

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
June 12, 2012 - 9:30 AM
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 a presentation from Community Services on initiatives being implemented and considered including Hike and Bike Trails.

AGENDA FOR CITY COUNCIL MEETING

June 12, 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 - Pastor Robert Pase, Grace Lutheran 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 Midland Christian Track & Field Team Day.](#)
 - b. [Presentation of Retirement Commendation for retiring city employee Robert Brian Bogart.](#)

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 22, 2012](#)
 - b. [Special Meeting of May 30, 2012](#)
6. [Consider a resolution authorizing the execution of a contract with Y&S Technologies, Incorporated, to remove and replace the uninterrupted power system at the Police and Communications Building located at 601 North Loraine Street, Midland, Texas, at a cost of \\$160,480.00. \(GENERAL SERVICES\) \(2012 - 170\)](#)

7. Consider a resolution authorizing the execution of a Professional Services Agreement with Rhotenberry-Wellen Architects & Planners, Incorporated, for renovations to the Midland Center, at a total cost of \$220,000.00; and appropriating \$2,000,000 to the Midland Center Improvements Project. (GENERAL SERVICES) (2012 - 171)
8. Consider a resolution approving the purchase of one (1) Boom Mower from South Plains Implement Ltd., at a total cost of \$52,441.00; said mower will be used to mow right-of-way and other sloped areas which are maintained by the City of Midland. (GENERAL SERVICES) (2012 - 172)
9. Consider a resolution authorizing the execution of a contract with Business Information Systems, Incorporated, DBA BIS Digital, Incorporated, of Fort Lauderdale, Florida, to provide and install new video and audio equipment in the Council Chambers at City Hall, at a cost of \$43,519.00. (GENERAL SERVICES) (2012 - 173)
10. Consider a resolution authorizing the execution of a contract with Rendon Ramirez Corporation DBA RRC, of Leander, Texas, for the addition of windows at the Martin Luther King Jr. Community Center Training Room at a cost of \$165,000.00; and appropriating funds. (GENERAL SERVICES) (2012 - 174)
11. Consider a resolution approving the purchase of LED traffic lights in assorted configurations from Leotek Electronics USA Corporation, at a total cost of \$85,666.00. (GENERAL SERVICES) (2012 - 175)
12. Consider a resolution approving the purchase of one (1) asphalt distributor body from Yellowhouse Machinery Company, of Odessa, Texas, at a total cost of \$94,500.00; and Yellowhouse Machinery Company was the sole bidder. (GENERAL SERVICES) (2012 - 176)
13. Consider a resolution authorizing the issuance of a Request for Proposals for development of facilities to be used by the City of Midland, other governmental entities and the private sector. (GENERAL SERVICES) (2012 - 177)
14. Consider a resolution authorizing the execution of a Land Lease Agreement with W-T Hangar, LLC for hangar development located on a 0.48 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. (AIRPORTS) (2012 - 178)
15. Consider a resolution approving the acceptance of a bid made for the purchase of real property described as Lots 7 and 8, Block 34, Greenwood Addition, City of Midland, Midland County, Texas. (CITY MANAGER'S OFFICE) (2012 - 179)
16. Consider a motion authorizing the staff to proceed with the voluntary annexation

of approximately 77 acres including 76 acres in Section 37, Block 40 and a 1/2 acre tract located in Section 26, Block 40. (DEVELOPMENT SERVICES)

17. Consider a motion on a request by Newton Engineering on behalf of Southwest Baptist Church for the Midland City Council to approve items requested for deferral in the amount of \$32,804, and to waive the associated public improvement guarantee; and authorizing the City Manager to negotiate a development agreement, which must be approved by City Council, regarding the construction of a water main extension along State Highway 191 frontage. This property is positioned in the City Limits, generally located on the north side of State Highway 191 approximately four miles west of Loop 250. (ENGINEERING SERVICES)
18. Consider a resolution accepting additional grant funding from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$22,000.00; these funds will be directed to the Fiscal Year 2012 High Intensity Drug Trafficking Areas Project 7080; and appropriating funds. (POLICE) (2012 - 180)
19. Consider a resolution authorizing the submission of an application to the United States Department of Homeland Security Transportation Security Administration's Fiscal Year 2013 Law Enforcement Officer Reimbursement Program; this application will be for partial reimbursement for costs associated with the deployment of a law enforcement officer at the airport passenger screening checkpoint; this reimbursement, if awarded, will be used to offset the cost of providing a mandated law enforcement officer at the passenger screening checkpoint at the Midland International Airport. (POLICE) (2012 - 181)
20. Consider a resolution accepting a grant from the Permian Basin Regional Planning Commission in the amount of \$8,000.00 for backyard composting projects; authorizing the execution of acceptance documents; and appropriating the grant funds to the Backyard Composting Grant Project; the grant funds will be used to purchase composting bins and associated tools; and the grant funds consist of a portion of the \$1.25 per ton Tipping Fee that cities across the State collect at landfills. (SOLID WASTE) (2012 - 182)

SECOND READINGS

21. Consider an ordinance on second reading 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)

22. 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 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 Housing Development, 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)
23. 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 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)
24. Consider an ordinance on second reading 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)

PUBLIC HEARINGS

25. At approximately 10:30 am conduct a Public Hearing for the 2012/13 Community Development Block Grant (CDBG) Program. (DEVELOPMENT SERVICES)
26. 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 1-33, Block 1, and Lots 1-51, Block 2, Mockingbird Oaks, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended Planned District (Generally located on the north side of Mockingbird Lane, 700 feet west of Garfield 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. (DEVELOPMENT SERVICES) (9031)

27. At approximately 10:36 hold a public hearing and consider a resolution authorizing the temporary use of land for a church fair on Lot 1A, Block 19, Midland Heights Addition, Section 4, City and County of Midland, Texas (Generally located on the southwest corner of Camp Street and Dakota Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2012 - 183)

MISCELLANEOUS

28. Consider a resolution approving the issuance of a permit to Bluestem Energy Holdings, LLC ("Operator") to drill an oil and gas well within the City Limits located 1,949 feet from the south line and 1,927 feet from the west line, Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of North Midland Drive, approximately 1/3 of a mile north 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) (2012 - 184)
29. Consider a resolution approving the issuance of a permit to Bluestem Energy Holdings, LLC ("Operator") to drill an oil and gas well within the City Limits located 623 feet from the south line and 2,035 feet from the east line, Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of North Midkiff Road, approximately 625 feet north 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) (2012 - 185)
30. Receive notification regarding no legal action filed pertaining to dilapidated structures Ordinance No. 8907, approved March 20, 2012. (DEVELOPMENT SERVICES)
31. Consider an ordinance prohibiting parking on the north side of Faulkner Drive from a point 185 feet west of the centerline of Melville Drive and continuing east a distance of 640 feet to the north/south alley and the east and west sides of Melville Drive beginning at the centerline of Faulkner Drive and continuing north a distance of 130 feet to the east/west alley 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) (9032)

32. [Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; 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. \(ENGINEERING SERVICES\) \(9033\)](#)
33. [Consider an ordinance vacating and abandoning a 0.08-acre portion of West Louisiana Avenue right-of-way and North Colorado Street right-of-way adjacent to the south 200 feet of the west half of Block 12, Homestead Addition, City and County of Midland, Texas \(Generally located on the northeast corner of North Colorado Street and West Louisiana Avenue\); adopting the appraisal by the City Manager of \\$1,742.40; retaining a general utility easement; and ordering recordation by the City Secretary. \(DEVELOPMENT SERVICES\) \(9034\)](#)
34. [Consider making appointments to various Boards and Commissions.](#)

EXECUTIVE SESSION

35. 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 litigation styled Lemon v. Kurtzman, 403 U.S. 602 \(1971\) and cases that have interpreted the Lemon decision. The Lemon test will also be discussed and how it relates to the First Amendment to the United States Constitution and the Establishment Clause.](#)
 - a.2. [Discuss with the City Attorney contemplated litigation with the U.S. Fish and Wildlife Service regarding the Dunes Sagebrush Lizard.](#)
 - b. [Section 551.087, Deliberation Regarding Economic Development Negotiations](#)
 - b.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