

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
November 13, 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. Receive a presentation from Airport on proposed development and the space port program.
2. Presentation of Water Conservation Program.

AGENDA FOR CITY COUNCIL MEETING
November 13, 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 Daniel Stephens, Mid-Cities Community 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 Texas Recycles 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 October 23, 2012.](#)
6. [Consider a resolution authorizing the execution of a Professional Services Agreement with Vandergriff Group Architects, P.C., of Midland, Texas, for professional architectural and engineering services to determine the current and future needs of the City Hall Facility; and appropriating \\$80,000.00. \(GENERAL SERVICES\) \(2012 - 364\)](#)
7. [Consider a resolution authorizing the renewal of a Marketing Agreement with Utility Service Partners Private Label, Incorporated, dba Service Line Warranties of America, allowing the offer of utility service line warranties to Midland residents. \(GENERAL SERVICES\) \(2012 - 365\)](#)

8. Consider a resolution awarding the Sparks Park Target Area Development Paving Improvements Project to Reece Albert, Incorporated, of Midland, Texas, at a total cost of \$402,482.25; and appropriating funds. (GENERAL SERVICES) (2012 - 366)
9. Consider a resolution approving the purchase of a fire truck pumper through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$574,988.00; and this item was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2012 - 367)
10. Consider a resolution approving the purchase of an 836H Landfill Compactor DCA1 through the Buyboard at a total cost of \$899,802.83; and this item was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2012 - 368)
11. Consider a resolution approving an agreement with Justice Benefits, Incorporated, of Dallas, Texas, to provide federal reimbursement opportunities and consultant services for the Health and Senior Services Division of the Community Services Department; said firm to receive eighteen percent of funds recovered. (GENERAL SERVICES) (2012 - 369)
12. Consider a resolution approving plans and specifications and authorizing advertisement for competitive bids for expansion of the maintenance building, construction of an indoor batting cage, and construction of a storage area at the Scharbauer Sports Complex. (GENERAL SERVICES) (2012 - 370)
13. Consider a resolution authorizing the execution of an Airport Fueling Agreement with W-T Hangar LLC in order to store and dispense all forms of aviation propellants and fuels from fixed dispensers only to W-T Hangar LLC's aircraft at the Midland International Airport, Midland County, Texas; and authorizing the City Manager to negotiate insurance terms as they relate to said agreement and to modify the agreement accordingly prior to execution of the agreement. (AIRPORTS) (2012 - 371)
14. Consider a resolution authorizing the execution of an Amendment to the Land Lease Agreement with W-T Hangar, LLC for hangar development located on a 0.48 acre tract of land located in Lot 4B, Block 11, Midland International Airport Industrial Park Addition, Section 6, an addition to the City of Midland, Midland County, Texas; said amendment to include leasing an additional .34 acre apron tract in the new hangar development area for the purpose of installing a fueling facility. (AIRPORTS) (2012 - 372)
15. Consider a resolution authorizing the execution of Amendment Number Three to the Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, for improvements contained in the Airport Capital Improvement Program; said amendment to include the following projects: Terminal Vehicle Parking Expansion, Taxiway P Aircraft Run-Up, and Wildlife Hazard Management Plan; and appropriating \$180,552.00. (AIRPORTS) (2012 - 373)

16. Consider a resolution authorizing the execution of an Independent Professional Consultant Contract with Frances Stapp to provide curator management and other services to the Heritage District. (COMMUNITY SERVICES) (2012 - 374)
17. Consider a resolution authorizing the Friends of Midland Soccer to raise funds on behalf of the City of Midland for the development of additional soccer fields, lights, concessions, playgrounds, and parking at Beal Park; upon completion of the soccer complex the City of Midland would be responsible for the operation and maintenance. (COMMUNITY SERVICES) (2012 - 375)
18. Consider a resolution granting a variance for Lot 6B, Block 2, Gateway Plaza, Section 6, City and County of Midland, Texas (Commonly known as 5511 Starboard Drive), by permitting construction of commercial buildings where no portion of any building is closer than one hundred ninety-six (196) feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2012 - 376)
19. Consider a resolution authorizing an amendment to Resolution 2011-072 which authorized the appropriation of funds for the HOME Investment Partnership Program Reservation System Participant Program for reconstruction projects. (DEVELOPMENT SERVICES) (2012 - 377)
20. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Midland Rentals, LLC for development of Floyd Acres Addition, City and County of Midland, Texas (Generally located along Beal Parkway, south of Anetta Drive and west of Beal Park); and appropriating funds in the amount of \$324,116.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2012 - 378)
21. Consider a motion on a request by West Company of Midland, Inc. for Mesquite Terrace Apartments, to approve items requested for deferral in the amount of \$28,750.00, and to waive the associated public improvement guarantee. (ENGINEERING SERVICES)
22. Consider a resolution authorizing the execution of a reimbursement agreement with Union Pacific Railroad Company ("Union Pacific") for the relocation of certain City of Midland facilities under Industrial Avenue; and authorizing payment to John Plott Company, Incorporated as the contractor who has performed the work. (ENGINEERING SERVICES) (2012 - 379)
23. Consider a motion on a request by Landgraf, Crutcher & Associates, Inc. (LCA), for David Heiser Addition, to approve items requested for deferral in the amount of \$65,650, and to waive the associated public improvement guarantee. (District #2 - Hailey) (ENGINEERING SERVICES)
24. Consider a resolution appropriating \$124,750.00 from the General Fund for the Outdoor Weather Service Notification System; this outdoor notification system

project was initiated in last year's fiscal budget and those funds were deposited in the General Fund at the close of budget. (FIRE) (2012 - 380)

25. Consider a resolution appointing individuals to serve as volunteers to enforce automobile parking restrictions as authorized by Chapter 681 of the Texas Transportation Code. (POLICE) (2012 - 381)
26. Consider a resolution accepting a grant award in the amount of \$1,780.00 from the Texas Alcoholic Beverage Commission to be used by the Midland Police Department to enforce underage drinking laws; authorizing the execution of acceptance documents; and allocating grant funds; no cash match is required. (POLICE) (2012 - 382)
27. Consider a resolution authorizing the implementation of flow-based sewer rates, based on December 2012, January 2013, and February 2013 water usage; and becoming effective October 1, 2013; and authorizing the City Manager to conduct the appropriate studies and submit to the City Council the necessary ordinances therefore. (UTILITIES) (2012 - 383)
28. Consider a resolution approving additional funding for the Interlocal Agreement between the City of Midland, the City of San Angelo and the City of Abilene as approved on April 8, 2011 regarding long-term water supplies; and appropriating \$500,000.00. (UTILITIES) (2012 - 384)
29. Consider a resolution authorizing the Department of Utilities to cause to be published, in the Midland Reporter Telegram, all notices required pursuant to Chapter 26 of the Texas Parks and Wildlife Code of a public hearing regarding the City's intent to execute a Temporary Right-of-Way License with Oncor Electric Delivery Company, L.L.C., across a portion of Windlands Park; and directing the Utilities Director to comply with all requirements of Chapter 26 of the Texas Parks and Wildlife Code. (UTILITIES) (2012 - 385)

MISCELLANEOUS

30. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 690 feet from the north line and 1,080 feet from the east line, Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Briarwood Avenue, approximately 600 feet west of Roadrunner Trail). (#Bus Barn2603D) (DEVELOPMENT SERVICES) (2012 - 386)
31. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 590 feet from the north line and 1,040 feet from the east line, Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Briarwood Avenue, approximately 560 feet west of Roadrunner Trail). (#Bus Barn 2611D) (DEVELOPMENT SERVICES) (2012 - 387)

32. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 640 feet from the north line and 1,040 feet from the east line, Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Briarwood Avenue, approximately 560 feet west of Roadrunner trail). (#Bus Barn 2612D) (DEVELOPMENT SERVICES) (2012 - 388)
33. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 740 feet from the north line and 1,040 feet from the east line, Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Briarwood Avenue, approximately 560 feet west of Roadrunner Trail). (#Bus Barn 2613D) (DEVELOPMENT SERVICES) (2012 - 389)
34. Consider a resolution approving the issuance of a permit to RSP Permian, L.L.C. ("Operator") to drill an oil and gas well within the City limits located 790 feet from the north line and 1,040 feet from the east line, Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Briarwood Avenue, approximately 560 feet west of Roadrunner Trail). (#Bus Barn 2614D) (DEVELOPMENT SERVICES) (2012 - 390)
35. Consider a resolution authorizing the execution of a Road Repair Agreement with RSP Permian, L.L.C. regarding its applications to drill oil and gas wells (#2603D, #2611D, #2612D, #2613D and #2614D) within the City limits in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2012 - 391)
36. Consider a resolution authorizing a right-of-way license between the City of Midland, Texas and RSP Permian, L.L.C.; said right-of-way license is for the purpose of entering the City of Midland's right-of-way for the purpose of placement, operation and maintenance of a four (4) inch poly pipeline and two (2) four (4) inch polyflow pipelines contained within a thirteen and three/eighths (13 3/8) inch steel casing pipe, in a portion of Briarwood Avenue; the pipeline is located within the City of Midland right-of-way, Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; the license term is for twenty-five (25) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional twenty-five (25) year term upon 90 days written request prior to expiration. (ENGINEERING SERVICES) (2012 - 392)
37. Consider an ordinance 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 decrease 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) (9076)

38. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 283.36-acre tract of land out of Sections 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located on the northeast corner of the intersection of West Interstate Highway 20 and South County Road 1250); and approving a public service plan. (DEVELOPMENT SERVICES) (9077)
39. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 75.90-acre tract of land out of Sections 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located on the southwest corner of the intersection of Tradewinds Boulevard and Deauville Boulevard); and approving a public service plan. (DEVELOPMENT SERVICES) (9078)
40. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 30.98-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located on the east side of State Highway 158, approximately ½ mile northwest of State Highway 191); and approving a public service plan. (DEVELOPMENT SERVICES) (9079)
41. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 193.29-acre tract of land out of Sections 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located on the south side of Interstate 20, south of South Loop 250 West); and approving a public service plan. (DEVELOPMENT SERVICES) (9080)
42. 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 2,173 feet from the south line and 1,651 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). (DEVELOPMENT SERVICES) (2012 - 393)
43. Consider a resolution authorizing the execution of a Road Repair Agreement with Rust Oil Corporation regarding its application to drill an oil and gas well within the City Limits located 2,173 feet from the south line and 1,651 feet from the east line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2012 - 394)
44. Consider a resolution approving the issuance of a permit to Bluestem Energy Holdings, LLC ("Operator") to drill an oil and gas well within the City Limits located 2,314 feet from the north line and 2,340 feet from the west line, Section

8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the east side of North Midland Drive, 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) (2012 - 395)

45. Consider a resolution authorizing acceptance of a mineral deed from the estate of Robert B. Holt; and authorizing the City Manager to execute all documents necessary to settle all claims of the City of Midland involving a 45.99-acre tract of land located in Section 15, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas, and more specifically described in Volume 2311, Page 306 of the Deed Records of Midland County, Texas. (CITY ATTORNEY'S) (2012 - 396)
46. Consider a motion making appointments to various Boards and Commissions.

SECOND READINGS

47. 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 4A, Block 3, Westridge Park Addition, Section 15, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an Amended Planned District (Generally located on the west side of Tradewinds Boulevard, approximately 630 feet south 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) (9074)
48. Consider an ordinance on second reading vacating and abandoning a 0.032-acre portion of West Ohio Street right-of-way adjacent to Lot 12, Block 26, Original Town Addition, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of West Ohio Street and North Colorado Street); adopting the appraisal by the City Manager of \$2,100.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9075)

PUBLIC HEARINGS

49. At approximately 10:29 a.m. hold a public hearing and consider a resolution of the City Council of the City of Midland, Texas, providing for the annexation of certain sparsely populated property; the owner has requested that the property be annexed; said property is adjacent to and contiguous to the present boundary limits of the City of Midland; said property being a 30.98-acre tract of land out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County Texas; the Midland City Council hereby grants the petition for annexation as authorized by Section 43.028 of the Texas Local Government Code; and authorizing and directing the City Secretary to file a certified copy of this resolution and all exhibits in the Midland County Deed Records maintained by the Midland County Clerk. (DEVELOPMENT SERVICES) (2012 - 397)

50. 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 22.46-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned MH, Manufactured Home District, in part, and LR-2, Local Retail District, in part, to be used as an MF-1, Multiple-Family Dwelling District (Generally located on the east side of Lamesa Road, approximately 1,100 feet north of Interstate 20); 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) (9081)
51. At approximately 10:33 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 7, less the west 5 feet, and Lots 8, 9 and 10, Block 20, Belmont Addition, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of Rankin Highway and West Francis 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) (9082)
52. At approximately 10:36 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1A, Block 2, Gateway Plaza, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of West Business 20 and Liberty 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 theater/amusement center 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) (9083)
53. 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 1-8, the north 8 feet of the west 75 feet of Lot 9, the east 65 feet of Lots 9-12, and Lots 13-23, Block 53, Original Town, City and County of Midland, Texas, which is presently zoned C-1, Central Area District, to be used as a PD, Planned District for a Housing Development (Generally located north of Wall Street, south of Texas Avenue, east of Main Street, and west of Baird 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) (9084)

54. At approximately 10:42 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, S.W. Estes Addition, Section 2, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a PD, Planned District for an Office Center (Generally located on the southwest corner of West Cuthbert Avenue and Whitaker 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) (9085)
55. At approximately 10:45 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor Christmas tree sales on Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of North Midland Drive, approximately 160 feet south of West Dengar Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2012 - 398)
56. At approximately 10:48 a.m. hold a public hearing regarding a proposed oil and gas permit to Linn Operating, Inc. (Operator), for a permit to drill an oil & gas well within the City Limits, (Robbie 24D) located 262 feet from the north line and 467 feet from the west line located in Section 24, Block 40, T-1-S, T&P RR Co., Survey, City and County of Midland, Texas. (Generally located on the east side of Avalon Drive, approximately 250 feet south of the extension of Mockingbird Lane.) (DEVELOPMENT SERVICES)
57. At approximately 10:51 a.m. hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a permit to drill an oil & gas well within the City Limits, (Chaps No. 2) located 2,167 feet from the north line and 600 feet from the west line, southeast quarter of the northwest quarter of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of the Passage Way, approximately 600 feet east of North Midkiff Road.) (DEVELOPMENT SERVICES)
58. At approximately 10:54 a.m. hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a permit to drill an oil & gas well within the City Limits, (Chaps No. 3) located 2,167 feet from the north line and 1950 feet from the west line, southwest quarter of the northwest quarter of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of the Passage Way, approximately 1,950 feet east of North Midkiff Road.) (DEVELOPMENT SERVICES)

59. At approximately 10:57 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 283.36-acre tract of land out of Sections 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as a BP, I-20 Business Park District; said tract is generally located on the northeast corner of the intersection of West Interstate 20 and South County Road 1250; 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) (9086)
60. At approximately 11:00 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 29.82-acre tract of land out of Sections 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas ("Tract 2A"), and being more specifically described by metes and bounds in Section One hereof, as a PD, Planned District for an Office Center; establishing the zoning classification of the area indicated as being a 21.87-acre tract of land ("Tract 2B"), and being more specifically described by metes and bounds in Section Two hereof, as a PD, Planned District for an Office Center; establishing the zoning classification of the area indicated as being a 16.13-acre tract of land ("Tract 2C"), and being more specifically described by metes and bounds in Section Three hereof, as a PD, Planned District for a Housing Development; establishing the zoning classification of the area indicated as being a 11.71-acre tract of land ("Tract 2D"), and being more specifically described by metes and bounds in Section Four hereof, as an LR-2, Local Retail District; establishing the zoning classification of the area indicated as being a 2.29-acre tract of land ("Tract 2E"), and being more specifically described by metes and bounds in Section Five hereof, as an LR-2, Local Retail District; Tracts 2B-2E are all out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; said tracts are generally located on the southwest corner of the intersection of Tradewinds Boulevard and Deauville 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) (9087)
61. At approximately 11:03 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 3.623-acre tract of land ("Tract 3A"), and being more specifically described by metes and bounds in Section One hereof, as a PD, Planned District for a Housing Development; establishing the zoning classification of the area indicated as being a 27.347-acre tract of land ("Tract 3B"), and being more specifically described by metes and bounds in Section Two hereof, as a 1F-1, One-Family Dwelling District; said tracts are all out of Section 35, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; said tracts are generally located on the east side of State Highway 158, approximately ½ mile northwest of State Highway 191; 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) (9088)

62. At approximately 11:06 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 193.29-acre tract of land out of Sections 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an FD, Future Development District; said tract is generally located on the south side of Interstate Highway 20 south of South Loop 250 West; 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) (9089)
63. At approximately 11:09 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 4, Gateway Plaza, Section 4, 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 west side of Tradewinds Boulevard, approximately 800 feet north of West Business Interstate 20); 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) (9090)
64. At approximately 11:12 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 10.215-acre tract of land which is presently zoned FD, Future Development District, to be used as a 1F-1, One-Family Dwelling District; by permitting a 1.695-acre tract of land which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a Housing Development; said tracts being located in Section 35, 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 northeast side of State Highway 158 at the west extension of Homestead Boulevard; 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) (9091)
65. At approximately 11:15 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on the west 90 feet of Lots 10-12, Block 61, and on Lot 1 and the north 30 feet of Lot 2, Block 60 ½, and a 10 foot by 80 foot vacated portion of Carrizo Street, all out of Original Town, City and County of Midland, Texas (Generally located on the south side of West Wall Street, on both sides of Carrizo Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2012 - 399)

EXECUTIVE SESSION

66. 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 551.071, Consultation with the City Attorney
 - a.1. Discuss with the City Attorney and attorney(s) with the Cotton, Bledsoe, Tighe and Dawson law firm contemplated litigation involving a 45.99-acre tract of land located in Section 15, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas and more specifically described in Volume 2311, Page 306 of the Deed Records of 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.