CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
September 25, 2012 - 9:00 A.M.
City Hall - 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. Discussion regarding various openings on Boards and Commissions.

AGENDA FOR CITY COUNCIL MEETING
September 25, 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 - Ryan Rampton, Golf Course Road Church of Christ

2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

    a. Presentation from Texas State Fire Marshall to the Midland City Council for receiving ISO Class Two Designation.

    b. Presentation to Conoco-Phillips from the Midland Police Department.

    c. Presentation of a Proclamation for Breast Cancer Awareness Month & Pink the Basin Breast Cancer Awareness 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. Regular meeting of September 11, 2012.

6. Consider a resolution authorizing the execution of a contract with Creative Food

Group MAF, LLC, of Jersey City, New Jersey, for the terminal food and beverage concessions at the Midland International Airport; the Council previously authorized advertisement for request for proposals for terminal food and beverage concessions; the agreement term is for twelve years, commencing on October 1, 2012 and may renew at the end of the term for one additional five year term. (AIRPORTS) (2012 - 320)

7. Consider a resolution authorizing the execution of a contract with The Paradies Shop, of Atlanta, Georgia, for the gift and news concessions at the Midland International Airport; the Council previously authorized advertisement for the issuance of a request for proposals for the gift and news concessions; the agreement term is for ten years, commencing on October 1, 2012 and may renew at the end of the term for one additional five year term. (AIRPORTS) (2012 - 321)

8. 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 12, 2012 and conclude on Sunday, October 14, 2012. (AIRPORTS) (2012 - 322)

9. Consider a resolution authorizing the acceptance of a Routine Airport Maintenance Program Grant from the Texas Department of Transportation to provide an Automated Weather Observing System; authorizing the Mayor, City Manager and City Attorney to execute all grant documents. (AIRPORTS) (2012 - 323)

10. Consider a resolution authorizing the execution of a contract with Crime Stoppers of Midland, Incorporated, for the operation of a crime stoppers program which will allow citizens to assist in the detection and resolution of crimes. (CITY SECRETARY'S OFFICE) (2012 - 324)

11. Consider a resolution authorizing the execution of a contract with the Midland County Fair, Inc. to promote tourism and the convention and hotel industry in the City of Midland. (CITY SECRETARY'S OFFICE) (2012 - 325)

12. Consider a resolution authorizing the execution of a contract with the Midland Softball Association for the promotion and solicitation of softball activities. (CITY SECRETARY'S OFFICE) (2012 - 326)

13. Consider a resolution accepting Preclearance from the United States Department of Justice regarding annexations by Ordinance Nos. 8899, 8925 and 8927 effective in 2011 and Ordinance Nos. 8992, 8995 and 8998 through 9003 effective in 2012; Preclearance being effective August 24, 2012. (CITY

SECRETARY'S OFFICE) (2012 - 327)

14. Consider a resolution authorizing the allocation of funds from the Scharbauer Sports Complex Fund to Project Number 9012 in order to expand the current City maintenance building located at the Scharbauer Sports Complex. (COMMUNITY SERVICES) (2012 - 328)

15. Consider a resolution allocating $243,680.00 from the Fiscal Year 2011-2012 General Fund to the Technology Acquisitions 2012 Project (9013). (CISD) (2012 - 329)

16. Consider a resolution authorizing the execution of an agreement with Del Carmen Consulting, LLC, to provide services in connection with the evaluation of racial profiling data collected by the Midland Police Department. (POLICE) (2012 - 330)

17. Consider a resolution accepting a cash donation of $43,250.00 from the “Bad Boy Blast” fund-raising project sponsored by Conoco-Phillips; the donated funds will be used to purchase law enforcement equipment, supplies, and technology; and appropriating said funds. (POLICE) (2012 - 331)

18. Consider a motion appointing an associate substitute judge. (MUNICIPAL COURT)

SECOND READINGS

19. Consider an ordinance on second reading 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)

20. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 3, Block 28, Plantation Hills, Section 15, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 300 feet west of Garfield Street), 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) (9058)

21. Consider an ordinance on second reading adopting a site plan for an 7.37-acre tract of land out of Lot 3, Block 1, Cross Pointe Addition, City and County of Midland, Texas (Generally located approximately 550 feet north of Briarwood Avenue on the west side of Holiday Hill Road); 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) (9059)

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 108.712-acre tract out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a Housing Development (Generally located south of State Highway 191 and west of the Scharbauer Sports Complex); 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) (9060)

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 6.774-acre tract of land out of Tracts F and G, Johnson and Moran Addition, City and County of Midland, Texas, which is presently zoned LR-1, Local Retail District, to be used a PD, Planned District for a Shopping Center (Generally located on the south side of Cuthbert Avenue, approximately 300 feet west of Andrews Highway); 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) (9061)

24. Consider an ordinance on second reading prohibiting parking on the west side of Boulder Drive from the south curb line of Loop 250 service road continuing south a distance of 369 feet to the north curb line of Fargo Avenue, and from the south curb line of Fargo Avenue continuing south a distance of 561 feet, also on the north and south side of Fargo Avenue from the west curb line of Boulder Drive continuing west a distance of 139 feet to the north south alley 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) (9063)

25. Consider an ordinance on second reading altering prima facie speed limits along certain streets in the city; authorizing installation of appropriate signs and markings; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars ($200.00); repealing portions of Ordinance 8384; and ordering publication. (ENGINEERING SERVICES) (9064)

26. Consider an ordinance on second reading amending Title III, “Departments”, Chapter 1, “Water Department” Section 9 “Optional Litter Abatement and Beautification Fee,” of the City Code of Midland, Texas, so as to make said Litter Abatement and Beautification Fee mandatory and to increase the fee from fifty cents ($0.50) to one dollar ($1.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9065)

27. Consider an ordinance on second reading of the City of Midland amending Title VIII, “Food Establishments, Health and General Sanitation,” Chapter 6, 'Garbage, Trash and Rubbish,” Section 9, “Collection from Commercial Customers,” Subsection (A) of the Midland City Code so as to increase the rates charged to commercial customers for the collection and disposal of garbage, trash and rubbish; containing a cumulative clause; containing a savings and severability clause; establishing an effective date of October 1, 2012; and ordering publication. (SOLID WASTE) (9066)

28. Consider an ordinance on second reading amending Title VIII, “Food Establishments, Health and General Sanitation,” Chapter 6, “Garbage, Trash and Rubbish,” Section 12 “Removal of Garbage, Trash or Waste Other Than by the City,” of the City Code of Midland, Texas, so as to clarify rules related to garbage hauler’s permits; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9067)

29. Consider an ordinance on second reading amending Title VIII, “Food Establishments, Health and General Sanitation,” Chapter 6, “Garbage, Trash and Rubbish,” Section 23 “Placement of Refuse Containers on Apartment and Other Commercial Establishment Premises,” of the City Code of Midland, Texas, so as to change the verbiage containing Director of Utilities to Director of Solid Waste; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9068)

30. Consider an ordinance on second reading amending Title VIII, "Food Establishments, Health and General Sanitation," Chapter 6, "Garbage, Trash and Rubbish," Section 24 "Charges for Dumping or Unloading at Sanitary Landfill Operated by the City of Midland", of the City Code of Midland, Texas, so as to increase the rates charged for dumping or unloading at the Sanitary Landfill Facility operated by the City of Midland and to incorporate a twenty-five dollar ($25.00) landfill access fee; containing an escalation clause; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9069)

31. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," Subsection (A), "Customers Inside of City Limits," Sub-Subsection 1., "Water Rates," of the City Code of Midland, Texas, so as to increase the rates charged to customers inside the City Limits for water; containing a cumulative clause; containing a savings and severability clause; and ordering publication; and the City Manager shall notify all customers outside the City limits as required by state law. (UTILITIES) (9070)

32. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department" to include Section 27 "Septage Waste Hauler Discharges and Fees", of the City Code of Midland, Texas, so as to regulate the discharge of septage materials at the City's Water Pollution Control Plant and incorporate a twenty-five dollar ($25.00) septage hauler's discharge fee; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (UTILITIES) (9071)

PUBLIC HEARINGS

33. 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 1.99-acre tract of land out of Section 3, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned LR-2, Local Retail District, to be used as a PD, Planned District for a Shopping Center (Generally located on the north side of Crump Street, approximately 300 feet west of Rankin Highway); 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) (9072)

MISCELLANOUS

34. Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company ('Operator") to drill an oil and gas well within the City limits located 1,847 feet from the east line and 467 feet from the south line, 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); 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) (2012 - 332)

35. Consider making 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:

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.