

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
January 08, 2013 - 9:30 A.M.
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 an update from the Midland County Freshwater Supply District No. 1 regarding the delivery of water from T-Bar Ranch located in Winkler County and Loving County, Texas.

AGENDA FOR CITY COUNCIL MEETING
January 08, 2013 – 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 Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognition of the 2012 Christmas Parade Float Winners.
 - b. Presentation of a Proclamation for Crime Stoppers Month.

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 December 18, 2012.
6. Consider a resolution authorizing the execution of a contract for the purchase and installation of two (2) center pivot irrigation systems, with additional parts, for use at the City's Spraberry Farm from Lamesa Irrigation Company, of Lamesa, Texas, at a total cost of \$138,376.00. (GENERAL SERVICES) (2013 - 001)

7. Consider a resolution authorizing the execution of a Professional Services Agreement with Freese and Nichols, Inc. for Comprehensive Revisions to the City of Midland's Zoning Code Regulations; and authorizing payment therefor in the amount of \$177,000. (GENERAL SERVICES) (2013 - 002)
8. Consider a resolution awarding a 3-year service contract for dry cleaning services to Gregory DCSC, L.L.C. dba Dry Clean Super Center, of Midland, Texas, at a total cost of \$292,601.40. (GENERAL SERVICES) (2013 - 003)
9. Consider a resolution of the City of Midland, Texas, requesting that the Texas State Legislature and the Governor of Texas take action to stop Usurious Lending by Payday and Auto Title Lenders and to support cities' authority to pass ordinances aimed at curtailing credit access businesses' exploitation of economically vulnerable citizens. (CITY MANAGER'S OFFICE) (2013 - 004)
10. Consider a resolution authorizing the execution of an Interlocal Cooperation Contract between the City of Midland, the Midland Development Corporation ("MDC"), the Downtown Midland Management District ("DMMD") and the Midland Tax Increment Reinvestment Zone Number One ("TIRZ") regarding the City of Midland's Employment of a Downtown Development Coordinator, as authorized by Chapter 791 of the Texas Local Government Code; and rescinding Resolution No. 2012-337. (DOWNTOWN DEVELOPMENT) (2013 - 005)
11. Consider a resolution authorizing the acceptance of a 0.0916-acre utility easement from Victor R. Cesena; authorizing the acceptance of a 0.4769-acre utility easement from the estate of Paul B. Handel; authorizing the acceptance of a 0.2712-acre utility easement from Barefoot 6/91, LTD.; said easements being located in Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 006)
12. Consider a resolution authorizing the acceptance of a 0.16-acre sewer line easement located in the remainder of Lot 1, Block 6, Westridge Park Addition, Section 6, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 007)
13. Consider a resolution authorizing an Operating Certificate for Khodiar Trade Investment dba Metro Taxi, to operate a Taxicab Business; setting forth conditions accompanying the Certificate; and establishing the terms of the Certificate. (POLICE) (2013 - 008)
14. Consider a resolution authorizing the execution of a contract with R.E. Monks Construction Company, LLC for the labor, material, equipment, and supervision necessary for the construction of Cell 7 Excavation and Liner Construction at the

City of Midland Landfill; said contract to be for a total amount of \$5,772,510.20; and appropriating funds. (SOLID WASTE) (2013 - 009)

SECOND READINGS

15. 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 Lots 14-26, Block 43, Lots 14-26, Block 44, and Lots 14-26, Block 45, Greenwood Addition, Third, Fourth, and Fifth, City and County of Midland, Texas, which is presently zoned C-3, Commercial District, to be used as a PD, Planned District for a Housing Development (Generally located on the north side of Cloverdale Road, between South Jackson Street and South Webster Street); 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) (9093)
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 5.00-acre tract of land out of Blocks 84 and 85, east Midland Addition, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned C-3, Commercial District, to be used as a PD, Planned District for a Housing Development (Generally located on the west side of Fairgrounds Road, south of Golf Course Road); 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) (9094)
17. 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 3.911-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, and a 7.709-acre tract of land out of Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-2, Local Retail District (Generally located on the northwest corner of the intersection of North Midkiff Road and 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) (9095)
18. Consider an ordinance on second reading designating the I-20 Wildlife Preserve as parkland; amending Title IX, "Public Ways and Property", Chapter 5, "Parks and Playgrounds", Section 18, "Hours of Use of Public Parks", establishing

Subsection (C) of the City Code of Midland, Texas, so as to establish provisions concerning hours of use and rules and regulations for the I-20 Wildlife Preserve; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication. (COMMUNITY SERVICES) (9098)

PUBLIC HEARINGS

19. At approximately 10:30 a.m. hold a public hearing and consider an ordinance vacating and abandoning a 45-foot by 311.94-foot portion of Right-of-Way located adjacent to Lots 1, 2 and 3, Block 1, 349 Ranch Estates Addition, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, between Arapahoe Road and Tejas); adopting the appraisal by the City Manager of \$14,037.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9099)
20. At approximately 10:33 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans P 1) located 490 feet from the south line and 565 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the North Midkiff Drive, approximately 490 feet north of Mockingbird Lane.) (DEVELOPMENT SERVICES)
21. At approximately 10:36 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans A 1) located 993 feet from the north line and 490 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of the North Midkiff Drive, approximately ¾ mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)
22. At approximately 10:39 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans B 2) located 490 feet from the north line and 2,328 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Drive, approximately 1 mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)
23. At approximately 10:42 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans O 1) located 654 feet from the south line and 1,860 feet from the east line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1/3 mile west of North Midkiff

Drive.) (DEVELOPMENT SERVICES)

24. 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 14.05-acre tract of land out of Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned PD, Planned District for Housing Development, to be used as an amended Planned District (Generally located at the south side of West Wadley Avenue, approximately 450 feet east of Sunburst 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) (9100)

MISCELLANEOUS

25. Consider a resolution approving the issuance of a Permit to Endeavor Energy Resources, LP ("Operator") to drill an oil and gas well within the City Limits located 2,167 feet from the north line and 600 feet from the west line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the south side of Passage Way, approximately 600 feet east of North Midkiff Road). (DEVELOPMENT SERVICES) (2013 - 010)
26. Consider a resolution approving the issuance of a Permit to Endeavor Energy Resources, LP ("Operator") to drill an oil and gas well within the City Limits located 2,167 feet from the north line and 1,950 feet from the west line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the south side of Passage way, approximately 1,950 feet east of North Midkiff Road). (DEVELOPMENT SERVICES) (2013 - 011)
27. Consider a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, LP regarding its Applications to Drill Oil and Gas Wells (Chaps No. 2 and Chaps No. 3) within the City Limits in Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2013 - 012)
28. Consider a resolution authorizing a Right-of-Way Crossing License with the City of Midland, Texas and Endeavor Energy Resources, L.P.; said Right-of-Way License is for the purpose of installing one (1) three inch (3") oil and gas, production water poly pipeline, and one (1) four inch (4") fresh water poly pipeline all contained within an eight and one-half inch (8 ½) standard steel casing under a portion of passage way; the casing is located within the City of Midland Right- of-Way, Section 9, Block "X", H.P. Hilliard Survey, Midland, Midland County, Texas; the license term is for five (5) years, commencing with the date of this license and may be renewed at the end of the term for one

additional five (5) year term upon 90 days written request prior to expiration.
(ENGINEERING SERVICES) (2013-013)

29. Consider an ordinance vacating and abandoning a 45-foot by 215-foot portion of right-of-way located adjacent to Lots 1 and 2, Block 18, 349 Ranch Estates Addition, Section 3, City and County of Midland, Texas (Generally located on the southeast corner of State Highway 349 and Arapahoe Road); adopting the appraisal by the City Manager of \$9,675.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9101)
30. Consider a resolution approving the issuance of a Permit to Bluestem Energy Holdings, LLC ("Operator") to drill an oil and gas well within the City Limits located 2,073 feet from the north line and 1,009 feet from the west line, Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of North Midland Drive, approximately 3/4 of a mile north of Mockingbird Lane); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 014)
31. Consider a resolution approving the issuance of a Permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City Limits located 947 feet from the west line and 660 feet from the south line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the north side of Briarwood Avenue, approximately 1/2 mile west of Golden Gate Drive); and providing that said Permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 015)
32. Consider an ordinance vacating and abandoning a 0.23-acre north/south and east/west alley adjacent to Lot 1, Block 10, and Lot 15, Block 11, Trueland Addition, Section 2, City and County of Midland, Texas (Generally located near the southwest corner of the intersection of Scharbauer Drive and North Fairgrounds Road); adopting the appraisal by the City Manager of \$902.00; waiving the fee for the cost of the Right-of-Way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9102)
33. Consider a motion interpreting Ordinances 7500 and 6862 as they relate to the development of property for medical office and residential uses. Said ordinances regulate property generally located on the south side of Andrews Highway 200 feet east of Upland Drive. (DEVELOPMENT SERVICES)
34. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," Subsection (A), "Customers Inside of City limits," Sub-Subsection 2., "Sewer Rates," of the City Code of Midland, Texas, so as to clarify the rates charged to customers inside the City Limits for sewer service; containing a cumulative clause; containing a savings and severability

clause; and ordering publication; and the City Manager shall notify all customers outside the City Limits as required by State Law. (UTILITIES) (9103)

35. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

36. 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 551.071 Consultation with the City Attorney
 - a.1. Discuss Section 36.121 and Section 36.122 of the Texas Water Code.
- b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange lease or value of real property described as Block 027, Lots 07A and 13A, Original Town Addition, Midland, Midland County, Texas.

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.