

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

July 10, 2012 - 8:15 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. Conduct a budget work session for the purpose of reviewing and discussing the proposed 2012-2013 City of Midland budget.

AGENDA FOR CITY COUNCIL MEETING
July 10, 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 - Steve Mohr, Our Saviour's Lutheran Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Hear a presentation from Keep Midland Beautiful regarding awards received.

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 June 26, 2012
6. Consider a resolution approving the City's enrollment in a three-year software program with Dell Marketing, L.P., through the Texas Department of Information Resources at a total cost of \$395,855.82; and said enrollment will entitle the City to current Microsoft Office Software, Operating System Software, Exchange Software and Structured Query Language Software; and this item was not bid

but purchased through a State of Texas Cooperative Program; and the City Council adopts the recommendations of the Chief Information Officer and the City Manager that the City enroll in the software program. (GENERAL SERVICES) (2012 - 212)

7. Consider a resolution authorizing issuance of a request for proposals for wrecker and impound services for the City of Midland Police Department. (GENERAL SERVICES) (2012 - 213)
8. Consider a resolution rejecting the single bid received for Bid Number 5088-12 for painting at the Scharbauer Sports Complex. (GENERAL SERVICES) (2012 - 214)
9. Consider a resolution appropriating funds from the general liability self-insurance fund to the Atmos Rate Review Mechanism Project (8923) in the amount of \$100,000.00; said funds represent reimbursement from Atmos for consulting/legal fees associated with the steering committee's analysis of their rate review mechanism costs; there is no impact to the General Fund. (CITY MANAGER'S OFFICE) (2012 - 215)
10. Consider a resolution authorizing the acceptance of additional grant funds from the Texas Department of State Health Services in the amount of \$13,092.33 to assist the Health and Senior Service Division with the delivery of local public health services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2012 - 216)
11. Consider a resolution establishing Project Number 8998 for future construction of an "I-20 Wildlife Preserve Pavilion and Restrooms," and appropriating funds in the amount of \$250,000.00. (COMMUNITY SERVICES) (2012 - 217)
12. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Water and Wastewater Tap Project; said project will be for the installation of water and wastewater taps. (ENGINEERING SERVICES) (2012 - 218)
13. Consider a resolution authorizing the execution of Change Order Number One with TEC Excavation, Inc. regarding the Lamesa Road Water and Sewer Reconstruction Project; said change order to provide for the extension of a water main from the intersection of Lamesa Road and Golf Course Road to an existing water main in Carver Street, north of Scharbauer Draw; appropriating funds; and authorizing payment in the amount of \$361,030.00. (ENGINEERING SERVICES) (2012 - 219)
14. Consider a resolution authorizing the execution of a contract with Onyx Contractors for the Hicks Avenue and Gist Avenue Community Development Block Grant (CDBG) Sidewalk Improvements Project at a cost of \$234,756; and

appropriating funds. (ENGINEERING SERVICES) (2012 - 220)

15. Consider a resolution authorizing the filing of an application with the United States Government for the re-authorization of the 2008 Assistance to Firefighters Grant; said funds to be used to assist in purchasing wild land firefighting gear; the City of Midland has already met the original financial obligations. (FIRE) (2012 - 221)

SECOND READINGS

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 a 20.22-acre tract of land out of Section 9, 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 northeast corner of Mockingbird Lane and Midkiff 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) (9035)
17. 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 Block 31A, the vacated 0.10-acre north/south alley, and the vacated adjacent 0.05-acre portion of North Marienfeld Street right-of-way, Homestead Addition, City and County of Midland, Texas, which is presently zoned O-1, Office District, to be used as a PD, Planned District for an Office Center (Generally located on the southwest corner of the intersection of West Kansas Avenue and North Marienfeld 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) (9036)

PUBLIC HEARINGS

18. At approximately 10:30 a.m. hold a public hearing and consider a resolution of the City Council of Midland, Texas making a finding, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, that there is no feasible and prudent alternative to the change in use of approximately 3.19 acres located in the southwest corner of Beal Park from public park use to a detention basin for storm water in connection with the Floyd Acres Housing Development; said housing development is to be located on 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 (Generally located on the east side of Loop 250,

approximately 1/4 of a mile north of Wall Street); and authorizing the negotiation of a Development Agreement regarding said use which shall be approved by the City Council. (DEVELOPMENT SERVICES) (2012 - 222)

19. 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 the remainder of Lot 4, Block 1, Amaron Addition, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as a PD, Planned District for a Shopping Center (Generally located near the southwest corner of the intersection of West Interstate Highway 20 and Camp 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) (9037)
20. 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 1-5, the remainder of Lot 6, and Lots 7-12, Block 110, Original Town, City and County of Midland, Texas, which is presently zoned C-3, Commercial District, to be used as a PD, Planned District for a Housing Development (Generally located between South Pecos Street and South Marienfeld Street, north of West Front 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) (9038)
21. At approximately 10:39 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 9, Block 183, Southern Addition, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of North Big Spring Street and West Dakota Avenue), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a Specific Use Permit with term for a billboard; 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) (9039)
22. At approximately 10:42 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 1-12, Block 8, and A to be vacated 0.3863-acre portion of Elm Avenue right-of-way, which is presently zoned O-1, Office District, to be used as a PD, Planned District for a Housing Development; by permitting Lots 1-13, Block 7, and A to be vacated 0.1445-acre portion of Elm

Street right-of-way, which is presently zoned O-1, Office District, to be used as a TH, Townhouse Dwelling District; said property being all out of Lynside Addition, City and County of Midland, Texas; said 0.3863-acre tract and said 0.1445-acre tract being more specifically described by metes and bounds made a part hereof; said property is generally located on both sides of Elm Avenue, between Tyler Street and Carver 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) (9040)

- a. Consider an ordinance vacating and abandoning a 0.3863-portion of Elm Avenue right-of-way adjacent to Lots 1-12, Block 8, and A 0.1445-acre portion of Elm Avenue right-of-way adjacent to Lots 11-13, Block 7, all out of Lynside Neighborhood Addition, City and County of Midland, Texas (Generally located on both the north and south sides of Elm Avenue between North Tyler Street and North Carver Street); adopting the appraisal by the City Manager of \$2,312.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9041)

MISCELLANEOUS

23. Consider an ordinance amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, 'School Zones and Crossings', of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 8920; 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) (9042)
24. Consider a resolution authorizing the City Manager to negotiate and execute contracts with qualified firms for appraisal services regarding the valuation of two (2) City of Midland-owned properties located east of the Midland Center; and further described as (1) 100 North Main Street (parking lot due east of the Midland Center), being approximately 0.884 acres, Block 053, Lots 013 through 023, Original Town Addition, Midland, Texas. Recorded in Volume 0858, page 0111, Midland County, Texas; and (2) North Baird Street (parking east and north of Wall Street Grill), being approximately 0.886 acres, Block 053, Lots 1 through 8 & 9 (N8 of W75), and the E65 of Lots 9 through 12, Original Town Addition, Midland, Texas. Recorded in Volume 0649, Page 0762, Midland County, Texas. (CITY ATTORNEY'S OFFICE) (2012 - 223)

25. Consider making appointments to various Boards and Commissions.

EXECUTIVE SESSION

26. 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 551.072 Deliberation Regarding Real Property

- a.1. Discuss the sale, lease and value of two City of Midland-owned properties located east of the Midland Center described as:

(i) 100 North Main Street (parking lot due east of the Midland Center), being approximately 0.884 acres, Block 053, Lots 013 through 023, Original Town Addition, Midland, Texas. Recorded in Volume 0858, page 0111, Midland County, Texas.

(ii) North Baird Street (parking east and north of Wall Street Grill), being approximately 0.886 acres, Block 053, Lots 1 through 8 & 9 (N8 of W75), and the E65 of Lots 9 through 12, Original Town Addition, Midland, Texas. Recorded in Volume 0649, page 0762, Midland County, Texas.

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.