

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA**

April 10, 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 introduction to new Citizen Action Center.
2. Receive history of the Litter Abatement Fee and its current uses.
3. Receive information on the water conservation recommendation by Freese and Nichols.

AGENDA FOR CITY COUNCIL MEETING

April 10, 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 - Patrick Payton, Stonegate Fellowship Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Receive presentation of 17th Annual Distinguished Budget Presentation Award from the Government Finance Officers Association.
 - b. Presentation of a proclamation for Parkinson's Disease Awareness Month.
 - c. Presentation of a proclamation for Fair Housing Month.

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 March 20, 2012.
 - b. Special Meeting of March 28, 2012.
6. Consider a resolution amending the authorized representatives of the City of

Midland, Texas, regarding investments of public funds. (Finance) (2012 - 096)

7. Consider a resolution changing the authorized representatives for the Local Government Investment Cooperative. (Finance) (2012 - 097)
8. Consider a resolution approving the purchase of five (5) heavy duty cab & chassis of assorted configurations from Roberts Truck Center of Texas, LLC, of Midland, Texas, at a total cost of \$395,860.00. (General Services) (2012 - 098)
9. Consider a resolution approving the purchase of one (1) boom truck body from Equipment Southwest, Incorporated, at a total cost of \$55,500.00. (General Services) (2012 - 099)
10. Consider a resolution approving the purchase of three (3) dump truck bodies of assorted sizes from Equipment Southwest, Incorporated, at a total cost of \$50,508.00; and Equipment Southwest, Incorporated, was the sole bidder. (General Services) (2012 - 100)
11. Consider a resolution approving the purchase of four (4) caterpillar model 420F backhoe/loaders and two (2) Caterpillar Model 930K 3-CubicYard Rubber Tire Loaders from Warren Power and Machinery, Incorporated, DBA Warren Cat, of Odessa, Texas, at a total cost of \$692,939.00; and Warren Power and Machinery, Incorporated, DBA Warren Cat was not the low bidder on the four (4) backhoe/loaders; and accepting the City Manager's recommendation that the low bid for the four (4) backhoe/loaders did not meet advertised specifications. (General Services) (2012 - 101)
12. Consider a resolution approving the purchase of four thousand three hundred seventy-eight (4,378) water meters of various configurations, from the low bidders, HD Supply Waterworks, Ltd, and Badger Meter, Incorporated, at a total cost of \$365,221.58. (General Services) (2012 - 102)
13. Consider a resolution awarding the Sparks Park Target Area Development Utility Improvements Project to TEC Excavation, Incorporated, of Midland, Texas, at a total cost of \$333,328.00. (General Services) (2012 - 103)
14. Consider a resolution authorizing the acceptance of \$19,536.00 in reimbursement funds from the Texas Department of State Health Services to assist the Health and Senior Service Division with the delivery of public health emergency preparedness services; and authorizing the execution of acceptance documents; and appropriating funds. (Community Services) (2012 - 104)
15. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Pecos Gathering and Marketing, LLC for the expansion of Fairgrounds Road; and appropriating funds therefor; said

agreement being authorized by section 395.081 of the Texas Local Government Code. (Engineering) (2012 - 105)

16. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Pecos Gathering and Marketing, LLC for services to 1310 South Fairgrounds Road, Midland, Texas, 79701; said property is outside the City limits; Pecos Gathering and Marketing, LLC has executed a letter agreeing to annexation if and when the property is annexed; Pecos Gathering and Marketing, LLC shall be charged a rate for service which is one and one-half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (Engineering) (2012 - 106)
17. Consider a resolution accepting a grant from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$168,714.00; this grant will be utilized for the purpose of enhancing and coordinating drug control efforts among Federal, State, and local law enforcement agencies to better combat drug trafficking; and appropriating funds. (Police) (2012 - 107)
18. Receive by motion the Water Conservation Report as developed by Freese and Nichols. (Utilities)

SECOND READINGS

19. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 28.31-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (generally located on the northwest corner of the intersection of Briarwood Avenue and Holiday Hill Road); and approving a Public Service Plan. (Planning) (8992)
20. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 20.21-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an MF-1, Multiple Family Dwelling District; said tract is generally located on the northwest corner of the intersection of Briarwood Avenue and Holiday Hill Road; 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. (Planning) (8993)
21. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being an 8.11-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an LR-2,

Local Retail District; said tract is generally located on the northwest corner of the intersection of Briarwood Avenue and Holiday Hill Road; 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. (Planning) (8994)

22. Consider an ordinance on second reading extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 108.453-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (generally located northwest of the intersection of Tradewinds Boulevard and Champions Drive); and approving a Public Service Plan. (Planning) (8995)
23. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being an 108.453-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an FD, Future Development District; said tract is generally located northwest of the intersection of Tradewinds Boulevard and Champions Drive; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (Planning) (8996)

PUBLIC HEARINGS

24. 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 10.00-acre tract of land out of the northwest quarter of Section 40, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a C-3, Commercial District (generally located on the northeast corner of Elkins Road and East 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. (Planning) (9004)
25. At approximately 10:33 a.m. hold a public hearing on a request by Vector Oil and Gas LP, to Drill an Oil and Gas Well within the City Limits, (Barron #1) located 1910.4' from the north line and 820.8' from the west line of the land described as Section 6, block 'X' H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 1/2 mile south of Mockingbird Lane.) (Planning)
26. At approximately 10:36 a.m. hold a public hearing on a request by Vector Oil and Gas LP, to Drill an Oil and Gas Well within the City Limits, (Barron #3) located

714' from the north line and 730.4' from the west line of the land described as Section 6, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of Holiday Hill Road, approximately 720 feet south of Mockingbird Lane.) (Planning)

27. At approximately 10:39 a.m. hold a public hearing on a request from Bluestem Energy Holding, LLC (Evans N 1) to drill an oil and gas well on property located 623' from the south line and 2,035' from the east line of the land described as Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of the North Midkiff Road, approximately 625 north of Mockingbird Lane.) (Planning)
28. At approximately 10:42 a.m. hold a public hearing on a request from Bluestem Energy Holding, LLC (Evans M 1) to drill an oil and gas well on property located 1,949' from the south line and 1,927' from the west line of the land described as Section 8, Block "X", H.P. Hilliard Survey, Midland County Texas. (Generally located on the east side of the North Midland Drive, approximately 1/3 mile north of Mockingbird Lane.) (Planning)

MISCELLANEOUS

29. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 704 feet from the north line and 2,007 feet from the west line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the west side of Golden Gate Drive, approximately 3/4 of a mile north of Briarwood Avenue); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement (Pecan Acres 23 #3). (Planning) (2012 - 108)
30. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 651 feet from the south line and 2,040 feet from the west line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the west side of Golden Gate Drive, approximately 650 feet north of Briarwood Avenue); and providing that said permit does not require a new road repair agreement but shall be consolidated under an existing road repair agreement (Pecan Acres 23 #6). (Planning) (2012 - 109)
31. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ("Operator") to drill an oil and gas well within the City limits located 1,911 feet from the east line and 2,009 feet from the north line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the west side of Golden Gate Drive, approximately 1/2 mile north of Briarwood Avenue); and providing that said permit does not require a new road repair agreement but shall be consolidated under an existing road

repair agreement (Pecan Acres 23 #12). (Planning) (2012 - 110)

32. Consider a motion on a request by SMBC Inc. to approve street/paving improvement deferrals in the amount of \$24,855, and to waive the associated public improvement guarantee for 601 West Florida. This property is positioned in the City Limits, generally located on the northeast corner of side of West Florida Avenue and Connell Street. (Engineering)
33. Consider a resolution awarding the Ward Street Bridge Rehabilitation and Garfield Street Bridge Rail Retrofit Project to Onyx Contractors Operations, LP, of Midland, Texas, at a total cost of \$735,178.90. (General Services) (2012 - 111)
34. Consider a resolution authorizing the Mayor to execute an Amended and Restated Interlocal Agreement between the City of Midland and the Midland County Freshwater Supply District No. 1 regarding the delivery of water from the T-Bar Ranch; the T-Bar Ranch is located in Winkler County and Loving County, Texas. (City Attorney) (2012 - 112)
35. Consider making appointments to various Boards and Commissions.

EXECUTIVE SESSION

36. 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 potential litigation with Cajun Constructors, Inc. regarding its claims under the construction contract for the City of Midland Water Purification Plant Improvement project and Progress Pay Application, and the change order requests to said contract.
 - 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