

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

August 28, 2012 - 9:00 AM

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 an update from the Midland County Freshwater Supply District No. 1 regarding the delivery of water from T-Bar Ranch located in Winkler County and Loving County, Texas.
2. Presentation and discussion regarding the FY2013 Solid Waste Rate Structure.
3. Presentation and discussion regarding the Water Rate Structure.

AGENDA FOR CITY COUNCIL MEETING
August 28, 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 Permits & Inspections Staff 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 August 7, 2012.](#)
 - b. [Regular meeting of August 14, 2012.](#)
6. [Consider a resolution authorizing the execution of a Professional Services Agreement with Parkhill, Smith and Cooper, Inc., for professional architectural and engineering services for the construction of Fire Station #10, for a fee of 6.5% of the total cost of construction, not to exceed \\$265,000.00; and appropriating funds. \(GENERAL SERVICES\) \(2012 - 256\)](#)
7. [Consider a resolution approving the purchase of assorted playground equipment at a total cost of \\$686,317.70; and authorizing the execution of a Purchase and](#)

Installation Agreement with Miracle Recreation Equipment Company, of Niwot, Colorado, for the playground equipment purchased herein that requires installation; and rejecting some of the bids; and appropriating funds. (GENERAL SERVICES) (2012 - 257)

8. Consider a resolution authorizing the execution of a contract with TI Training Corporation of Golden, Colorado, for the supply and installation of a Use of Force Computer Based Simulator for the City of Midland Police Department at a total cost of \$58,380.00. (GENERAL SERVICES) (2012 - 258)
9. Consider a resolution authorizing issuance of a Request for Proposals for cellular services for voice, data and messaging services and other traditional cellular services and equipment for the City of Midland. (GENERAL SERVICES) (2012 - 259)
10. Consider a resolution authorizing issuance of a Request for Proposals for federal reimbursement opportunities and consultant services for the Health Department. (GENERAL SERVICES) (2012 - 260)
11. Consider a resolution approving plans and specifications and authorizing advertisement for bids to provide and install new seating at the Scharbauer Sports Complex. (GENERAL SERVICES) (2012 - 261)
12. Consider a resolution authorizing the City Manager to execute and file all documents, and make all payments necessary for the purchase of property located in the 4500 Block of Sinclair Avenue, Midland, Texas, for a Fire Station, at a cost of approximately \$151,000.00 plus associated closing costs; and appropriating funds; and directing that said property shall be closed at Lonestar Abstract and Title Company, Incorporated; and authorizing the City Manager to negotiate the terms and execute and file all documents necessary for the purchase of property located in the 4500 Block of Thomason Drive, Midland, Texas, for a Fire Station. (GENERAL SERVICES) (2012 - 262)
13. Consider a resolution authorizing the City Manager to execute a Consent Agreement between Western National Bank, the City of Midland, Texas and OGM Aviation, L.L.C., as authorized by Article 8(K) of OGM Aviation, L.L.C.'s Lease Agreement in order to allow Western National Bank to encumber OGM Aviation, L.L.C.'s Leasehold Interest by pledging said lease as collateral for a loan to construct a hangar on the premises at the Midland International Airport. (AIRPORTS) (2012 - 263)
14. Consider a resolution authorizing the execution of Amendment Number Two to the Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, with such amendment authorizing the inclusion of the project described as Commercial Space Launch Site Application; and appropriating necessary funds. (AIRPORTS) (2012 - 264)
15. Consider a resolution authorizing the Mayor to execute the First Amendment to

the Wholesale Water Delivery Agreement between the City of Midland and the Midland County Fresh Water Supply District No. 1. (CITY ATTORNEY'S OFFICE) (2012 - 265)

16. Consider a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Elizabeth Morales v. Denisse Reyes; Alfredo Alvarado; City of Midland; United States Customs and Border Patrol; City of Edinburg, Texas; County Court at Law #7, Hidalgo County, Texas; Cause No. CL-12-2444-G; and authorizing the payment of all costs. (CITY ATTORNEY'S OFFICE) (2012 - 266)
17. Consider a resolution canceling the General City Election which was to be held on November 6, 2012, for election of two Council Members At-Large, one Council Member representing District 1, and one Council Member representing District 2, as the requirements of the Texas Election Code are complied with; authorizing the City Secretary to post notice; accepting and approving the City Secretary's Certification; and declaring the unopposed candidates elected to office. (CITY SECRETARY'S OFFICE) (2012 - 267)
18. Consider a resolution authorizing the execution of a Professional Services Agreement between the City of Midland, Texas and Midland Sports, Incorporated in the amount of \$68,000.00, for professional marketing, promotion, and management services at the Scharbauer Sports Complex. (COMMUNITY SERVICES) (2012 - 268)
19. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Playa del Pueblo, Ltd. for development of Playa del Pueblo Addition, City and County of Midland, Texas (Generally located on the north side of Interstate 20, approximately 300 feet east of Terrell Street); authorizing the execution of all documents necessary for the City of Midland's participation in said development; and appropriating funds in the amount of \$265,558.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2012 - 269)
20. Consider a motion on a request by Schumann Engineering for Ruedas Estates, to approve items requested for deferral in the amount of \$153,150.00, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
21. Consider a motion on a request by Schumann Engineering for Country Sky Addition (Section 15), to approve items requested for deferral in the amount of \$288,674.00, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
22. Consider a resolution authorizing the execution of Change Order Number Three with Onyx Contractors Operations, LP regarding the Ward Street Bridge Rehabilitation and Garfield Street Bridge Rail Retrofit Project; said change order

to provide for the reconstruction of the alley along the north side of Jal Draw between Ward Street and Garfield Street; and authorizing payment in the amount of \$145,622.00. (ENGINEERING SERVICES) (2012 - 270)

23. Consider a resolution accepting a grant in the amount of \$23,876.00 from the Texas Department of Transportation in order to conduct a Fiscal Year 2012-2013 Comprehensive Special Traffic Enforcement Program for intersection traffic control enforcement and driving while intoxicated enforcement; said grant award requires a City cash match in the amount of \$4,839.00; providing that the grant funds shall be used to pay overtime to police officers working on said program; authorizing the execution of acceptance document; and appropriating grant funds. (POLICE) (2012 - 271)
24. Consider a resolution authorizing a Second Amendment to the existing Water Supply Contract with the Colorado River Municipal Water District; this amendment relocated the water delivery point under the contract. (UTILITIES) (2012 - 272)
25. Consider a resolution authorizing the purchase of the fifteen million gallon raw water reservoir, located on the City's Water Purification Plant Site, from the Colorado River Municipal Water Authority, for \$557,000.00; all closing costs to be borne by the City of Midland; and ordering recordation by the City Secretary; and appropriating funds. (UTILITIES) (2012 - 273)
26. Consider a resolution approving a Bill of Sale conveying to the City of Midland all appurtenances associated with the purchase of the fifteen million gallon raw water reservoir, located on the City's Water Purification Plant Site, from the Colorado River Municipal Water Authority; and ordering recordation by the City Secretary. (UTILITIES) (2012 - 274)
27. Consider a resolution authorizing the execution of a Memorandum of Agreement with the Colorado River Municipal Water District ("CRMWD") associated with the Water Supply Contract executed with CRMWD in 1966, as amended. (UTILITIES) (2012 - 275)

SECOND READINGS

28. 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 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)

29. 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 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)
30. 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 1-3, 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)
31. 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 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)

PUBLIC HEARINGS

32. 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 a 27.00-acre tract of land out of Section 41, Block 38, T-1-S, T&P RR Co. Survey, and Lot 4, Block 1, Freeland Addition, Section 4, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, in part, PD, Planned District for a Transition District, in part, and as a separate PD, Planned District for a Transition District, in part, to be used as a C-3, Commercial District (Generally located on the northwest corner of the intersection of East Business Interstate 20 and Lozoya Road); 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) (9054)

33. 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 3A, 4A and 5A, Block 3, Midland International Airport Industrial Park, City and County of Midland, Texas, which is presently zoned IP-3, Industrial Park District, to be used as a PD, Planned District for an Office Center (Generally located on the southeast corner of the intersection of Sloan Field Boulevard and Windecker 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) (9055)
34. At approximately 10:39 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 26.28-acre tract of land ("Tract 1") which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a Housing Development; by permitting a 12.11-acre tract of land ("Tract 2") which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District; said tracts being located in Section 13, 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 at its intersection with Sherwood 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) (9056)
35. At approximately 10:42 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a philanthropic event on the west 51.5 feet of Lot 5, all of Lots 6-10, and the east 22 feet of Lot 11, Block 8, Loma Linda Replat, City and County of Midland, Texas (Generally located on the north side of Scharbauer Drive, approximately 250 feet west of Lamesa Road); making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2012 - 276)

DEVELOPMENT SERVICES

36. Consider a resolution granting a variance to Fasken Land and Minerals, Ltd. by authorizing issuance of building permits for any single- or multi-family residential or commercial buildings within 135 feet of any existing oil and gas well within Sections 1, 12 and 13, Block 40, T-1-S, T&P RR Co. Survey, Midland, Texas; and authorizing a variance for construction of public streets up to 100 feet from existing oil and gas wells within said sections. (DEVELOPMENT SERVICES) (2012 - 277)

MISCELLANEOUS

37. Consider a motion to approve the preliminary plat of The Vineyard Addition,

Section 2, a 300.36-acre tract out of Section 13, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located on the west side of Holiday Hill Road, between Mockingbird Lane and Green Tree Boulevard.) (DEVELOPMENT SERVICES)

38. Consider an ordinance vacating and abandoning a 0.06-acre portion of the east/west 20-foot alley adjacent to the north side of Lot 6, Block 3, Edwards Addition, City and County of Midland, Texas (Generally located on the east side of Edwards Street, approximately 140 feet south of Cuthbert Street); adopting the appraisal by the City Manager of \$522.72; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9057)
39. Consider a motion appealing the decision by the City Building Official to deny a proposed sign permit on Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of West Louisiana Avenue and North Colorado Street.) (DEVELOPMENT SERVICES)
40. Consider a motion on a request for the annexation of a 43.00-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of State Highway 158, approximately 1/2 mile northwest of State Highway 191.) (DEVELOPMENT SERVICES)
41. Consider a motion on a request for the annexation of a 195-acre tract of land out of Section 12 and 13, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of East Interstate Highway 20, south of South Loop 250 West.) (DEVELOPMENT SERVICES)
42. Consider making appointments to various Boards and Commissions.

EXECUTIVE SESSION

43. 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 551.072 Deliberation Regarding Real Property
 - b.1. Deliberate the purchase, exchange and value of real property described as Lots 1 through 6, Block 38, Original Town Addition, an addition to the City of Midland, Texas.

- b.2. Deliberate the sale, exchange and value of real property consisting of all of Block 50, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- b.3. Deliberate the purchase, exchange and value of real property in Block 39, Lots 7-12, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- b.4. Deliberate the purchase, exchange and value of real property being all of Block 55, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- b.5. Deliberate the sale, exchange and value of real property described as Lots 1, 2, 3, 4, 5, and 6, Block 41, Original Town Addition, an addition to the 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.