

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
May 20, 2014 - 9:30 A.M.
COUNCIL CHAMBER FOYER
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. Reception honoring newly elected Council Member Spencer Robnett.

AGENDA FOR CITY COUNCIL MEETING

May 20, 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 - Reverend Pat Bryant, Travis Baptist Church](#)
2. Pledge of Allegiance
3. [Consider a resolution canvassing the returns and declaring the results of the May 10, 2014 Special Election for one City Officer. \(CITY SECRETARY'S OFFICE\) \(2014 - 161\)](#)
4. [Conduct Swearing-In Ceremony for the newly elected At-Large Council Member, Spencer Robnett.](#)

PRESENTATIONS

5. [Presentation of special events, organizations, individuals, or periods of time including, but not limited to:](#)
 - a. [Presentation of a Retirement Commendation to Mary Peña.](#)
 - b. [Presentation of Paul C. Rea Award for Sustained Excellence from United Way of Midland.](#)

PUBLIC COMMENT

6. [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

7. [Consider a motion approving the following minutes:](#)
 - a. [Regular meeting of May 6, 2014.](#)

8. Consider a resolution authorizing the selection of MW Builders, Incorporated, as the Construction Manager at Risk for the new municipal court building; and authorizing the execution of a contract with MW Builders, Incorporated as the Construction Manager at Risk for the new municipal court building; and appropriating \$841,287.50 from the General Fund Unappropriated Balance; and construction costs are estimated to be \$10,265,000.00; and MW Builders' proposal was more expensive than some of the proposals, but recommended as the best value for the City of Midland. (PURCHASING) (2014 - 162)
9. Consider a resolution approving the purchase of assorted playground and recreational equipment from Miracle Recreation Equipment Company c/o Churchich Recreation LLC, of Niwot, Colorado; and Site Source, Incorporated, of Flower Mound, Texas, and Exerplay, Incorporated, of Cedar Crest, New Mexico at a total cost of \$709,730.28; and authorizing the execution of a contract with Miracle Recreation Equipment Company c/o Churchich Recreation LLC, of Niwot, Colorado, for labor, material, equipment and supervision for playground items and bay swings; and authorizing the execution of a contract with Site Source, Incorporated, of Flower Mound, Texas, for labor, material, equipment and supervision to purchase and install octagon gazebos and a picnic shelter; and appropriating funds; parks effected will be Dunagan, Hill, Hidalgo, C.J. Kelly, Cowden, Garrett-Brown, Pioneer, Sparks, Wadley-Barron, and Beal. (PURCHASING) (2014 - 163)
10. Consider a resolution authorizing the appropriation of funds to the Atmos Rate Review Mechanism Project in the amount of \$230,000.00. (CITY MANAGER'S OFFICE) (2014 - 164)
11. Consider a resolution authorizing the acceptance of a 200-square foot water line easement located in Lot 6B, Block 3, Westridge Park Addition, Section 12, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 165)
12. Consider a motion on a request by Maverick Engineering LLC for the Kalpowar Estates Section 4 to approve items requested for deferral, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located approximately on the east side of Trobaugh Blvd, 750 feet north of Briarwood Ave. (ENGINEERING SERVICES)
13. Consider a motion on a request by Maverick Engineering LLC to defer construction of public improvements for the Agri-Empresa Subdivision Section 2, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located on the northeast corner at the intersection of IH 20 and South County Road 1250. (ENGINEERING SERVICES)
14. Consider a motion on a request by Maverick Engineering LLC to defer construction of public paving improvements for the Agri-Empresa Subdivision Section 2, but to allow construction of such items to occur during the next five

years. The subject property is generally located on the northeast corner at the intersection of IH 20 and South County Road 1250. (ENGINEERING SERVICES)

15. Consider a resolution authorizing the acceptance of a 0.130-acre non-exclusive pedestrian access easement located in Lot 1, Block 3, the Vineyard Addition, Section 4, Midland, Midland County, Texas; and ordering recordation by the City Secretary; the City is purchasing the easement from the Midland Independent School District. (ENGINEERING SERVICES) (2014 - 166)
16. Consider a resolution accepting an assignment of a sanitary sewer easement from Vineyard Reserve, LLC., a Texas limited liability company; authorizing the execution of said assignment of a sanitary sewer easement; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 167)
17. Consider a resolution accepting an assignment of a sanitary sewer easement from Fasken Land and Minerals, Ltd.; authorizing the execution of said assignment of a sanitary sewer easement; and ordering recordation by the City Secretary; Fasken Land and Minerals received the easement from Button Estes Ranch Ltd. (ENGINEERING SERVICES) (2014 - 168)
18. Consider a resolution adopting the findings by the Fire Marshal and the Police Chief that all fire lanes existing in the City of Midland on May 20, 2014, are marked and located correctly. (FIRE) (2014 - 169)
19. Consider a resolution appropriating interest earned in the amount of \$38.84 on the FY2011 Justice Assistance Grant funds; the grant award plus interest must be expended or returned to the Federal Government as a requirement of the grant. (POLICE) (2014 - 170)

SECOND READINGS

20. 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)
21. 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 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)

22. 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 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)
23. Consider an ordinance on second reading 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)

PUBLIC HEARINGS

24. At approximately 10:30 A.M. hold a public hearing on the 2014/15 Community Development Block Grant Program. (DEVELOPMENT SERVICES)
25. At approximately 10:33 A.M. hold a public hearing and consider an annexation of the property on a request by Younger Partners, Ltd #2 being a 16.90-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40.) (DEVELOPMENT SERVICES)
26. 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 1.94-acre tract of land which is presently zoned PD, Planned District for a Shopping Center, to be used as an O-2, Office District; by permitting a 4.25-acre tract of land which is presently zoned PD, Planned District for a Shopping Center, to be used as an O-2, Office District; said tracts being out of Section 6, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of South Loop 250 West, approximately 400 feet north of West Wall 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) (9276)

27. 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 Blocks 20 and 21, Greathouse Addition, Section 7, City and County of Midland, Texas, which is presently zoned TH, Townhouse Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located on the east side of Deer Run Avenue, approximately 650 feet north of Hilltop Drive); providing for such use to be subject to certain special conditions and restrictions as set out 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) (9277)
28. 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 14,292 square foot portion of Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of Holiday Hill Road and League Drive), 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 lounge or nightclub 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) (9278)
29. 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 3,054 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of West Loop 250 North and North Garfield Street), 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) (9279)
30. At approximately 10:48 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 5,009 square foot portion of Lot 11, Block 11, the Village Addition, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of Andrews Highway and West Wall Street, approximately 300 feet south of Illinois Avenue), 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 lounge or nightclub 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) (9280)

31. At approximately 10:54 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on Lots 7-9, Block 6, and a 150 foot section of the 100 Block of South Carrizo Street, Original Town, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of South Carrizo Street and West Missouri Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 171)
32. At approximately 10:57 A.M. hold a public hearing and consider a resolution authorizing a temporary special permit for a manufactured home on Lot 7, Block 9, East Midland Addition, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of East Walnut Lane and Madison Street). (DEVELOPMENT SERVICES) (2014 - 172)

MISCELLANEOUS

33. Consider an ordinance amending Title XIII, "Airports", Chapter 5, "Prohibited and Regulated Parking Zones", Section 5, "Public Parking Charges", of the City Code of Midland, Texas; establishing new rates or fares for the public parking areas at the Midland International Airport; 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. (AIRPORTS) (9281)
34. Consider a motion on a proposed preliminary plat of Westridge Park, Section 29, being a replat of Lot 3, Block 9, Westridge Park Addition, Section 25, City and County of Midland, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 400 feet south of Legends Boulevard.) (DEVELOPMENT SERVICES)
35. 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)
36. 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 September 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)

37. Consider a motion making appointments to 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

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 551.071, Consultation with the City Attorney
 - b.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.
 - b.2. Discuss legal issues related to Chapter 2007 of the Texas Government Code.

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.