

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
January 14, 2014 - 9:00 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 a presentation from Code Administration regarding possible changes to the mobile vendor ordinance.
2. Receive an update from Jay Edwards of Midland County Freshwater District No. 1 regarding the Clear Water Ranch project.

AGENDA FOR CITY COUNCIL MEETING
January 14, 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 - 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 2013 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. (Please limit remarks to no more than three minutes per person.)

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular meeting of December 17, 2013.
6. Consider a resolution amending the authorized representatives of the City of Midland, Texas, regarding investments of public funds; and that Pam Simecka, the City's new Director of Finance, replaces Bob McNaughton as a representative of the City of Midland on the Texas Local Government Investment Pool (TexPool/TexPool Prime). (FINANCE) (2014-001)

7. Consider a resolution authorizing the sale of real property described as Lot 8, Block 21, Midland Heights Addition, an addition to the City of Midland, Midland County, Texas, (Generally known as 1208 West New Jersey Street, City of Midland, Midland County, Texas), to Soledad F. Nieto of Midland, Texas, for \$70,000.00; authorizing the City Manager to negotiate and execute deed documents; all closing costs to be borne by Soledad F. Nieto; closing shall be conducted at Lone Star Abstract & Title Co., Inc. of Midland, Texas; and ordering recordation by the City Secretary; and the City Manager is hereby authorized to select the type of deed to transfer the property; and prior to closing, Soledad F. Nieto shall pay all municipal utility liens against the property; and the City of Midland shall reserve the minerals, if any, in the deed. (PURCHASING) (2014-002)
8. Consider a resolution rejecting all bids received for Bid No. 7248-14 for the purchase of 2 backhoes, 2-3 CY rubber tire loaders, and 2 motor graders; and authorizing re-advertisement for bids for the Garage Division. (PURCHASING) (2014-003)
9. Consider a resolution approving the purchase of a single axle cab and chassis with pothole patcher body from Southwest International Trucks, Inc. through Buyboard at a total cost of \$153,982.60; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2014-004)
10. Consider a resolution authorizing the City Manager to negotiate, approve and execute an Assignment, Assumption and Release Agreement between the City of Midland, Texas, and Lewis Transportation Group, LLC, d/b/a Dollar Rent A Car/Thrifty Car Rental, a Utah corporation and DTG Operations, Incorporated, an Oklahoma corporation regarding operating a rental car concessions at the Midland International Airport. (AIRPORTS) (2014-005)
11. Consider a resolution authorizing the City Manager to negotiate, approve and execute an amendment to the agreement with the Midland County Fresh Water Supply District No. 1 regarding the development of the Clearwater Ranch in Winkler County, Texas; and the Clearwater Ranch is approximately 6,745.7 acres, more or less. (CITY ATTORNEY'S OFFICE) (2014-006)
12. Consider a resolution authorizing the City Manager to negotiate, approve and execute a contract between the Midland-Odessa Urban Transit District and McDonald Transit Associates, Incorporated, the City of Odessa, and the City of Midland; this contract is a management contract for the motorbus transportation system located in Midland County and Ector County, Texas; and rescinding Resolution Number 2013-426. (CITY MANAGER'S OFFICE) (2014-007)
13. Consider a resolution authorizing the execution of a contract with the Permian Basin Petroleum Museum in an amount not to exceed \$250,000.00 for advertising, promotion and solicitation of oil industry activities in the City of

Midland; and to promote tourism and the convention and hotel industry. (CITY SECRETARY'S OFFICE) (2014-008)

14. Consider a resolution authorizing the annexation or inclusion of approximately 4.99 acres into the Downtown Midland Management District; said property being further described as Lot 1A, Block 109, Section 6, Original Town Addition, City of Midland, Midland County, Texas and Lots 4, 5, 6R, 7R, 8 through 12, Block 93, Original Town Addition, City of Midland, Midland County, Texas. (DOWNTOWN DEVELOPMENT) (2014-009)
15. Consider a resolution authorizing a right-of-way license between the City of Midland, Texas and WTG Gas Processing; said right-of-way license is for entering the City of Midland's right-of-way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a poly pipeline for petroleum and petroleum by products and to have the right of ingress and egress at convenient points for such purpose; the property is located within the City of Midland right-of-way, Section 36, Block 39, T-1-N, T&P RR Co. Survey, Martin 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) (2014-010)
16. Consider the following items:
 - a. Consider a motion on a request by West Company of Midland, Inc. for the Lost Mountain Addition — Section 4 to approve items requested for deferral in the amount of \$34,307 and to accept \$8,577 in lieu of the associated public improvement guarantee. The subject property is located along the Passage Way right-of-way alignment approximately 1300 feet west of the future Garfield Street alignment.
 - b. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with 4C Stables, Inc. for paving improvements to Passage Way and water distribution improvements to Lost Mountain Addition, Section 4; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.
17. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for the installation of a bore and water main under Interstate 20 near Midkiff Road, as authorized by Chapter 501 of the Texas Local Government Code; and appropriating funds therefor. (ENGINEERING SERVICES) (2014-012)
18. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for the installation

of a bore and water main under Interstate 20 near Midland Drive, as authorized by Chapter 501 of the Texas Local Government Code; and appropriating funds therefor. (ENGINEERING SERVICES) (2014-014)

19. Consider a resolution authorizing the execution of a six-month Temporary Right-of-Way License with Dawson Geophysical Company, for seismic testing across City-owned property in Section 43, Block 40, T-1-S, Midland County, Texas, near FM 1788. (UTILITIES) (2014-015)
20. Consider a resolution authorizing the execution of a six-month Temporary Right-of-Way License with Dawson Geophysical Company, for seismic testing across City-owned property in Block C-24, Sections 2, 3, 4, 5, 6, 7, 12, 17 and 18, Loving County, Texas, at T-Bar Ranch. (UTILITIES) (2014-016)

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 Lot 1A, Block 2, Westridge Park Addition, Section Three less 2.352 acres, 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 on the northeast corner of the intersection of Tradewinds Boulevard and Westridge Boulevard); 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)(First reading held on December 17, 2013.)(9215)
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 2, Block 84, East Midland Addition, Section 16, 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 North Fairgrounds Road, approximately 950 feet 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)(First reading held on December 17, 2013.)(9216)
23. Consider an ordinance on second reading changing the zoning use classification of the property described as a 4.896-acre tract of land out of Section 33, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of South Midkiff Road and West Wall Street), which is presently zoned LR-3, Local Retail District, in part,

and C-3, Commercial District, in part, 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 on December 17, 2013.)(9217)

PUBLIC HEARINGS

24. At approximately 10:30 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Ramcon No. 1201D) located 1,476 feet from south line and 1,784 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
25. At approximately 10:33 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Cowden No. 1202D) located 1,476 feet from south line and 1,834 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
26. At approximately 10:36 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Cowden No. 1203D) located 1,476 feet from south line and 1,884 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
27. At approximately 10:39 A.M. hold a public hearing regarding a proposed oil and gas permit to HighSky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City limits, (Ramcon No. 1204D) located 1,476 feet from south line and 1,934 feet from west line, Section 12, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the State Highway 349, approximately 1,476 feet north of the east extension of Mockingbird Lane.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

28. 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 21.85-acre tract of land out of Section 11, 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 west side of North State Highway 349, west of Pueblo); 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) (9218)
29. 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 Lots 2 and 3, Block 1, the Vineyard Addition, Section 3, City and County of Midland, Texas, which is presently zoned O-1, Office District, to be used as a PD, Planned District for an Office Center (Generally located on the west side of Holiday Hill Road, approximately 800 feet north of Sherwood 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) (9219)
30. At approximately 10:48 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 1A, Block 2, Gateway Plaza, Section 3, 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 on the southeast corner of the intersection of Liberty Drive and Starboard 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) (9220)
31. At approximately 10:51 A.M. hold a public hearing and consider a resolution authorizing a Temporary Special Permit for a Manufactured Home on Lot 9, Block 1, Holloway, City and County of Midland, Texas (Generally located on the east side of Terrell Street, approximately 150 feet south of Cuthbert Avenue). (DEVELOPMENT SERVICES) (2014-017)

MISCELLANEOUS

32. Consider an ordinance vacating and abandoning a 0.126-acre portion of Holiday Hill Road right-of-way adjacent to Lot 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas (Generally located on the west

side of the intersection of Holiday Hill Road and North Loop 250 West); adopting the appraisal by the City Manager of \$8,235.00; retaining a general public utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9221)

33. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," of the City Code of Midland, Texas, so as to change the rates charged for water and sewer services; 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; and rescinding Ordinance Number 9214 on the date this ordinance becomes effective. (UTILITIES) (9222)
34. Consider a motion making appointments to the Planning and Zoning Commission, Midland Development Corporation, and the Tax Increment and Reinvestment Zone Board, and appointing a Chair to the Tax Increment and Reinvestment Zone Board.

EXECUTIVE SESSION

35. 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 551.072 Deliberation Regarding Real Property.
 - a.1. Discuss the sale, lease and value of approximately 396 acres of real property located in Sections 14 and 15, Block 39, T-1-S, 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.