out Section 12, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, to Fasken Land and Minerals, Ltd.; adopting the appraised fair market value of \$4,383.45 as determined by the City Manager; authorizing the City Manager to negotiate, execute and file all documents necessary for the sale of said property; and ordering recordation. (ENGINEERING SERVICES) (2014 - 133)
14. Consider a resolution appropriating unclaimed or abandoned funds in the amount of \$15,646.00 to the Midland Police Department; the proceeds will be used to purchase equipment and technology essential to the law enforcement

function for the Midland Police Department. (POLICE) (2014 - 134)

15. Consider a resolution authorizing an amendment to the existing Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, so as to include professional engineering and architectural services at the City of Midland landfill for the eventual construction of a scalehouse, scales, entrance roads, and a maintenance building; authorizing the appropriation of funds in the amount of \$587,500.00; and authorizing payment therefor. (SOLID WASTE) (2014 - 135)

## **SECOND READINGS**

16. 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 7.212-acre tract of land out of Section 13, 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 MF-1, Multiple-Family Dwelling District (Generally located on the west side of Holiday Hill Road at the west extension of Green Tree Boulevard); 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) (9257)
17. Consider an ordinance on second reading adopting a site plan for Lot 12, Block 28, Wydeewood Estates, Section 21, City and County of Midland, Texas (Generally located on the east side of Sunburst Drive, approximately 450 feet south of West Wadley Avenue); subject to the following conditions and restrictions; 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) (9258)
18. Consider an ordinance on second reading changing the zoning use classification of Lot 7, Block 1, Highland Addition, City and County of Midland, Texas (Generally located on the north side of West Cuthbert Avenue, approximately 50 feet east of North Colorado Street), 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) (9259)
19. Consider an ordinance on second reading vacating and abandoning a 1.04-acre portion of Holiday Hill Road right-of-way adjacent to the reserve tract in Green Hill Terrace, out of Section 7, Block "X", H.P. Hilliard Survey, City and County of

Midland, Texas (Generally located on the east side of Holiday Hill Road, approximately 300 feet north of Mockingbird Lane); adopting the appraisal by the City Manager of \$10,400.00; retaining a general public utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9260)

## **PUBLIC HEARINGS**

20. At approximately 10:30 A.M. hold a public hearing and consider an ordinance declaring certain structures located at 500 North Lamesa Road, 105 East Louisiana Avenue, 608 South Jackson Street, 701 North Calhoun Street, 427 West Spruce Avenue, 506 South Tyler Street, 708 East Texas Avenue, 710 North Main Street, 901 North Weatherford Street, 1408 Wayside Drive, 1509 South Dallas Street, and 303 Maple Avenue to be dilapidated, substandard or unfit for human habitation and a hazard 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) (9261)
21. At approximately 10:33 A.M. 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 a 3.30-acre tract of land which is presently zoned FD, Future Development District, to be used as an O-2, Office District; by permitting an 11.74-acre tract of land which is presently zoned FD, Future Development District, to be used as an MF-1, Multiple-Family Dwelling District; by permitting a 23.92-acre tract of land which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District; said tracts being out of Lot 7A, Block 3, Westridge Park Addition, Section 12, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of Avalon Drive and Deauville Boulevard); 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) (9262)
22. Consider:
  - a. At approximately 10:36 A.M. 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 a 3.03-acre tract of land out of Section 7, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Housing Development (Generally located on the east side of Holiday Hill Road, approximately 300 feet north of Mockingbird Lane); 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) (9263)

- b. Consider a motion on a proposed preliminary plat of Green Hill Terrace, Section 17, being a replat of the reserve tract in Green Hill Terrace and the to-be-vacated 1.04-acre portion of Holiday Hill Road, all out of Section 7, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 300 feet north of Mockingbird Lane.)
- 23. At approximately 10:39 A.M. 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 4, Block 2, Westridge Park Addition, Section 7, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an Amended Planned District (Generally located near the west side of North Loop 250 West, approximately 700 feet south of Andrews Highway); 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) (9264)
- 24. At approximately 10:42 A.M. 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 a 1.50-acre tract of land out of Section 8, Block "X", H.P. Hilliard Survey, 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 approximately 460 feet west of North Midkiff Road, and approximately 750 feet north of Mockingbird Lane); 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) (9265)
- 25. At approximately 10:45 A.M. 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 a 5.70-acre tract of land out of Section 2, Block 39, T-2-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 a BP, I-20 Business Park District (Generally located on the northwest corner of the intersection of South Lamesa Road and East Interstate Highway 20); 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) (9266)
- 26. At approximately 10:48 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for a carnival on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas (Generally located on the

southwest corner of the intersection of West Loop 250 North and North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein; and providing that the Chief of Police shall ensure that all participants are licensed pursuant to Title V, Chapter 9 of the Midland City Code. (DEVELOPMENT SERVICES) (2014 - 136)

27. At approximately 10:51 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 3G, Block 6, Scotsdale Addition, Nineteenth Section, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 550 feet west of North Midland Drive), 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) (9267)
28. At approximately 10:54 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 2, West Industrial Park, Section 3, City and County of Midland, Texas (Generally located on the north side of State Highway 191, approximately 750 feet east of Farm-to-Market Road 1788), 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) (9268)
29. At approximately 11:00 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 9, Block 3, Stockard Acres, City and County of Midland, Texas (Generally located on the east side of Goode Street, approximately 1,050 feet south of West Florida Avenue), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit without Term for a manufactured home for use as a guard's residence; 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) (9269)
30. At approximately 11:03 A.M. hold a public hearing and consider a resolution authorizing a temporary special permit for a manufactured home on a 4.86-acre tract of land out of Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and

County of Midland, Texas (Generally located on the west side of Roadrunner Trail, approximately 1,225 feet north of Cactus Trail). (DEVELOPMENT SERVICES) (2014 - 137)

31. At approximately 7:00 P.M. hold a public hearing on the 2014-2015 Community Development Block Grant Program. (DEVELOPMENT SERVICES)

### **MISCELLANEOUS**

32. Consider a resolution authorizing the acceptance of a general utility easement from D.R. Horton-Texas, Ltd. for the use and benefit of the public for public utilities located in Adobe Meadows, Section 6, City and County of Midland, Texas; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (2014 - 138)
33. Consider a motion on a request for the annexation of a 16.90-acre tract of land on a request by Younger Partners, Ltd. (2) out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40.) (DEVELOPMENT SERVICES)
34. Consider an ordinance amending Title V, "Business Regulations", Chapter 10, "Sidewalk Sales and Selling from Fixed Locations", of the City Code of Midland, Texas, so as to make comprehensive revisions to the regulation of sidewalk sales and selling from fixed locations within the City of Midland; setting forth requirements for issuance of certificates, permits, and licenses; providing for a fee of one hundred dollars (\$100.00) for fixed location permits and licenses; providing for impoundment upon failure to comply with an order to cease operation; setting forth appeal procedures; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (CITY ATTORNEY'S OFFICE) (9270)
35. Consider a resolution authorizing the City Attorney to execute an amendment to the deed that is dated August 9, 1960, where the City of Midland sold 709 West Tennessee Avenue, (Block Number 49 1/2 of the Homestead Addition to the City of Midland, Midland County, Texas), to the Church of Christ located at North "A" Street and Tennessee Avenue; the amended deed shall eliminate certain restrictions, the limitation on an assignment and reversionary issues; and the City Attorney is authorized to execute a quitclaim deed to the Church of Christ located at North "A" Street and Tennessee Avenue regarding the former San Angelo Street right-of-way which was abandoned by Ordinance No. 5942 dated March 9, 1982. (CITY ATTORNEY'S OFFICE) (2014 - 139)

36. Receive a presentation and discuss a proposed ordinance to amend Title V, "Business Regulations," by adding Chapter 11, "Credit Access Businesses"; setting out the purpose for a proposed program of registration and regulation of credit services organizations that act as credit access businesses, commonly known as "cash advance lenders," "payday lenders," and "auto title lenders," that will regulate areas in which Chapter 393 of the Texas Finance Code is silent or has not preempted municipal regulation; defining terms; and authorizing the enforcement of the proposed ordinance. The Council may discuss litigation styled as Consumer Service Alliance of Texas, Inc. v. City of Dallas, 05-13-00255-CV (Tex. App. – Dallas). The Council will discuss Chapter 393 of the Texas Finance Code. The Council will discuss imposing reasonable restrictions on extensions of consumer credit made by credit access businesses and imposing recordkeeping requirements. (CITY ATTORNEY'S OFFICE)
37. Consider motions making appointments to the Midland Football-Soccer and Baseball Complex Development Corporation Board of Directors; and consider motions appointing individuals to all other Boards and Commissions.

### **EXECUTIVE SESSION**

38. 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.
  - b. Section 551.072 Deliberation Regarding Real Property.
    - b.1. Discuss the purchase, exchange lease or value of real property described as Block 2, Lot 1, Commercial Bank Addition, Midland, Midland County, Texas.
  - c. Section 551.071 Consultation with the City Attorney.
    - c.1. Discuss matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
    - c.2. Discuss Texas Attorney General Opinion by former Texas Attorney General Dan Morales, No. DM-232.

- c.3. Discuss legal issues related to the Midland Development Corporation, a Type A Corporation as authorized by Chapter 504 of Texas Local Government Code, and the Midland Football-Soccer and Baseball Complex Development Corporation, a Type B Corporation as authorized by Chapter 505 of the Texas Local Government Code.
- d. Section 551.074 Personnel Matters
  - d.1. Deliberate the employment, evaluation, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.

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.