

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
February 14, 2012 - 8:45 AM
Council Chamber - City Hall
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 Alonda Massey of EZ-Rider regarding the status of their projects and operations.
2. Receive an update from Craig Farmer, Project Consultant of MOTOR MPO, regarding the State Highway 191 Corridor and Access Management Study.
3. Receive a presentation from Utility Service Partners, Inc. concerning the National League of Cities-Service Line Warranty Program.

AGENDA FOR CITY COUNCIL MEETING
February 14, 2012 – 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. Presentation of a Proclamation for Midland Saves Week.
 - b. Presentation of a Retiree Commendation to retiring City employee Wilma Lanell Miller from the City Secretary'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.

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular Minutes of January 24, 2012.

6. [Consider a resolution authorizing the City Manager and the City Attorney to negotiate the purchase of 405 North Loraine Street, Midland, Texas for the construction of a new Municipal Court building. \(GENERAL SERVICES\)](#)

RESOLUTION NO. 2012 - 016

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE TERMS FOR THE PURCHASE OF THE BANK OF AMERICA PROPERTY LOCATED AT 405 NORTH LORAIN STREET, MIDLAND, TEXAS

7. [Consider a resolution authorizing the City Manager and the City Attorney to negotiate and execute a professional services agreement with Brinkley Sargent to perform architectural and engineering services for providing design, plans, specifications and architectural services for the construction of a new Municipal Court. \(GENERAL SERVICES\)](#)

RESOLUTION NO. 2012 - 017

RESOLUTION AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES AGREEMENT WITH BRINKLEY SARGENT ARCHITECTS, INCORPORATED, FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF A NEW MUNICIPAL COURT BUILDING

8. [Consider a resolution authorizing the City Manager and the City Attorney to negotiate and execute a professional services agreement with Rhotenberry-Wellen to perform architectural and engineering services for providing design, plans, specifications and architectural services for the Midland Center renovation project. \(GENERAL SERVICES\)](#)

RESOLUTION NO. 2012 - 018

RESOLUTION AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES AGREEMENT WITH RHOTENBERRY WELLEN ARCHITECTS AND PLANNERS, INCORPORATED, FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR RENOVATION AND REPAIR TO THE MIDLAND CENTER

9. [Consider a resolution approving an agreement with Grande Communications for internet service provider services for the Communications and Information Systems Department. \(GENERAL SERVICES\)](#)

RESOLUTION NO. 2012 - 019

RESOLUTION AUTHORIZING THE EXECUTION OF A THREE-YEAR CONTRACT FOR INTERNET AND NETWORK SERVICES FROM GRANDE COMMUNICATIONS, L.L.C., AT A TOTAL COST OF \$68,400.00

10. [Consider a resolution authorizing the City Manager and the City Attorney to negotiate and execute a professional services agreement with Parkhill, Smith and Cooper to perform architectural and engineering services for providing](#)

design, plans, specifications and architectural services for the construction of Fire Station 10. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 020

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INCORPORATED, FOR ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF FIRE STATION # 10; AND THERE WAS NO REQUEST FOR QUALIFICATIONS ADVERTISED FOR SAID PROJECT; AND ACCEPTING THE CITY MANAGER'S RECOMMENDATIONS THAT A PROFESSIONAL SERVICES AGREEMENT WHICH WAS PREVIOUSLY APPROVED BY RESOLUTION NO. 98-164 AND EXECUTED WITH PARKHILL, SMITH & COOPER, INCORPORATED, HAS NOT EXPIRED DUE TO NON-PERFORMANCE OR THE PASSAGE OF TIME, AND THAT CIRCUMSTANCES HAVE NOT PERMITTED THE COMPLETION OF FIRE STATION #10 UNTIL NOW, THUS ELIMINATING THE NEED TO ADVERTISE A NEW REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL SERVICES FOR THE CONSTRUCTION OF FIRE STATION # 10

11. Consider a resolution approving the purchase of a Hamm double drum asphalt roller through HGAC from Kirby-Smith Machinery, Inc. for the Garage Division. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 021

RESOLUTION APPROVING THE PURCHASE OF A HAMM DOUBLE DRUM ASPHALT ROLLER THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$88,502.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

12. Consider a resolution approving an RFP for Audio and Video equipment for City Hall Council Chamber for CISD. (GENERAL SERVICES)

RESOLUTION NO. 2012 - 022

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE REPLACEMENT OF AUDIO AND VIDEO EQUIPMENT FOR THE CITY OF MIDLAND COUNCIL CHAMBER

13. Consider a resolution authorizing an agreement between the Midland Development Corporation (MDC) and Permian Basin Public Telecommunications, Inc. (Basin PBS) (CITY ATTORNEY)

RESOLUTION NO. 2012 - 023

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PERMIAN BASIN PUBLIC TELECOMMUNICATIONS, INC. TO ADVERTISE OR PUBLICIZE THE CITY OF

MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

14. [Consider a resolution approving the purchase of two Jacobsen Greens King IV greens mowers through HGAC from C & M Air Cooled Engine, Inc. of Waco, Texas for the Garage Division. \(GENERAL SERVICES\)](#)

RESOLUTION NO. 2012 - 024

RESOLUTION APPROVING THE PURCHASE OF TWO (2) JACOBSEN GREENS KING IV GREENS MOWERS AND TWO (2) REELS FOR SAID MOWERS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$59,028.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

15. [Consider a resolution approving the purchase of a 130 EZ Go golf carts \(\\$510,250\) less the buyback of 130 Club Car golf carts \(\\$178,750\) through HGAC from C & M Air Cooled Engine, Inc. of Waco, Texas for the Garage Division. \(GENERAL SERVICES\)](#)

RESOLUTION NO. 2012 - 025

RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED THIRTY (130) E-Z-GO GOLF CARTS, AND THE TRADE-IN OF ONE HUNDRED THIRTY (130) CLUB CAR GOLF CARTS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$331,500.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

16. [Consider a resolution authorizing the execution of a Land Lease Agreement for Airport Hangar Facility between Absolute Investments, Inc. and the City of Midland, Texas in Lot 4B, Block 11, \(Lease Tract 4\) Midland International Airport, Industrial Park Addition, Section 6, Midland County, Texas. \(AIRPORT\)](#)

RESOLUTION NO. 2012 - 026

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH ABSOLUTE INVESTMENTS, INC. FOR HANGAR DEVELOPMENT LOCATED ON A 0.21 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

17. [Consider a resolution authorizing the execution of a license agreement with the SBC Corporation for a landscaping project located at the intersection of Deauville Road and the Loop 250 Frontage Road at the entrance to the Scharbauer Sports Complex. \(COMMUNITY SERVICES\)](#)

RESOLUTION NO. 2012 - 027

RESOLUTION AUTHORIZING THE EXECUTION OF A LANDSCAPING AGREEMENT BETWEEN THE CITY OF MIDLAND AND SBC, LP; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF LANDSCAPING AGREEMENT BETWEEN THE PARTIES; AND ORDERING RECORDATION OF SAID MEMORANDUM

18. [Consider a resolution authorizing the execution of a Land Lease Agreement for Airport Hangar Facility between Absolute Investments, Inc. and the City of Midland, Texas in Lot 4B, Block 11 \(Lease Tract 6\) Midland International Airport, Industrial Park Addition, Section 6, Midland County, Texas. \(AIRPORT\)](#)

RESOLUTION NO. 2012 - 028

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH ABSOLUTE INVESTMENTS, INC. FOR HANGAR DEVELOPMENT LOCATED ON A 0.21 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

19. [Consider a resolution authorizing an application submitted by Midland Mesquite Terrace Apartments, L.P. for HOME Investment Partnership Program funds from the Texas Department of Housing and Community Affairs. \(COMMUNITY DEVELOPMENT\)](#)

RESOLUTION NO. 2012 - 029

RESOLUTION AUTHORIZING AN APPLICATION SUBMITTED BY MIDLAND MESQUITE TERRACE APARTMENTS, L.P, FOR HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO HELP WITH THE COST ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE LOW INCOME HOUSING TAX CREDIT PROPOSAL

20. [Consider a resolution authorizing an application submitted by TCDP Brownstones Midland, L.P. for HOME Investment Partnership Program funds from the Texas Department of Housing and Community Affairs. \(COMMUNITY DEVELOPMENT\)](#)

RESOLUTION NO. 2012 - 030

RESOLUTION SUPPORTING AN APPLICATION SUBMITTED BY TCDP BROWNSTONES MIDLAND L.P, FOR HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO HELP WITH THE COST ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE LOW INCOME HOUSING TAX CREDIT PROPOSAL

21. [Consider a resolution authorizing an application submitted by Midland-Charger Properties L.P. for HOME Investment Partnership Program funds from the Texas Department of Housing and Community Affairs. \(COMMUNITY DEVELOPMENT\)](#)

RESOLUTION NO. 2012 - 031

RESOLUTION AUTHORIZING AN APPLICATION SUBMITTED BY MIDLAND-CHARGER PROPERTIES L.P., FOR HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO HELP WITH THE COST ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE LOW INCOME HOUSING TAX CREDIT PROPOSAL

22. [Consider a resolution appropriating interest earned on the Fiscal Year 2009 ARRA Justice Assistance Grant funds. \(POLICE\)](#)

RESOLUTION NO. 2012 - 032

RESOLUTION APPROPRIATING INTEREST EARNED IN THE AMOUNT OF \$16.00 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

23. [Consider a resolution approving of a contract with the Downtown Midland Management District and appropriating \\$50,000 of hotel/motel money for purpose of granting funds for downtown events. \(CITY MANAGER\)](#)

RESOLUTION NO. 2012 - 033

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT TO PROMOTE TOURISM AND THE CONVENTION AND HOTEL INDUSTRY IN DOWNTOWN MIDLAND; CITY TO AWARD THE SUM OF \$50,000.00 FROM HOTEL/MOTEL FUNDS

24. [Consider a resolution to apply for grant money from the Permian Basin Regional Planning Commission for Solid Waste Management Projects and appropriating funds. \(SOLID WASTE\)](#)

RESOLUTION NO. 2012 - 034

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE PERMIAN BASIN REGIONAL PLANNING COMMISSION FOR A SOLID WASTE MANAGEMENT PROGRAM GRANT, AND AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN MATTERS RELATED TO SAID APPLICATION

25. [Consider a resolution authorizing the City Manager to negotiate and execute a Task Order with Arcadis U.S., Inc. and appropriate funds. \(UTILITIES\)](#)

RESOLUTION NO. 2012 - 035

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH ARCADIS, U.S., INCORPORATED, FOR RESEARCH AT THE T-BAR RANCH WELL FIELD, AT A COST OF \$50,000.00

26. [Consider a resolution on a request by Kolt Development to vacate and abandon a twenty \(20\) foot wide portion of alley right-of-way in Block 110, Original Town Addition within the City of Midland. \(TRANSPORTATION\)](#)

RESOLUTION NO. 2012 - 036

RESOLUTION CONDITIONALLY AGREEING TO VACATE AND ABANDON A TWENTY (20) FOOT WIDE PORTION OF ALLEY RIGHT-OF-WAY LOCATED BETWEEN LOTS 1-6 ON THE EAST SIDE AND LOTS 7-9, 10, 11(S/2), 11(N/2) AND 12 ON THE WEST SIDE, ALL IN BLOCK 110, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN MARIENFELD STREET AND PECOS STREET FROM WASHINGTON AVENUE TO KENTUCKY AVENUE); PROVIDING THAT VACATION AND ABANDONMENT OF SAID ALLEY SHALL BE CONTINGENT UPON THE DEVELOPER MEETING CERTAIN CONDITIONS; AND PROVIDING THAT VACATION AND ABANDONMENT OF SAID ALLEY SHALL NOT BE EFFECTIVE UNTIL APPROVED BY ORDINANCE

SECOND READINGS

27. [Consider an ordinance on second reading on a request by Landgraf, Crutcher and Associates for a Site Plan Review on a 8.00-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland Texas. \(PLANNING\)](#)

ORDINANCE NO. 8976

ORDINANCE ADOPTING A SITE PLAN FOR AN 8.00-ACRE TRACT OF LAND OUT OF SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF EAST INTERSTATE HIGHWAY 20 AND TERRELL STREET); 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

28. [Consider an ordinance on second reading on a request by Habitat for Humanity to vacate a 10-foot by 150-foot \(1500 square feet\) portion South Adams Street right-of-way. \(PLANNING\)](#)

ORDINANCE NO. 8977

AN ORDINANCE VACATING AND ABANDONING A 1,500 SQUARE FOOT PORTION OF ADAMS STREET RIGHT-OF-WAY ADJACENT TO LOTS 4-6, BLOCK 40, MOODY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF KENTUCKY AVENUE AND ADAMS STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$150.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

29. [Consider an ordinance on second reading on a request by Habitat for Humanity to vacate a 10-foot by 150-foot \(1500 square feet\) portion of Jefferson Street right-of-way. \(PLANNING\)](#)

ORDINANCE NO. 8978

AN ORDINANCE VACATING AND ABANDONING A 1,500 SQUARE FOOT PORTION OF JEFFERSON STREET RIGHT-OF-WAY ADJACENT TO LOTS 4A, 5A AND 5B, BLOCK 193, SOUTHERN ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF JEFFERSON STREET AND DAKOTA AVENUE); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$150.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; AND ORDERING RECORDATION BY THE CITY SECRETARY

PUBLIC HEARINGS

30. [At approximately 10:30 a.m. hold a public hearing and consider an ordinance on a request by Western International for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District on a 4.16-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. \(Generally located on the northwest corner of the intersection of N. Loop 250 and Deauville.\) \(PLANNING\)](#)

ORDINANCE NO. 8980

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.18-ACRE TRACT OF LAND (BEING 6.68 ACRES INCLUSIVE OF ADJACENT RIGHTS-OF-WAY) OUT OF SECTION 37, BLOCK 40, 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 A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY

LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND LOOP 250); 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

31. [At approximately 10:33 a.m. hold a public hearing and consider an ordinance on a request by Daniel Dirlam for a zone change from LR-2, Local Retail District to C-3, Commercial District on Lot 12A, Block 1, Jesse Anne Village, Section 5, City and County of Midland, Texas. \(Generally located at the east side of South Midland Drive, approximately 550 feet north of West Wall Street.\) \(PLANNING\)](#)

ORDINANCE NO. 8981

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 12A, BLOCK 1, JESSE ANNE VILLAGE, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A C-3, COMMERCIAL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH MIDLAND DRIVE, APPROXIMATELY 550 FEET NORTH OF WEST WALL STREET); 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

32. [At approximately 10:36 a.m. hold a public hearing and consider an ordinance on a request by Jeffrey Benson for a zone change from LR-3, Local Retail District to PD, Planned District for a Shopping Center on Lots 1 through 4, Block 2, Gateway Plaza, City and County of Midland, Texas. \(Generally located on the northeast corner of the intersection of Business I-20 and Liberty Drive.\) \(PLANNING\)](#)

ORDINANCE NO. 8982

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 1-4, BLOCK 2, GATEWAY PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF BUSINESS INTERSTATE 20 AND LIBERTY 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

33. [At approximately 10:39 a.m. hold a public hearing and consider an ordinance on a request by City of Midland – Farm-To-Market 1788 a City-initiated proposal for a zone change from FD, Future Development District to IP-2, Industrial Park District on a 156.88-acre tract of land out of Section 6, 7 and 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. \(Generally located on the east side of South Farm to Market 1788 north of West Business I-20.\) \(PLANNING\)](#)
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ORDINANCE NO. 8983

ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 156.88-ACRE TRACT OF LAND OUT OF SECTIONS 6, 7 AND 8, BLOCK 40, T-2-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 IP-2, INDUSTRIAL PARK DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF FARM-TO-MARKET ROAD 1788, NORTH OF BUSINESS INTERSTATE 20); 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

34. [At approximately 10:42 a.m. hold a public hearing and consider an ordinance on a request by C. Hollis Construction for a Special Exception to the Zoning Code concerning the side yard setback requirements for a garage on Lots 1 and 2, Block 108, West End Addition, City and County of Midland, Texas. \(Generally located on the southwest corner of the intersection of Holloway Avenue and South "K" Street.\) \(PLANNING\)](#)

ORDINANCE NO. 8984

ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 AND 2, BLOCK 108, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF HOLLOWAY AVENUE AND SOUTH "K" STREET), BY PERMITTING AN ENCROACHMENT INTO THE REQUIRED SIDE YARD SETBACK FOR CONSTRUCTION OF A GARAGE; 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

35. [At approximately 10:45 a.m. hold a public hearing and consider an ordinance on a request by Nikki Gatlin for a Specific Use Permit with Term for a Day Care Center on 10,950 square feet out of Lot 1A, Block 4, Alamo Heights, Section 2, City and County of Midland, Texas. \(Generally located on the northwest corner](#)

of the intersection of North Midland Drive and Crockett Avenue.) (PLANNING)

ORDINANCE NO. 8985

ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 1A, BLOCK 4, ALAMO HEIGHTS, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF MIDLAND DRIVE AND CROCKETT AVENUE), WHICH IS PRESENTLY ZONED MF-1, MULTIPLE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR A DAY CARE CENTER; 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

36. At approximately 10:48 a.m. hold a public hearing on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 1) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 1,958' FNL, located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (PLANNING)
37. At approximately 10:51 a.m. hold a public hearing on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 2) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 1,983' FNL located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue. This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (PLANNING)
38. At approximately 10:54 a.m. hold a public hearing on a request by Callon Petroleum Operating Company (Pecan Acres 23A No. 3) for a Permit to Drill an Oil and Gas Well inside the City Limits on 467' FEL and 2,008' FNL located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (PLANNING)

DEVELOPMENT SERVICES

39. [Presentation of the 2011 Annual Accident Report. \(TRANSPORTATION\)](#)
40. [Consider an ordinance on a request for the vacation of a 0.52-acre tract vacating rights-of-way of streets and alleys in Block 79, East Midland and Blocks 2 and 4, Glenn Frances Addition, City and County of Midland, Texas. \(Generally located near the southeast corner of the intersection of East Golf Course Road and North Jackson Street.\) \(PLANNING\)](#)

ORDINANCE NO. 8986

ORDINANCE VACATING AND ABANDONING A 0.52-ACRE TRACT OF STREET AND ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 79, EAST MIDLAND ADDITION, AND BLOCKS 2 AND 4, GLENN FRANCES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST GOLF COURSE ROAD AND NORTH JACKSON STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,265.00; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; REPEALING ORDINANCE NO. 8969; AND ORDERING RECORDATION BY THE CITY SECRETARY

MISCELLANEOUS

41. [Consider an ordinance making certain transfers in various funds of the 2010 - 2011 fiscal year budget and making certain budget amendments and ordering recordation. \(FINANCE\)](#)

ORDINANCE NO. 8987

ORDINANCE MAKING CERTAIN TRANSFERS IN VARIOUS FUNDS OF THE 2010-2011 FISCAL YEAR BUDGET AND MAKING CERTAIN BUDGET AMENDMENTS; AND ORDERING RECORDATION

42. [Consider an ordinance providing the Midland Chamber of Commerce CVB additional funds to promote tourism in Midland. \(COMMUNITY SERVICES\)](#)

ORDINANCE NO. 8988

ORDINANCE AMENDING THE OFFICIAL MUNICIPAL BUDGET FOR FISCAL YEAR 2011-2012 IN ORDER TO PROVIDE ADDITIONAL FUNDS TO THE MIDLAND CHAMBER OF COMMERCE FOR A FOURTH OF JULY EVENT IN DOWNTOWN MIDLAND; THE ADDITIONAL FUNDING PROVIDED WILL HELP PROMOTE TOURISM IN THE CITY OF MIDLAND

43. [Presentation and discussion of schedule for 2012/2013 Community Development Block Grant Program. \(COMMUNITY DEVELOPMENT\)](#)

44. Consider making appointments to various Boards and Commissions.
45. Discuss litigation styled Jayanti Patel v City of Everman, Case No. 09-0506, in the Supreme Court of Texas and discuss litigation styled City of Dallas v Heather Stewart, Case No. 09-0257, in the Supreme Court of Texas. (CITY ATTORNEY)
46. Consider a resolution authorizing the City Manager to execute a form prepared by the Texas Comptroller regarding Senate Bill No. 18 enacted by the 82nd Texas Legislature; and Senate Bill No. 18 affects all eminent domain in Texas. (CITY MANAGER)

RESOLUTION NO. 2012 - 037

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FORM PREPARED BY THE TEXAS COMPTROLLER REGARDING SENATE BILL NO. 18 ENACTED BY THE 82ND TEXAS LEGISLATURE; AND SENATE BILL NO. 18 AFFECTS ALL ENTITIES AUTHORIZED TO EXERCISE THE POWER OF EMINENT DOMAIN IN TEXAS

47. Consider a resolution approving an interlocal agreement between the City of Midland and the Midland County Fresh Water Supply District No. 1 regarding the T-Bar Ranch Groundwater Development. The T-Bar Ranch consists of approximately 22,149 acres of land and water rights in Winkler County and Loving County, Texas. (CITY ATTORNEY)

RESOLUTION NO. 2012 - 038

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1 REGARDING THE T-BAR RANCH GROUNDWATER DEVELOPMENT. THE T-BAR RANCH CONSISTS OF APPROXIMATELY 22,149 ACRES OF LAND AND WATER RIGHTS IN WINKLER COUNTY AND LOVING COUNTY, TEXAS

EXECUTIVE SESSION

48. 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 with the City Attorney and Attorney(s) with the Law Firm of Cotton, Bledsoe, Tighe & Dawson, P.C., contemplated litigation involving a 45.99-acre tract of land located in Section 15, Block 39, T-1-S T&P RR Co. Survey, Midland County, Texas and more

specifically described in Volume 2311, Page 306 of the Deed Records of Midland County, Texas.

b. Section 551.074, Personnel Matters

- b.1. Deliberate the employment, evaluation, duties, and salary of the Presiding Municipal Court Judge, the Associate Municipal Court Judge, the City Manager, the City Attorney and the City Secretary.

Respectfully Submitted,

Courtney B. Sharp
City Manager