

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

May 22, 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. Receive an update from the Fire Department regarding the use of squad trucks for improved response times.
2. 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
May 22, 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 - Monsignor Larry Droll, St. 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 Midland 101 Class of 2011-12 Graduates.](#)

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 May 8, 2012.](#)
6. [Consider a resolution approving the purchase of five thousand \(5,000\) tons of flexible base caliche from Jones Brothers Partnership, of Odessa, Texas, for a total cost of \\$63,750.00 \(GENERAL SERVICES\) \(2012 - 139\)](#)
7. [Consider a resolution authorizing the execution of Amendment Number 1 to the Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, for improvements contained in the Airport Capital Improvement Program; said amendment to include the following projects: Executive Apron Reconstruction Area B, Northwest Taxilane Extension Project Phase 2, Emergency Roadway](#)

and Gates Rehabilitation, Access Control System Software and Cable Upgrade, Airpark Hangar Expansion, Replat and Rezone Property at Midland International Airport; the City will up-front the Federal Aviation Administration and Texas Department of Transportation portion of the design phase of these projects and be reimbursed out of the 2013 Federal Aviation Administration and Texas Department of Transportation Entitlement Funds; the City share for the project is \$97,750.00, the Federal Aviation Administration share is \$173,700.00, and the Texas Department of Transportation share is \$6,750.00; and appropriating necessary funds. (AIRPORTS) (2012 - 140)

8. Consider a motion on a request by Newton Engineering for Southwest Baptist Church to approve items requested for deferral in the amount of \$32,804, and to enter into a development agreement to accept funds for the construction of a water main extension along SH 191 frontage and to waive the associated public improvement guarantee. This property is positioned in the City Limits, generally located on the north side of SH 191 approximately 4 miles west of Loop 250. (ENGINEERING SERVICES)
9. Consider a resolution authorizing the City of Midland to file a joint application with Midland County for Fiscal Year 2012 Justice Assistance Grant Funds Program totaling \$31,908.00; and authorizing the execution of an agreement regarding the division of said grant funds; the City of Midland will receive \$19,145.00 (60%) and Midland County will receive \$12,763.00 (40%) of the grant funds respectively; this agreement does not supersede, modify or amend any other prior agreements. (POLICE) (2012 - 141)
10. Consider a resolution authorizing the execution of Change Order Number One with Red River Construction Company, Incorporated, adding \$503,102.00 for additional work to the existing contract for the Headworks Improvements - Replacement of Influent Screens Project; and appropriating \$503,102.00; the original contract was for \$5,357,080.00; this Change Order brings the total contract price to \$5,860,182.00. (UTILITIES) (2012 - 142)
11. Receive for information and possibly discuss Second Quarter Fiscal Year 2011 - 2012 Investment Report (FINANCE)
12. Consider a resolution of the City Of Midland, Texas, denying Atmos Energy Corporation - West Texas Division's ("Atmos West Texas") requested rate change; requiring the company to reimburse the City's reasonable ratemaking expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and the City's legal counsel. (CITY MANAGER'S OFFICE) (2012 - 143)
13. Consider a resolution authorizing the Mayor to execute a wholesale water delivery agreement with the Midland County Fresh Water Supply District No. 1 regarding the transportation of City-owned water from the T-Bar Ranch Water

Field to the City of Midland; the T-Bar Ranch Water Field is located in Loving County and Winkler County, Texas. (CITY MANAGER'S OFFICE) (2012 - 144)

SECOND READINGS

14. 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 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)
15. 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 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)
16. 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 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)
17. Consider an ordinance on second reading 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)

18. Consider an ordinance on second reading 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)

PUBLIC HEARINGS

19. At approximately 10:30 a.m. hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", Chapter 2, "Plats and Subdivisions", Section 1, "General Provisions", Subsection (E), "Jurisdiction", of the City Code of Midland, Texas, by repealing Paragraph 9, which prohibits the issuance of a septic permit for a new or expanded septic system for property for which a plat has not been approved; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine; and ordering publication. (DEVELOPMENT SERVICES) (9022)
20. 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 Lots 10A-29A, and Lots 31 and 32, Block 5, Greathouse Addition, Section 8, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an Amended Planned District (Generally located on both sides of Quicksand Cove, west of Spence 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) (9023)
21. 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 36.81-acre tract of land which is presently zoned FD, Future Development District, to be used as a 1F-3, One-Family Dwelling District; by permitting a 3.98-acre tract of land which is presently zoned FD, Future Development District, to be used as a TH, Townhouse District; said tracts being located in Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas; said tracts being more specifically described

by metes and bounds made a part hereof; said tracts are generally located on the west side of Holiday Hill Road, approximately 450 feet south of Briarwood Avenue; 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) (9024)

MISCELLANEOUS

22. 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 1,910.4 feet from the north line and 820.8 feet from the west line, 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 ½ mile south of Mockingbird Lane). (DEVELOPMENT SERVICES) (2012 - 145) (Barron #1)
23. 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 714 feet from the north line and 730.4 feet from the west line, 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). (DEVELOPMENT SERVICES) (2012 - 146) (Barron #3)
24. Consider a resolution authorizing the execution of a road repair agreement with Vector Oil & Gas LP regarding its applications to drill oil and gas wells within the City limits in Section 6, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2012 - 147)
25. Consider a motion approving an amendment to an oil and gas well drilling permit from Bluestem Energy Holdings, LLC. (Evans "C" 1) inside the City Limits located 1021 feet from the north line and 2310 feet from the west line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the North Midland Drive, approximately ¾ mile north of Mockingbird Lane - Resolution 2011-281) (DEVELOPMENT SERVICES)
26. Consider a motion approving an amendment to an oil and gas well drilling permit from Bluestem Energy Holdings, LLC. (Evans "D" 1) inside the City Limits located 1021 feet from the north line and 1041 feet from the west line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of the North Midland Drive, approximately ¾ mile north of Mockingbird Lane – Resolution 2011-282) (DEVELOPMENT SERVICES)
27. Consider a motion approving an amendment to an oil and gas well drilling permit from Bluestem Energy Holdings, LLC. (Evans "G" 1) inside the City Limits located 1650 feet from the north line and 2310 feet from the east line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the

west side of the North Midkiff Road, approximately ¾ mile north of Mockingbird Lane. – Resolution 2011-283) (DEVELOPMENT SERVICES)

28. Consider a motion approving an amendment to an oil and gas well drilling permit from Bluestem Energy Holdings, LLC. (Evans "H" 1) inside the City Limits located 1650 feet from the north line and 990 feet from the east line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of the North Midkiff Road, approximately ¾ mile north of Mockingbird Lane. – Resolution 2011-284) (DEVELOPMENT SERVICES)
29. Consider a motion approving an amendment to an oil and gas well drilling permit from Bluestem Energy Holdings, LLC. (Evans "I" 1) inside the City Limits located 2310 feet from the south line and 990 feet from the east line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of the North Midkiff Road, approximately ½ mile north of Mockingbird Lane. – Resolution 2011-285) (DEVELOPMENT SERVICES)
30. Consider a motion approving an amendment to an oil and gas well drilling permit from Bluestem Energy Holdings, LLC. (Evans "J" 1) inside the City Limits located 2322 feet from the south line and 2310 feet from the east line, Section 8, Block "X", H. P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of the North Midkiff Road, approximately ½ mile north of Mockingbird Lane. – Resolution 2011-301) (DEVELOPMENT SERVICES)
31. Consider a motion interpreting City of Midland Ordinance No. 8640 and determining that a proposed apartment development to be located on Lot 1, Block 11 and the north 100 feet of Lot 1, Block 10, Claydesta Plaza, City and County of Midland, Texas, is in compliance with Ordinance No. 8640 which governs said property. Said property is generally located on the southeast corner of the intersection of North "A" street and Veterans' Airpark Lane. (DEVELOPMENT SERVICES)
32. Consider an ordinance vacating and abandoning a 0.032-acre portion of West Louisiana Avenue right-of-way adjacent to the north 75 feet of the east half of Block 29, Homestead Addition, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Louisiana Avenue and North Colorado Street); adopting the appraisal by the City Manager of \$1,400.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9025)
33. Consider a resolution selecting Wells Fargo Bank to provide depository and other banking services for the City of Midland; and authorizing the City Manager to negotiate and execute a Professional Services Agreement with Wells Fargo Bank for said services. (FINANCE) (2012 - 148)
34. Consider a resolution authorizing the City Manager and City Attorney to negotiate terms for the purchase of property located in the 4500 Block of Sinclair

Avenue, Midland, Texas. (GENERAL SERVICES) (2012 - 149)

35. Consider a resolution authorizing the mayor to execute an employment agreement with the City Attorney. (CITY ATTORNEY'S OFFICE) (2012 - 150)
36. Consider making appointments to various Boards and Commissions.
37. At approximately 12:00 noon, recess to Midland International Airport, 9506 La Force Boulevard, for lunch and an Airport Department update in the Airport Media Room.

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. Deliberation Regarding Real Property, Section 551.072
 - a.1. Discuss the purchase and value of property described as approximately 2.5 acres out of a 14.28 acre tract of land out of Wallace Heights, Section 4, an addition to the City of Midland as per plat of record in Cabinet "C", page 174, Plat Records, Midland County, Texas.
 - 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.
 - c. Section 551.087, Deliberation Regarding Economic Development Negotiations
 - c.1. Discuss business prospects that the City of Midland and/or 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