

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
April 09, 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 an update from James Beauchamp of MOTRAN.
2. Receive information on water rate changes.
3. Receive an update from Midland County Fresh Water District regarding T-Bar.

AGENDA FOR CITY COUNCIL MEETING

April 09, 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, Mount 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:
 - a. [Presentation of a Proclamation for Fair Housing Month.](#)
 - b. [Presentation of a Proclamation for Prayer for Rain.](#)

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. [Special meeting of March 18, 2013.](#)
 - b. [Regular meeting of March 26, 2013.](#)
 - c. [Special meeting of March 27, 2013.](#)
6. [Consider a resolution approving the purchase of cellular data service for public safety and non-public safety laptop computers, mobile wireless devices, cellular](#)

phones, i-Phones and i-Pads, through the Texas Department of Information Resources at a total cost of \$175,883.86; and this item was not bid but purchased through a State of Texas Cooperative Program. (GENERAL SERVICES) (2013 - 112)

7. Consider a resolution approving the purchase of an armored personnel rescue/recovery vehicle through the Federal Government Services Administration ("GSA") at a total cost of \$254,993.00; and this item was not bid but purchased through a Cooperative Purchasing Program. (GENERAL SERVICES) (2013 - 113)
8. Consider a resolution approving a three-year renewable Purchase Agreement for office supplies with Staples Contract & Commercial, Incorporated, operating as Staples Advantage of Framingham, Massachusetts, at an annual cost of \$115,000.00. (GENERAL SERVICES) (2013 - 114)
9. Consider a resolution authorizing the execution of a contract with S&M Businesses, Incorporated, DBA Austin Land Service, DBA Austin Wood Recycling, of Cedar Park, Texas, for mulching of yard waste and wood at a cost of \$92,400.00. (GENERAL SERVICES) (2013 - 115)
10. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the construction of Fire Station #10. (GENERAL SERVICES) (2013 - 116)
11. Consider a resolution authorizing issuance of a request for qualifications for Professional Architectural and Engineering Services for the demolition and new expanded construction of Fire Station 5 and Fire Station 6. (GENERAL SERVICES) (2013 - 117)
12. Consider a resolution authorizing issuance of a request for qualifications for Professional Architectural and Engineering Services for the renovation of Doug Russell Pool. (GENERAL SERVICES) (2013 - 118)
13. Consider a resolution rejecting the single bid received for Bid Number 5192-12 for sale of real property described as being Lots Three A (3A), Four A (4A) and Five A (5A), Block Three (3), Midland International Airport Industrial Park, an addition to the City of Midland, Midland County, Texas. (GENERAL SERVICES) (2013 - 119)
14. Consider a resolution authorizing the Office of the City Attorney to respond to all discovery requests arising from the lawsuit styled Richard Sanchez, et al. v. Union Pacific Railroad, Inc. and Smith Industries, Inc. (441st Judicial District Court, Midland County, Texas; Cause No. CV-49,117) or the lawsuit styled Catherine Stouffer, et al. v. Union Pacific Railroad, Inc. and Smith Industries, Inc. (116th Judicial District Court, Dallas County, Texas; Cause No. 12-15024);

authorizing the Office of the City Attorney to employ all necessary experts; and authorizing the payment of all costs. (CITY ATTORNEY'S OFFICE) (2013 - 120)

15. Consider a resolution of the City Council of the City of Midland, Texas approving the Police Memorial Ride as a City-sponsored special event. (CITY MANAGER'S OFFICE) (2013 - 121)
16. Consider a resolution authorizing a Right-of-Way License between the City of Midland, Texas and RSP Permian, L.L.C.; said right-of-way license is for the purpose of entering the City of Midland's Right-of-Way for the purpose of placement, operation and maintenance of three (3) four (4) inch water polylines contained within a sixteen (16) inch steel casing pipe, in a portion of Briarwood Avenue; the pipeline is located within the City of Midland Right-of-Way, Sections 23 and 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; the license term is for twenty-five (25) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional twenty-five (25) year term upon 90 days written request prior to expiration. (ENGINEERING SERVICES) (2013 - 122)
17. Consider a motion on a request by S.W. Howell Inc., for West Terminal Addition (Section 2), to approve items requested for deferral in the amount of \$82,500.00, and to waive the associated public improvement guarantee. The subject property is located on the west side of FM 1788 approximately 1¼ miles north of Loop 40 just south of the CRMWD Terminal Reservoir. (ENGINEERING SERVICES)
18. Consider a motion on a request by Landgraf, Crutcher & Associates for the Entrada Estates - Section 2, to approve items requested for deferral, and to waive the associated public improvement guarantee. The subject property is located in the City of Midland ETJ approximately 700 linear feet north of State Highway 191 along the west side of County Road 1278. (City of Midland ETJ) (ENGINEERING SERVICES)
19. Consider a motion on a request by Landgraf, Crutcher & Associates for the Entrada Estates - Section 3, to approve items requested for deferral, and to waive the associated public improvement guarantee. The subject property is located in the City of Midland ETJ approximately 700 linear feet north of State Highway 191 along the east side of County Road 1275. (City of Midland ETJ) (ENGINEERING SERVICES)

SECOND READINGS

20. 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 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)(First reading held March 26, 2013)(9121)

21. Consider an ordinance on second reading 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)(First reading held March 26, 2013)(9122)
22. Consider an ordinance on second reading 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 North 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)(First reading held March 26, 2013)(9123)

PUBLIC HEARINGS

23. 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 a 2.00-acre portion of Lot 6, Block 2, Westridge Park Addition, Section 11, 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 (for a hotel development) (Generally located on the west side of North Loop 250 West, approximately 300 feet North of Deauville Boulevard); providing for such use to be subject to certain special conditions and restrictions as set out herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9125)
24. 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 Lot 9, Block 189, Southern Addition, City and County of Midland, Texas, which is presently zoned MH, Manufactured Home Dwelling District, to be used as an LR-3, Local Retail District (Generally located on the east side of South Fort Worth Street, approximately 150 feet south of East Florida Avenue); 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) (9126)

25. 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 2.12-acre portion of Lot 6, Block 2, Westridge Park Addition, Section 11, 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 (for a hotel development) (Generally located on the west side of North Loop 250 West, approximately 300 feet north of Deauville Boulevard); providing for such use to be subject to certain special conditions and restrictions as set out herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9127)
26. 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 0.791-acre portion of Lot 1, Block 17, Skyline Terrace, Unit 2, 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 southwest corner of Loop 250 and Midkiff Road); providing for such use to be subject to certain special conditions and restrictions as set out herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9128)
27. At approximately 10:42 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor tent sale 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. (DEVELOPMENT SERVICES) (2013 - 123)
28. At approximately 10:45 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lots 1-5, Block 5, Lots 10-14, Block 6, Lots 1-9, Block 6, and Lots 1-9, Block 7, Corporate Plaza, Section 4, City and County of Midland, Texas, which is presently zoned 2F, Two-Family Dwelling

District, in part, MF-1, Multiple-Family Dwelling District, in part, O-1, Office District, in part, and PD, Planned District for an Office Center, in part, to be used as a PD, Planned District for a Housing Development (Generally located on the northeast corner of Edwards Street and Spring Park 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) (9129)

29. At approximately 10:48 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 11A, Block 2, Greathouse Addition, Section 9, City and County of Midland, Texas, which is presently zoned MF-1, Multiple-Family Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located on the northwest corner of the intersection of Briarwood Avenue and Mathis 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) (9130)
30. At approximately 10:51 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lots 1-4, Block 3, Gateway Plaza, Section 2, 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 (for a hotel development) (Generally located on the north side of Starboard Drive, west of South Loop 250 West); 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) (9131)
31. At approximately 10:54 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 0.30-acre portion of Lot 19, Block 5, North Park, Section 15, 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 north side of Loop 250, approximately 700 feet west of Whitman 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) (9132)
32. At approximately 10:57 A.M. hold a public hearing and consider an ordinance

changing the zoning use classification of the property described as a 2,108 square foot portion of Lot 1, Block 8, Polo Park Section III, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of North Garfield Street and West Loop 250 North), 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 lounge 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) (9133)

33. At approximately 11:00 a.m. hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22C #2) located 467 feet from the east line and 467 feet from the south line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located approximately 430 feet north of Briarwood Avenue, north of North County Road 1250.) (DEVELOPMENT SERVICES)
34. At approximately 11:03 a.m. hold a public hearing regarding a proposed oil and gas permit to Vector Oil & Gas LP (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Barron #2) located 2,050 feet from the north line and 2,071 feet from the west line located in Section 6, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of Oriole Drive, approximately ½ mile south of the Mockingbird Lane.) (DEVELOPMENT SERVICES)
35. At approximately 11:06 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lots 1-6, Block 7, Langford-Weatherred Addition, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located on the southeast corner of North "A" Street and Douglas Avenue); 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) (9134)

MISCELLANEOUS

36. Consider an ordinance 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 May 10, 2013; and ordering publication; and this ordinance shall apply to all permits issued on or after May 10, 2013. (CITY MANAGER'S OFFICE) (9135)

37. Consider a motion directing staff to begin the annexation of approximately 40.5 acres of land upon request by the property owner. (DEVELOPMENT SERVICES)
38. Consider a motion directing staff to begin the annexation of approximately 308 acres of land as defined in the Agricultural Exemption Development Agreement. (DEVELOPMENT SERVICES)
39. Consider a motion directing staff to begin the annexation of approximately 54 acres of land as defined in the Agricultural Exemption Development Agreement. (DEVELOPMENT SERVICES)
40. Consider an ordinance prohibiting parking between 7:30 a.m. and 4:30 p.m. on school days only upon portions of certain streets in the vicinity of Henderson Elementary School described as on the north side of Graceland Drive from the north south alley west of Bentwood Drive continuing east a distance of 921 feet to the north south alley of Erie Drive, and from the west side of Bentwood Drive from the centerline of Graceland Drive continuing north a distance of 368 feet, and on the east side of Bentwood Drive from the centerline of Graceland Drive continuing north a distance of 398 feet, and on the west side of Wilshire Drive from the centerline of Graceland Drive continuing north a distance of 372 feet, and on the east side of Wilshire Drive from the centerline of Graceland Drive continuing north a distance of 271 feet, and on the west side of Erie Drive from the centerline of Graceland Drive continuing north a distance of 238 feet, and on the east side of Erie Drive from the centerline of Graceland Drive continuing north a distance of 397 feet except to residents whose property abuts such street and have obtained a valid parking permit; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; 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) (9136)
41. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," Subsection (a), "Customers Inside of City Limits," Sub-Subsection 1, "Water Rates," of the City Code of Midland, Texas, so as to change the rates charged for water services and require installation of separate water meters for outside irrigation by commercial customers; containing a cumulative clause; containing a savings and severability clause; providing for a

maximum fine or penalty of five hundred (\$500.00) dollars; and ordering publication; and the City Manager shall notify all customers outside the City limits as required by state law. (UTILITIES) (9137)

42. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

43. 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 551.087 Deliberation Regarding Economic Development Negotiations.
 - a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

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.