

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
November 27, 2012 - 9:00 a.m.
Basement Conference Room - City Hall
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 Rhotenberry Wellen Architects on Midland Center renovations.
2. Receive information regarding EZ Rider bus stop advertising signage.

AGENDA FOR CITY COUNCIL MEETING

November 27, 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 - Monsignor Larry Droll, St. Ann's Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

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

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 13, 2012.
6. Receive information and possibly discuss Fourth Quarter Fiscal Year 2012 Investment Report. (FINANCE)
7. Consider a resolution approving the City of Midland's Fiscal Year 2013 Investment Policy. (FINANCE) (2012 - 400)
8. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for water, sewer, and garbage collection services. (FINANCE) (2012 - 401)

9. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for miscellaneous accounts receivable and insufficient funds checks. (FINANCE) (2012 - 402)
10. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for Emergency Medical Services Receivables. (FINANCE) (2012 - 403)
11. Consider a resolution approving an agreement with RCC Consultants, Incorporated, to provide consulting services to conduct Phase 2 of the Radio Replacement Project at a cost of \$85,262.25; and appropriating funds. (GENERAL SERVICES) (2012 - 404)
12. Consider a resolution authorizing the purchase of ammunition of assorted types and in assorted quantities for the Midland Police Department from the respective low bidders, GT Distributors, Incorporated, and Black Hills Ammunition, Incorporated, at an estimated total cost of \$84,551.20; and rejecting some of the bids. (GENERAL SERVICES) (2012 - 405)
13. Consider a resolution awarding a contract for the cleaning and painting of all steel structures at the Scharbauer Sports Complex to Opt Co, Incorporated, at a total cost of \$532,653.00; and appropriating funds. (GENERAL SERVICES) (2012 - 406)
14. Consider a resolution authorizing the execution of an amendment to the lease agreement with the Hispanic Cultural Center of Midland regarding a City owned building located in Hogan Park. (CITY ATTORNEY'S OFFICE) (2012 - 407)
15. Consider a resolution authorizing the City of Midland Community Services Department to apply for a grant from the Texas Department of Transportation in order to construct a Hike and Bike Trails System; said grant is a matching funds grant in which the Texas Department of Transportation Enhancement Grant Program would fund 80% (\$1,769,519.00) of the total amount and the City of Midland would fund 20% (\$442,380.00) of the total amount in addition to design fees in the amount of \$153,875.00, the City's total fiscal impact would be \$596,255.00. (COMMUNITY SERVICES) (2012 - 408)
16. Consider a resolution accepting Midland Development Corporation funds in an amount not to exceed \$250,000 in order for the City of Midland to conduct drainage studies of both Midland Draw and Jal Draw; appropriating said funds; and providing that said expenditure is an administrative expense as authorized by Chapter 501 of the Texas Local Government Code. (ENGINEERING SERVICES) (2012 - 409)

17. Consider a motion on a request by West Company of Midland, Inc. for Timber Wolf Estates, to approve items requested for deferral, and to waive the Associated Public Improvement Guarantee. There are no costs associated with this item. (ENGINEERING SERVICES)
18. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Municipal Solid Waste Landfill Cell 7 Excavation and Liner Construction Project. (SOLID WASTE) (2012 - 410)
19. Consider a resolution authorizing the City Manager to advertise a Request for Qualifications from firms to conduct Professional Indepth Operational Review Services for the City of Midland Solid Waste Department; and authorizing the City Manager to negotiate an agreement for said professional services with the most qualified provider; and providing that no such agreement shall become effective until approved by the City Council. (SOLID WASTE) (2012 - 411)
20. Consider a resolution authorizing the execution of change order number two with Red River Construction Company, Incorporated, adding \$325,553.00 for additional work to the existing contract for the Headworks Improvements - Replacement of Influent Screens Project; and appropriating \$325,553.00; the original contract was for \$5,357,080.00; this change order brings the total contract price to \$6,185,735.00. (UTILITIES) (2012 - 412)
21. Consider a resolution authorizing the Mayor to negotiate and execute an Interlocal Agreement with the Midland County Fresh Water Supply District #1 for the drilling of a well into the Capitan Reef Complex Aquifer to promote the City's future water supply; and appropriating funds. (UTILITIES) (2012 - 413)

SECOND READINGS

22. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," Subsection (A), "Customers inside of City Limits," Sub-Subsection 1., "Water Rates," of the City Code of Midland, Texas, so as to 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)
23. Consider an ordinance on second reading 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 20 and South County Road 1250); and approving a public service plan. (DEVELOPMENT SERVICES) (9077)

24. Consider an ordinance on second reading 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)
25. Consider an ordinance on second reading 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)
26. Consider an ordinance on second reading 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)
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 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)
28. Consider an ordinance on second reading 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)

29. Consider an ordinance on second reading 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)
30. 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 1-8, 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)
31. 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, 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)
32. Consider an ordinance on second reading 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)

33. Consider an ordinance on second reading 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)
34. Consider an ordinance on second reading 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)
35. Consider an ordinance on second reading 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 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)

36. 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 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)
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 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)

PUBLIC HEARINGS

38. At approximately 10:30 a.m. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans E 1) located 2,073 feet from the north line and 1,009 feet from the west line located in Section 8, Block X, H. P. Hilliard Survey, City and County of Midland, Texas. Generally located on the east side of the North Midland Drive, approximately 3/4 mile north of Mockingbird Lane. (DEVELOPMENT SERVICES)
39. At approximately 10:33 a.m. hold a public hearing regarding a proposed oil and gas permit to Callon Petroleum Operating Company (Operator), for a Permit to

Drill an Oil & Gas Well within the City Limits, (Pecan Acres 23 #11) located 947 feet from the west line and 660 feet from the south line located in Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. Generally located on the north side of Briarwood Avenue, approximately one half mile west of Golden Gate Drive. (DEVELOPMENT SERVICES)

40. At approximately 10:36 a.m. hold a public hearing and consider an ordinance vacating and abandoning a 45-foot by 215-foot portion of right-of-way located adjacent to Lots 1 and 2, Block 18, 349 Ranch Estates Addition, Section 3, City and County of Midland, Texas (Generally located on the southeast corner of State Highway 349 and Arapahoe Road); adopting the appraisal by the City Manager of \$9,675.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9092)

MISCELLANEOUS

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

EXECUTIVE SESSION

42. 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 law firm of Cotton, Bledsoe, Tighe, and Dawson, litigation styled in Re: Heritage Consolidated, LLC, Case No. 10-36484-hdh, Chapter 11, Jointly Administered, in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.

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.