

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
November 26, 2013 - 9:00 A.M.  
BASEMENT CONFERENCE ROOM  
300 North Loraine  
Midland, Texas**

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Receive an update from Code Administration regarding the City's Inmate Work Program.
2. Receive an update from United Way regarding transitional housing.

## AGENDA FOR CITY COUNCIL MEETING

November 26, 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 from the Parks & Recreation Division regarding the 2013 Lighted Christmas Parade.](#)

### 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 November 12, 2013.](#)
  - b. [Special meeting of November 14, 2013.](#)
6. [Consider a resolution approving and authorizing publication of Notice of Intention to issue series 2014 Certificates of Obligation in an amount not to exceed twenty-nine million and no/100 dollars \(\\$29,000,000.00\). \(FINANCE\) \(2013 -](#)

421)

7. Consider a resolution declaring expectation to reimburse expenditures with proceeds of future debt; and the City of Midland reasonably expects to reimburse capital expenditures with proceeds of debt hereafter to be incurred by the City; and appropriating \$9,971,080.00 to the Radio System Upgrade Project (9018). (FINANCE) (2013 - 422)
8. Consider a resolution authorizing the execution of a Professional Services Agreement with Halff Associates, Incorporated, of Austin, Texas, for professional architectural and engineering services for the Hike and Bike Trail Plan and Phase I Development Project at a cost of \$400,000.00; and appropriating and allocating funds. (PURCHASING) (2013 - 423)
9. Consider a resolution approving the purchase of a Caterpillar D8TXL Waste Dozer through the Buyboard at a total cost of \$765,300.00; and this item was not bid but purchased through a Council of Governments. (PURCHASING) (2013 - 424)
10. Consider a resolution authorizing an Oil and Gas Lease Agreement with Diamondback E&P, LLC, to lease land at the Midland International Airport, within portions of Sections 4 and 9, Block 40, T-2-S, T&P RY. Co. Survey, Midland County, Texas, for the purposes and with the exclusive right of exploring, drilling, and operating for, and producing oil and gas; the Council previously authorized 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, and producing oil and gas; the leased premises consists of approximately 304 acres. (AIRPORTS) (2013 - 425)
11. Consider a resolution authorizing the execution of a contract between the Midland-Odessa Urban Transit District and McDonald Transit Associates, Incorporated; this contract is a management contract for the motorbus transportation system located in Midland County and Ector County, Texas. (CITY MANAGER'S OFFICE) (2013 - 426)
12. Consider a resolution authorizing the City of Midland to accept grant funds from the Midland County Hospital District dba Midland Memorial Hospital, a political subdivision of the State of Texas in the amount of \$66,000.00; said grant funds are to assist the Health and Senior Services Division with the delivery of diabetes screening services; authorizing the execution of acceptance documents; and appropriating funds. (COMMUNITY SERVICES) (2013 - 427)
13. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Real Property Resources, Inc. for development of Legends Park Addition, Section 8, City and County of Midland, Texas (Generally located along Avalon Drive, approximately 2,400 feet south of Deauville

Boulevard); and appropriating funds in the amount of \$124,784.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 428)

14. Consider a resolution authorizing a right-of-way license between the City of Midland, Texas and Saltwater Partners SWD, LLC; said right-of-way license is for entering the City of Midland's right-of-way for the purpose of placing, constructing, operating, repairing, maintaining, replacing and removing a pipeline not to exceed six (6) inches in diameter for the transportation of produced water and to have the right of ingress and egress at convenient points for such purpose; the pipelines are located within the City of Midland right-of-way, Section 9, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration. (ENGINEERING SERVICES) (2013 - 429)
15. Consider a resolution authorizing the acceptance of a 1.186-acre Temporary Drainage Easement located in Section 47, Block 40, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 430)
16. Consider a resolution approving plans and specifications and authorizing advertisement for competitive bids for the "Water System Improvements; Rehabilitation & Lead Abatement of the Edgewood Elevated Water Storage Tank and the Wadley Elevated Storage Tank Project"; and the plans and specifications were prepared by Parkhill, Smith and Cooper. (UTILITIES) (2013 - 431)

## **SECOND READINGS**

17. 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 4.57-acre tract of land out of Lots 1-3, and the vacated rights-of-way of Arapahoe Road and State Highway 349, Block 17, and Lots 1 and 2, Block 18, all out of 349 Ranch Estates, Section 3, City and County of Midland, Texas, which is presently zoned PD, Planned District for an Industrial District, in part, and LR-2, Local Retail District, in part, to be used as an Amended Planned District for an Industrial District (Generally located on the east side of Highway 349 on both sides of Arapahoe 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 on November 12, 2013.)(9202)

18. 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 54.487-acre tract of land out of Section 12, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Housing Development (Generally located on the east side of State Highway 349, approximately 1,200 feet north 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 November 12, 2013.)(9203)
19. Consider an ordinance on second reading changing the zoning use classification of the property described as 0.553-acre portion of Tract 1, Town & Country Annex, City and County of Midland, Texas (Generally located on the south side of Andrews Highway, approximately 730 feet northeast of West Cuthbert Avenue), 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 on November 12, 2013.)(9204)
20. 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 3.98-acre tract of land and a 36.81-acre tract of land, all out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned TH, Townhouse 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 on the west side of Holiday Hill Road, approximately 470 feet south of Briarwood 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 on November 12, 2013.)(9206)
21. 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 4 and 5, Block 10, Northwood Addition, Section 7, 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 north side of Mamies Circle, approximately 290 feet north of West Wadley 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 on November 12, 2013.)(9207)

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 Lot 3, Block 2, Westridge Park Addition, Section 3, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-2, Local Retail District (Generally located on the southwest corner of the intersection of Andrews Highway and North 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)(First reading held on November 12, 2013.)(9208)
23. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (ENGINEERING SERVICES)(First reading held on November 12, 2013.)(9209)

## **PUBLIC HEARINGS**

24. 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 40.498-acre tract of land out of Sections 37, 38 and 48, Block 40, T-1-S, T&P RR Co. Survey, a 5.954-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, and a 0.270-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned FD, Future Development District, in part, and PD, Planned District for a Housing Development, in part, to be used as an Amended Planned District for a Housing Development (Generally located on the east side of the south extension of Avalon Drive, approximately 700 feet south of Hall of Fame 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) (9210)
25. At approximately 10:33 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 0.287-acre tract of land out of Section 18, Block 39, T-1-S, T&P RR Co. Survey, and Lot 2A, Block 45, Fairmont Park Addition, Section 23, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an O-1, Office District (Generally located on the west side of North Midland Drive,

approximately 780 feet south of West Loop 250 North; 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) (9211)

26. At approximately 10:39 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 6,369 square foot portion of the west 24.25 feet of Lot 9 and all of Lots 10-12, Block 65, Original Town, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of West Wall Street and South Colorado Street), which is presently zoned C-1, Central Area 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) (9212)
27. At approximately 10:42 A.M. hold a public hearing and consider a resolution granting a variance for the east 79.14 feet of Lot 17 and the west 15.7 feet of Lot 18, Block 2, West Way, City and County of Midland, Texas (Generally located on the north side of Humble Avenue, approximately 400 feet west of Lanham Street), by permitting access to said property from an unpaved alley that does not conform to City of Midland standard specifications. (DEVELOPMENT SERVICES) (2013 - 432)

### **DEVELOPMENT SERVICES**

28. Consider a resolution approving the 2012 International Building Code, with amendments; the 2012 International Mechanical Code, with amendments; the 2012 International Plumbing Code, with amendments; the 2012 International Fuel Gas Code, with amendments; the 2012 International Residential Code, with amendments; and providing that all codes shall be put on file in the office of the City Secretary for a minimum of thirty (30) days before any action is taken by the City Council. (DEVELOPMENT SERVICES) (2013 - 433)
29. Consider a resolution authorizing the issuance of a Temporary Sign Permit to Fotovybes Inc. ("Applicant") for the placement of a temporary sign on property within the City of Midland; said permit was denied by the Building Official and this resolution is an appeal to the Midland City Council. (DEVELOPMENT SERVICES) (2013 - 434)

### **MISCELLANEOUS**

30. Continue consideration of an ordinance changing the zoning use classification of a 15.00-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 north side of East Interstate Highway 20, approximately 1,300 feet west of South Fairgrounds Road), which is presently zoned BP, I-20 Business Park District, by permitting said property to be used under a Specific Use Permit without Term for a recreational vehicle (RV) park; 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) (Deferred from November 12, 2013.) (9205)

31. Consider an ordinance vacating and abandoning a 0.05-acre portion of South Calhoun Street and East Washington Avenue rights-of-way adjacent to Lot 12, Block 22, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of South Calhoun Street and East Washington Avenue); adopting the appraisal by the City Manager of \$3,962.50; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9213)
32. Consider a motion on a request for the annexation of Lot 3, Block 5, Pecan Acres Addition, Section 5, and of Lots 4A and 4B Block 5, Pecan Acres Addition, Section 7, Midland County, Texas. (Generally located on the north side of Trenton Drive, approximately 550 feet east of Trobaugh Boulevard.) (DEVELOPMENT SERVICES)
33. Consider a resolution authorizing the execution of a contract for the implementation of a P25 800 MHZ Simulcast Trunked Land Mobile Radio System with Dailey & Wells Communications, Incorporated, of San Antonio, Texas, at a total cost of \$9,149,719.00; and the contract is for a City-wide public safety and public works radio system and related systems. (PURCHASING) (2013 - 435)
34. Consider a resolution approving an agreement with RCC Consultants, Incorporated, to provide consulting services to conduct Phase 3 of the Radio Replacement Project at a cost of \$248,905.50; and the consultants will implement, and test a new P25 800 MHZ Simulcast Trunked Land Mobile Radio System. (PURCHASING) (2013 - 436)
35. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," of the City Code of Midland, Texas, so as to change the rates charged for water and sewer services; 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) (9214)
36. Consider a motion making appointments to various boards and commissions.

## EXECUTIVE SESSION

37. 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.