

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
May 06, 2014 - 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:

1. Receive an update from Midland County Fresh Water Supply District No. 1 regarding the Clearwater project.
2. Receive an update on the new long-term covered parking lot at Midland International Airport and discuss proposed airport parking rates structure.
3. Receive information from Development Services and Engineering Services regarding street right-of-way needs for the City of Midland.

AGENDA FOR CITY COUNCIL MEETING

May 06, 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 - Msgr. Larry Droll, St. Ann's Catholic 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 Proclamation for "Public Service Recognition Week"
 - b. Presentation of a Proclamation for "Motorcycle Safety and Awareness Month"
 - c. Receive presentation of 19th Annual Distinguished Budget Presentation Award from the Government Finance Officers Association.
 - d. Presentation of a proclamation for "Brain Tumor Awareness Month".
 - e. Presentation of a Retirement Commendation to Mary Peña.

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 April 22, 2014.
6. Consider a resolution authorizing the execution of an amendment to Resolution No. 2014-076 authorizing the execution of an agreement with Routesmart Technologies Incorporated, of Columbia, Maryland for the purchase of solid waste route optimization software and associated travel and contingencies at a total cost of \$98,200.00; and appropriating funds; and the agreement provides for software maintenance and technical support and training; said amendment to include waiving the payment and performance bond requirements. (PURCHASING) (2014 - 140)
7. Consider a resolution authorizing the execution of a contract for turf and landscape maintenance services for the City of Midland parks, athletic fields, and other City properties maintained within the Parks and Recreation Division from the sole bidder, Alldredge Gardens, L.P., in the amount of \$3,992,948.00 for two years; and waiving the payment and performance bonds. (PURCHASING) (2014 - 141)
8. Consider a resolution authorizing the issuance of a Request for Proposals for a Comprehensive Plan Review regarding the future growth and development for the City of Midland through 2025 for the Development Services Department; said plan will include significant public involvement, a strong emphasis on land use and public improvements, and will include information gathered from other City plans, such as the Parks Master Plan, in order to create a single plan that will guide future growth and development for the City of Midland through 2025. (PURCHASING) (2014 - 142)
9. Consider a resolution approving plans and specifications and authorizing advertisement for bids for renovations at Hogan Park Golf Course, said renovations will include cart path additions, re-turfing several areas, and the rebuilding of certain tees. (PURCHASING) (2014 - 143)
10. Consider a resolution authorizing the execution of a contract for labor, material, equipment and supervision necessary for the purchase and installation of heating and cooling systems in the gym and weight room located at the Martin Luther King, Jr. Community Center from the sole bidder, First Service Air Conditioning Contractors, Incorporated, in the amount of \$83,986.00; and appropriating funds. (PURCHASING) (2014 - 144)
11. Consider a resolution authorizing the execution of the fourth amendment to the Wholesale Water Delivery Agreement between the City of Midland and the Midland County Fresh Water Supply District No. 1, regarding the City's water

supply in Winkler County and Loving County, Texas. (CITY ATTORNEY'S OFFICE) (2014 - 145)

12. Consider a resolution accepting the retirement of the City Attorney effective at 5:00 p.m. on February 28, 2015; and authorizing the Mayor to execute on behalf of the City of Midland, an amendment to the Professional Services Agreement between the City of Midland and the City Attorney. (CITY ATTORNEY'S OFFICE) (2014 - 146)
13. Consider a resolution authorizing the appropriation of funds for an Anti-Litter Campaign from the Sanitation Fund in the amount of \$100,000.00; a portion of said funds will be used for advertising and promoting the Anti-Litter Campaign through television and radio advertisements, billboards, and other forms of advertisement; and appropriating funds. (CITY MANAGER'S OFFICE) (2014 - 147)
14. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and Rolling Frito-Lay Sales, LP, as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2014 - 148)
15. Consider a resolution approving a Real Estate Purchase Agreement between the Midland Development Corporation and Rolling Frito-Lay Sales, LP, regarding the Midland Development Corporation's sale of Lot 10, Block 10, Midland International Airport Industrial Park Addition, Section 5, Midland, Midland County, Texas, to Rolling Frito-Lay Sales, LP. (CITY MANAGER'S OFFICE) (2014 - 149)
16. Consider a resolution approving an amendment to the Economic Development Agreement between the Midland Development Corporation and the Kenneth Huseman Family Limited Partnership for a water line extension and a sewer collection system to serve a 48.36-acre tract located in Section 12, Block 40, T-2-S, T&P RR Co. Survey, Midland, Midland County, Texas, as authorized by Chapter 501 of the Texas Local Government Code. (CITY MANAGER'S OFFICE) (2014 - 150)
17. 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; the funds allocated by this resolution shall be used to promote tourism and the motel and hotel industry; the allocated funds are expended in a manner directly enhancing and promoting tourism and the motel and hotel industry; the use and allocation of these funds are authorized by Chapter 351 of the Texas Tax Code; and the approval of this resolution should not be construed or interpreted as endorsing the message or activities promoted by Rock the Desert Ministries, Incorporated; and Rock the Desert Ministries, Incorporated is required to provide insurance prior to the event and the City Secretary shall ensure that

the insurance is received and approved prior to the Rock the Desert Event; and allocating funds. (CITY SECRETARY'S OFFICE) (2014 - 151)

18. Consider a resolution authorizing the execution of an amendment to Resolution No. 2004-188 approving an Interlocal Cooperation Contract between the City of Midland, Texas and the Midland County Hospital District as authorized by Chapter 791 of the Texas Government Code; said amendment to include providing insurance billing for the City of Midland Health Department. (COMMUNITY SERVICES) (2014 - 152)
19. Consider a resolution approving an amendment to the permit issued to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 1,176 feet from the south line and 825 feet from the west line, Section 10, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street); said amendment authorizes the relocation of the access road, tank battery, frac pit, and electric lines. (DEVELOPMENT SERVICES) (2014 - 153)
20. Consider a resolution approving an amendment to the permit issued to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 773 feet from the south line and 825 feet from the west line, Section 10, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Mockingbird Lane, approximately 825 feet east of the extension of North Garfield Street); said amendment authorizes the relocation of the access road, tank battery, frac pit, and electric lines. (DEVELOPMENT SERVICES) (2014 - 154)
21. Consider a resolution approving an amendment to the permit issued to High Sky Partners, LLC ("Operator") to drill an oil and gas well within the City limits located 513 feet from the south line and 1,773 feet from the west line, Section 10, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of the extension of Mockingbird Lane, approximately 1,773 feet east of the extension of North Garfield Street); said amendment authorizes the relocation of the access road, tank battery, frac pit, and electric lines. (DEVELOPMENT SERVICES) (2014 - 155)
22. 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's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a natural 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 Section 9, Block 37, Township 3 South, T&P RR Co., Survey, recorded in Volume 1278, Page 577, Deed Records of Midland County, Texas; 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) (2014 - 156)

23. 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's property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a natural 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 Section 24, Block 37, Township 3 South, T&P RR Co., Survey, recorded in Volume 1508, Page 593, Deed Records of Midland County, Texas; 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) (2014 - 157)
24. Consider a resolution authorizing the execution of a Professional Services Agreement with Enprotec/Hibbs & Todd, Inc. for professional services, including but not limited to planning, engineering, and administration services for development review services to assist the Engineering Services Department and the Development Services Department; the consultant shall review plats, plans, construction plans, and drainage issues and other items; and authorizing payment therefor; and the agreement is for \$150,000.00. (ENGINEERING SERVICES) (2014 - 158)

SECOND READINGS

25. Consider an ordinance on second reading declaring certain structures located at 500 North Lamesa Road, 105 East Louisiana Avenue, 608 South Jackson 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)
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 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)

27. 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 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)
28. 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 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)
29. 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 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)
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 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)

31. Consider an ordinance on second reading 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)
32. Consider an ordinance on second reading 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)

PUBLIC HEARINGS

33. At approximately 10:30 a.m. hold a public hearing and consider a resolution of the City Council of Midland, Texas making a finding, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, that there is no feasible and prudent alternative to the change in use of an approximate 0.046-acre tract of land and an approximate 0.145-acre tract of land located in Hogan Park from public park use to use under a Tower Lease Agreement with GTP Towers IV, LLC for site space intended for cellular telecommunications equipment; said 0.046-acre tract of land and said 0.145-acre tract of land are located in the southwest quarter of Section 13, Block 39, T-1-S, T&P RR Co., Survey, City and County of Midland County, Texas, and being portions of Hogan Park (Generally located approximately 1,100 feet north of East Wadley Avenue, and 132 feet east of North Lamesa Road). (COMMUNITY SERVICES) (2014 - 159)

34. At approximately 10:33 a.m. hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Madden #1) located 1050 feet from the west line and 1,467 feet from the south line located in Section 3, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of the Cotton Flat Road, approximately 900 feet north of W. Interstate Highway 20.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
35. At approximately 10:36 a.m. hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Madden #2) located 2,173 feet from the west line and 2,273 feet from the south line located in Section 3, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of the Cotton Flat Road, approximately 1,700 feet north of W. Interstate Highway 20.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
36. 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 all of Blocks 1 and 2, Agri-Empresa Subdivision, and an 8.866-acre tract of land out of Section 11, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned BP, I-20 Business Park District, to be used as an LI, Light Industrial District (Generally located on the northeast corner of the intersection of West Interstate Highway 20 and South County Road 1250); 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) (9271)
37. 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 44.61-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Housing Development; by permitting a 33.99-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as a 1F-2, One-Family Dwelling District; said tracts being out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of Solomon Lane, approximately 950 feet east of North Big Spring Street); 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) (9272)
38. 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 Lot 1, Block 1, Rolling Green Acres

Addition, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Recreation Center, to be used as a CE, Country Estate District (Generally located on the north side of East Highway 80, approximately 400 feet west of Todd 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) (9273)

MISCELLANEOUS

39. Consider an ordinance amending Title V, "Business Regulations", of the City Code of Midland, Texas, by establishing Chapter 11, "Credit Access Businesses", so as to establish a program to register and regulate credit access businesses within the City of Midland; these credit access businesses are commonly known as "Cash Advance Lenders", "Payday Lenders", and "Auto Title Lenders"; providing for a fee of twenty-five dollars (\$25.00); providing for enforcement beginning on August 1, 2014; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); setting forth an appeal procedure; containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date; and the City Council finds it to be in the public interest to make certain amendments to the Midland City Code so as to regulate credit access businesses in areas where Chapter 393 of the Texas Finance Code is silent or does not preempt such regulations. (CITY ATTORNEY'S OFFICE) (9274)
40. Consider an ordinance amending Ordinance Number 8400 establishing fees and charges of the City of Midland Community Services Department for Parks and Recreation, Washington Aquatic Center and Doug Russell Pool, Animal Services, and Health and Senior Services Department; and repealing ordinances specifically in conflict with such fees and charges established herein. (COMMUNITY SERVICES) (9275)
41. Consider a resolution authorizing the execution of a Workforce Housing Incentive Agreement with Formosa Homes, LLC 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; and appropriating funds in the amount of \$152,985.00 therefor. (DEVELOPMENT SERVICES) (2014 - 160)
42. Consider a motion on a proposed preliminary plat of The Vineyard Addition, Section 5, being a 140.28-acre tract of land out of Section 13, Block 40, T-1-S, T&P Railroad Company Survey, City and County of Midland, Texas (Generally located on the west side of Holiday Hill Road, at the west extension of Green Tree Boulevard.) (DEVELOPMENT SERVICES)

43. Consider a motion on a request by Evans I for approval of the preliminary plat of Sprayberry Winery Plaza on a 54.48-acre tract of land out of Section 8, Block "X", H. P. Hilliard Survey, Midland County, Texas. (DEVELOPMENT SERVICES)
44. Consider a motion making appointments to Animal Services Advisory Commission, Housing Authority Commission, Midland Football-Soccer and Baseball Complex Development Corporation, Midland-Odessa Urban Transit District Board, Planning and Zoning Commission; and consider motions appointing individuals to all other Boards and Commissions.

EXECUTIVE SESSION

45. 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.
 - a.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Energy Related Properties, LLC.

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.