

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

April 24, 2012 - 8:45 A.M.

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 regarding CVS Pharmacy's request for a Municipal Setting Designation within the City of Midland at 301 Andrews Highway.
2. Receive update on Council Retreat.
3. Receive an update from the Midland County Freshwater Supply District No. 1 regarding the delivery of water from T-Bar Ranch located in Winkler County and Loving County, Texas.

AGENDA FOR CITY COUNCIL MEETING

April 24, 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 - Terry Rothermich, Memorial Christian Church-Disciples of Christ
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 Municipal Clerks Week.

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 10, 2012
6. Consider a resolution authorizing the execution of an agreement for the purchase of fertilizer of assorted types and in assorted volumes for operations at the Spraberry Farm, from Helena Chemical Company of Stanton, Texas, at an estimated total cost of \$115,000.00. (General Services) (2012 - 113)
7. 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, and Curtis & Curtis Seed, Incorporated, of Clovis, New Mexico, at a total cost of \$73,967.40. (General Services) (2012 – 114)

8. Consider a resolution approving the purchase of sixteen (16) video cameras for use in police cars through the Texas Department of Information Resources at a total cost of \$78,848.00; and this item was not bid but purchased through a State of Texas Cooperative Program. (General Services) (2012 - 115)
9. Consider a resolution approving plans and specifications and authorizing advertisement for bids to clean and re-paint all blue and silver surfaces at Grande Communications Stadium and Citibank Ballpark. (General Services) (2012 - 116)
10. Consider a resolution approving the purchase of a cab, chassis and ambulance body through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$173,200.00; and this item was not bid but purchased through a cooperative purchasing agency. (General Services) (2012 - 117)
11. Consider a resolution authorizing issuance of a request for proposals for hosted mass communication services which will allow emergency and non-emergency notification of citizens in the City of Midland and in Midland County. (General Services) (2012 - 118)
12. Consider a resolution authorizing the execution of a land lease agreement with OGM Aviation LLC for hangar development located on a 0.24 acre tract of land located in Lot 4B, Block 11, Midland International Airport, Industrial Park Addition, Section 6, an addition to the City of Midland, Midland County, Texas. (Airport) (2012 – 119)
13. Consider a resolution approving plans and specifications prepared by Parkhill, Smith and Cooper, Incorporated, and authorizing advertisement for bids for the City of Midland project described as Executive Apron Reconstruction Area B Project (7081) at the Midland International Airport. (Airport) (2012 – 120)
14. Consider a resolution authorizing the Mayor, City Manager, and the City Attorney to attest and execute Federal Aviation Administration Grant Number 53 in the estimated amount of \$3,094,224.00 upon receipt from the Federal Aviation Administration; said grant will fund ninety percent (90%) of the project described as Executive Apron Reconstruction Area B at the Midland International Airport;

said grant funds are to be deposited in the Airport Fund upon receipt. (Airport) (2012 - 121)

15. Consider a resolution approving a cost-sharing agreement between the Midland Development Corporation and Schlumberger Technology Corporation for construction of a water line that will serve a 78.22-acre tract of land out of Section 11, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, that is owned by the Midland Development Corporation. (City Attorney) (2012 – 122)
16. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Fiscal Year 2012 Mill and Street Paving Overlay Project; said project will be for the repaving of certain streets within the City of Midland. (Transportation) (2012 - 123)
17. Consider a motion approving a proposed preliminary plat of Legends Park, Section 4, being a 108.038-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)

SECOND READINGS

18. 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 40.46-acre tract of land out of Section 45, 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 north of Midland International Airport); and approving a public service plan. (Planning) (8998)
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 96.28-acre tract of land out of Sections 43 and 44, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and Sections 5 and 6, Block 40, T-2-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 Midland International Airport); and approving a public service plan. (Planning) (8999)
20. 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 55.08-acre tract of land out of Sections 8, 9, 16 and 17, Block 40,

T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located south of Midland International Airport); and approving a public service plan. (Planning) (9000)

21. 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 2.25-acre tract of land out of Section 10, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located northeast of Midland International Airport); and approving a public service plan. (Planning) (9001)
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 3.88-acre tract of land out of Section 4, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located southeast of Midland International Airport); and approving a public service plan. (Planning) (9002)
23. 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 3.57-acre tract of land out of Section 13, 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 north side of the Mockingbird Lane Extension, east of Avalon Drive); and approving a public service plan. (Planning) (9003)
24. 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 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)

PUBLIC HEARINGS

25. At approximately 10:30 a.m. consider a resolution authorizing the temporary use of land for a church fair on Lots 8 and 13A, Block 7, Glendale Addition, 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. (Planning) (2012 - 124)
26. At approximately 10:33 a.m. consider an ordinance adopting a site plan for Lot 18D, Block 14, Briarwood Addition, Section 20, City and County of Midland, Texas (Generally located on the north side of Briarwood Avenue, approximately 520 feet east of Oriole Drive); subject to the following conditions and restrictions; 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) (9005)
27. At approximately 10:36 a.m. consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 12.63-acre tract of land out of the northwest quarter of Section 6, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned as two separate planned districts for shopping centers, to be used as a PD, Planned District for a Housing Development (Generally located on the east side of Loop 250, approximately 1/4 of a mile north of Wall Street); 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. (Planning) (9006)
28. At approximately 10:39 a.m. Consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 1A, Block 5, S.W. Estes Addition, Section 2, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a PD, Planned District for an Office Center (Generally located on the southwest corner of West Cuthbert Avenue and Whitaker Street); 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. (Planning) (9007)
29. At approximately 10:42 a.m. consider an ordinance changing the zoning use classification of Lot 20, Block 4, Solomon Estates, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Alysheba

Lane and Sir Barton Parkway), which is presently zoned CE, Country Estate 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. (Planning) (9008)

30. At approximately 10:45 a.m. consider an ordinance establishing the zoning classification of the area indicated as 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, and being more specifically described by metes and bounds in Section One hereof, as an IP-3, Industrial Park District; said tract is generally located north of Midland International Airport; 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) (9009)
31. At approximately 10:48 a.m. consider an ordinance establishing the zoning classification of the area indicated as being a 96.28-acre tract of land out of Sections 43 and 44, Block 40, T-1-S, and Sections 5 and 6, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an IP-3, Industrial Park District; said tract is generally located northwest of Midland International Airport; 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) (9010)
32. At approximately 10:51 a.m. consider an ordinance establishing the zoning classification of the area indicated as being a 55.08-acre tract of land out of Sections 8, 9, 16 and 17, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an IP-3, Industrial Park District; said tract is generally located south of Midland International Airport; 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) (9011)
33. At approximately 10:54 a.m. consider an ordinance establishing the zoning classification of the area indicated as being a 2.25-acre tract of land out of Section 10, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an IP-3, Industrial Park District; said tract is generally located northeast of Midland International Airport; 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) (9012)

34. At approximately 10:57 a.m. consider an ordinance establishing the zoning classification of the area indicated as being a 3.88-acre tract of land out of Section 4, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an IP-3, Industrial Park District; said tract is generally located southeast of Midland International Airport; 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) (9013)
35. At approximately 11:00 a.m. consider an ordinance establishing the zoning classification of the area indicated as 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, and being more specifically described by metes and bounds in Section One hereof, as an FD, Future Development District; said tract is generally located at the future extension of Mockingbird Lane, east of Avalon 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) (9014)
36. At approximately 11:03 a.m. 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. (Planning) (2012 - 125)

DEVELOPMENT SERVICES

37. Consider a 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). (Bus Barn #2603) (Planning) (2012 - 126)
38. Consider a 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. (Bus Barn #2603) (Planning) (2012 - 127)

MISCELLANEOUS

39. Consider an ordinance amending the official municipal budget for Fiscal Year 2011-2012 in order to provide additional funds to the Sports and Entertainment Association of Midland; the additional funding provided to the Sports and Entertainment Association of Midland will be used for upcoming events; the additional funds will allow for the promotion of tourism in the City of Midland; and ordering recordation; and appropriating funds. (City Secretary) (9015)
40. Consider a resolution authorizing a right-of-way crossing license with the City of Midland, Texas and Callon Petroleum Company; said right-of-way license is for the purpose of installing one (1) underground 24 inch casing which will allow for one production flow line and one temporary water line to move fresh water under golden gate drive to well pads; the casing is located within the City of Midland right-of-way, Section 23, Block 40, 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. (Transportation) (2012 – 128)
41. Consider a resolution authorizing a right-of-way license with the City of Midland, Texas and RSP Permian, L.L.C.; said right-of-way license is for the purpose of entering City of Midland's right-of-way for the purpose of placement, operation and maintenance of a three (3) inch poly pipeline and a four (4) inch flex-steel pipeline within a portion of Briarwood Avenue; the pipeline is located within the City of Midland right-of-way, Section 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. (Transportation) (2012 – 129)
42. 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)

43. 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)
44. Consider making appointments to various Boards and Commissions.
45. At approximately 12:00 noon recess to Centennial Plaza, 105 North Main, for the Parks & Recreation Endowment Committee lunch.

EXECUTIVE SESSION

46. 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 with the City Attorney and Attorney(s) with the Law Firm of Cotton, Bledsoe, Tighe & Dawson, P.C., contemplated litigation involving a 45.99-acre tract of land located in Section 15, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas and more specifically described in Volume 2311, Page 306 of the Deed Records of Midland County, Texas.

Respectfully Submitted,

Courtney B. Sharp
City Manager