

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
October 08, 2013 - 9:30 AM
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 an update from Communications and Information Systems regarding Enterprise Resource Planning and Departmental initiatives.

AGENDA FOR CITY COUNCIL MEETING
October 08, 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 - 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. Proclamation presented to the American Breast Cancer Society regarding "Pink Day".
 - b. Presentation of retirement commendation to Janice Jackson, William Anderson and Vincent Hancock.

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 24, 2013.
6. Consider a resolution nominating W. Wesley Perry for the Midland Central Appraisal District Board of Directors; and directing the City Manager to deliver a copy of this resolution to the Midland Central Appraisal District. (FINANCE) (2013 - 348)

7. Consider a resolution authorizing the execution of a contract for the purchase and installation of two (2) center pivot irrigation systems, plus related extra parts, for use at the City's Spraberry Farm from the sole bidder, Lamesa Irrigation Company, of Lamesa, Texas, at a total cost of \$154,481.32. (PURCHASING) (2013 - 349)
8. Consider a resolution authorizing the purchase of an annual supply of liquid anhydrous ammonia for treating City of Midland drinking water from Brenntag Southwest, Incorporated, at a total cost of \$213,400.00. (PURCHASING) (2013 - 350)
9. Consider a resolution approving the purchase of one (1) water truck tandem axle cab & chassis and two (2) refuse truck tandem axle cab & chassis' from Roberts Truck Center, of Midland, Texas, for \$358,600.00; and approving the purchase of one (1) refuse cart truck tandem axle cab & chassis from Rush Truck Center of Texas, L.P., through the Houston-Galveston Area Council, for \$157,960.00; total cost for the four (4) tandem axle cab & chassis' is \$516,560.00. (PURCHASING) (2013 - 351)
10. Consider a resolution authorizing issuance of a request for proposals for a City-Wide Enterprise Resource Planning System; and this software system shall address the replacement of the City's current Financial and Community Development Systems. (PURCHASING) (2013 - 352)
11. Consider a resolution authorizing issuance of a request for qualifications for a consultant to perform a Hydraulic Model Update and Evaluation of the City of Midland's existing water system for the Utilities Department. (PURCHASING) (2013 - 353)
12. Consider a resolution authorizing issuance of a request for qualifications for an Agronomic Compliance Consultant for the Utilities Department. (PURCHASING) (2013 - 354)
13. Consider a resolution authorizing advertisement for proposals to lease land at the Midland International Airport for the purposes and with the exclusive right of exploring, drilling, and operating for, producing and owning oil and gas; and approving an oil and gas lease; and determining that it is advisable to lease said land for the purposes and with the exclusive right of exploring, drilling, and operating for, producing and owning oil and gas; said advertisement for request for proposals shall be in conformity with Vernon's Texas Codes Annotated Chapter 71 of the Natural Resources Code. (PURCHASING) (2013 - 355)

14. Consider a motion authorizing the City Manager to negotiate and execute an agreement with the appropriate entity to allow artwork, and sculptural art and exhibits at the Midland International Airport. (CITY ATTORNEY)
15. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and Midland College, as authorized by Chapters 504 and 501 of the Texas Local Government Code, as amended. (CITY ATTORNEY'S OFFICE) (2013 - 356)
16. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$55,815.00 to assist the Health and Senior Service Division with the delivery of local public health services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2013 - 357)
17. Consider a resolution authorizing the acceptance of \$100,950.00 in reimbursement funds from the Texas Department of State Health Services to assist the Health and Senior Service Division with the delivery of public health emergency preparedness services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2013 - 358)
18. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$150,358.00 to assist the Health and Senior Service Division with the delivery of immunizations; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2013 - 359)
19. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$19,789.00 to assist the Health and Senior Service Division with the delivery of Refugee Immunizations Services; authorizing the execution of acceptance documents; and appropriating funds. (COMMUNITY SERVICES) (2013 - 360)
20. Consider a resolution authorizing the Parks and Recreation Endowment Committee to extend the hours of the Kick-Off Cook-Off from 12:00 a.m. through 6:00 a.m. on Sunday, October 20, 2013 at the Scharbauer Sports Complex. (COMMUNITY SERVICES) (2013 - 361)
21. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. ("Operator") to drill an oil and gas well within the City Limits located 330 feet from the north line and 1,831 feet from the west line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of Passage Way, approximately 1,800 feet east of North Midkiff Road); 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 - 362)

22. Consider a resolution approving an amendment to the permit issued to Crownquest Operating, LLC ("Operator") to drill an oil and gas well within the City limits located 660 feet from the north line and 2,173 feet from the east line, Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and Martin County, Texas (Generally located on the east side of the State Highway 349, approximately 3 miles north of Arapahoe Road); said amendment authorizes the well location to be moved 153 feet to the east for a new well location of 660 feet from the north line and 2,020 feet from the east line, Section 36, Block 39, T-1-N, T&P RR Co. Survey, City of Midland and Martin County, Texas. (DEVELOPMENT SERVICES) (2013 - 363)
23. Consider a resolution approving the Amended Bylaws of the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ). (DOWNTOWN DEVELOPMENT) (2013 - 364)
24. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Universal Pressure Pumping, Inc. for development of Timberland Addition, City and County of Midland, Texas (Generally located along Industrial Avenue, approximately 1,000 feet west of Midland Drive); and appropriating funds in the amount of \$174,510.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 365)
25. Consider a resolution authorizing the execution of an addendum to the Public Improvement Development Agreement with Brighton Country Development, LLC for development of Cross Pointe Addition; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 366)
26. Consider a resolution authorizing the City Manager to advertise a Request for Qualifications for professional services for firms to provide engineering designs and studies on an as-needed basis; authorizing the City Manager to negotiate Professional Services Agreements for said services; and providing that said agreements shall not become effective until approved by the City Council. (ENGINEERING SERVICES) (2013 - 367)
27. Consider a resolution authorizing the renewal of the contract with TEC Excavation, Inc. for the Water, Wastewater and Fire Hydrant Taps Project for one (1) additional six (6) month term; and appropriating \$500,000 therefor. (ENGINEERING SERVICES) (2013 - 368)

28. Consider a motion on a request by Schumann Engineering Company, Inc. for the Llano Estacado Addition - Section 3, to approve items requested for deferral and to waive the associated public improvement guarantee in the amount of \$369,153.00. The subject property is located between Avalon Drive and Golden Gate Road approximately 850' south of Mockingbird Lane. (ENGINEERING SERVICES)
29. Consider a motion for Country Sky Addition, to approve a blanket deferral agreement and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
30. 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 shall automatically renew at the end of the term for one additional twenty (20) year term upon 90 days written request prior to expiration. (ENGINEERING SERVICES) (2013-371)
31. Consider a resolution authorizing renewal of an Operating Certificate for Big John's Limo Service; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2013 - 369)
32. Consider a resolution authorizing the execution of a six-month Right of Way License with Dawson Geophysical Company, for seismic testing across city-owned property in Block 38-1-S, Section 44, and Block 38-2-S, Sections 4, 5, 8, 9 and 10, Midland County, Texas, near the Water Pollution Control Plant. (UTILITIES) (2013 - 370)

SECOND READINGS

33. Consider an ordinance on second reading vacating and abandoning a 0.703-acre portion of Baca Circle, a 0.103-acre portion of Baca Street, a 0.181-acre portion of Cerrillos Avenue, a 0.57-acre portion of Cerrillos Court, a 0.123-acre portion of Conquistador Court, a 0.014-acre portion of Gallop Court, a 0.002-acre portion of Guadalupe Street, a 0.614-acre portion of Magellan Street, a 0.409-acre portion of San Francisco Avenue, a 0.079-acre portion of St. Michael Court, and a 1.301 acres of adjacent alleys, all out of Adobe Meadows, Sections 1, 3, 4 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 \$12,502.00; waiving the fee for the cost of

the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held September 24, 2013)(9182)

34. 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 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)(First reading held September 24, 2013)(9184)
35. 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 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)(First reading held on September 24, 2013)(9185)
36. Consider an ordinance on second reading 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)(First reading held on September 24, 2013)(9186)
37. 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 1-11 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 1F-2, 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)(First reading held on September 24, 2013)(9187)

38. Consider an ordinance on second reading 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)(First reading held September 24, 2013)(9188)
39. Consider an ordinance on second reading 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)(First reading held on September 24, 2013)(9189)

PUBLIC HEARINGS

40. 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 1A, Block 5, and Lots 2A-5A and 7A, Block 4, Bizzell-Kiser, Section 5, and Lot 6B, Block 4, Bizzell-Kiser, Section 6, and a 0.45-acre portion of Tract 4, Bizzell-Kiser, and Lots 10A-16A, Block 7, Bizzell-Kiser, Section 5, and a 0.145-acre portion of Tract 7, Bizzell-Kiser, and all of Block 3, Bizzell-Kiser, Sections 4 and 5, and Lots 1A, 10A-12A, Block 4, Bizzell-Kiser, Section 5, and Lots 8B and 9B, Block 4, Bizzell-Kiser, Section 6, and Lot 2A, Block 5, Bizzell-Kiser, Section 5, and Lots 1A-3A, 5A-9A, 12A-22A, Block 6, Bizzell-Kiser, Section 5, and Lots 10A and 11A, Block 6, Bizzell-Kiser, Section 4, and a 0.166-acre portion of Tract 6, Bizzell-Kiser, and Lots 1A and 2A, Block 7, Bizzell-Kiser, Section 4, and Lots 3A-9A, Block 7, Bizzell-Kiser, Section 5, and a 0.656-acre portion of Tract 7, Bizzell-Kiser, and Lots 1A-4A, Block 9, Bizzell-Kiser, Section 4, and a 0.45-acre portion of Tract 9, Bizzell-Kiser, and all

of Block 10, Bizzell-Kiser, Section 4, and Lots 1A-7A, Block 11, Bizzell-Kiser, Section 4, and Lot 8A, Block 11, Bizzell-Kiser, Section 5, and a 0.87-acre portion of Tract 11, Bizzell-Kiser, and all of Block 12, Bizzell-Kiser, Section 4, and Lots 1A-21A, Block 13, Bizzell-Kiser, Section 7, and Lots 22B and 23B, Block 13, Bizzell-Kiser, Section 8, and Lots 1A-18A, Block 14, Bizzell-Kiser, Section 4, and a 0.18-acre portion of Tract 14, Bizzell-Kiser, and Blocks 45 and 46, Belmont Addition, and all adjacent and previously vacated rights-of-way, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned MH, Manufactured Home Dwelling District, in part, and 1F-3, One-Family Dwelling District, in part, to be used as a PD, Planned District for a Housing Development (Generally located south of East Gist Avenue, between South Main Street and South Terrell 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) (9190)

41. 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 1, Block 2, Grandridge Park Addition, Section 1, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Recreation Center, to be used as a PD, Planned District for a Shopping Center (Generally located near the northwest corner of the intersection of North Loop 250 West and Holiday Hill Road); 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) (9191)
42. 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 Lot 1, Block 3, Lindsay Acres 2nd Section 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 on the corner of Rankin Highway and Stokes 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) (9192)
43. 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 40.181-acre tract of land out of Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a 1F-1,

One-Family Dwelling District (Generally located between Golden Gate Drive and Avalon Drive, approximately 130 feet north of Gladiola 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) (9193)

44. At approximately 10:42 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as 1.807-acre tract of land out of Section 5, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 675 feet west of North Midkiff Road), 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) (9194)

MISCELLANEOUS

45. Consider an ordinance granting to Oncor Electric Delivery Company LLC, its successors and assigns, an Electric Power Franchise to use the present and future streets, alleys, highways, public utility easements, public ways and public property of the City of Midland, Texas, providing for compensation therefor, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, providing for the repeal of all existing franchise ordinances to Oncor Electric Delivery Company LLC, its predecessors and assigns, and finding that the meeting at which this ordinance is passed is open to the public. (PURCHASING) (9196)
46. Consider an ordinance vacating and abandoning a 0.025-acre portion of alley right-of-way adjacent to Lots 3 and 4, Block 17, 349 Ranch Estates Addition, Section 3, City and County of Midland, Texas (Generally located on the north side of Arapahoe Road, approximately 700 feet east of North State Highway 349); adopting the appraisal by the City Manager of \$1,091.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9195)
47. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

48. 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.