CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
April 23, 2013 - 9:00 A.M.
BASEMENT COFERENCE 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 and discuss information regarding Residential Development Density.

2. Receive an update regarding the naming rights of the baseball stadium located at the Scharbauer Sports Complex.

3. Receive an update from the Planning Division regarding the Code Update Project.

AGENDA FOR CITY COUNCIL MEETING
April 23, 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 - Reverend Pat Bryant, Travis Baptist 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 18th Annual Distinguished Budget Presentation Award from the Government Finance Officers Association.

   b. Presentation of a Proclamation for Police Week Memorial.

   c. Presentation of a Proclamation for Municipal Employee Appreciation Week.

   d. Presentation of a Retirement Proclamation for Wanda S. Morris.

   e. Presentation of a Retirement Proclamation for Roger Hal Johnston.

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 April 9, 2013.

6. Consider a resolution rejecting all bids received for bid number 6079-13 for the Centennial Plaza Phase II Improvements Project. (GENERAL SERVICES) (2013 - 125)

7. Consider a resolution authorizing the execution of a License Agreement for pictometry imagery with Pictometry International Corporation, of Rochester, New York, at a total cost of $82,067.00; and this item was not bid but purchased as a sole source. (GENERAL SERVICES) (2013 - 126)

8. Consider a resolution awarding the Fiscal Year 2013 Pavement Restoration Project to Pavement Restoration, Incorporated, of Tampa, Florida, at a total cost of $899,999.66. (GENERAL SERVICES) (2013 - 127)

9. Consider a resolution authorizing the execution of an agreement for the purchase of brass fittings and valves of assorted sizes for use by the City's Water and Wastewater and Customer Service Divisions, from Benmark Supply Company, Incorporated, of Midland, Texas, at an estimated total cost of $90,773.49. (GENERAL SERVICES) (2013 - 128)

10. Consider a resolution authorizing issuance of a request for proposals for naming rights at the baseball stadium located at the Scharbauer Sports Complex. (GENERAL SERVICES) (2013 - 129)

11. Consider a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Nada McMahan v. City of Midland; County Court at Law No. 2, Midland County, Texas; Cause No. CC16957. (CITY ATTORNEY'S OFFICE) (2013 - 130)

12. Consider a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland and the Chief of Police in a lawsuit styled Perry Laszlo Harsman v. Price Robinson, Chief of Police, City of Midland, Texas; 441st Judicial District Court, Midland County, Texas; Cause No. CV49369; and authorizing the payment of all costs. (CITY ATTORNEY'S OFFICE) (2013 - 131)

13. Consider a resolution authorizing the purchase of bleachers for Midland United Girls Softball in order to place bleachers at the Freddie Ezell Complex located at Ulmer Park, at a total cost of $22,265.00; said purchase was not bid; and appropriating funds. (CITY SECRETARY'S OFFICE) (2013 - 132)

14. Consider a resolution authorizing the purchase of fence slating and installation for Midland United Girls Softball in order to place fence slating at the Freddie

Ezell Complex located at Ulmer Park, at a total cost of $49,639.00; said purchase was not bid; and appropriating funds. (CITY SECRETARY'S OFFICE) (2013 - 133)

15. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with M. Jackson Construction 1 LTD. for development of Mayfield Place Addition, Section 5, City and County of Midland, Texas (Generally located on the west side of Midkiff Road, approximately 2,500 feet north of Mockingbird Lane); and authorizing payment in the amount of $24,966.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 134)

SECOND READINGS

16. Consider an ordinance on second reading vacating and abandoning a 0.23-acre north/south and east/west alley adjacent to Lot 1, Block 10, and Lot 15, Block 11, Trueland Addition, Section 2, City and County of Midland, Texas (Generally located near the southwest corner of the intersection of Scharbauer Drive and North Fairgrounds Road); adopting the appraisal by the City Manager of $902.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held January 8, 2013.)(9102)

17. Consider an ordinance on second reading 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)(First reading held March 26, 2013.)(9124)

18. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9125)

19. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9126)

20. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9127)

21. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9128)

22. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9129)

23. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9130)

24. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9131)

25. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9132)

26. Consider an ordinance on second reading on 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)(First reading held April 9, 2013.)(9133)

27. Consider an ordinance on second reading 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)(First reading held April 9, 2013.)(9135)

28. Consider an ordinance on second reading 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)(First reading held April 9, 2013.)(9136)

29. Consider an ordinance on second reading 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)(First reading held April 9, 2013.)(9137)

PUBLIC HEARINGS

30. At approximately 10:30 A.M. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 104.50-acre tract of land out of Section 38, 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 a PD, Planned District for a Housing Development; said tract is generally located on the west side of the Avalon Drive extension, south of State Highway 191; 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) (9138)

31. At approximately 10:33 A.M. hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a church fair on Lots 8 and 13A, Block 7, Glendale, Section 2, City and County of Midland, Texas (Generally located near the northeast corner of the intersection of Garden Lane and North Tyler Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2013 - 135)

32. 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 38.60-acre tract of land out of Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned FD, Future Development District, to be used as a 1F-3, One-Family Dwelling District (Generally located on the corner of Sherwood Drive and Sandstone Drive, approximately 1,000 feet west of 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. (DEVELOPMENT SERVICES) (9139)

MISCELLANEOUS

33. Consider a motion on a request by Ranchland Hills Country Club for approval of a site plan for the demolition and reconstruction of the club house. (DEVELOPMENT SERVICES)

34. Consider an ordinance vacating and abandoning a 0.632-acre right-of-way

dedication within Lots 7-12, Block 93, Lots 1, 2, 5 and 6, the adjacent vacated 20-foot alley and the adjacent vacated right-of-way of West Kentucky Avenue, Block 109, all out of Original Town, City and County of Midland, Texas (Generally located on the north side of West Front Street between South Marienfeld Street and South Big Spring Street); adopting the appraisal by the City Manager of $38,267.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9140)

35. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 104.50-acre tract of land out of Section 38, 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 west side of the Avalon Drive extension, south of State Highway 191); and approving a public service plan. (DEVELOPMENT SERVICES) (9141)

36. Continue consideration of 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)

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

EXECUTIVE SESSION

38. 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 Section 36.121 of the Texas Water Code with the City Attorney.

    b. Section 551.071, Consultation with the City Attorney

        b.1. Discuss with the City Attorney, litigation styled in Re: Heritage Consolidated, LLC, et al., Case No.10-36484-hdh, Chapter 11, Jointly Administered, in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.

c. Section 551.071, Consultation with the City Attorney

c.1. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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.