

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
February 28, 2012 - 9:00 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 staff regarding the Solid Waste Department.
2. Presentation and discussion regarding the Drought Contingency Plan.
3. Receive information and discuss establishing an Ordinance prohibiting texting while driving.

AGENDA FOR CITY COUNCIL MEETING
February 28, 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 - Reverend Dr. Michael Philliber, Providence Presbyterian Church \(PCA\)](#)
2. [Pledge of Allegiance](#)

PRESENTATIONS

3. [Presentation of special events, organizations, individuals, or periods of time.](#)

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 Minutes of February 14, 2012.](#)
6. [Consider a resolution approving the purchase of Limestone Rock Asphalt Coldmix through State of Texas Contract 745-A1 for the Transportation Division. \(General Services\)](#)

RESOLUTION NO. 2012 - 039

RESOLUTION APPROVING THE PURCHASE OF 750 TONS OF TYPE-1, GRADE CC LIMESTONE ROCK ASPHALT COLD MIX THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS CONTRACT 745-A1 (TCPAC) AT A TOTAL COST OF \$56,250.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COOPERATIVE PURCHASING PROGRAM

7. [Consider a resolution approving the purchase of a storage area network for the Communication and Information Systems Department. \(General Services\)](#)

RESOLUTION NO. 2012 - 040

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT TO PROVIDE AND INSTALL A PRIMARY STORAGE AREA NETWORK (SAN) WITHIN THE CITY OF MIDLAND'S DATA CENTER WITH DELL MARKETING, L.P., AT A TOTAL COST OF \$74,315.33;

8. [Consider a resolution approving plans and specification and authorizing advertisement for bids for replacement of windows/glass at the Martin Luther King, Jr. Community Center training room area. \(General Services\)](#)

RESOLUTION NO. 2012 - 041

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE ADDING OF WINDOWS AT THE MARTIN LUTHER KING JR. COMMUNITY CENTER TRAINING ROOM

9. [Consider an Interlocal Agreement with the North Central Texas Council of Governments approving a cooperative program for Service Line Protection programs. \(General Services\)](#)

RESOLUTION NO. 2012 - 042

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS APPROVING A COOPERATIVE PROGRAM FOR SERVICE LINE PROTECTION PROGRAMS

10. [Consider a resolution approving a contract with Utility Service Partners Private Label, Incorporated to provide utility service line warranties to City of Midland homeowners. \(General Services\)](#)

RESOLUTION NO. 2012 - 043

RESOLUTION AUTHORIZING THE EXECUTION OF A MARKETING AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INCORPORATED, DBA SERVICE LINE WARRANTIES OF AMERICA, ALLOWING THE OFFER OF UTILITY SERVICE LINE WARRANTIES TO

MIDLAND RESIDENTS

11. [Consider a resolution suspending the effective date of Atmos Energy Corporation proposed rate increase. \(City Manager\)](#)

RESOLUTION NO. 2012 - 044

RESOLUTION OF THE CITY OF MIDLAND, TEXAS, SUSPENDING THE MARCH 13, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., WEST TEXAS DIVISION ("ATMOS WEST TEXAS") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND CITIES' LEGAL COUNSEL

12. [Consider a resolution requesting permission to submit a grant application for the FY2013 Edward Byrne Memorial Justice Assistance Grant Program through the Office of the Governor of Texas Criminal Justice Division. \(Police\)](#)

RESOLUTION NO. 2012 - 045

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR OF TEXAS CRIMINAL JUSTICE DIVISION FOR FISCAL YEAR 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; SAID FUNDS FROM THIS GRANT WILL BE USED TO PURCHASE A USE OF FORCE SIMULATOR AND INTERACTIVE CLASSROOM EQUIPMENT WHICH WILL SIMULATE REAL LIFE USE OF FORCE SCENARIOS THAT OFFICERS COULD POSSIBLY FACE, SUCH AS DEADLY FORCE OR ACTIVE SHOOTER CIRCUMSTANCES, THEREBY REFINING THE DECISION MAKING PROCESS IN ACCORDANCE WITH FEDERAL, STATE, AND DEPARTMENT POLICIES

13. [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. \(Community Services\)](#)

RESOLUTION NO. 2012 - 046

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE GREATER MIDLAND FOOTBALL LEAGUE TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO FOOTBALL

14. [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 and younger. (Community Services)

RESOLUTION NO. 2012 - 047

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 AND YOUNGER

15. Consider a resolution authorizing the execution of a sports agreement with the City of Midland Aquatics, Incorporated, to administer programs, special events, and other services related to swimming in the City of Midland; the term of the agreement is from February 29, 2012, through December 31, 2012; and the contract covers Doug Russell Pool. (Community Services)

RESOLUTION NO. 2012 - 048

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; THE TERM OF THE AGREEMENT IS FROM FEBRUARY 29, 2012 THROUGH DECEMBER 31, 2012; AND THE CONTRACT COVERS THE DOUG RUSSELL POOL

16. Consider a resolution authorizing the execution of a sports agreement with Midland Soccer Association, Incorporated, to administer programs, special events, and services related to soccer for youth ages nineteen and younger. (Community Services)

RESOLUTION NO. 2012 - 049

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH MIDLAND SOCCER ASSOCIATION, INCORPORATED, TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO SOCCER

17. Consider a 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 and older. (Community Services)

RESOLUTION NO. 2012 - 050

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

18. [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 and older. \(Community Services\)](#)

RESOLUTION NO. 2012 - 051

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

19. [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. \(Community Services\)](#)

RESOLUTION NO. 2012 - 052

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

20. [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. \(Community Services\)](#)

RESOLUTION NO. 2012 - 053

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH THE TEXAS CRICKET CLUB TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO CRICKET

21. [Consider a resolution authorizing the execution of a sports agreement with West Texas BMX to administer programs, special events, and services related to BMX \(Bicycle Motocross\) racing and riding. \(Community Services\)](#)

RESOLUTION NO. 2012 - 054

RESOLUTION AUTHORIZING THE EXECUTION OF A SPORTS AGREEMENT WITH WEST TEXAS BMX TO ADMINISTER PROGRAMS, SPECIAL EVENTS AND SERVICES RELATED TO BMX RACING AND RIDING

22. [Consider a resolution approving the execution of a Task Order Contract with HDR Engineering, Inc. \(Utilities\)](#)

RESOLUTION NO. 2012 - 055

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH HDR ENGINEERING,

INCORPORATED, FOR PROFESSIONAL SERVICES REGARDING THE CITY'S PERMIT ISSUED FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR OPERATIONS AT THE WATER POLLUTION CONTROL PLANT, PLANT FARM AND SPRABERRY FARM, AT AN ESTIMATED TOTAL COST OF \$35,150.00

23. [Consider a motion on a request by West Company of Midland for Montgomery Addition \(Section 4\), to approve items requested for deferral, and to waive the associated public improvement guarantee. This subdivision is positioned in the City Limits, generally located on the west side of Fairgrounds Ave. approximately 1,100 feet north of Business I-20. Total deferral amount is \\$42,550. \(Engineering\)](#)
24. [Consider a resolution approving a promotional agreement between the Midland Development Corporation and the Downtown Midland Management District. \(City Attorney\)](#)

RESOLUTION NO. 2012 - 056

RESOLUTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE DOWNTOWN MIDLAND MANAGEMENT DISTRICT TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES

25. [Consider a resolution authorizing a request for qualifications to select a Planning firm to rewrite the city's zoning regulations. \(Planning\)](#)

RESOLUTION NO. 2012 - 057

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR REVISIONS TO THE CITY OF MIDLAND'S ZONING CODE REGULATIONS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

SECOND READINGS

26. [Consider an ordinance making certain transfers in various funds of the 2010 - 2011 fiscal year budget and making certain budget amendments and ordering recordation. \(Finance\) \(8987\)](#)

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

27. [Consider an ordinance on second reading providing the Midland Chamber of Commerce Convention and Visitors Bureau with additional funds to promote tourism in Midland. \(Community Services\) \(8988\)](#)

ORDINANCE NO. 8988

AN 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; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE MIDLAND CHAMBER OF COMMERCE

28. [Consider an ordinance on second reading 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. \(Generally located on the northwest corner of the intersection of North Loop 250 and Deauville.\) \(Planning\)](#)

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

29. [Consider an ordinance on second reading 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

30. [Consider an ordinance on second reading 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

31. [Consider an ordinance on second reading on a request by City of Midland - FM 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. \(Generally located on the east side of South Farm to Market 1788 north of West Business I-20.\) \(Planning\)](#)

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

32. [Consider an ordinance on second reading 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

33. [Consider an ordinance on second reading 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

34. [Consider an ordinance on second reading 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

PUBLIC HEARINGS

35. At approximately 10:30 A.M. hold a public hearing and consider a resolution on a request by Butch Corey for a Temporary Land Use permit for a Carnival on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road.) (Planning)

RESOLUTION NO. 2012 - 058

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CARNIVAL ON LOT 1, BLOCK 17, SKYLINE TERRACE, UNIT 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDKIFF ROAD); 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

36. At approximately 10:33 A.M. hold a public hearing and consider a resolution on a request by Fairmont Park Church of Christ for a Temporary Land Use permit for RV parking on Lot 1, Block 5, Fairmont Park Addition, Section 2 and on a .96-acre tract of land out of Section 18, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of North Midland Drive and Fairbanks Drive.) (Planning)

RESOLUTION NO. 2012 - 059

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR MOTOR HOME PARKING ON LOT 1, BLOCK 5, FAIRMONT PARK ADDITION, SECTION 2, AND ON A 0.96-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST

CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND FAIRBANKS DRIVE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

37. [At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by Panda Express for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District on 1.075-acres out of Lot 1A, Block 33, Northgate Addition, Section 24, City and County of Midland, Texas. \(Generally located near the northwest corner of the intersection of West Loop 250 North and North Midland Drive.\) \(Planning\)](#)

ORDINANCE NO. 8989

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 1.075-ACRE TRACT OF LAND OUT OF LOT 1A, BLOCK 33, NORTHGATE ADDITION, SECTION 24, 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 NORTHWEST CORNER OF THE INTERSECTION OF WEST LOOP 250 NORTH AND NORTH MIDLAND 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

38. [At approximately 10:39 A.M. hold a public hearing on a request by Callon Petroleum Operating Company \(Pecan Acres 23 #3\) for a Permit to Drill an Oil and Gas Well within the City Limits, located 704' FNL and 2007' FWL, Section 23, Block 40, T-1-S, T&P RR Co. Survey, Midland, Texas. \(Generally located on the west side of Golden Gate Drive, approximately ¾ mile north of Briarwood Avenue.\) \(Planning\)](#)
39. [At approximately 10:42 A.M. hold a public hearing on a request by Callon Petroleum Operating Company \(Pecan Acres 23 #6\) for a Permit to Drill an Oil and Gas Well within the City Limits, located 651' FSL and 2040' FWL, Section 23, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. \(Generally located on the west side of Golden Gate Drive, approximately 650 feet north of Briarwood Avenue.\) \(Planning\)](#)
40. [At approximately 10:45 A.M. hold a public hearing on a request by Callon Petroleum Operating Company \(Pecan Acres 23 #12\) for a Permit to Drill an Oil and Gas Well within the City Limits, located 1911' FEL and 2009' FNL, Section 23, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. \(Generally](#)

located on the west side of Golden Gate Drive, approximately ½ mile north of Briarwood Avenue.) (Planning)

41. At approximately 10:48 A.M. (Tract 1) hold a public hearing regarding the annexation of a city-owned tract of land being a 40.46-acre tract of land out of Section 45, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north of Midland International Airport.) (Planning)
42. At approximately 10:49 A.M. (Tract 2) hold a public hearing regarding the annexation of a city-owned tract of land being a 96.28-acre tract of land out of Section 43 & 44, Block 40, T-2-S and Sections 4 and 5, Block 40 T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northwest of Midland International Airport) (Planning)
43. At approximately 10:50 A.M. (Tract 3) hold a public hearing regarding the annexation of a city-owned tract of land being a 55.08-acre tract of land out of Sections 8, 9, 16 & 17, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located south of Midland International Airport.) (Planning)
44. At approximately 10:51 A.M. (Tract 4) hold a public hearing regarding the annexation of a city-owned tract of land being a 2.25-acre tract of land out of Section 10, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northeast of Midland International Airport.) (Planning)
45. At approximately 10:52 A.M. (Tract 5) hold a public hearing regarding the annexation of a city-owned tract of land being a 3.88-acre tract of Section 4, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the southeast of Midland International Airport.) (Planning)
46. At approximately 10:53 A.M. (Tract 6) hold a public hearing regarding the annexation of a city-owned tract of land being a 3.57-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey Midland County, Texas. (Generally located on the north side of the Mockingbird Lane extension, east of Avalon Drive.) (Planning)
47. At approximately 10:54 A.M. (Tract 7) hold a public hearing regarding the annexation of a 28.31 acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of Briarwood Avenue and Holiday Hill Road.) (Planning)
48. At approximately 10:57 A.M. (Tract 8) hold a public hearing regarding the annexation of a 108.453-acre tract of land out of Section 37, Block 40, T-1-S T&P RR Co. Survey, Midland County, Texas. (Generally located northwest of

the intersection of Tradewinds Boulevard and Champions Drive.) (Planning)

DEVELOPMENT SERVICES

49. Consider a resolution on a request to establish a private street name on 1.05-acres located in Lot 1A, Block 1, Midland Memorial Hospital Addition, Section 2, (Generally located south of North Garfield Street and east of Kent Street.) (Planning)

RESOLUTION NO. 2012 - 060

RESOLUTION APPROVING THE MIDLAND COUNTY HOSPITAL DISTRICT'S REQUEST TO NAME A PRIVATE STREET LOCATED AT THE MAIN CAMPUS OF MIDLAND MEMORIAL HOSPITAL "ROSALIND REDFERN GROVER PARKWAY" IN HONOR OF ROSALIND REDFERN GROVER

MISCELLANEOUS

50. Presentation of the 2011 Midland Police Department Traffic Contact Report by Dr. Alex del Carmen of Del Carmen Consulting, LLC. (Police)
51. Consider resolutions relating to a request from RSP Permian, L.L.C. for a permit to drill an oil and gas well (Bus Barn #2603) located 690' FNL and 1080' FEL, Section 26, Block 40, T-1-S T&P RR Co. Survey, Midland County, Texas.
- a. Consider a resolution for a Permit to Drill an Oil and Gas Well within the City Limits.

RESOLUTION NO. 2012 - 10

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO RSP PERMIAN, L.L.C. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 690 FEET FROM THE NORTH LINE AND 1,080 FEET FROM THE EAST LINE, SECTION 26, 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, APPROXIMATELY 600 FEET WEST OF ROADRUNNER TRAIL)

- b. Consider a resolution authorizing the execution of a road repair agreement with RSP Permian, LLC. related to the Bus Barn #2603 well.

RESOLUTION NO. 2012 - 11

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH RSP PERMIAN, L.L.C. REGARDING ITS APPLICATION TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 690 FEET FROM THE NORTH LINE AND 1,080 FEET FROM THE EAST LINE, SECTION 26, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY

OF MIDLAND, TEXAS

52. [Consider a resolution on a request to construction a new house inside the 500' buffer from an oil well. Proposed structure is located at 4401 Roadrunner Trail, Lot 6E, Block 2, Country Sky Addition. \(Code Administration\)](#)

RESOLUTION NO. 2012 - 061

RESOLUTION GRANTING A VARIANCE FOR LOT 6E, BLOCK 2, COUNTRY SKY ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 4401 ROADRUNNER TRAIL), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND AN ACCESSORY BUILDING WITHIN FIVE HUNDRED (500) FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF A BUILDING PERMIT

53. [Consider a resolution on a request to construction a new house inside the 500' buffer from an oil well. Proposed structure is located at 4409 Roadrunner Trail, Lot 6D, Block 2, Country Sky Addition. \(Code Administration\)](#)

RESOLUTION NO. 2012 - 062

RESOLUTION GRANTING A VARIANCE FOR LOT 6D, BLOCK 2, COUNTRY SKY ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 4409 ROADRUNNER TRAIL), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND AN ACCESSORY BUILDING WITHIN FIVE HUNDRED (500) FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF A BUILDING PERMIT

54. [Consider a resolution on a request to construction a new house inside the 500' buffer from an oil well. Proposed structure is located at 4417 Roadrunner Trail, Lot 6C, Block 2, Country Sky Addition. \(Code Administration\)](#)

RESOLUTION NO. 2012 - 063

RESOLUTION GRANTING A VARIANCE FOR LOT 6C, BLOCK 2, COUNTRY SKY ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 4417 ROADRUNNER TRAIL), BY PERMITTING CONSTRUCTION OF A RESIDENCE AND AN ACCESSORY BUILDING WITHIN FIVE HUNDRED (500) FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF A BUILDING PERMIT

55. [Consider a resolution on a request to construction a new house inside the 500' buffer from an oil well. Proposed structure is located at 4501 Roadrunner Trail, Lot 6B, Block 2, Country Sky Addition. \(Code Administration\)](#)

RESOLUTION NO. 2012 - 064

RESOLUTION GRANTING A VARIANCE FOR LOT 6B, BLOCK 2, COUNTRY SKY ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS (COMMONLY KNOWN AS 4501 ROADRUNNER TRAIL), BY PERMITTING

CONSTRUCTION OF A RESIDENCE AND AN ACCESSORY BUILDING WITHIN FIVE HUNDRED (500) FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF A BUILDING PERMIT

56. [Consider a resolution approving a Developer Agreement for Midland RV Park. \(Engineering\)](#)

RESOLUTION NO. 2012 - 065

RESOLUTION AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENT DEVELOPMENT AGREEMENT WITH MIDCAMP PROPERTIES, LLC FOR DEVELOPMENT OF MIDLAND R V CAMPGROUND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF MIDLAND DRIVE, APPROXIMATELY 650 FEET NORTH OF INTERSTATE 20); AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$51,345.00 THEREFOR; SAID AGREEMENT BEING AUTHORIZED BY SECTION 395.081 OF THE TEXAS LOCAL GOVERNMENT CODE

57. [Consider an ordinance amending ordinance number 8400 which established fees and charges of the City of Midland Community Services Department, Animal Services, Parks and Recreation, Hogan Park Golf Course, Health and Senior Services, structure water rates and fees charged for water bacteriological testing. \(Community Services\)](#)

ORDINANCE NO. 8990

AN ORDINANCE ESTABLISHING FEES AND CHARGES OF THE CITY OF MIDLAND COMMUNITY SERVICES DEPARTMENT, ANIMAL SERVICES, PARKS AND RECREATION, HOGAN PARK GOLF COURSE, HEALTH AND SENIOR SERVICES, AND UTILITIES DEPARTMENT; AND REPEALING ORDINANCES SPECIFICALLY IN CONFLICT WITH SUCH FEES AND CHARGES ESTABLISHED HEREIN

58. [Consider an ordinance on first reading for changing the structure of water rates. \(Utilities\)](#)

ORDINANCE NO. 8991

AN ORDINANCE AMENDING TITLE III, "DEPARTMENTS" , CHAPTER 1 , "WATER DEPARTMENT", SECTION 2, "RATES," SUBSECTION (A), "CUSTOMERS INSIDE OF CITY LIMITS," 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

59. [Consider a motion on a request from Bluestem Energy \(Evans D #1\) amending a](#)

Permit to Drill and Oil and Gas Well within the City Limits located 1021' FNL and 1041' FWL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of the North Midkiff Road, approximately ¾ mile north of Mockingbird Lane. (Planning)

- 60. Consider making appointments to various Boards and Commissions.
- 61. At approximately 12 noon recess to the Basement Conference Room and receive a presentation from Dr. Ryder Warren of the Midland Independent School District regarding the upcoming bond election.

EXECUTIVE SESSION

- 62. 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 551.074, Personnel Matters
 - a.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