

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
March 26, 2013 - 8:30 AM
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 Kelly Cook on the City's Parks & Recreation Master Plan Update.
2. Receive a presentation from the Parks & Recreation Commission Hike and Bike Trails Subcommittee on project initiatives.
3. Receive an update from Purchasing Division regarding City of Midland Purchasing Policy.
4. Receive a presentation regarding the Wall Street Lofts.

AGENDA FOR CITY COUNCIL MEETING

March 26, 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 - Monsignor Larry Droll, St. Ann's Catholic 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 February 26, 2013.](#)
 - b. [Special meeting of March 6-7, 2013.](#)
6. [Consider a resolution authorizing the execution of a contract with Mid-Tex of Midland, Incorporated, for the construction of an addition to the maintenance building, a new storage building and new soil storage bins at the Scharbauer Sports Complex; and the contract shall be approximately in the amount of \\$463,500.00. \(GENERAL SERVICES\) \(2013 - 081\)](#)
7. [Consider a resolution approving the purchase of thirty-three \(33\) administrative vehicles of various types, from Rogers Ford Lincoln of Midland, Texas, and](#)

Randall Reed's Prestige Ford of Garland, Texas, at a total cost of \$652,320.28. (GENERAL SERVICES) (2013 - 082)

8. Consider a resolution approving the purchase of various types of seed, in various quantities, for use at the Spraberry Farm, from Helena Chemical Company, of Stanton, Texas, at a total cost of \$69,610.20. (GENERAL SERVICES) (2013 - 083)
9. Consider a resolution approving the purchase of an HPR 800 sewer jet truck through the Buyboard at a total cost of \$189,020.00; and this item was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2013 - 084)
10. Consider a resolution ratifying the City Manager's execution in 2012 of a three (3) year contract for unlimited use of GIS software with Environmental Systems Research Institute, Incorporated, of San Antonio, Texas; said contract consolidates the use and expense of multiple current software licenses and allows the City to obtain additional unlimited software licenses for the term of the contract at no additional cost; the total cost of the contract is \$163,872.18. (GENERAL SERVICES) (2013 - 085)
11. Consider a resolution approving the purchase of eighteen (18) digital video systems for use in police cars through the Texas Department of Information Resources at a total cost of \$137,853.00; and this item was not bid but purchased through a State of Texas Cooperative Program. (GENERAL SERVICES) (2013 - 086)
12. Consider a resolution adopting a new Purchasing Policy and rescinding all prior conflicting resolutions. (GENERAL SERVICES) (2013 - 087)
13. Consider a resolution authorizing the execution of a Right-of-Way License with Diamondback E&P, LLC; said right-of-way license is for the purpose of installing, maintaining and operating two water wells, associated roadway, surface flow lines, and a fresh water frac pond on City of Midland property described as Tract 1C, Sections 43 and 44, Block 40, T-1-N, T&P Ry. Co. Survey, Midland County, Texas; the license term is for five (5) years with an automatic renewal for an additional five (5) year term upon written request. (AIRPORTS) (2013 - 088)
14. Consider a resolution authorizing the execution of a Lease Agreement between Midessa Telephone Systems and the City of Midland, Texas, to lease City-owned office space in the LaForce office center located at the Midland International Airport; the lease is for five years and incorporates approximately 3,322 square feet. (AIRPORTS) (2013 - 089)
15. Consider a resolution authorizing advertisement for bids for the City of Midland project described as improvements to Midland Airpark Airport (7061); and appropriating necessary funds. (AIRPORTS) (2013 - 090)

16. Consider a resolution of the City Council of the City of Midland, Texas approving the special event to take place at Centennial Plaza on April 4, 2013 as a City-sponsored special event. (CITY MANAGER'S OFFICE) (2013 - 091)
17. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$19,790.00 to assist the Health and Senior Service Division with the delivery of Refugee Immunizations services; authorizing the execution of acceptance documents; and appropriating funds. (COMMUNITY SERVICES) (2013 - 092)
18. Consider a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services in the amount of \$13,092.00 to assist the Health and Senior Service Division with the delivery of local public health services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2013 - 093)
19. Consider a resolution adopting the 2012 Parks, Recreation and Open Spaces Master Plan Update prepared by KDC Associates for the City of Midland, Texas; and authorizing the filing of said master plan with the Texas Parks and Wildlife Department. (COMMUNITY SERVICES) (2013 - 094)
20. Consider a resolution authorizing the naming of the baseball fields at John P. Butler Park the "Bill and Peggy Williams Youth Baseball Complex"; and accepting a donation in the amount of \$5,000 from Community National Bank for signage. (COMMUNITY SERVICES) (2013 - 095)
21. Consider a resolution authorizing the City Manager to negotiate and execute an amendment to the Letter Development Agreement between the City of Midland, Wall Street Lofts, LLC, the Midland Development Corporation ("MDC") and the Midland Tax Increment Reinvestment Zone No. 1 ("TIRZ") regarding the development of a mixed-use multi-family residential and retail building and parking garage and related infrastructure, all to be located on the property currently described as Lots 1-8 and Lots 13-23, Block 53, Original Town Addition, Midland, Midland County, Texas (the "project"); said amendment shall provide for the extension of the project timetable, with commencement of construction to begin no later than December 31, 2013; said amendment shall provide for an increase in the cap on reimbursable expenses as necessary to offset necessary Phase II work related to the project. (DOWNTOWN DEVELOPMENT) (2013 - 096)
22. Consider a motion on a request by West Company of Midland to approve items requested for deferral for the Ranchland Acres - Section 4 (Wire Line Accessories), and to waive the associated public improvement guarantee. The subject property is located on the south side of Interstate 20 approximately 400 feet west of Midland Drive. (ENGINEERING SERVICES)
23. Consider a motion on a request by Dunaway Associates for Covington Addition to approve items requested for deferral in the amount of \$3,486,500 and to

waive the associated public improvement guarantee. (ENGINEERING SERVICES)

24. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Water and Wastewater Tap project; said project will be for the installation of water and wastewater taps. (ENGINEERING SERVICES) (2013 - 097)
25. Consider a resolution approving the City of Midland Fire Department's Application to Solicit Charitable Contributions in Roadways on behalf of the Muscular Dystrophy Association participating in the "Fill the Boot" fundraiser; this is authorized by Section 552.0071 of the Texas Transportation Code; the dates and times of the solicitation are April 24th, 25th, and 26th, 2013 from 8:00 a.m. to 6:00 p.m.; the intersection locations at which the solicitations shall occur are Midkiff Road and Wadley Avenue, Midland Drive and Loop 250, Midland Drive and Andrews Highway, and Garfield Street and Golf Course Road; there will be fifteen (15) solicitors involved in solicitations at each location; and the Muscular Dystrophy Association, Incorporated is required to provide General Liability Insurance prior to the event and the Fire Chief shall ensure that the insurance is received and approved prior to the "Fill the Boot" fundraiser. (FIRE) (2013 - 098)
26. Consider a resolution of the City Council of the City of Midland, Texas waiving Emergency Medical Services (EMS) receivables arising from the 2012 Show of Support Parade held on November 15, 2012. (FIRE) (2013 - 099)
27. Consider a resolution appropriating unclaimed or abandoned funds in the amount of \$15,811.00 to the Midland Police Department; the proceeds will be used to purchase equipment and technology essential to the law enforcement function for the Midland Police Department. (POLICE) (2013 - 100)
28. Consider a resolution authorizing funding of the 2013 Water Conservation Program; and appropriating \$37,000.00 therefor. (UTILITIES) (2013 - 101)
29. Consider a resolution authorizing the execution of a Professional Services Agreement Task Order with HDR Engineering, Incorporated, for professional construction management and inspection services on the City's Influent Screen Replacement Project, plus professional design and construction oversight services for a new pump station facility at the City's Spraberry Effluent Farm, at an estimated total cost of \$641,600.00; and appropriating funds. (UTILITIES) (2013 - 102)
30. Consider a resolution authorizing the execution of a Professional Services Agreement Task Order with CDM Smith Inc., for professional design services and construction management services for the T-Bar Water Supply System, the Paul Davis and Airport Wellfield Improvements Project, the Midland Raw Water Project, the Paul Davis Wellfield Utilization Project, the T-Bar Chlorinization Facility Project, as well as programming, training and start-up services at the City's MBR Satellite Reuse Plant, Water Pollution Control Plant, T-Bar

Chlorinization Facility, Airport, Raw Water Reservoir and Paul Davis Wellfield, at an estimated total cost of \$614,600.00; and appropriating funds. (UTILITIES) (2013 - 103)

31. Consider a resolution authorizing the execution of Change Order Number One with Archer Western Contractors, L.L.C., adding \$266,979.00 for additional work to the existing contract for the Raw Water Project; and appropriating \$266,979.00; the original contract was for \$7,058,965.00; this change order brings the total contract price to \$7,325,943.28. (UTILITIES) (2013 - 104)
32. Consider a resolution authorizing the execution of an Amended Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Spraberry CGC, Incorporated; the term of said agreement will expire on December 31, 2013. (UTILITIES) (2013 - 105)
33. Consider a resolution authorizing the office of the City Attorney to obtain automobile and general liability insurance coverage through the Texas Municipal League Intergovernmental Risk Pool; adopting coverage recommendations; and authorizing payment therefor. (CITY ATTORNEY'S OFFICE) (2013 - 106)
34. Consider a resolution authorizing the execution of a Temporary Right-of-Way Use Permit with Midland Christian School. (CITY ATTORNEY'S OFFICE) (2013 - 107)

SECOND READINGS

35. 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 7, Westridge Park Addition, Section 22, 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 northwest corner of the intersection of Deauville Boulevard and Catalina 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)(First reading held February 26, 2013.)(9116)
36. 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 2A, Block 7, Westridge Park Addition, Section 22, 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 west side of Catalina Drive, approximately 320 feet south of Andrews 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)(First reading held February 26, 2013.)(9117)

37. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 8A, Block 3, Westridge Park Addition, Section 8, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of Catalina Drive and Deauville Boulevard), which is presently zoned PD, Planned District for a Shopping Center, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a bar 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 February 26, 2013.)(9118)
38. Consider an ordinance on second reading changing the zoning use classification of Lot 5, Block 6, Fannin Terrace Addition, Section 3, City and County of Midland, Texas (Generally located on the south side of Shandon Avenue, approximately 180 feet east of Lanham Street), 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)(First reading held February 26, 2013.)(9119)
39. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)(First reading held February 26, 2013.)(9120)

PUBLIC HEARINGS

40. At approximately 10:30 a.m. hold a public hearing and consider a resolution authorizing an amendment to the 2012/2013 Action Plan to the City of Midland Consolidated Plan for Community Development and Housing Funds per amendment documents on file with the City Secretary; said amendment to include the reallocation of \$158,597.00 and related budget transfers; authorizing the consolidation of existing allocations of the homebuyer assistance, lot clearing, and owner-occupied housing assistance major projects programs; that a copy of said amendment documents shall be on file in the City Secretary's Office. (DEVELOPMENT SERVICES) (2013 - 108)
41. 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 0.85-acre tract of land and a 0.713-acre tract of land, all out of Lot 12 less the east 182.4 feet, Block 15, Correction Plat Ranchland Hills Addition, Third Section, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, in part, and LR-1, Local Retail District, in part, to be used as an 1F-3, One-Family Dwelling District (Generally located on the southeast corner of the intersection of East Pecan Avenue and Peterson 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. (DEVELOPMENT SERVICES) (9121)

42. At approximately 10:42 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 2E, Block 32, Correction Plat Northgate Addition, Section 21, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 700 feet west of Midland Drive), which is presently zoned PD, Planned District for a Shopping Center, 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) (9122)
43. At approximately 10:45 A.M. hold a public hearing and consider a 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. (DEVELOPMENT SERVICES) (2013 - 109)
44. At approximately 10:48 A.M. hold a public hearing on a request for voluntary annexation of 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)

MISCELLANEOUS

45. Consider an ordinance approving a Letter Development Agreement between the Midland Tax Increment Reinvestment Zone No. 1 and Wall Street Lofts, LLC; and approving the conveyance of approximately .88 acres of real property located at 100 N. Main Street, Midland, Texas, to Wall Street Lofts, LLC, pursuant to the Letter Development Agreement; and said real property has an appraised value of \$350,000.00; and there is no reversionary clause. (CITY ATTORNEY'S OFFICE) (9123)

46. Consider a resolution approving the issuance of a permit to Petroplex Energy, Inc. ("Operator") to drill an oil and gas well within the City limits located 2,183 feet from the south line and 467 feet from the east line, 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); and waiving the requirement of a Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 110)
47. Consider an ordinance vacating and abandoning a 700 square foot portion of east Wall Street Right-of-Way adjacent to Lot 2, Block 47, Original Town Addition, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of east Wall Street and North Marshall Street); adopting the appraisal by the City Manager of \$560.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9124)
48. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

49. 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:

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.