

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
October 07, 2014 - 9:30 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. Discuss proposed amendments to the Community Development Block Grant Program.

AGENDA FOR CITY COUNCIL MEETING
October 07, 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 – Dr. Tim Walker, First United Methodist 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 in honor of Frank Haag.

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 September 23, 2014.
6. Consider a resolution authorizing the execution of an agreement with the sole bidder, Lamesa Irrigation, Company, for two (2) center pivot irrigation systems and parts for the Spraberry Farm in the amount of \$157,093.00. (PURCHASING) (2014 - 360)
7. Consider a resolution authorizing the execution of a contract with Daktronics, Incorporated, for the purchase and installation of an electronic video board at the

Scharbauer Sports Complex Security Bank Ballpark through Buyboard, at a total cost of \$650,000.00; this item was not bid but purchased through a cooperative purchasing program. (PURCHASING) (2014 - 361)

8. Consider a resolution approving plans and specifications prepared by Parkhill, Smith and Cooper, Incorporated, and authorizing advertisement for bids for the City of Midland project described as Taxiway P Aircraft Run-Up (7084) at the Midland International Air and Space Port. (AIRPORTS) (2014 - 362)
9. Consider a resolution authorizing the employment of the law firm of Kaplan, Kirsh and Rockwell LLP, to represent the City of Midland regarding all matters related to airport height hazard and land compatibility zoning at Midland International Air and Space Port and Midland Airpark Airport; authorizing the payment of all costs; and appropriating funds. (AIRPORTS) (2014 - 363)
10. Consider a resolution authorizing the execution of a contract with Northern Little League to promote tourism and the convention and hotel industry in the City of Midland; appropriating funds from the Hotel/Motel fund; and providing that Northern Little League will promote baseball activities and baseball tournaments in the City of Midland. (CITY ATTORNEY'S OFFICE) (2014 - 364)
11. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Coronado Midstream 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 Sections 23 and 24, Block 40, Township 1 South, T&P RR Co. Survey; the first crossing is located at Golden Gate Drive, and the second right-of-way crossing is located at the future Avalon Drive on City owned property; 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 - 365)
12. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Plains Pipeline, LP; 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 petroleum 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 44, Block 38, Township 1 South, T&P RR Co. Survey; recorded in Volume 2308, Page 3, 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 - 366)

13. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Plains Pipeline, LP; 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 petroleum pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Martin County, Texas, being Sections 5 and 8, Block 38, Township 1 South, T&P RR Co. Survey; recorded in Volume 239, Page 49, 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 - 367)
14. Consider a resolution authorizing the acceptance of a 0.75-acre Utility Easement located in Section 1, Block "X", H. P. Hilliard Survey, Midland, Midland County, Texas, from Mark Payne; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 368)
15. Consider a resolution authorizing an Operating Certificate for Silver Star Senior Transportation, LLC, to operate a Taxicab Business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2014 - 369)
16. Consider a resolution authorizing the execution of a Correction Special Warranty Deed for real property described as being all of Lots 8, 9, 10, 11 & 12, Block 56, Original Town of Midland, City of Midland, Midland County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 232 of the Deed Records, Midland County, Texas; the City of Midland is the grantor and the Downtown Midland Management District is the grantee. (CITY ATTORNEY'S OFFICE) (2014 - 370)

SECOND READINGS

PUBLIC HEARINGS

17. At approximately 10:30 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 an 8.55-acre portion of Lot 1, Block 6, Westridge Park Addition, Section 6, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an O-2, office District (Generally located southwest of the intersection of North Loop 250 West and Champions 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) (9329)

18. 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 10.21-acre tract of land out of Section 14, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned MF-1, Multiple-Family Dwelling District, to be used as an O-2, Office District (Generally located on the north end of Edwards Street, approximately 470 feet north of Corporate 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) (9330)
19. 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 Lot 2, Block 1, Corporate Plaza, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Office Center, to be used as an Amended Planned District (Generally located northwest of the intersection of Edwards Street and Corporate 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) (9331)
20. 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 a 24.09-acre tract of land out of Section 12, 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 north side of Magellan Street, at the east extension of Daybreak Way); 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) (9332)
21. 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 Lot 2, Block 2, Grandridge Park Addition, Section 1, 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 northwest of the intersection of North Loop 250 West and West Wadley Avenue); 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) (9333)

22. 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 13, Block 22, West End Addition, Section 19, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Transition District, to be used as an Amended Planned District (Generally located southeast of the intersection of North "I" Street and West Illinois Avenue); 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) (9334)
23. At approximately 10:48 AM 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, Block 2, Pavilion Park, Section 1, and Lot 3, Block 2, Pavilion Park, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended Planned District (Generally located near the southeast corner of the intersection of North Big Spring Street and Pavilion Parkway); 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) (9335)
24. At approximately 10:51 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 104.50-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended Planned District (Generally located on the west side of Avalon Drive, approximately 1,720 feet south of State Highway 191); 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) (9336)
25. At approximately 10:54 a.m. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Cowden No 1205D) located 2,129 feet from the south line and 2,262 feet from the east line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 3,000 feet east of State Highway 349.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

26. At approximately 10:57 a.m. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Cowden No 1206) located 1,795 feet from the south line and 467 feet from the east line located in Section 12, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, Approximately 470 feet west of the extension of Fairgrounds Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
27. At approximately 11:00 A.M. hold a public hearing and consider an ordinance granting a special exception for an 8.55-acre portion of Lot 1, Block 6, Westridge Park Addition, Section 6, City and County of Midland, Texas (Generally located southwest of the intersection of North Loop 250 West and Champions Drive), by permitting a building to exceed the maximum height limit; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the City Secretary in the Deed Records of Midland County, Texas; and ordering publication. (DEVELOPMENT SERVICES) (9337)
28. At approximately 11:03 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on the West 90 feet of Lots 10-12, Block 61, and a 150 foot section of the 100 Block of South Carrizo Street, Original Town, City and County of Midland, Texas (Generally located southeast of the intersection of South Carrizo Street and West Wall Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 371)
29. At approximately 11:06 A.M. hold a public hearing and consider a resolution of the City council of the City of Midland, Texas stating no objection to THF Palladium Midland, LTD's application to the Texas Department of Housing and Community Affairs for 2014 housing tax credits for a proposed development of affordable rental housing that will be located at 2200 South Lamesa Road, Midland, Texas, known as THF Palladium Midland; authorizing and directing the City Secretary to certify the resolution to the Texas Department of Housing and Community Affairs; and providing an effective date. (DEVELOPMENT SERVICES) (2014 - 372)

MISCELLANEOUS

30. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the Traffic Engineer to install appropriate signs and markings at the designated locations; 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. (ENGINEERING SERVICES) (9338)

31. Consider a resolution requiring City Council's approval of the site plan of HEB Grocery Company, LP, or HEB Grocery Company, LP's successors and assigns, for Claydesta Plaza North, Section 4, City and County of Midland, Texas (Generally located at the southwest corner of the intersection of Business State Highway 349-C, commonly known as North Big Spring Street, and Loop 250) prior to the issuance of a building permit for any structure having an area greater than 10,000 square feet located thereon; requiring HEB Grocery Company, LP, or HEB Grocery Company, LP's successors and assigns, to install improvements to be identified in a traffic impact analysis prior to the issuance of a building permit or certificate of occupancy for any structure having an area greater than 10,000 square feet located thereon; the financial contribution of HEB Grocery Company, LP, or HEB Grocery Company, LP's successors and assigns, initially shall not exceed \$900,000.00 and shall increase by three percent each year until said improvements are installed; authorizing and directing the City Manager or the City Manager's designee to release HEB Grocery Company, LP's letter of credit that was previously delivered to the City of Midland; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 373)
32. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

33. 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. 551.074 Personnel Matters
 - a.1. Deliberate the appointment, employment, compensation, and duties of a new City Attorney.

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.