

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
September 24, 2013 - 8:30 A.M.
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 a presentation from Commemorative Air Force (CAF) regarding AIRSHO and matters related to CAF funding.
2. Receive a presentation from staff regarding the City's new website.
3. Consider a proposal for a revised zoning plan for the "Window Pane" area.

AGENDA FOR CITY COUNCIL MEETING
September 24, 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:](#)

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 September 10, 2013.](#)
 - b. [Special meeting of September 17, 2013.](#)
6. [Consider a resolution authorizing the purchase of three complete Side-wheel Roll Irrigation Systems for use at the Spraberry Farm facilities from Mesa Irrigation Company, of Lamesa, Texas, at a total cost of \\$51,250.00. \(PURCHASING\) \(2013 - 313\)](#)
7. [Consider a resolution authorizing the purchase of an annual supply of polymer for dewatering for treating City of Midland drinking water from Polydyne, Incorporated, for a total price of \\$40,867.20. \(PURCHASING\) \(2013 - 314\)](#)

8. [Consider a resolution authorizing the purchase of an annual supply of copper sulfate solution for treating City of Midland drinking water from the low bidder, Chemrite, Incorporated, for a total price of \\$66,675.00. \(PURCHASING\) \(2013 - 315\)](#)
9. [Consider a resolution authorizing the purchase of an annual supply of potassium permanganate for treating City of Midland drinking water from the low bidder, F2 Industries, L.L.C., for a total price of \\$21,400.00. \(PURCHASING\) \(2013 - 316\)](#)
10. [Consider a resolution authorizing the purchase of an annual supply of chlorine for treating City of Midland drinking water from the sole bidder, DPC Industries, Incorporated, for a total cost of \\$207,134.00. \(PURCHASING\) \(2013 - 317\)](#)
11. [Consider a resolution authorizing the purchase of an annual supply of polymer for treating City of Midland drinking water from Polydyne, Incorporated, for a total price of \\$77,160.00. \(PURCHASING\) \(2013 - 318\)](#)
12. [Consider a resolution authorizing the purchase of twenty-five \(25\) tons of powdered activated carbon for treating City of Midland drinking water from Brenntag Southwest, Incorporated, for a total cost of \\$26,450.00. \(PURCHASING\) \(2013 - 319\)](#)
13. [Consider a resolution authorizing the purchase of an annual supply of aluminum sulfate for purifying City of Midland drinking water from the low bidder, Chameleon Industries, Incorporated, for a total price of \\$496,960.00. \(PURCHASING\) \(2013 - 320\)](#)
14. [Consider a resolution authorizing the purchase of an annual supply of liquid ammonium sulfate for treating City of Midland drinking water from Brenntag Southwest, Incorporated, at a total cost of \\$11,000.00. \(PURCHASING\) \(2013 - 321\)](#)
15. [Consider a resolution approving plans and specifications and authorizing advertisement for bids for the renovation of two stairwells at Grande Communications Stadium; and allocating \\$250,000.00 to the Grande Stairwell Project \(9065\). \(PURCHASING\) \(2013 - 322\)](#)
16. [Consider a resolution authorizing the execution of an agreement with the Commemorative Air Force, Incorporated, for the staging of an airshow at the Midland International Airport; the agreement allows the Commemorative Air Force to host an airshow on Midland International Airport property, sets required insurance levels as well as administering emergency response personnel; the airshow will commence Friday, October 11, 2013 and conclude on Sunday, October 13, 2013. \(AIRPORTS\) \(2013 - 323\)](#)
17. [Consider a resolution authorizing the City Manager to negotiate and execute a Partial Assignment of the Commercial Land/Use Agreement between Deer Horn Aviation Ltd., Co. and the City of Midland, Texas to Ross Midland LLC, Denver,](#)

Colorado. (AIRPORTS) (2013 - 324)

18. Consider a resolution of the City of Midland, Texas establishing a Spaceport Development Corporation as authorized by Chapter 507 of the Texas Local Government Code; the Spaceport Development Corporation is created in coordination with and in conjunction with Midland County, Texas; the Spaceport Development Corporation shall be known as the Midland Spaceport Development Corporation and shall be governed by Chapter 507 of the Texas Local Government Code; the Spaceport Development Corporation shall be governed by a board of seven directors and four of the directors shall be Midland City Council Members and three of the directors shall be appointed by Midland County, Texas; and appointing four (4) members to the Board of Directors. (AIRPORTS) (2013 - 325)
19. Consider a resolution of the City of Midland, Texas, authorizing the Mayor to seek a thirty-day extension from the Office of Aerospace and Aviation within the Economic Development and Tourism Division of the Office of the Governor for projects that provide for the development of spaceports in Texas; the Economic Development and Tourism Division of the Office of the Governor is the administering agency for the Spaceport Trust Fund and the City is seeking a thirty-day extension to apply for said funds; the Mayor is authorized and directed to file a request for an extension with Keith Graf, Director of the Office of Aerospace and Aviation; the Mayor is also authorized and directed to send a copy of his letter to the Honorable Tom Craddick, Texas House of Representatives, District 82, and the Honorable Kel Seliger, Texas State Senator, District 31. (AIRPORTS) (2013 - 326)
20. Consider a resolution authorizing the execution of a 2014 Routine Airport Maintenance Program Agreement between the City of Midland, Texas and the Texas Department of Transportation to provide an Automated Weather Observing System at Midland Airpark; and appropriating necessary funds. (AIRPORTS) (2013 - 327)
21. Consider a resolution appropriating \$138,100.00 to the Technology Acquisitions 2013 Project (9066). (CISD) (2013 - 328)
22. Consider a resolution authorizing the execution of a contract with the Midland Chamber of Commerce to promote tourism and the convention and hotel industry in the City. (CITY SECRETARY'S OFFICE) (2013 - 329)
23. Consider a resolution authorizing an agreement with the Commemorative Air Force, Incorporated to promote tourism and the hotel industry in the City; and the City shall provide a maximum of \$50,000.00 in funding from the City's Hotel/Motel Fund. (CITY SECRETARY'S OFFICE) (2013 - 330)
24. Consider a resolution approving the issuance of a permit to Rust Oil Corporation ("Operator") to drill an oil and gas well within the City limits located 2,183 feet from the south line and 1,616 feet from the east line, Section 9, Block "X", H.P.

Hilliard Survey, City and County of Midland, Texas (Generally located on the west side of the extension of North Garfield Street, approximately ½ mile north of Mockingbird Lane); and providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement. (DEVELOPMENT SERVICES) (2013 - 331)

25. Consider a resolution authorizing an amendment to Resolution 2012-425 to increase the appropriation of funds for the Home Investment Partnership Program Reservation System Participant Homebuyer Assistance Program from \$41,600.00 to \$249,600.00; no local match is required. (DEVELOPMENT SERVICES) (2013 - 332)
26. Consider a resolution authorizing a right-of-way license between the City of Midland, Texas and Vitol Midstream Pipeline LLC; said right-of-way license is for entering the City of Midland's right-of-way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing one (1) pipeline, for the transportation of oil and gas materials and to have the right of ingress and egress at convenient points for such purpose; the pipeline is located within the City of Midland right-of-way, Sections 4, 9, 16, and 21, Block 37, T-3-S, T&P RR Co. Survey, Midland County, Texas; the license term is for twenty (20) years, commencing with the date of this license and may renew at the end of the term for one additional twenty (20) year term upon 90 days written request prior to expiration. (Deferred from the September 10, 2013 meeting.) (ENGINEERING SERVICES) (2013 - 299)
27. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Wireline Accessories and Sales, LLC for water distribution and wastewater collection improvements to Ranchland Acres Addition, Section 4; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 333)
28. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with 2010 Midland Properties, JV LLC for development of Covington Addition, City and County of Midland, Texas (Generally located along the northwest corner of State Highway 191 and Farm-to-Market Road 1788); and appropriating funds in the amount of \$285,367.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 334)
29. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and PFP Indus Group, LLC for services to an approximate 8.96-acre tract of land out of the north half of Section 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; said property is outside the City limits; PFP Indus Group, LLC has executed a letter agreeing to annexation if and when the property is annexed; PFP Indus Group, LLC 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 - 335)

30. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and PFP Indus Group, LLC for services to an approximate 8.47-acre tract of land out of the north half of Section 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; said property is outside the City limits; PFP Indus Group, LLC has executed a letter agreeing to annexation if and when the property is annexed; PFP Indus Group, LLC 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 - 336)
31. Consider a resolution authorizing the City of Midland Police Department in conjunction with the Midland County Sheriff's Department to accept the Fiscal Year 2013 Justice Assistance Grant funds totaling \$29,554.00; the City of Midland will receive \$17,732.00 (60%) and Midland County will receive \$11,822.00 (40%) of the grant funds; authorizing the execution of acceptance documents; and appropriating funds. (POLICE) (2013 - 337)
32. Consider a resolution accepting the Fiscal Year 2014 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) (2013 - 338)
33. Consider a resolution accepting a grant in the amount of \$34,100.00 from the Texas Department of Transportation in order to conduct a Fiscal Year 2013-2014 Comprehensive Special Traffic Enforcement Program for intersection traffic control enforcement, speed enforcement, and driving while intoxicated enforcement; said grant award requires a City cash match in the amount of \$3,750.00; 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) (2013 - 339)
34. Consider a resolution approving the budget of the Midland Emergency Communication District for the Fiscal Year ending September 30, 2014. (POLICE) (2013 - 340)
35. Consider a resolution accepting a modification to the Fiscal Year 2013 Grant Award from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$10,304.00; these funds will be directed to the Fiscal Year 2013 High Intensity Drug Trafficking Areas Grant Project 7107; and appropriating funds. (POLICE) (2013 - 341)
36. Consider a resolution accepting a donation of \$10,000.00 from the Westwood Trust-Yarborough Foundation; the donated funds will be deposited in the Invest-in-a-Vest Project to purchase bullet proof vest for police officers; and appropriating said funds. (POLICE) (2013 - 342)

37. [Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Spraberry CGC, Incorporated, for operation of the Spraberry Effluent Farm. \(UTILITIES\) \(2013 - 343\)](#)
38. [Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Kevin Cook, for operation of the Spraberry Effluent Farm. \(UTILITIES\) \(2013 - 344\)](#)
39. [Consider a resolution authorizing the execution of a 5-year Lease Renewal Agreement between the City of Midland, Texas, and D.K. Boyd Land and Cattle Company, at the T-Bar Ranch in Winkler County and Loving County, Texas. \(UTILITIES\) \(2013 - 345\)](#)

SECOND READINGS

40. [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 9.10-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as an LR-2, Local Retail District; by permitting a 57.51-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Housing Development; said tracts being out of Section 19, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas \(Generally located on the north side of East Loop 250 North, approximately 1/4 of a mile east of North Fairgrounds Road\); 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. \(DEVELOPMENT SERVICES\)\(First reading held September 10, 2013.\)\(9180\)](#)
41. [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 5, Block 2, Westridge Park Addition, Section 8, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-1, Local Retail District \(Generally located on the southeast corner of Andrews Highway and Tradewinds Boulevard\); 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. \(DEVELOPMENT SERVICES\)\(First reading held September 10, 2013.\)\(9181\)](#)
42. [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. 9042; 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 September 10, 2013.)(9183)

PUBLIC HEARINGS

43. 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 1.612-acre portion of Lot 7, Block 3, Gateway Plaza, Section 2, City and County of Midland, Texas, which is presently zoned O-1, Office District, to be used as an O-2, Office District (Generally located on the north side of Starboard Drive, approximately 350 feet east of South Tradewinds Boulevard); 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) (9184)
44. 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 0.938-acre portion of Lot 2, Block 2, Wallco Addition, Section 3, City and County of Midland, Texas, which is presently zoned O-2, Office District, to be used as an LR-2, Local Retail District (Generally located on the southwest corner of the intersection of North Big Spring Street and Veterans Airpark Lane); 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) (9185)
45. At approximately 10:36 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,038 square foot portion of Lot 19A, Block 5, North Park, Section 16, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 750 feet west of Whitman Drive), which is presently zoned PD, Planned District for a Shopping Center, 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) (9186)
46. 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 Lots 1-11 and Lots 26-28, Block 1, and Lots 1-13, Block 2, Adobe Meadows, Section 1, and Lots 10-12, the west 0.109 acres of Lot 13, and the west 2.967 acres of Tract "A", Block 8, Adobe Meadows, Section 3, City and County of Midland, Texas, which is presently zoned 2F, Two-

Family Dwelling District, to be used as a 1F-3, One-Family Dwelling District; by permitting Lots 5-10, Block 9, Adobe Meadows, Section 4, City and County of Midland, Texas, which is presently zoned 2F Two-Family Dwelling District, to be used as a 1F2, One-Family Dwelling District; by permitting the east 0.058 acres of Lot 13, Lots 14-16, and the east 4.057 acres of Tract "A", Block 8, Adobe Meadows, Section 3, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as a 1F-3, One-Family Dwelling District (Generally located on the east side of State Highway 349, north of the east extension of Mockingbird Lane); 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) (9187)

47. At approximately 10:42 A.M. hold a public hearing and consider an ordinance adopting a site plan for a 10.79-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of South Lamesa Road, approximately 1,000 feet north of East Interstate Highway 20); subject to the following conditions and restrictions; 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) (9188)
48. At approximately 10:45 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor tent sale 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. (DEVELOPMENT SERVICES) (2013 - 346)

MISCELLANOUS

49. Consider an ordinance vacating and abandoning a 2.40-acre drainage easement and a 6.32-acre drainage easement within the San Francisco Avenue, Rodeo Street, Magellan Street and Mockingbird Lane rights-of-way, all out of Adobe Meadows, Sections 3 and 5, City and County of Midland, Texas (Generally located on the east side of State Highway 349, north of the east extension of Mockingbird Lane); adopting the appraisal by the City Manager of \$29,589.00; waiving the fee for the cost of the drainage easements; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9189)
50. Consider a motion for approval of a proposed preliminary plat of Adobe Meadows, Section 6, being a replat of Lots 1-58, Block 1, Lots 1-13, Block 2, Lots 2-10, Block 3, Lots 1-7, Block 4, and Lots 1-27, Block 5, Adobe Meadows, Section 1; of Tract "A" and Lots 10-16, Block 8, Adobe Meadows, Section 3; Lots 33-56, Block 5 and Lots 1-14, Block 9, Adobe Meadows, Section 4; Lots 11-21, Block 3, Lots 8-16, Block 4, Lots 28-32, Block 5, Lots 1-12 and Lots 14-25, Block 6, Lots 1-32, Block 7, and Lots 1-9, Block 8, Adobe Meadows, Section 5; and the to be vacated rights-of-way being 0.703-acres of Baca Circle, 0.103-acres of

Baca Street, 0.181-acres of Cerrillos Avenue, 0.57-acres of Cerrillos Court, 0.123-acres of Conquistador Court, 0.014-acres of Gallop Court, 0.002-acres of Guadalupe Street, 0.614-acres of Magellan Street, 0.409-acres of San Francisco Avenue, 0.079-acres of St. Michael Court and 1.301-acres of adjacent alleys, all in the City and County of Midland, Texas. (Generally located on the side of Highway 349, north of east the extension Mockingbird Lane.) (DEVELOPMENT SERVICES)

51. Consider a motion approving an interpretation to an Oil and Gas Well Drilling Permit from Bluestem Energy Holdings, LLC within the City limits, (Evans E 1) located 2,073 feet from the north line and 1,009 feet from the west line located in Section 8, Block "X", H. P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the east side of the North Midland Drive, approximately ¾ mile north of Mockingbird Lane.) (DEVELOPMENT SERVICES)
52. Consider a resolution authorizing the execution of a contract with the Midland Hispanic Chamber of Commerce to promote the City's growth and development. (Deferred from September 10, 2013 meeting.) (CITY SECRETARY'S OFFICE) (2013 - 347)
53. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

54. 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:

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.