

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
November 04, 2014 - 9:15 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 update from Development Services Department on a proposed amendment to the sign ordinance as it relates to billboards.

AGENDA FOR CITY COUNCIL MEETING
November 04, 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

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation in remembrance of Sergeant Michael Naylor, Midland County Sherriff's Office.

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 October 21, 2014.
6. Consider a resolution approving an agreement with Justice Benefits, Incorporated, of Dallas, Texas, to provide Federal reimbursement opportunities and consultant services for the Health and Senior Services Division of the Community Services Department; said firm to receive eighteen percent of funds

recovered; Justice Benefits, Incorporated is the only firm that assist and prepares Medicaid administrative claims to local Health Departments in Texas. (PURCHASING) (2014 - 395)

7. Consider a resolution authorizing the execution of a Professional Services Agreement with Luck Design Team, LLC, for engineering and architectural services for the renovation and new construction of sports fields at Bill Williams Softball Complex, Hogan Park ball fields, and at the Scharbauer Sports Complex at a total cost of \$256,500.00. (PURCHASING) (2014 - 396)
8. Consider a resolution approving the purchase of two (2) Spartan Pumpers from Metro Fire Apparatus Specialists, Incorporated, through the Houston-Galveston Area Council at a total cost of \$1,299,920.00; this item was not bid but purchased through a Council of Governments. (PURCHASING) (2014 - 397)
9. Consider a resolution approving the purchase of four (4) Kann 29 cubic yard commercial side loader refuse bodies from Kann Manufacturing Corporation, through the Houston-Galveston Area Council at a total cost of \$400,456.00; this item was not bid but purchased through a Council of Governments. (PURCHASING) (2014 - 398)
10. Consider a resolution approving the purchase of two (2) John Deere 6105M cab tractors and two (2) John Deere CX15 flex wing rotary cutters through the Texas Association of School Boards(TASB)/Buyboard from Deere and Company, of Cary, North Carolina, at a total cost of \$179,093.74; and these items were not bid but purchased through a Council of Governments. (PURCHASING) (2014 - 399)
11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Market Street Utility Improvements Project; said project will provide for the installation of various water utilities to provide service between Basin Street and the North Frontage Road of Interstate 20. (PURCHASING) (2014 - 400)
12. Consider a resolution establishing the dates of the regular City Council meetings to be held during the calendar year 2015. (CITY MANAGER'S OFFICE) (2014 - 401)
13. Consider a resolution authorizing the execution of an Independent Professional Consultant Contract with Frances Stapp to provide curator management and other services to the Heritage District. (COMMUNITY SERVICES) (2014 - 402)
14. Consider a resolution approving Vector Oil & Gas LP's ("Operator") transfer of certain oil and gas well permits to Vanguard Natural Resources, LLC ("Transferee"); and approving operator's transfer of the Road Repair Agreement regarding said oil and gas well permits to transferee; the oil and gas wells are

Barron No. 1, Barron No. 2, Barron No. 3, and Barron No. 4; said oil and gas wells are located in Section 6, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, south of Mockingbird Lane.) (DEVELOPMENT SERVICES) (2014 - 403)

15. Consider a resolution granting a variance for Greathouse Addition, Section 7, City and County of Midland, Texas (Generally located on the east side of Holiday Hill Road, south of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 135 feet of an oil and gas well or closer than 150 feet of a tank battery; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2014 - 404)
16. Consider a resolution granting a variance for Daybreak Estates Addition, City and County of Midland, Texas (Generally located on the east side of Business State Highway 349-C, north of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 135 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2014 - 405)
17. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Crownquest Operating, 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 petroleum pipelines 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 4, 9, 10, 11, 13, 14, 20, 21, 24, and 30, Block 37, Township 3 South, T&P RR Co. Survey, and SF 15387 and Section 19, Block 36, Township 3 South, T&P RR Co. Survey; the license term is for fifteen (15) 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. (CITY ATTORNEY'S OFFICE) (2014 - 406)
18. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Centurion Pipeline, L.P.; 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 Sections 5 and 8, Block 38, Township 2 South, T&P RR Co. Survey; recorded in Volume 2308, Page 3, Deed Records of Midland County, Texas, and Section 44, Block 38, Township 1 South, T&P RR Co. Survey; recorded in Volume 67, Page 50, 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; and rescinding City of Midland Resolution No. 2014-386. (ENGINEERING SERVICES) (2014 - 407)

19. Consider a resolution appointing individuals to serve as volunteers to enforce parking restrictions as authorized by Chapter 681 of the Texas Transportation Code. (POLICE) (2014 - 408)
20. Consider a resolution authorizing an Interlocal Contract with Midland County, Texas regarding cooperation between the Midland Police Department and the Midland County Sheriff's Office in the investigation of criminal activity and law enforcement. (POLICE) (2014 - 409)

SECOND READINGS

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 an 80.98-acre tract of land out of Section 25, 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 a 1F-3, One-Family Dwelling District (Generally located on the south side of Briarwood Avenue, at the north extension of Navasota 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)(First reading held October 21, 2014.)(9339)
22. Consider an ordinance on second reading granting a special exception for an 80.98-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Briarwood Avenue, at the north extension of Navasota Drive), by permitting a reduced front yard setback for lots within said tract; 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)(First reading held October 21, 2014.)(9345)
23. Consider an ordinance on second changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 4.99-acre tract of land out of Section 17, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as an LI, Light Industry District (Generally located on the west side of North County Road 1150, approximately 530 feet south of Arapahoe Road); 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 October 21, 2014.)(9340)
24. Consider an ordinance on second changing the zoning classification by

amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 21.15-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as a 1F-3, One-Family Dwelling District; by permitting an 8.63-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as an LR-2, Local Retail District; by permitting an 11.79-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as an LR-2, Local Retail District; by permitting a 16.91-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as an MF-2, Multiple-Family Dwelling District; by permitting an 18.33-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as an O-2, Office District; by permitting a 25.64-acre tract of land which is presently zoned AE, Agriculture Estate District, in part, and TH, Townhouse Dwelling District, in part, to be used as a 1F-3, One-Family Dwelling District; by permitting an 11.53-acre tract of land which is presently zoned AE, Agriculture Estate District, in part, and TH, Townhouse Dwelling District, in part, to be used as a TH, Townhouse 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 East Loop 250 North, approximately 800 feet east of North Lamesa Road); 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 October 21, 2014.)(9341)

25. Consider an ordinance on second reading granting a special exception for a 21.15-acre tract of land ("Tract A"), a 25.64-acre tract of land ("Tract B"), and an 11.53-acre tract of land ("Tract C"), all out of Section 1, Block "X" H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the south side of Solomon Lane, approximately 800 feet east of North Lamesa Road), by permitting a reduced front yard setback for lots within Tract A, Tract B, and Tract C, and by permitting a reduced minimum Lot size for lots within Tract B and Tract C; 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)(First reading held October 21, 2014.)(9344)
26. Consider an ordinance on second reading adopting a site plan for a 12.918-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located southeast of the intersection of Gist Avenue and Wayside Drive); 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)(First reading held October 21, 2014.)(9342)
27. Consider an ordinance on second reading changing the zoning use classification

of the property described as Lot 17 and the south half of Lot 18, Block 104, Original Town Addition, City and County of Midland, Texas (Generally located on the east side of South Main Street, approximately 100 feet north of Washington Avenue), which is presently zoned LI, Light Industry 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)(First reading held October 21, 2014.)(9343)

PUBLIC HEARINGS

28. At approximately 10:30 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a Lots 11 and 12, Block 40, College Heights, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of South Garfield Street and Front Street), which is presently zoned C-3, Commercial 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) (9346)
29. At approximately 10:33 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 0.046-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located at the intersection of south Midland Drive and West Interstate Highway 20), 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 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) (9347)
30. At approximately 10:36 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for a festival on Lot 4, Block 5, Westridge Park Addition, Section 6, City and County of Midland, Texas (Generally located northwest of the intersection of North Loop 250 West and Champions Drive); 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 - 410)

MISCELLANEOUS

31. Consider an ordinance amending Title VII, "Fire Regulations," Chapter 1, "Fire Prevention Code," of the Midland City Code; designating the Fire Marshal as the Fire Code Official; adopting the 2012 edition of the International Fire Code with certain amendments as the Fire Prevention Code of the City of Midland, Texas; requiring fire Lanes on private property, devoted to public use, to be approved by the Fire Marshal; establishing a presumption of validity of a fire lane that substantially complies with the requirements of Title VII, "Fire Regulations," Chapter 1, "Fire Prevention Code," of the Midland City Code; repealing Ordinance Numbers 7425 and 8867 and all other ordinances or parts of ordinances which are in conflict with this ordinance; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); providing an appeal process; and ordering publication. (FIRE) (9348)
32. Consider a motion directing staff to begin the annexation of a 5.98-acre tract located in Section 37, Block 40, T-1-S, T&P, RR Company Survey, Midland County, Texas. (Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions Drive.) (DEVELOPMENT SERVICES)
33. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

34. 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:

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.