

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
July 23, 2013 - 9:30 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 an update from the Communication and Information Services Department regarding the Mass Notification System.

AGENDA FOR CITY COUNCIL MEETING

July 23, 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 - Reverend Pat Bryant, Travis Baptist 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 Quanah Macklin Day.](#)

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. [Special meeting of July 8, 2013.](#)
 - b. [Regular meeting of July 9, 2013.](#)
6. [Consider a resolution recording a vote on a proposal to consider an Ad Valorem Tax Rate for the Fiscal Year 2013 - 2014 and to establish dates to hold public hearings on the proposed tax rate; and to establish dates when there will be a record vote on the tax rate; and authorizing and directing the City Manager to post all appropriate notices. \(FINANCE\) \(2013 - 203\)](#)

7. Consider a resolution authorizing the Mayor to negotiate and execute an interlocal agreement with the Midland County Fresh Water Supply District Number 1 regarding the development of the Clearwater Ranch; the Clearwater Ranch consists of approximately 6,750 acres in Winkler County, Texas; and the proposed interlocal agreement will allow the development of the Clearwater Ranch as a water supply for the City in conjunction with the T-Bar Ranch. (CITY ATTORNEY'S OFFICE) (2013 - 204)
8. Consider a resolution authorizing the City Manager to employ Parkhill, Smith & Cooper, Incorporated, to work with various state agencies including the Railroad Commission of Texas and the Texas Commission on Environmental Quality in regards to the development of the City's water supply in Winkler County and Loving County, Texas; the City Manager is authorized to employ other experts as needed for the development of the City's water supply in Winkler County and Loving County, Texas; and appropriating funds. (CITY ATTORNEY'S OFFICE) (2013 - 205)
9. Consider a resolution calling an election for three City Officials; amending the boundary of the City and City Council Districts; providing for use of accessible voting systems; establishing election precincts for said election; and establishing polling places for said election. (CITY SECRETARY'S OFFICE) (2013 - 206)
10. Consider a resolution authorizing the execution of an agreement with Rock the Desert Ministries, Incorporated as authorized by Chapter 351 of the Texas Tax Code; the funds allocated by this resolution shall be used to promote tourism and the motel and hotel industry; the allocated funds are expended in a manner directly enhancing and promoting tourism and the motel and hotel industry; the use and allocation of these funds are authorized by Chapter 351 of the Texas Tax Code; and the approval of this resolution should not be construed or interpreted as endorsing the message or activities promoted by Rock the Desert Ministries, Incorporated; and Rock the Desert Ministries, Incorporated is required to provide insurance prior to the event and the City Secretary shall ensure that the insurance is received and approved prior to the Rock the Desert event; and allocating funds. (CITY SECRETARY'S OFFICE) (2013 - 207)
11. Consider a resolution authorizing the adoption of the City of Midland's 2013-2014 Action Plan to the Consolidated Plan for Community Development and Housing Funds for Fiscal Years 2011-2015; the Consolidated Plan was approved by Resolution Number 2010-197; and authorizing the execution of an application for Community Development Block Grant Funds. (DEVELOPMENT SERVICES) (2013 - 208)
12. Consider a resolution authorizing the City Manager to negotiate and execute a Professional Services Agreement with Enprotec / Hibbs & Todd, Inc. for plan review services to assist the Engineering Services Department and the

Development Services Department; and authorizing payment in an amount not to exceed \$50,000. (DEVELOPMENT SERVICES) (2013 - 209)

13. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Stagg Investment Group, Inc. for services to 2701 West Francis Avenue, Midland County, Texas; said property is outside the City limits; Stagg Investment Group, Inc. has executed a letter agreeing to annexation if and when the property is annexed; Stagg Investment Group, Inc. shall be charged a rate for service which is one and one-half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 210)
14. Consider a resolution authorizing the execution of a Professional Services Agreement with Freese & Nichols, Inc. for engineering services in connection with the Midland Draw Study and the Jal Draw Study; and authorizing payment therefor in the amount of \$285,614.00. (ENGINEERING SERVICES) (2013 - 211)
15. Consider a resolution authorizing the execution of a Professional Services Agreement with Maverick Civil & Survey, LLC for engineering services in connection with the extension of Beal Parkway between Thomason Drive and Anetta Drive; and authorizing payment therefor in the amount of \$44,000.00; a request for qualifications was not advertised by the City of Midland for said services. (ENGINEERING SERVICES) (2013 - 212)
16. Consider a resolution appropriating interest earned in the amount of \$82.00 on the FY2010 Justice Assistance Grant Funds; the grant award plus interest must be expended or returned to the Federal Government as a requirement of the grant. (POLICE) (2013 - 213)
17. Consider a resolution authorizing the renewal of an Operating Certificate for GK's Shuttle Service, LLC. (POLICE) (2013 - 214)
18. Consider a resolution authorizing an Operating Certificate for B&B Platinum Limo, LLC to operate a limousine business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2013 - 215)
19. Consider a resolution terminating a lease on a 100' by 100' area out of a larger 10-acre tract of land out of Section 8, Block 38, T-2-S, T&P RR Company Survey, Midland County, Texas; and authorizing the Utilities Department to give 30 days written notice thereof to the lessee, Mr. W Fireworks, Incorporated. (UTILITIES) (2013 - 216)
20. Consider a resolution authorizing the execution of a Professional Services Agreement with Enprotec / Hibbs & Todd, Incorporated, for professional

consultation services for a fee not to exceed \$10,000.00; this item was not bid. (UTILITIES) (2013 - 217)

SECOND READINGS

21. Consider an ordinance on second reading prohibiting parking between 7:30 a.m. and 4:30 p.m. on school days only upon portions of certain streets in the vicinity of Henderson Elementary School described as on the north side of Graceland Drive from the north south alley west of Bentwood Drive continuing east a distance of 921 feet to the north south alley of Erie Drive, and from the west side of Bentwood Drive from the centerline of Graceland Drive continuing north a distance of 368 feet, and on the east side of Bentwood Drive from the centerline of Graceland Drive continuing north a distance of 398 feet, and on the west side of Wilshire Drive from the centerline of Graceland Drive continuing north a distance of 372 feet, and on the east side of Wilshire Drive from the centerline of Graceland Drive continuing north a distance of 271 feet, and on the west side of Erie Drive from the centerline of Graceland Drive continuing north a distance of 238 feet, and on the east side of Erie Drive from the centerline of Graceland Drive continuing north a distance of 397 feet 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)(First reading held April 9, 2013.)(9136)
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 a 5.32-acre tract of land which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended Planned District for a Housing Development; by permitting a 5.35-acre tract of land which is presently zoned 1F-1, One-Family Dwelling District, to be used as a 1F-2, One-Family Dwelling District; said tracts being out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of State Highway 158 and at the west extension of Mosswood 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)(First reading held July 9, 2013.)(9162)
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 10.32-acre tract of land out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned 1F3, One-Family Dwelling District, to be used as a TH, Townhouse Dwelling District

(Generally located at the east side of North Lamesa Road, approximately ½ mile north of East Loop 250 North); 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 July 9, 2013.)(9163)

24. 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 2.50-acre portion of Lot 1, Block 3, Wallace Heights Addition, Section 4, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned PD, Planned District for a Mixed Use District, to be used as a PD, Planned District for a Housing Development (Generally located on the south side of Sinclair Avenue, approximately 380 feet west of North Midland 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)(First reading held July 9, 2013.)(9164)
25. Consider an ordinance on second reading amending the Official Municipal Budget for Fiscal Year 2012-2013 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'S OFFICE)(First reading held July 9, 2013.)(9166)
26. Consider an ordinance on second reading vacating and abandoning a 0.138-acre portion of East Spruce Avenue right-of-way adjacent to Lots 23 and 24, Block 6, and to Lots 1 and 2, Block 5, Sun Garden Village, Second Section, City and County of Midland, Texas (Generally located on the west side of North Carver Street, approximately 270 feet south of Dormard Avenue); adopting the appraisal by the City Manager of \$599.20; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held July 9, 2013.)(9167)
27. Consider an ordinance on second reading vacating and abandoning a 0.098-acre portion of North Carver Street right-of-way adjacent to Lot 1, Block 5, Sun Garden Village, Second Section, City and County of Midland, Texas (Generally located on south side of East Spruce Avenue, approximately 150 feet north of East Pine Avenue); adopting the appraisal by the City Manager of \$424.90; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held July 9, 2013.)(9168)
28. Consider an ordinance on second reading vacating and abandoning a 0.185-acre portion of East Spruce Avenue right-of-way adjacent to Lot 4, Block 12, and to Lot 1, Block 11, Sun Garden Village, Second Section, City and County of

Midland, Texas (Generally located on the east side of North Jackson Street, approximately 270 feet south of Dormard Avenue); adopting the appraisal by the City Manager of \$804.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held July 9, 2013.)(9169)

29. Consider an ordinance on second reading 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)(First reading held July 9, 2013.)(9170)

PUBLIC HEARINGS

30. 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 a 6.08-acre tract of land ("Tract 1") which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District; by permitting a 40.90-acre tract of land ("Tract 2") which is presently zoned FD, Future Development District, to be used as an LI, Light Industrial District; by permitting a 13.70-acre tract of land ("Tract 3") which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-2, Local Retail District; by permitting a 16.61-acre tract of land ("Tract 4") which is presently zoned PD, Planned District for a Shopping Center, to be used as a PD, Planned District for a Housing Development; by permitting a 34.39-acre tract of land ("Tract 5") which is presently zoned BP, Business Park District, to be used as a PD, Planned District for a Housing Development; by permitting a 37.72-acre tract of land ("Tract 6") which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a Housing Development; by permitting a 21.82-acre tract of land ("Tract 7") which is presently zoned PD, Planned District for a Shopping Center, to be used as a BP, Business Park District; by permitting a 0.74-acre tract of land ("Tract 8") which is presently zoned LR-2, Local Retail District, to be used as a BP, Business Park District; by permitting a 2.77-acre tract of land ("Tract 9") which is presently zoned BP, Business Park District, to be used as a 1F-3, One-Family Dwelling District; by permitting a 55.83-acre tract of land ("Tract 10") which is presently zoned FD, Future Development District, to be used as a 1F-3, One-Family Dwelling District; all of said tracts being out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas; all of said tracts being more specifically described by metes and bounds made a part hereof; said tracts are generally located on the south side of West Interstate Highway 20, south of Loop 250; 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) (9171)

31. At approximately 10:33 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 5,000 square foot portion of Lot 1, Block 1, mesa verde Addition, City and County of Midland, Texas (generally located on the southwest corner of the intersection of north Midland Drive and neely Avenue), which is presently zoned Ir-2, local retail District, by permitting said property to be used under a specific use permit with term for the sale of all alcoholic beverages in a lounge 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) (9172)
32. At approximately 10:36 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for a carnival on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein; and providing that the Chief of Police shall ensure that all participants are licensed pursuant to Title V, Chapter 9 of the Midland City Code. (DEVELOPMENT SERVICES) (2013 - 218)
33. At approximately 10:39 a.m. hold a public hearing and consider a resolution expressing the intent of the Midland City Council to continue in effect Title VI, "Police Regulations", Chapter 9, "Curfew Hours for Minors", of the Midland City Code pursuant to Texas Local Government Code Section 370.002. (POLICE) (2013 - 219)

MISCELLANOUS

34. Consider a motion approving a proposed preliminary plat of Southwest Crossing, being a 254.33-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south side of West Interstate Highway 20, south of South Loop 250 West.) (DEVELOPMENT SERVICES)
35. Consider a motion making various appointments to various Boards and Commissions.

EXECUTIVE SESSION

36. 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 551.087 Deliberate Economic Development Negotiations.
 - a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease or value of real property described as Acres: 0.321, Block 035, Lots 5 & 6, Block 35 Addition, Original Town, Midland, Midland County, Texas.
 - b.2. Discuss the purchase, exchange, lease or value of real property described as Acres: 0.321; Block: 035, Lots 7 & 8, Original Town, Midland, Midland County, Texas.
 - b.3. Discuss the purchase, exchange, lease or value of real property described as Acres: 1.0 acres more or less, Lots 7-12, Block 039, Original Town Addition, City of Midland, Midland County, Texas.
 - b.4. Discuss the purchase, exchange, lease or value of real property described as Acres: 1.0 acres more or less, Block 38, Lots 1-6, Original Town, City of Midland, 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.