

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

May 14, 2013 - 9:00 AM

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 a report from Administration Services on the proposed Compensation and Classification study.
2. Receive a presentation regarding the proposed Transportation Action Plan.
3. Receive a presentation on Pictometry Imagery and its use within the City.

AGENDA FOR CITY COUNCIL MEETING

May 14, 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 - Father Ricardo Lopez, Saint Ann's Catholic 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 National Missing Children's Day.](#)
 - b. [Presentation of a Proclamation for Motorcycle Safety Awareness Month.](#)
 - c. [Receive presentation from Midland Retired School Personnel Program.](#)

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 23, 2013.](#)
6. [Receive information and possibly discuss second quarter Fiscal Year 2012 - 2013 Investment Report. \(FINANCE\)](#)

7. Consider a resolution authorizing the execution of a Professional Services Agreement with Public Sector Personnel Consultants, Incorporated, of Dallas, Texas, to perform a Classification and Compensation Study for the Administrative Services Department; and appropriating funds. (GENERAL SERVICES) (2013 - 136)
8. Consider a resolution approving the purchase of twenty-seven (27) Panasonic CF-31 laptop computers for use in police vehicles, including a 3-year protection plan, through the Texas Department of Information Resources at a total cost of \$111,105.00; and this item was not bid but purchased through a State of Texas Cooperative Program. (GENERAL SERVICES) (2013 - 137)
9. Consider a resolution rescinding Resolution No. 2013-065; rejecting all bids received for bid number 6078-13 for the Lamesa Road Pedestrian Access Project; and ratifying all actions taken by the Engineering Services Department and the General Services Department regarding the re-bid of the Lamesa Road Pedestrian Access Project. (GENERAL SERVICES) (2013 - 138)
10. Consider a resolution authorizing the execution of a first amendment to the Lease Agreement between COG Realty LLC and the City of Midland regarding an airport hangar facility at Midland International Airport. (AIRPORTS) (2013 - 139)
11. Consider a resolution authorizing the execution of a Memorandum of Lease Agreement for Airport Hangar Facility between COG Realty LLC and the City of Midland; and ordering recordation by the City Secretary. (AIRPORTS) (2013 - 140)
12. Consider a resolution authorizing the execution of an Affidavits and Indemnity as to Debts, Liens and Possession regarding the Airport Hangar Facility Lease Agreement between COG Realty LLC and the City of Midland. (AIRPORTS) (2013 - 141)
13. Consider a resolution accepting preclearance from the United States Department of Justice regarding annexations by Ordinance Nos. 9077, 9078, 9079 and 9080 effective in 2012; preclearance being effective April 26, 2013 (CITY SECRETARY'S OFFICE) (2013 - 142)
14. Consider a resolution authorizing the acceptance of a grant award from Community National Bank for the Owner Occupied Housing Assistance Program; the grant award is in the amount of \$20,000.00; the award will be utilized for reconstruction project costs for the City's Owner Occupied Housing Assistance Program; authorizing the execution of acceptance documents; and appropriating grant funds therefor. (DEVELOPMENT SERVICES) (2013 - 143)

15. Consider a resolution authorizing a right-of-way license between the City of Midland, Texas and Rust Oil Corporation; 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 a four (4) inch poly gas pipeline contained within a thirteen and three/eighths (13 3/8) inch diameter steel casing pipe, in a portion of Garfield Street right-of-way and a portion of the Midland Draw Floodway; the pipeline is located within the City of Midland right-of-way, Section 9, Block "X", H.P. Hilliard 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 - 144)
16. Consider a motion on a request by Landgraf, Crutcher & Associates for the Lost Mountain Addition - Section 3, to approve items requested for deferral in the amount of \$29,000, and to waive the associated public improvement guarantee. The subject property is located between Midkiff Road and Garfield Street along the extension of Greentree Boulevard. (ENGINEERING SERVICES)

SECOND READINGS

17. 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 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)(First reading held April 23, 2013.)(9141)
18. Consider an ordinance on second reading 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)(First reading held April 23, 2013.)(9138)
19. 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 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)(First reading held April 23, 2013.)(9139)

20. Consider an ordinance on second reading 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)(First reading held April 23, 2013.)(9140)
21. 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 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)(First reading held April 23, 2013.)(9134)

PUBLIC HEARINGS

22. 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 Lot 1, Block 10, Lot 15, Block 11, and the adjacent vacated 0.23-acre alley right-of-way, all out of Trueland Addition, Section 2, City and County of Midland, Texas, which is presently zoned LR-1, Local Retail District, in part, and MF-1, Multiple-Family Dwelling District, in part, to be used as a PD, Planned District for a Shopping Center (Generally located on the southwest corner of the intersection of East Scharbauer Drive and North Fairgrounds 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) (9142)

23. At approximately 10:33 A.M. hold a public hearing and consider a resolution granting a variance for the east 1/3 of Lot 9, all of Lot 10 and the west 2/5 of Lot 11, Block 14, North Park Hill Addition, City and County of Midland, Texas (Generally located on the north side of Country Club Drive, approximately 270 feet west of North "G" Street), by permitting access to said property from an unpaved alley which does not conform to City of Midland standard specifications. (DEVELOPMENT SERVICES) (9143)
24. At approximately 10:36 A.M. hold a public hearing regarding a proposed Oil and Gas Permit to Petroplex Energy, Inc. (Operator) for a Permit to Drill an Oil & Gas Well within the City Limits, (Western T-8 #3) located 467 feet from north line and 2058 feet from west line, Section 8, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of extension of North Midland Drive, approximately 1 mile north of Green Tree Boulevard.) This is a public hearing only, no further action will be taken. (DEVELOPMENT SERVICES)
25. At approximately 7:00 p.m. hold a public hearing on the 2013-2014 Community Development Block Grant Program. Public hearing only. This is a public hearing only, no further action will be taken. (DEVELOPMENT SERVICES)

MISCELLANEOUS

26. 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 467 feet from the east line and 467 feet from the south line, 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); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 145)
27. Consider a resolution approving the issuance of a permit to Vector Oil & Gas LP ("Operator") to drill an oil and gas well within the City limits located 2,050 feet from the north line and 2,071 feet from the west line, 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 Mockingbird Lane); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 146)
28. Consider a motion appealing the Building Official's denial of a sign permit application by Cinergy Cinemas. (Generally located on Lots 1A and 2A, Block 2, Gateway Plaza Addition, Section 3.) (DEVELOPMENT SERVICES)

29. [Consider an ordinance amending Title III, "Departments," Chapter 1, "Water Department," Section 10, "Permitted Uses of the Optional Litter Abatement and Beautification Fee," of the City Code of Midland, Texas, so as to reflect the current Ordinance No. 9065 which made said fee mandatory; containing a cumulative clause; containing a savings and severability clause; and ordering publication. \(SOLID WASTE\) \(9144\)](#)
30. [Consider an ordinance amending Title III, "Departments," Chapter 1, "Water Department," Section 11, "Billing of the Optional Litter Abatement and Beautification Fee," of the City Code of Midland, Texas, so as to reflect the current Ordinance No. 9065 which made said fee mandatory; containing a cumulative clause; containing a savings and severability clause; and ordering publication. \(SOLID WASTE\) \(9145\)](#)
31. [Consider a motion making appointments to various Boards and Commissions.](#)
32. [Consider a resolution authorizing the City Attorney to enter into a Professional Services Contract with Jason Hill of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. of Austin, Texas in connection with the protest of a commercial saltwater disposal well in Section 7, Block 74, Public School Land Survey, Winkler County, Texas; and allocating funds; and the City Attorney and attorneys with the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. are hereby authorized to employ needed experts and make all appearances before the Railroad Commission of Texas. \(CITY ATTORNEY'S OFFICE\) \(2013 - 147\)](#)
33. [Consider a resolution ratifying the actions of the City of Midland's Oil and Gas Coordinator in relation to protesting the application of Heritage Gathering Corporation for the development of a commercial saltwater disposal well in Section 7, Block 74, Public School Land Survey, Winkler County, Texas; ratifying and affirming all prior acts of the Mayor, City Manager, and City Attorney in any way related to the T-Bar Ranch water field in Winkler and Loving County, Texas; and authorizing the City Manager to purchase water rights and/or the surface of property in Winkler and Loving County, Texas, in the vicinity of the T-Bar water field; and appropriating funds. \(CITY ATTORNEY'S OFFICE\) \(2013 - 148\)](#)

EXECUTIVE SESSION

34. 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 legal issues related to a hearing before the Railroad Commission of Texas regarding the application of Heritage Gathering Corporation for development of a commercial saltwater](#)

disposal well in Section 7, Block 74, Public School Land Survey, Winkler County, Texas.

- a.2. 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.