

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA**

Tuesday, August 23, 2011 9:00 a.m.

**City Hall 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 and discuss an update on the Blues Fest. (Council Member James)
2. Receive and discuss a report from officials with EZ-Rider regarding updates to the EZ-Rider system.
3. Receive update from staff regarding water conservation and source options. (Utilities)

AGENDA FOR CITY COUNCIL MEETING
Tuesday, August 23, 2011 – 10:00 a.m.
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.

1. Invocation – Reverend Robert Pase, Grace Lutheran Church

2. Pledge of Allegiance

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Anna James.

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

- 5a. Consider a motion approving minutes of the August 9, 2011, Regular City Council Meeting.

- 5b. Consider a motion approving minutes of the August 16, 2011, Regular City Council Meeting.

6. Consider a resolution authorizing the acceptance of \$72,000.00 in grant funds from the Texas Department of State Health Services Contract Number 2010-035036; said grant funds will be used to conduct disease surveillance monitoring of over the counter drugs by tying into a data base with local retailers and pharmacies; authorizing the execution of acceptance documents; establishing Project Number 7076; and appropriating funds; this grant is a 92% grant in the amount of \$72,000.00 with the City of Midland providing 8% of the costs in the amount of \$6,076.00. (Community Services)

7. Consider a resolution authorizing the City Manager to negotiate and execute agreements between the City of Midland and owners of real property located in certain areas adjoining the present city limits which are proposed for annexation by the City of Midland; said areas being described as a 465.07-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas, and a 220.94-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Development Services)

8. Consider a resolution of the City of Midland, Texas, denying Atmos Energy Corporation – West Texas Division's Fourth Annual Rate Review Mechanism filing; permitting the company to establish a regulatory asset for new depreciation rates which may be considered in a system-wide rate filing; requiring the company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this resolution to the company and the Steering Committee's legal counsel. (City Manager)

SECOND READINGS

9. 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 2, Block 4, "A" Street Community Center, Section 6, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as a PD, Planned District for an Office Center (Generally located on the north side of Ventura Drive, approximately 500 feet west of North "A" 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. (Planning) (First reading held August 9, 2011)

10. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 1, Block 161, Wilshire Park Addition, Section 9, City and County of Midland, Texas, which is presently zoned MF-1, Multiple-Family Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located on the southeast corner of Loop 250 and Leisure Drive); 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. (Planning) (First reading held August 9, 2011)

11. 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 465.07-acre tract of land out of Sections 37 and 48, Block 41, 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 north side of State Highway 191, west of Farm-to-Market Road 1788); and approving a public service plan. (Planning) (First reading held August 9, 2011)

12. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 465.07-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an LR-2, Local Retail District; said tract is generally located on the north side of State Highway 191, west of Farm-to-Market Road 1788; 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. (Planning) (First reading held August 9, 2011)

13. 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 220.94-acre tract of land out of Sections 37 and 48, Block 41, 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 south side of State Highway 191, west of Farm-to-Market Road 1788); and approving a public service plan. (Planning) (First reading held August 9, 2011)

14. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 220.94-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an LR-2, Local Retail District; said tract is generally located on the south side of State Highway 191, west of Farm-to-Market Road 1788; 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. (Planning) (First reading held August 9, 2011)

15. Consider an ordinance on second reading adopting a Site Plan for a 2.95-acre tract of land out of Lot 1a, Block 1, Midland Airpark, Section 2, City and County of Midland, Texas (generally located on the west side of North "A" Street, approximately 480 feet north of West Wadley Avenue); subject to the following conditions and restrictions; 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. (Planning) (First reading held August 9, 2011)

16. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 8846; 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. (Transportation) (First reading held August 9, 2011)

17. Consider an ordinance on second reading amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", Section 5, "Decision of the Court", of the City Code of Midland, Texas; and amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", Section 6, "Defense", of the City Code of Midland, Texas, so as to regulate the filing of dangerous dog complaints in the City of Midland Municipal Court and the disposition of said complaints; containing a savings and severability clause; and ordering publication. (Community Services) (First reading held August 9, 2011)

18. Consider an ordinance on second reading amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", by establishing Section 8, "Attack by Dangerous Dog", of the City Code of Midland, Texas, so as to regulate the filing of dangerous dog complaints in the City of Midland Municipal Court and the disposition of said complaints; containing a cumulative clause and expressly repealing any ordinance or part thereof in conflict with this ordinance; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and negating a mental state; and ordering publication. (Community Services) (First reading held August 9, 2011)

PUBLIC HEARINGS

19. 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 1-8, Block 2, and Lots 1-5, Block 3, Freeland Addition, Section 5, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a CE, Country Estate District (generally located at the northwest corner of Golf Course Road and Elkins Road); 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. (Planning)

20. 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 12.40-acre tract of land ("Tract 1") out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned 1F3, One-Family Dwelling District, a 2.87-acre tract of land ("Tract 2") out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned AE, Agriculture Estate District, and a 87.99-acre tract of land ("Tract 3") out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a housing development (generally located north of West Wadley Avenue, west of Crowley 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. (Planning)

21. At approximately 10:36 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a church carnival and fair on the west 674 feet of Lot 13, Block 71, West End Addition, Section 15, City and County of Midland, Texas (generally located between West Illinois Avenue and West Texas Avenue, east of North “O” Street); and making said permit subject to certain special conditions and restrictions contained herein. (Planning)

22. 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 Lot 1, Block 2, Replat of Blocks 1 and 2, Hollandale Heights, City and County of Midland, Texas, which is presently zoned O-1, Office District, to be used as an LR-1, Local Retail District (generally located on the east side of North Lamesa Road and west side of Parkway Drive, approximately 530 feet south of East Wadley Avenue); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (Planning)

23. 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 a 112.73-acre tract of land out of Sections 32 and 33, Block 40, T-1-S, T& P RR Co. Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District (Generally located on the north side of State Highway 191, west of State Highway 158); 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. (Planning)

24. At approximately 10:45 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 42.06-acre tract of land out of Section 31, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District (Generally located on the north side of State Highway 191, west of State Highway 158); 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. (Planning)

25. At approximately 10:48 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 79.14-acre tract of land out of Sections 31 and 42, Block 40, T-1-S, and Section 37, Block 41, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District (Generally located on the north side of State Highway 191, on both sides of Farm-to-Market Road 1788); 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. (Planning)

26. At approximately 10:51 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 68.17-acre tract of land out of Section 42, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District (Generally located on the south side of State Highway 191, east of Farm-to-Market Road 1788); 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. (Planning)

27. At approximately 10:54 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 336.70-acre tract of land out of Section 43, Block 40, T-1-S, Section 6, Block 40, T-2-S, Section 48, Block 41, T-1-S, and Section 1, Block 41, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as an LI, Light Industrial District (Generally located on the west side of Farm-to-Market Road 1788, approximately one mile south 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. (Planning)

DEVELOPMENT SERVICES

28. Consider a motion approving a preliminary plat for Heritage Oaks Addition, Section 2, being a 113.23-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of Crowley Boulevard north of W. Wadley Avenue.) (Planning)

29. Consider a motion requesting City Council determination if a proposal related to an approved Planned District ordinance and site plan for Kent Distributers meets the intent of the governing ordinance, which is Ordinance No. 7456. Said request involves a 200 square foot addition to the existing structure. (Planning)

MISCELLANEOUS

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

31. Recess to the conference room for lunch.

32. 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