

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
October 22, 2013 - 9:30 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. Discuss Federally-mandated Transportation Security Administration (TSA) check-in exit lane transition.

AGENDA FOR CITY COUNCIL MEETING

October 22, 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:](#)
 - a. [Presentation of a Proclamation for Family Promise.](#)

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 October 8, 2013.](#)
6. [Consider a resolution authorizing the execution of a Professional Service Agreement with Brinkley Sargent Architects, Incorporated, of Dallas, Texas, for professional architectural and engineering services for the new Municipal Court Building Project at a cost of \\$805,637.00. \(PURCHASING\) \(2013 - 372\)](#)
7. [Consider a resolution approving the purchase of fertilizer, in various mixes, from Helena Chemical Company of Stanton, Texas, and BWI Companies.](#)

Incorporated, dba BWI Dallas/Ft. Worth, of Carrollton, Texas, at a total cost not to exceed \$114,750.00. (PURCHASING) (2013 - 373)

8. Consider a resolution authorizing the execution of a contract for the construction of a new indoor batting cage facility and associated concrete work at the Scharbauer Sports Complex with Mid-Tex of Midland, Incorporated, at a total cost of \$718,000.00. (PURCHASING) (2013 - 374)
9. Consider a resolution authorizing the execution of a contract for the renovation of two stairwells at Grande Communications Stadium with Mid-Tex of Midland, Incorporated, at a total cost of \$97,000.00. (PURCHASING) (2013 - 375)
10. Consider a resolution authorizing the City Manager to advertise a request for qualifications for professional advertising services at the Midland International Airport; authorizing the City Manager to negotiate a Professional Advertising Services Agreement for said services; and providing that said agreement shall not become effective until approved by the City Council. (PURCHASING) (2013 - 376)
11. Consider a resolution rejecting all bids received for Bid No. 6957-14 for the Concession Stands Expansion Project at the Scharbauer Sports Complex. (PURCHASING) (2013 - 377)
12. Consider a resolution rejecting all bids received for Bid No. 6548-13 for management, operation, maintenance and enforcement services for a single-space parking meter system; and the meters were to be located in the downtown area. (PURCHASING) (2013 - 378)
13. Consider a resolution rejecting all bids received for Bid No. 6534-13 for the purchase of single-space parking meters that were to be located in the downtown area. (PURCHASING) (2013 - 379)
14. Consider a motion ratifying the submission of a Petition of Reconsideration to the Transportation Security Administration regarding the transfer of responsibilities for security checkpoint exit lane access control at Midland International Airport. (AIRPORTS)
15. Consider a resolution of the City of Midland, Texas ratifying all actions of the Mayor and confirming the Mayor's authority in the creation of the Midland Spaceport Development Corporation; and specifically authorizing the Midland Spaceport Development Corporation to act on behalf of the City of Midland to the extent authorized by Chapter 507 of the Texas Local Government Code; and authorizing the Mayor, City Attorney and the City Manager to file all appropriate documents. (CITY ATTORNEY'S OFFICE) (2013 - 389)

16. Consider a resolution approving a Second Amendment to and Restatement of Wholesale Water Delivery Agreement executed between the City of Midland, Texas and the Midland County Fresh Water Supply District No. 1; consenting to the issuance of Midland County Fresh Water Supply District No. 1 revenue notes; authorizing the Mayor, the City Attorney, and the City Manager to execute all documents in connection therewith; and other matters related thereto. (CITY ATTORNEY'S OFFICE) (2013 - 380)
17. Consider a resolution approving the extension of Texas 301 Ventures, L.L.C.'s provision of financing deadline; authorizing the City Manager to execute an agreement with Texas 301 Ventures, L.L.C. regarding the City of Midland's acceptance of Lots 7 and 8, Block 35, Original Town, City and County of Midland, Texas (Commonly known as the Building of the Southwest and located at 310 West Texas Avenue); authorizing the acceptance of said property; directing the City Manager to obtain a deed from the owner of said property; authorizing the City Manager to negotiate, execute and file all documents necessary for the acceptance of said property; authorizing payment for closing costs; and ordering recordation. (DOWNTOWN DEVELOPMENT) (2013 - 381)
18. Consider a resolution granting a temporary variance for the south ½ of Lot 9, Block 8, 349 Ranch Estates, City and County of Midland, Texas (Commonly known as 6306 Hopi Court), to allow for the keeping of a horse on said property. (DEVELOPMENT SERVICES) (2013 - 382)
19. Consider a resolution authorizing advertisement for sealed bids for the sale of real property described as Lot 8, Block 21, Midland Heights Addition, (Generally known as 1208 West New Jersey Street), City of Midland, Midland County, Texas; the minimum bid shall start at \$69,870.00, the fair market value as assessed by the Midland Central Appraisal District; authorizing the City Manager to procure an agent for services related to the sale of said property. (DEVELOPMENT SERVICES) (2013 - 383)
20. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with DR Horton-Texas, LTD. for a Traffic Impact Analysis for the State Highway 349 corridor and the Fairgrounds Road corridor; and depositing funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 384)
21. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Lamesa Road Paving Improvement Project; said project will be for approximately 1.5 miles of reconstruction of Lamesa Road between Dormard Avenue and Walnut Lane. (ENGINEERING SERVICES) (2013 - 385)

22. Consider a motion on a request by Schumann Engineering Company, Inc. for the Melody Acres – Eleventh Section, to approve items requested for deferral and to waive the associated public improvement guarantee. The subject property is located at 12 Tattenham Corner, approximately 1500' west of North Midland Drive. (ENGINEERING SERVICES)
23. Consider a resolution accepting a grant award from the Texas “J” Regional Advisory Council in the amount of \$9,563.00, for funds to be used by the Midland Fire Department for training equipment and supplies. (FIRE) (2013 - 386)
24. Consider a resolution authorizing the execution of a Professional Services Agreement Task Order with Parkhill, Smith & Cooper, Incorporated, for professional engineering services for the City's Landfill Solid Waste Support III Project, at an estimated total cost of \$391,600.00; and appropriating funds. (SOLID WASTE) (2013 - 387)

SECOND READINGS

25. Consider an ordinance on second reading vacating and abandoning a 0.3863-portion of Elm Avenue right-of-way adjacent to Lots 1-12, Block 8, and a 0.1445-acre portion of Elm Avenue right-of-way adjacent to Lots 11-13, Block 7, all out of Lynside Neighborhood Addition, City and County of Midland, Texas (Generally located on both the north and south sides of Elm Avenue between North Tyler Street and North Carver Street); adopting the appraisal by the City Manager of \$2,312.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held July 10, 2013)(9041)
26. 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 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)(First reading held October 8, 2013.)(9190)

27. 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 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)(First reading held October 8, 2013.)(9191)
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 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)(First reading held October 8, 2013.)(9192)
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 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)(First reading held October 8, 2013.)(9193)

30. Consider an ordinance on second reading 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)(First reading held October 8, 2013.)(9194)
31. Consider an ordinance on second reading 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)(First reading held October 8, 2013.)(9195)
32. Consider an ordinance on second reading 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)(First reading held October 8, 2013.)(9196)

PUBLIC HEARINGS

33. 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 2A, Block 165, Wilshire Park Addition, Section 19, 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 southeast corner of Leisure Drive and Beal Parkway); 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) (9197)

34. At approximately 10:36 a.m. hold a public hearing and consider a resolution granting a variance for Lot 2, Block 5, Suffolk Place, City and County of Midland, Texas (Generally located on the south side of Shell Avenue, approximately 100 feet west of Sparks Street), by permitting access to said property from an unpaved alley that does not conform to City of Midland standard specifications. (DEVELOPMENT SERVICES) (2013 - 388)

MISCELLANEOUS

35. Consider a resolution authorizing the issuance of a Building Permit for the Installation of a Manufactured Home on Lot 12, Block 10, East Midland Addition, City and County of Midland, Texas (Commonly known as 1311 Walnut Lane); and providing that the issuance of said permit does not undertake to adjudicate property rights; said permit was denied by the Building Official and this resolution is an appeal to the Midland City Council. (DEVELOPMENT SERVICES) (2013 - 275)
36. Consider an ordinance vacating and abandoning a 6,000 square foot north/south alley adjacent to Lots 1-12, Block 41, Belmont Addition, City and County of Midland, Texas (Generally located on the east side of Rankin Highway between West Stokes Avenue and West Wolcott Avenue); adopting the appraisal by the City Manager of \$600.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9198)
37. Consider an ordinance vacating and abandoning a 0.78-acre portion of drainage and utility easements located within Lot 1, Block 1, Horseshoe Addition, City and County of Midland, Texas (Generally located on the north side of West Interstate Highway 20, approximately 1,100 feet west of Cotton Flat Road); adopting the appraisal by the City Manager of \$9,286.97; waiving the fee for the cost of the easements; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9199)
38. Consider an ordinance vacating and abandoning a 0.64-acre portion of a dedicated 80-foot public right-of-way located within Section 35, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located at the northwest corner of Grassland Estates, Section 7); adopting the appraisal by the City Manager of \$226.00; waiving the fee for the cost of the right-of-way; retaining a public utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9200)
39. Consider an ordinance designating and approving parking spaces on a portion of the west side of Idlewilde Drive from a point 265 feet north of the north curb line of Princeton Avenue and continuing north a distance of 140 feet as reserved for the parking of motor vehicles operated by law enforcement officers; 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) (9201)

40. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

41. 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 Deliberate Economic Development Negotiations
 - a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
- b. Section 551.074 Personnel Matters
 - b.1. Deliberate the employment, evaluation, compensation and duties of the Municipal Court Presiding Judge and the Municipal Court Associate Judge.

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.