

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
July 24, 2012 - 9:30 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 Craig Farmer, Project Consultant of MOTOR MPO, regarding the State Highway 191 Corridor and Access Management Study.

AGENDA FOR CITY COUNCIL MEETING
July 24, 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 Savior'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. Presentation of a Proclamation for National Night Out.

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 9, 2012.
 - b. Regular Meeting of July 10, 2012
6. Consider a resolution recording a vote on a proposal to consider an Ad Valorem Tax Rate for the Fiscal Year 2012 - 2013 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) (2012 - 224)

7. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the construction of a fence around the commons area at the Scharbauer Sports Complex. (GENERAL SERVICES) (2012 - 225)
8. Consider a resolution authorizing the execution of a contract with Reece Albert, Incorporated, for the 2011-2012 Street Improvement Mill/Overlay Project at a cost of \$2,253,322.65; and authorizing an additional ten percent (10%) contingency fee bringing the total funds available to \$2,478,655.00; and allocating and appropriating funds. (GENERAL SERVICES) (2012 - 226)
9. Consider a resolution authorizing the advertisement for bids for the sale of real property described as being Lots three A (3A), four A (4A) and five A (5A), Block three (3), Midland International Airport Industrial Park, an Addition to the City of Midland, Midland County, Texas; accepting an appraisal setting the fair market value of the property at \$435,000.00; said property to be developed into hotel facilities. (GENERAL SERVICES) (2012 - 227)
10. Consider a resolution authorizing the issuance of a Request for Proposals for the replacement of the City-Wide Public Safety and Public Works Radio System for the City of Midland, Texas. (GENERAL SERVICES) (2012 - 228)
11. Consider a resolution authorizing the execution of a Land Lease Agreement with COG Realty LLC for Hangar Development located on a 1.35 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 - 229)
12. Consider a resolution authorizing the execution of an Airport Fueling Agreement with COG Realty LLC in order to store and dispense all forms of aviation propellants and fuels from fixed dispensers only to COG Realty LLC's aircraft at the Midland International Airport, Midland, Midland County, Texas. (AIRPORTS) (2012 - 230)
13. Consider a resolution authorizing the City of Midland to accept \$21,500.00 in grant funds from the Permian Basin Area Foundation for improvements to the porch and decking at the Scarborough Linebery House; and appropriating funds. (COMMUNITY SERVICES) (2012 - 231)
14. Consider a resolution authorizing a reallocation of certain Community Development Block Grant Funds from previous program years to the Community Development Block Grant Fund Program Year 2012-2013 in the amount of \$22,326.00. (DEVELOPMENT SERVICES) (2012 - 232)
15. Consider a resolution authorizing the adoption of the City of Midland's 2012-2013 Action Plan to the Consolidated Plan for Community Development and Housing Funds for Fiscal Years 2011-2015, (October 2010-September 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) (2012 - 233)

16. Consider a resolution appropriating interest earned in the amount of \$58.00 on the 2009 Justice Assistance Grant Funds; this grant was acquired for the purchase of needed equipment for the Midland Police Department. (POLICE) (2012 - 234)
17. Consider a resolution authorizing the advertisement for bids for the sale of property owned by the City of Midland described as a Troxler 4640 Nuclear Density Gauge; and setting a minimum bid at \$1,000.00. (ENGINEERING SERVICES) (2012 - 235)
18. Consider a resolution authorizing the office of the City Attorney to file all documents and make all necessary appearances to represent the City of Midland in a lawsuit styled, Shayla Haynes, individually and as next friend of Jataisha Woodard, a minor child v. City of Midland, Texas, in the County Court at Law, Midland County, Texas; Cause No. CC16654; and ratifying all actions taken to date by the office of the City Attorney as part of settlement negotiations. (CITY ATTORNEY'S OFFICE) (2012 - 236)
19. 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 - 237)

SECOND READINGS

20. 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 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)
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 1-5, 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)

22. Consider an ordinance on second reading 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)
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 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)
24. Consider an ordinance on second reading 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)

PUBLIC HEARINGS

25. At approximately 10:30 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as the north 125 feet of the east half of Block 29 and the adjacent vacated 0.032-acre portion of West Louisiana Avenue right-of-way, 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), which is presently zoned C-1, Central Area District, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a restaurant 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) (9043)
26. At approximately 10:33 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1A, Block 1, Alldredge Gardens Addition, Section 2, City and County of Midland, Texas (Generally located on the east side of Fairgrounds Road at its intersection with Wadley Avenue), which is presently zoned LR-3, 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 restaurant 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) (9044)
27. At approximately 10:36 a.m. hold a public hearing and consider an ordinance of the City of Midland, Texas, amending the Midland Comprehensive Plan 2025 as authorized by Chapter 213 of the Texas Local Government Code; said Comprehensive Plan illustrating the future development of the City of Midland; providing a savings and severability clause; and providing an effective date. (DEVELOPMENT SERVICES) (9045)

DEVELOPMENT SERVICES

28. Consider an ordinance amending Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish," Section 18, "Accumulation of Stagnant Water, Filth, Weeds, Brush, and Debris on Lots" Subsection A "Prohibited Accumulations" Paragraph 5 of the Midland City Code so as to modify the term "debris" and adding a new Paragraph 6 so as to create presumptions as to ownership, possession and occupying; and amending Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish," Section 18, "Accumulation of Stagnant Water,

Filth, Weeds, Brush, and Debris on Lots” Subsection “B” “Affirmative Defenses” so as to establish affirmative defenses to prosecution and subsection “C” “Penalty” of the City Code of Midland, Texas, containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication. (DEVELOPMENT SERVICES) (9046)

MISCELLANEOUS

29. Consider an ordinance approving a Promotional Agreement between the Midland Tax Increment Reinvestment Zone No. 1 and the Downtown Midland Management District; and approving a grant of \$50,000.00 from the Midland Tax Increment Reinvestment Zone No. 1 to the Downtown Midland Management District pursuant to the Promotional Agreement. (DEVELOPMENT SERVICES) (9047)
30. Consider a resolution authorizing the Mayor to negotiate and execute a Texas Local Government Code Chapter 380 Economic Development Agreement between the City of Midland and the Tax Increment Reinvestment Zone No. 1 (“TIRZ”) regarding the TIRZ purchasing City-owned property described as being approximately 0.884 acres, Block 053, Lots 013 through 023, Original Town Addition, recorded in Volume 0858, Page 0111; and/or property described as being approximately 0.886 acres, Block 053, Lots 1 through 8 and 9 (N8 and W75), and the E65 of Lots 9 through 12, Original Town Addition, recorded in Volume 0649, Page 0762, all located in Midland, Midland County, Texas; and authorizing the execution of all necessary documents and legal instruments related thereto. (City Manager's Office) (2012 - 238)
31. Consider a resolution authorizing the Mayor to negotiate and execute an Economic Development Agreement between the City of Midland and the Midland Development Corporation for construction of a parking facility and related infrastructure to be located on property described as being approximately 0.884 acres, Block 053, Lots 013 through 023, Original Town Addition, recorded in Volume 0858, Page 0111; or on property described as being approximately 0.886 acres, Block 053, Lots 1 through 8 and 9 (N8 and W75), and the E65 of Lots 9 through 12, Original Town Addition, recorded in Volume 0649, Page 0762, all located in Midland, Midland County, Texas, as authorized by Chapter 501 of the Texas Local Government Code. (City Manager's Office) (2012 - 239)
32. Consider a motion making appointments to various City of Midland Boards and Commissions.

EXECUTIVE SESSION

33. 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 551.074 Personnel Matters
 - a.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.
- b. Section 551.071, Consultation with the City Attorney
 - b.1. Discuss with the City Attorney and Attorney(s) with the law firm of Cotton, Bledsoe, Tighe, and Dawson, litigation styled in Re: Heritage Consolidated, LLC, Case No. 10-36484-hdh, Chapter 11, Jointly Administered, in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.
- c. Section 551.072 Deliberation Regarding Real Property
 - c.1. Discuss the sale, lease and value of two City of Midland-owned properties located east of the Midland Center described as:
 - (i) 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) 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.