

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
February 12, 2013 - 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 information regarding the Water and Sewer Junior Lien Revenue Bonds, Series 1999 redemption.
2. Receive presentation regarding rebranding of Code Enforcement.
3. Receive presentation regarding a personnel rescue/recovery vehicle for the Police Department.

AGENDA FOR CITY COUNCIL MEETING

February 12, 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 Tommie Hale, Mt. Calvary Missionary Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

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 January 22, 2013.](#)
6. [Receive for information and possibly discuss first quarter Fiscal Year 2012 – 2013 Investment Report. \(FINANCE\)](#)
7. [Consider a resolution rescinding Resolution Number 2013-003 awarding a bid to Dry Clean Super Center, for a multi-year contract for dry-cleaning and laundry services and authorizing the re-advertisement of bids; ratifying all prior acts of the City Manager related to bidding. \(GENERAL SERVICES\) \(2013 - 029\)](#)

8. Consider a resolution rejecting all bids received for Bid Number 6009-13 for automobiles and light trucks; and authorizing re-advertisement for bids. (GENERAL SERVICES) (2013 - 030)
9. Consider a resolution approving the purchase of two (2) squad rescue vehicles through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$213,400.00; and this item was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2013 - 031)
10. Consider a resolution approving the purchase of one (1) new Type-1 Ambulance through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$177,800.00; and this item was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2013 - 032)
11. Consider a resolution approving the purchase of ambulance box refurbish and re-mounting services through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$66,275.00; and this service was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2013 - 033)
12. Consider a resolution awarding a contract for the 2013 Mill/Overlay Project to Reese Albert, Incorporated, of Midland, Texas, at a total cost of \$4,427,477.23; and authorizing the appropriation of an additional 10% for a contingent fee; and allocating and appropriating funds. (GENERAL SERVICES) (2013 - 034)
13. Consider a resolution consenting to Absolute Investments, Inc.'s encumbrance of its leasehold interest in Tract 1 in Lot 4B, Block 11, Midland International Airport Industrial Park Addition, Section 6, City and County of Midland, Texas, as authorized by Article 8(K) of the lease agreement between Absolute Investments, Inc. and the City of Midland regarding said property. (AIRPORTS) (2013 - 035)
14. Consider a resolution consenting to Absolute Investments, Inc.'s encumbrance of its leasehold interest in Tract 6 in Lot 4B, Block 11, Midland International Airport Industrial Park Addition, Section 6, City and County of Midland, Texas, as authorized by Article 8(K) of the lease agreement between Absolute Investments, Inc. and the City of Midland regarding said property. (AIRPORTS) (2013 - 036)
15. Consider a resolution consenting to Absolute Investments, Inc.'s encumbrance of its leasehold interest in Tract 4 in Lot 4B, Block 11, Midland International Airport Industrial Park Addition, Section 6, City and County of Midland, Texas, as authorized by Article 8(K) of the lease agreement between Absolute Investments, Inc. and the City of Midland regarding said property. (AIRPORTS) (2013 - 037)

16. Consider a resolution supporting the Midland Westridge Apartments, L.P. for a proposed development for affordable senior citizens' rental housing at Beal Parkway. (CITY MANAGER'S OFFICE) (2013 - 038)
17. Consider a resolution authorizing the execution of a Sports Agreement with the Greater Midland Football League to administer programs, special events, and services related to football. (COMMUNITY SERVICES) (2013 - 039)
18. Consider a resolution authorizing the execution of a Sports Agreement with Midland Junior Baseball Association, Incorporated, to administer programs, special events and services related to baseball for men ages nineteen (19) and younger. (COMMUNITY SERVICES) (2013 - 040)
19. Consider a resolution authorizing the execution of a Sports Agreement with City of Midland Aquatics, Incorporated, to administer programs, special events, and other services related to swimming in the City of Midland; and the contract covers the Doug Russell Pool. (COMMUNITY SERVICES) (2013 - 041)
20. Consider resolution authorizing the execution of a Sports Agreement with Midland Soccer Association, Incorporated, to administer programs, special events and services related to soccer. (COMMUNITY SERVICES) (2013 - 042)
21. Consider resolution authorizing the execution of a Sports Agreement with the Midland Adult Soccer League to administer programs, special events and services related to soccer for adults ages nineteen (19) and older. (COMMUNITY SERVICES) (2013 - 043)
22. Consider a resolution authorizing the execution of a Sports Agreement with Midland Softball Association, Incorporated, to administer programs, special events and services related to softball for adults ages fifteen (15) and older. (COMMUNITY SERVICES) (2013 - 044)
23. Consider a resolution authorizing the execution of a Sports Agreement with Midland United Girls Softball Association, Incorporated to administer programs, special events and services related to softball for girls. (COMMUNITY SERVICES) (2013 - 045)
24. Consider a resolution authorizing the execution of a Sports Agreement with the Texas Cricket Club to administer programs, special events and services related to cricket. (COMMUNITY SERVICES) (2013 - 046)
25. Consider a resolution authorizing the execution of a Sports Agreement with West Texas BMX to administer programs, special events and services related to West BMX racing and riding. (COMMUNITY SERVICES) (2013 - 047)

26. Receive presentation of schedule for Fiscal Year 2013-14 Community Development Block Grant (CDBG) Program. (DEVELOPMENT SERVICES)
27. Consider a resolution authorizing the acceptance of a 0.0026-acre Access Easement located in Lot 19, Block 1, Providence Park, Section 4, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 048)
28. Consider a motion on a request by West Engineering of Midland for the Northwestern Addition (Section 15) to approve items requested for deferral in the amount of \$28,578.00 and to waive the associated public improvement guarantee. (Generally located at the southeast corner of Midland Drive and Mockingbird Lane intersection.) (ENGINEERING SERVICES)
29. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Pioneer Natural Resources USA, Inc. for services to 2518 Farm-to-Market Road 307, Midland, Texas, 79706; said property is outside the City Limits; Pioneer Natural Resources USA, Inc. has executed a letter agreeing to annexation if and when the property is annexed; Pioneer Natural Resources USA, Inc. shall be charged a rate for service which is one and one-half times the rate charged customers in the City Limits; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 049)
30. Consider resolution authorizing the execution of a Public Improvement Development Agreement with Vineyard Reserve, LLC for development of Vineyard Addition, City and County of Midland, Texas (Generally located on the west side of Holiday Hill Road, west of the Green Tree Subdivision); and appropriating funds in the amount of \$242,592.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 050)
31. Consider a resolution accepting a grant award from the 2007 Assistance to Firefighters Grant Program; authorizing the execution of acceptance documents; depositing and appropriating grant funds. (FIRE) (2013 - 051)
32. Consider a resolution appropriating interest earned in the amount of \$24.00 on the FY2009 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) (2013 - 052)
33. Consider a resolution authorizing the execution of a Professional Services Agreement with SAIC Energy, Environment & Infrastructure, L.L.C., for professional operational review services at the City landfill and all related aspects of solid waste and recycling; it is estimated that the design and engineering work shall cost \$202,700.00; and appropriating funds. (SOLID

WASTE) (2013 - 053)

34. Consider a resolution authorizing the execution of a Sanitary Sewer Discharge License Agreement with Compressor Systems Incorporated for the purpose of discharging effluent. (UTILITIES) (2013 - 054)

SECOND READINGS

35. ../../agdocs.aspx?doctype=agenda&itemid=2544
- a. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 1, Block 1, Fairgrounds Addition, City and County of Midland, Texas (Generally located on the east side of North Fairgrounds Road, approximately 900 feet south of East Golf Course Road), which is presently zoned AE, Agriculture Estate District, by permitting said property to be used under a Specific Use Permit without Term for a Manufactured Home Park; 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.
 - b. Consider a motion on a request by Newton Engineering for the Fairgrounds Addition (Stonegate Mobile Home Community) and to approve items requested for deferral in the amount of \$12,521.00 and to waive the associated public improvement guarantee. (Generally located on the east side of North Fairgrounds Road, approximately 900 feet south of East Golf Course Road.)
36. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Louisiana Avenue and North Colorado Street), which is presently zoned C-1, Central Area 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) (9107)
37. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter 1, "General Traffic Regulations", Section 2, "Permit Required for Parades and Processions", of the City Code of Midland, Texas, so as to clarify the permitting process and other regulations related to special events; containing a process for appealing the denial of a permit; containing a

cumulative clause and expressly repealing any ordinance or portion thereof in conflict with this ordinance; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00) and not requiring a culpable mental state; establishing an effective date of March 1, 2013; and ordering publication. (CITY ATTORNEY'S OFFICE) (9108)

PUBLIC HEARINGS

38. 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 Lot 4A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as a PD, Planned District for a Shopping Center (Generally located on the north side of West Longview Avenue, approximately 790 feet east of Rankin Highway); 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) (9109)
39. 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 3.54-acre tract of land out of Section 6, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned LR-2, Local Retail District, to be used as a PD, Planned District for a Shopping Center (Generally located between Holiday Hill Road and Spence Drive, approximately 200 feet north of Briarwood Avenue; said 3.54-acre tract is out of the north half of Lot 30, Block 5, Greathouse Addition, Section 6, but said Lot 30 has not been replatted); 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) (9110)
40. 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 4.356-acre tract of land within Blocks 54 and 55 and the adjacent vacated street and alley rights-of-way, Belmont Addition, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned 1F-3, One-Family Dwelling District, to be used as a PD, Planned District for a Shopping Center (Generally located on the northeast corner of Longview Avenue and Baird 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) (9111)

41. 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 34.79-acre tract of land out of Section 13, 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 an O-1, Office District (Generally located on the west side of Holiday Hill Road, approximately 800 feet north of Sherwood 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) (9112)
42. At approximately 10:42 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 19, Block 3, Baumann Heights 1st Section, City and County of Midland, Texas (Generally located on the south side of West Louisiana Avenue, approximately 630 feet east of North Midkiff Road), which is presently zoned 1F-1, One-Family Dwelling District, by permitting said property to be used under a Specific Use Permit without Term for an accessory building to be used for living or sleeping quarters; 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) (9113)
43. At approximately 10:45 a.m. hold a public hearing regarding a proposed oil and gas permit to Petroplex Energy, Inc., (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Western-T 8 #1) located 2,183 feet from the south line and 467 feet from the east line located in Section 8, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of the extension of North Midkiff Road, approximately ½ mile north of the extension of Green Tree Boulevard.) (DEVELOPMENT SERVICES)
44. 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 46.458-acre tract of land out of Blocks 83 and 86, east Midland, City and County of Midland, Texas (Generally located on the west side of Fairgrounds Road, approximately 600 feet north of East Cuthbert Avenue), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit without term for a manufactured home park; 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) (9114)

MISCELLANEOUS

45. Consider an ordinance making certain transfers in various funds of the 2011-2012 Fiscal Year Budget and making certain budget amendments; and ordering recordation. (FINANCE) (9115)
46. 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 490 feet from the south line and 565 feet from the east line, Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, approximately 490 feet 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 - 055)
47. 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 993 feet from the north line and 490 feet from the east line, Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, 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 - 056)
48. 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 654 feet from the south line and 1,860 feet from the east line, 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 of a mile west of North Midkiff Road); 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 - 057)
49. 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 490 feet from the north line and 2,328 feet from the east line, Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of North Midkiff Road, approximately 1 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 - 058)
50. Consider a motion on a request by Grassland 2 Development Company, LLC for a proposed preliminary plat of Grassland Estates West, Section 9, being a 197.31-acre tract of land including the to be vacated 5.7-acre right-of-way all out of Sections 35 and 36, Block 40, T-1-S, T&P RR Co. Survey, City and County of

Midland, Texas. (Generally located on the north side of State Highway 158 and at the northwest extension of Homestead Boulevard.) (DEVELOPMENT SERVICES)

51. Consider a motion ON APPEAL on a request for a proposed preliminary plat of Legacy Addition, being a 104.50-acre tract of land out of Section 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located at the south extension of Avalon Drive, approximately 960 feet south of Deauville Boulevard.) (DEVELOPMENT SERVICES)
52. Continue consideration of a motion interpreting Chapter 11-7a revised Outdoor Sign Regulations regarding the use of advertising on EZ Rider transportation shelters in all zoning districts. (DEVELOPMENT SERVICES)
53. Consider a resolution granting a variance for Sun Garden Village Addition, Section 3, City and County of Midland, Texas (Generally located between Dormard Avenue on the north, Pine Avenue on the south, Ranchland Hills Golf Club on the east, and Midland Draw on the west), by permitting construction of laydown curb and gutter in lieu of curb and gutter constructed to City of Midland design and construction standards. (ENGINEERING SERVICES) (2013 - 059)
54. Consider a resolution authorizing the City Manager to purchase Title Insurance, acquire Phase 1 and Phase 2 Environmental Studies, negotiate and execute an agreement with a real estate broker, negotiate, execute and file all necessary documents, and make all payments necessary, including associated closing costs, regarding the purchase of Lots 1-12, Block 110, Original Town Addition, Midland, Midland County, Texas, with approval from the Mayor; and directing that said property shall be closed at Lone Star Abstract and Title Company, Incorporated. (GENERAL SERVICES) (2013 - 060)
55. Consider a resolution authorizing the City Manager to purchase Title Insurance, acquire Phase 1 and Phase 2 Environmental Studies, negotiate and execute an agreement with a real estate broker, negotiate, execute and file all necessary documents, and make all payments necessary, including associated closing costs, regarding the purchase of Lots 7A and 13A, Block 27, Original Town Addition, Section 3, City of Midland, Midland County, Texas, with approval from the Mayor; and directing that said property shall be closed at Lone Star Abstract and Title Company, Incorporated; and appropriating funds. (GENERAL SERVICES) (2013 - 061)
56. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

57. 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 purchase, exchange, lease or value of real property described as Lots 1-12, Block 110, Original Town Addition, Midland, Midland County, Texas.
 - a.2. Discuss the purchase, exchange, lease or value of real property described as Lots 7A and 13A, Block 27, Original Town Addition, Section 3, Midland, Midland County, Texas.
 - a.3. Discuss the sale, lease, exchange or value of real property described as Lots 13 through 24, Block 54, Original Town Addition to the City of Midland, Midland County, Texas.
 - a.4. Discuss the purchase, exchange, lease, and value of real property described as 2.0 acres more or less, Block 025, All, Original Town, City of Midland, Midland County, Texas; .32 acres more or less, Block 35, Lots 5 and 6, Original Town, City of Midland, Midland County, Texas; .367 acres more or less, block 57, Lots 1, 2 (E90), and 3, Original Town, City of Midland, Midland County, Texas; 2.0 acres more or less, Block 007, All, Original Town, City of Midland, Midland County, Texas; 2.0 acres more or less, Block 008, All, Original Town, City of Midland, Midland County, Texas; 2.0 acres more or less, Block 055, All, Original Town, City of Midland, Midland County, Texas.
- b. Section 551.071, Consultation with the City Attorney
 - b.1. Discuss with the City Attorney and Attorney(s) with the law firm of Cotton, Bledsoe, Tighe, and Dawson, litigation styled In Re: Heritage Consolidated, LLC, Case No. 10-36484-hdh, Chapter 11, Jointly Administered, in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.
 - b.2. Discuss with the City Attorney contemplated litigation and City legal issues involved in litigation styled Richard Sanchez, Heather Sanchez, Todd King and Laci King, et al. v. Union Pacific Railroad, Inc., and Smith Industries, Inc., in the 441st Judicial District Court in Midland County, Texas.
 - b.3. Discuss a matter in which the duty of the attorney 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.

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.