

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

May 08, 2012 - 9:00 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. Discuss the proposed process for developers to request the deferral of required public improvements.
2. Discuss the process by which the proposed Floyd Acres housing development may use a portion of Beal Park as a retention basin pursuant to Chapter 26 of the Texas Parks and Wildlife Code.
3. Receive an update from Alonda Massey of EZ-Rider regarding the status of their projects and operations.

AGENDA FOR CITY COUNCIL MEETING
May 08, 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 - Reverend Dr. Michael Philliber, Providence Presbyterian Church (PCA)
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 April 24, 2012
6. Consider a resolution authorizing the purchase and installation of a water tank on one of the City Landfill's Caterpillar 615 Auger Scrapers from the sole bidder, Warren Power and Machinery, Incorporated, DBA Warren Cat, of Odessa, Texas, at a total cost of \$118,750.00 (GENERAL SERVICES) (2012 - 130)

7. Consider a resolution authorizing the execution of an agreement for the purchase of twenty eight thousand (28,000) gallons of emulsified asphalt for use by the Transportation Division from Cleveland Asphalt Products, Incorporated, of Shepherd, Texas, at an estimated total cost of \$77,187.60 (GENERAL SERVICES) (2012 - 131)
8. Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith & Cooper, Inc. for engineering services in connection with the Highway 191 Sewer Line Project; and appropriating funds therefor (Engineering) (2012 - 132)
9. Consider a resolution authorizing the City Manager to advertise a request for qualifications for professional services for the construction of a water main to serve property located on the west side of Farm-to-Market Road 1788 and south of State Highway 191; authorizing the City Manager to negotiate a Professional Services Agreement for said services; and providing that said agreement shall not become effective until approved by the City Council (Engineering) (2012 - 133)
10. Consider a resolution awarding the Membrane Biological Reactor Satellite Reclaimed Water Production Facility Project to Red River Construction Company, at a total cost of \$6,540,000.00; and appropriating funds; and the project will include the construction of a water reclamation facility to provide irrigation water to Midland College (Utilities) (2012 - 134)
11. Consider a resolution approving the amended Bylaws of the Midland Development Corporation (City Attorney) (2012 - 135)
12. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for the South Midkiff Road Water Main Extension Project, as authorized by Chapter 501 of the Texas Local Government Code; and appropriating funds therefor (City Attorney) (2012 - 136)
13. Consider a resolution authorizing the City Attorney and City Manager to employ experts and professionals to assist in evaluating issues involving payment to Cajun Constructors, Incorporated, regarding the City of Midland's Water Purification Plant Improvements Project; and authorizing payment (City Attorney) (2012 - 137)

SECOND READINGS

14. Consider an ordinance on second reading 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 (Development Services) (9005)
15. Consider an ordinance on second reading 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 (Development Services) (9008)
16. Consider an ordinance on second reading 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 (Development Services) (9009)
17. Consider an ordinance on second reading 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)

18. Consider an ordinance on second reading 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 (Development Services) (9011)
19. Consider an ordinance on second reading 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 (Development Services) (9012)
20. Consider an ordinance on second reading 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 (Development Services) (9013)
21. Consider an ordinance on second reading 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 (Development Services) (9014)

22. Consider an ordinance on second reading 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)

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 Lots 1 and 2, Block 4, Gateway Plaza, Section 2, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, in part, and PD, Planned District for a Transition District, in part, to be used as a PD, Planned District for a Housing Development (Generally located on the west side of Tradewinds Boulevard, approximately 800 feet north of business Interstate 20); 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) (9016)
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 a 6.61-acre tract of land out of Section 4, Block "X", H.P. Hilliard Survey, 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 West Loop 250 North, approximately 435 feet east of Billingsley 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) (9017)
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 Lots 87, 87A, 88 and 89, Block 3, Skyview Development, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Shopping Center (Generally located on the south side of East Loop 250 North, between

Cynthia Drive and Kniffen 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) (9018)

26. At approximately 10:39 a.m. hold a public hearing and consider an ordinance vacating and abandoning a 0.16-acre portion of the east/west 20-foot alley located within Block 3, "A" Street Community Center, Section 3, City and County of Midland, Texas (Generally located near the southwest corner of the intersection of West Wadley Avenue and North "A" Street); adopting the appraisal by the City Manager of \$17,400.00; and ordering recordation by the City Secretary (Development Services) (9019)
27. At approximately 10:42 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a manufactured home on a 111.50-acre tract of land out of Section 30, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the southeast corner of Fairgrounds Road and Loop 250); and making said permit subject to certain special conditions and restrictions contained herein (Development Services) (2012 - 138)
28. At approximately 10:45 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 8, Block 2, Westridge Park Addition, Section 20, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of North Loop 250 West 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) (9020)
29. At approximately 10:48 a.m. hold a public hearing and consider an ordinance approving a Municipal Setting Designation Site for Lot 1A, Block 1, Permian Shopping Center, Section 2, City and County of Midland, Texas (Commonly known as CVS Pharmacy, 301 Andrews Highway, Midland, Texas 79701); providing for the prohibition of the use of groundwater for potable and irrigation purposes; 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 (Engineering) (9021)

30. At approximately 7:00 p.m. hold a public hearing on the 2012/2013 Community Development Block Grant Program. (Development Services)

MISCELLANEOUS

31. Consider a motion approving an amendment to an oil and gas well drilling permit for Callon Petroleum Operating Company (Pecan Acres 23A No. 1) inside the City Limits on 467' FEL and 1,958' FNL, located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately $\frac{3}{4}$ mile north of Briarwood Avenue) (Development Services)
32. Consider a motion approving an amendment to an oil and gas well drilling permit for Callon Petroleum Operating Company (Pecan Acres 23A No. 2) inside the City Limits on 467' FEL and 1,983' FNL, located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately $\frac{3}{4}$ mile north of Briarwood Avenue) (Development Services)
33. Consider a motion approving an amendment to an oil and gas well drilling permit for Callon Petroleum Operating Company (Pecan Acres 23A No. 3) inside the City Limits on 467' FEL and 2,008' FNL, located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Golden Gate Drive, approximately $\frac{3}{4}$ mile north of Briarwood Avenue) (Development Services)
34. Consider a motion approving an amendment to an oil and gas well drilling permit for Callon Petroleum Operating Company (Pecan Acres 23 No. 3) inside the City Limits on 704' FNL and 2,007' FWL, located in 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 $\frac{3}{4}$ mile north of Briarwood Avenue) (Development Services)
35. Consider a motion approving an amendment to an oil and gas well drilling permit for Callon Petroleum Operating Company (Pecan Acres 23 No. 6) inside the City Limits on 651' FSL and 2,040' FWL, located in 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' north of Briarwood Avenue) (Development Services)
36. Consider a motion approving an amendment to an oil and gas well drilling permit for Callon Petroleum Operating Company (Pecan Acres 23 No. 12) inside the City Limits on 1911' FEL and 2,009' FNL, located in 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 ½ mile north of Briarwood Avenue) (Development Services)

37. Consider a motion interpreting City of Midland Ordinance No. 8980 determining that the proposed hotel building to be located on a 4.18-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, is in compliance with Ordinance No. 8980 which governs said property. Said property is generally located on the northeast corner of the intersection of Deauville Boulevard and Loop 250. (Engineering)
38. Discuss the proposed Wholesale Water Delivery Agreement between the City of Midland and the Midland County Fresh Water Supply District No. 1. This proposed Agreement involves the delivery of water from the T-Bar Ranch in Winkler County and Loving County, Texas.
39. Consider making appointments to various Boards and Commissions.

EXECUTIVE SESSION

40. 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, a matter in which the duty of the attorney of the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
 - a.2. Discuss with the City Attorney and Attorney(s) with the law firm of Cotton, Bledsoe, Tighe, and Dawson, litigation styled in Re: Heritage Consolidated, LLC, Case No. 10-36484-hdh, Chapter 11, Jointly Administered, in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.
 - a.3. Discuss Section 255.003 of the Texas Election Code.
 - a.4. Discuss legal issues involving the proposed Wholesale Water Delivery Agreement with the Midland County Fresh Water Supply District No. 1. This proposed agreement involves the delivery of water from the T-Bar Ranch in Winkler County and Loving County, Texas.

b. Section 551.087, Deliberation Regarding Economic Development Negotiations.

b.1. Discuss business prospects that the Midland Development Corporation 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