

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

August 14, 2012 – 9:00 A.M.

Basement Conference Room – 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 Lisa Grissom on the recent Tall City Blues Festival.
2. Receive an update from Elaine Magruder on the I-20 Wildlife Preserve and Jenna Welch Nature Study Center.

AGENDA FOR CITY COUNCIL MEETING
August 14, 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 National Immunization Month.

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 July 24, 2012.
 - b. Special Meeting of July 26, 2012.
6. Receive for information and possibly discuss third quarter Fiscal Year 2011 - 2012 Investment Report. (FINANCE)
7. Consider a resolution authorizing the execution of a 2-year purchase agreement for uniforms for City of Midland employees from the low bidder, Cintas-RUS, L.P., at a total cost of \$96,505.50. (GENERAL SERVICES) (2012 - 241)

8. Consider a resolution approving the purchase of assorted playground equipment at a total cost of \$137,037.85; and authorizing the execution of purchase and installation agreements for the playground equipment purchased herein that requires installation. (GENERAL SERVICES) (2012 - 242)
9. Consider a resolution authorizing the execution of a contract with Jones Bros. of Odessa, Texas, for the project described as Reconstruct Executive Apron, Area B (7081) at the Midland International Airport; the Council previously authorized advertisement for bids for the project; the City's share is \$326,303.00 in which 18,000.00 was previously appropriated; and appropriating funds. (AIRPORTS) (2012 - 243)
10. Consider a resolution authorizing the City Manager or his designee to execute on behalf of the City of Midland, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the project described as Airpark Hangar Expansion which is an improvement contained in the Airport Capital Improvement Program. (AIRPORTS) (2012 - 244)
11. Consider a resolution authorizing a right-of-way license with the City of Midland, Texas and WTG Processing, L.P.; said right-of-way license is for the purpose of entering City of Midland's right-of-way for placing, constructing, operating, repairing, maintaining, replacing and removing, three (3) petroleum products and petroleum by-products pipelines, for the transportation of petroleum products and petroleum by-products and one (1) pad site location for the use of a compressor station, and to further have the right of ingress and egress at convenient points; the pipeline is located within the City of Midland right-of-way, Section 36, Block 39, T-1-N, T&P RR Co. Survey, Martin County, Texas; the license term is for ten (10) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration. (AIRPORTS) (2012 - 245)
12. Consider a resolution authorizing the execution of an agreement in lieu of annexation between the City of Midland and GGB Leasing, L.P., STG Development, LLC, and STG Development II, LLC, regarding two tracts of land described as an 81.04-acre tract located in Section 11, Block 40, T-2-S, T&P RR Co. Survey and a 152.2-acre tract located in Sections 1, 2, 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, all in Midland County, Texas. (CITY ATTORNEY'S OFFICE) (2012 - 246)
13. Consider a resolution authorizing the acceptance of a 15-foot water line easement located in Sections 2, 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary. (CITY ATTORNEY'S OFFICE) (2012 - 247)

14. Consider a resolution authorizing the City of Midland to accept a donation in the amount of \$21,093.00 from the Friends of the I-20 Wildlife Preserve and Jenna Welch Nature Study Center in order to assist in the construction of the I-20 Wildlife Preserve Pavilion and Restrooms Project, and appropriating funds. (COMMUNITY SERVICES) (2012 - 248)
15. Consider a motion on a request by Schumann Engineering for Bonito Estates – Section 2, to approve items requested for deferral in the amount of \$343,830.90, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
16. Consider a motion on a request by Schumann Engineering for Bonito Estates – Section 3, to approve items requested for deferral in the amount of \$543,016.80, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
17. Consider a motion on a request by West Engineering for Mustang Trail Addition, to approve items requested for deferral in the amount of \$115,824.10, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
18. Consider a resolution authorizing a right-of-way license with the City of Midland, Texas and Midmar Gas, L.L.C.; said right-of-way license is for the purpose of entering City of Midland's right-of-way for the purpose of installing 1 six inch poly pipeline to gather gas from an oil and gas lease under a portion of Holiday Hill Road; the pipeline is located within the City of Midland right-of-way, Section 6, Block X, H.P. Hillard Survey, and Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas; the license term is for twenty-five (25) years, commencing with the date of this license and may renew at the end of the term for one additional twenty-five (25) year term upon 90 days written request prior to expiration. (ENGINEERING SERVICES) (2012 - 249)
19. Consider a motion on a request by Landgraf, Crutcher, and Associates for the Los Conchos Estates (Phase 2), to approve items requested for deferral in the amount of \$227,550, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
20. Consider a motion on a request by West Company of Midland for the Harvell Addition, to approve items requested for deferral in the amount of \$479,906.56, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
21. Consider a motion on a request by Schumann Engineering for Quail Ridge Addition (Section 3), to approve items requested for deferral in the amount of \$42,286.70, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)

22. Consider a resolution authorizing the City of Midland Police Department in conjunction with the Midland County Sheriff's Department to accept the Fiscal Year 2012 Justice Assistance Grant Funds totaling \$31,908.00; the City of Midland will receive \$19,145.00 (60%) and Midland County will receive \$12,763.00 (40%) of the grant funds; authorizing the execution of acceptance documents; and appropriating funds. (POLICE) (2012 - 250)
23. Consider a resolution accepting the Fiscal Year 2013 Victim Coordinator and Liaison Grant from the Texas Attorney General; this grant is to be used by the Midland Police Department to maintain a Victim Assistance Liaison position; authorizing the execution of acceptance documents; and depositing the funds into the General Fund. (POLICE) (2012 - 251)

SECOND READINGS

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 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, and more specifically described in Section One hereof, which is presently zoned as two separate Planned Districts for Shopping Centers, to be used as a PD, Planned District for a Housing Development (Generally located on the east side of Loop 250, approximately 1/4 of a mile north of Wall 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) (9006)
25. Consider an ordinance on second reading 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. Consider an ordinance on second reading 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)

27. Consider an ordinance on second reading 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)
28. Consider an ordinance on second reading 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)

PUBLIC HEARINGS

29. 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 Lot 1, Block 161, Wilshire Park Addition, Section 9, 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 east side of Loop 250, between Leisure Drive and Graceland 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) (9048)
30. 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 Lot 4, Block 192, Southern Addition, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as an LR-3, Local Retail District (Generally located on the west side of Marshall Street, approximately 150 feet south of East Florida Avenue); 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) (9049)

31. At approximately 10:39 a.m. hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Pecan Acres 22C#1) located 1,847 feet from the east line and 467 feet from the south line located in Section 22, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of Trobaugh Boulevard, approximately 467 feet north of Briarwood Avenue.) (DEVELOPMENT SERVICES)
32. 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 1-3, Block 1, Bishop Addition, City and County of Midland, Texas, which is presently zoned 2F, Two-Family Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located at the northwest corner of the intersection of Tarleton Street and Shell 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) (9050)
33. At approximately 10:45 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 Lot 3A, Block 15A, Oxford Heights, Section 8, 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 Housing Development (Generally located at the northwest corner of West Illinois Avenue and Delmar 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) (9051)
34. At approximately 10:48 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a church carnival and fair on Lot 13, Block 71, West End Addition, Section 15, City and County of Midland, Texas (Generally located between West Illinois Avenue and West Texas Avenue, east of North "O" Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2012 - 252)
35. At approximately 10:51 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on Lots 10-12, Block 93, Lots 1-5, Block 105, and Blocks 94 and 104, West End Addition, City and County of Midland, Texas (Generally located on the south side of Missouri Avenue, between "J" Street and "I" Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2012 - 253)

36. At approximately 6:00 p.m. hold a second public hearing regarding a proposal establishing the Ad Valorem tax rate of \$0.461088 per \$100 taxable assessed valuation for the Fiscal Year 2012-2013 and announce dates of August 21, 2012 and August 27, 2012 at 9:00 a.m. to vote on tax rate. (FINANCE)

MISCELLANEOUS

37. Consider making appointments to various Boards and Commissions.

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. Section 551.087 Deliberation Regarding Economic Development Negotiations
 - a.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

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.