

CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
December 18, 2012 - 9:30 AM
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. Discussion of possible dates for the 2013 Council Retreat.

AGENDA FOR CITY COUNCIL MEETING
December 18, 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 – Father Bernard Getigan, St. Michael the Archangel Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Receive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
 - b. Recognize the 2012 Certified Public Manager Graduates: Regina Stephenson and Charlene Fox.

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 27, 2012.
6. Consider a resolution approving the Midland Development Corporation's appropriation of \$590,244 from the Fiscal Year 2011-2012 budget to be used for promotional purposes, as authorized by Chapter 504 of the Texas Local Government Code. (FINANCE) (2012 - 414)

7. Consider a resolution awarding a two-year contract for Hosted Mass Notification and Communication Services to Everbridge, Incorporated, at a total cost of \$60,360.00; and these services may include reverse 911 service; and contacts with citizens may be made via landline, cellular phone, text messages or email. (GENERAL SERVICES) (2012 - 415)
8. Consider a resolution awarding a contract for water, wastewater and fire hydrant taps to Entrench, Incorporated, at a total cost of \$517,682.50; and appropriating funds. (GENERAL SERVICES) (2012 - 416)
9. Consider a resolution approving the purchase of uniforms for the City of Midland Fire Department through the buyboard at a total cost of \$96,068.72; and this item was not bid but purchased through a Council of Governments. (GENERAL SERVICES) (2012 - 417)
10. Consider a resolution awarding an annual contract for Water Well Maintenance for the City's water supply to Straub Corporation, at a cost not to exceed \$60,000.00 per year; and said contract is for a term of two (2) years, renewable for up to an additional three (3) years at the City's option; and Straub Corporation was the sole bidder. (GENERAL SERVICES) (2012 - 418)
11. Consider a resolution authorizing the purchase of four complete side-wheel roll irrigation systems and spare parts for use at the Spraberry Farm Facilities from Mesa Irrigation Company of Lamesa, Texas, at a total cost of \$61,150.00. (GENERAL SERVICES) (2012 - 419)
12. Consider a resolution authorizing the execution of a Professional Services Agreement with Connolly Architects, Incorporated, for professional architectural design services for the City of Midland Animal Shelter; and appropriating \$49,500.00 for said professional services. (GENERAL SERVICES) (2012 - 442)
13. Consider a resolution authorizing the execution of a Letter of Agreement between the City of Midland and the Federal Aviation Administration Air Traffic Control Tower regarding Airport Movement Areas and Vehicle Control on Airfield Surfaces at Midland International Airport. (AIRPORTS) (2012 - 421)
14. Consider a resolution of the City of Midland, Texas requesting that the Texas State Legislature and the Governor of Texas take action to approve House Bill No. 63 which was introduced by the Honorable Tom Craddick in the Regular Session of the 83rd Session of the Texas Legislature. (CITY ATTORNEY'S OFFICE) (2012 - 422)
15. Consider a resolution approving an amendment to the Promotional Agreement between the Midland Development Corporation and Permian Basin Public Telecommunications, Inc. to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises. (CITY MANAGER'S OFFICE) (2012 - 423)

16. Consider a resolution appropriating funds from the General Liability Self-Insurance Fund to the Atmos Rate Review Mechanism Project (8923) in the amount of \$198,032.00; said funds represent reimbursement from Atmos for consulting/legal fees associated with the Steering Committee's analysis of their Rate Review Mechanism costs; there is no impact to the General Fund. (CITY MANAGER'S OFFICE) (2012 - 424)
17. Consider a resolution authorizing the City of Midland to access the Home Investment Partnerships Program Funds from the Texas Department of Housing and Community Affairs through the Reservation System Participant Program; said funds will be used for Home Owner Rehabilitation and Home Buyer Assistance Programs; designating several City sources as matching funds not to exceed \$3,000.00; designating City cash reserves for funding projects pending reimbursement from the State; and appropriating funds from the Home Investment Partnerships Reservation System Participant Program. (DEVELOPMENT SERVICES) (2012 - 425)
18. Receive and file the Consolidated Annual Performance and Evaluation Report for 2011/2012. (DEVELOPMENT SERVICES)
19. Consider a motion on a request from First Baptist of Midland to approve the use and operation of golf carts on portions of Baird Street, Main Street and Texas Avenue, City owned streets within the downtown area of the City of Midland on December 9th, 16th, 23rd, 24th, and 30th, 2012 for church services within the Midland Center. (ENGINEERING SERVICES)
20. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for improvements to Briarwood Avenue, as authorized by Chapter 501 of the Texas Local Government Code; and appropriating funds therefor. (ENGINEERING SERVICES) (2012 - 426)
21. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Brighton County Development, LLC for development of Cross Pointe Addition, City and County of Midland, Texas (Generally located along the Briarwood Avenue Corridor, between Holiday Hill Road and Avalon Drive); and appropriating funds in the amount of \$2,974,959.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2012 - 427)
22. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Douglas Avenue and "D" Street Water and Sewer Improvements Project; said project will be for the installation of new water and sewer mains along Douglas Avenue and "D" Street. (ENGINEERING SERVICES) (2012 - 428)
23. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Compass Project (City of Midland paving, alleys, streets and sidewalks); said project will establish a unit price for installation of

necessary components to construct streets, alleys and sidewalks. (ENGINEERING SERVICES) (2012 - 429)

24. Consider a resolution appropriating \$58,824 from the 2001 GPCO Drainage Improvements Bond Fund (165) Unappropriated Fund Balance (5650) to the Jal Draw Channel Lining Project (8880) for additional improvements to Jal Draw. (ENGINEERING SERVICES) (2012 - 430)
25. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Lamesa Road Signal Replacement Project; said project will be for the replacement of signals at the intersections of Cuthbert Avenue and Lamesa Road and Golf Course Road and Lamesa Road. (ENGINEERING SERVICES) (2012 - 431)
26. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Lamesa Road Pedestrian Access Improvement Project; said project will be for the construction of sidewalks, ramps and crosswalks along both sides of Lamesa Road. (ENGINEERING SERVICES) (2012 - 432)
27. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and Kenneth Huseman Family Limited Partnership, as authorized by Chapter 501 of the Texas Local Government Code; and authorizing payment therefor. (ENGINEERING SERVICES) (2012 - 433)
28. Consider a resolution authorizing the Mayor to negotiate and execute an Interlocal Agreement with the Midland County Fresh Water Supply District #1 for the design of a well to be drilled into the Capitan Reef Complex Aquifer to promote the City's future water supply; and appropriating funds. (UTILITIES) (2012 - 435)
29. Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Spraberry CGC, Incorporated, for operation of the Spraberry Effluent Farm; and directing the Director of Utilities to take all procedural steps necessary to bid and have in place a new lease agreement for the Spraberry Effluent Farm, said agreement to take effect prior to January 1, 2014. (UTILITIES) (2012 - 436)
30. Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Kevin Cook, for operation of the Spraberry Effluent Farm; and directing the Director of Utilities to take all procedural steps necessary to bid and have in place a new lease agreement for the Spraberry Effluent Farm, said agreement to take effect prior to January 1, 2014. (UTILITIES) (2012 - 437)
31. Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Schumann Cattle

Company, for operation of the Conner Effluent Farm; and directing the Director of Utilities to take all procedural steps necessary to bid and have in place a new lease agreement for the Conner Effluent Farm, said agreement to take effect prior to January 1, 2014. (UTILITIES) (2012 - 438)

32. Consider a resolution authorizing the execution of a 1-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and CK Hay & Cattle Farms, L.L.C., for Effluent Farm Operations at the City's Plant Farm; and ratifying actions taken by the parties after expiration of the current lease agreement on November 30, 2012; and directing the Director of Utilities to take all procedural steps necessary to bid and have in place a new lease agreement for the Plant Farm, said agreement to take effect prior to January 1, 2014. (UTILITIES) (2012 - 439)

SECOND READINGS

33. Consider an ordinance on second reading vacating and abandoning a 0.16-acre portion of the east/west 20-foot alley located within Block 3, "A" Street Community Center, Section 3, City and County of Midland, Texas (Generally located near the southwest corner of the intersection of West Wadley Avenue and North "A" Street); adopting the appraisal by the City Manager of \$17,400.00; and ordering recordation by the City Secretary. (Development Services) (9019)

PUBLIC HEARINGS

34. 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 Lots 14-26, Block 43, Lots 14-26, Block 44, and Lots 14-26, Block 45, Greenwood Addition, Third, Fourth, and Fifth, City and County of Midland, Texas, which is presently zoned C-3, Commercial District, to be used as a PD, Planned District for a Housing Development (Generally located on the north side of Cloverdale Road, between South Jackson Street and South Webster 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) (9093)
35. 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 5.00-acre tract of land out of Blocks 84 and 85, East Midland Addition, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned C-3, Commercial District, to be used as a PD, Planned District for a Housing Development (Generally located on the west side of Fairgrounds Road, south of Golf Course 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) (9094)

36. At approximately 10:36 a.m. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 3.911-acre tract of land out of Section 8, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, and a 7.709-acre tract of land out of Section 8, Block "X", H.P. Hilliard Survey, 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 northwest corner of the intersection of North Midkiff Road and 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) (9095)
37. At approximately 10:39 a.m. hold a public hearing and consider a resolution authorizing a Temporary Special Permit for a Manufactured Home on Lot 9, Block 2, Pavilion Park, Section 7, City and County of Midland, Texas (Generally located on the east extension of Solomon Lane on the west side of North Fairgrounds Road). (DEVELOPMENT SERVICES) (2012 - 440)

MISCELLANOUS

38. Consider a resolution approving the issuance of a permit to Linn Operating, Inc. ("operator") to drill an oil and gas well within the City limits located 262 feet from the north line and 467 feet from the west line, 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); providing that said permit does not require a new Road Repair Agreement but shall be consolidated under an existing Road Repair Agreement; and approving variances. (DEVELOPMENT SERVICES) (2012 - 441)
39. Consider a request for a motion regarding an interpretation of a note on a proposed final plat Greathouse Addition, Section 9 (Generally located on the northwest corner of the intersection of Briarwood Avenue and Mathis Street). (DEVELOPMENT SERVICES)
40. Consider a motion appealing the decision by the City Building Official to deny a proposed sign permit on Lot 1A, Block 1, Homestead Park Addition, Section 2, City and County of Midland, Texas. (Generally located on the northeast corner of Garfield Street and Louisiana Avenue.) (DEVELOPMENT SERVICES)
41. Consider a motion interpreting Chapter 11-7a Revised Outdoor Sign Regulations regarding the use of advertising on EZ Rider transportation shelters in all zoning districts. (DEVELOPMENT SERVICES)

42. Consider an ordinance designating the I-20 Wildlife Preserve as parkland; amending Title IX, "Public Ways and Property", Chapter 5, "Parks and Playgrounds", Section 18, "Hours of Use of Public Parks", establishing Subsection (C) of the City Code of Midland, Texas, so as to establish provisions concerning hours of use and rules and regulations for the I-20 Wildlife Preserve; containing a cumulative clause; containing a saving and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication. (COMMUNITY SERVICES) (9098)
43. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

44. 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 contemplated litigation and legal issues involved in litigation styled Richard Sanchez, Heather Sanchez, Todd King and Laci King v. Union Pacific Railroad, Inc., and Smith Industries, Inc., in a State District Court in Midland County, Texas.
 - a.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
 - b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the purchase, exchange, lease or value of real property described as Block 55, Original Town Addition, Midland, 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.