

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
Tuesday, January 12, 2010 9:00 a.m.  
City Hall Conference Room  
300 North Loraine  
Midland, Texas**

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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 the City's Department of Development Services.

AGENDA FOR CITY COUNCIL MEETING  
Tuesday, January 12, 2010 – 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.

★ These items are related to achieving City Council's Policy Agenda for 2010:

Infrastructure  
Housing  
Economic Development  
Funding

1. Invocation – Reverend Darrell Dunton, First Baptist Church of Midland
  
2. Pledge of Allegiance

**MISCELLANEOUS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation to the City of Midland by the Retired Senior Volunteer Program.
  
  - b. Presentation to the Midland Police Department for earning their 11<sup>th</sup> National Award in the past twelve years for National Night Out.
  
  - c. Presentation of a Proclamation for Doreen Richardson 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 minutes of the December 8, 2009, Regular City Council Meeting.
6. Consider a resolution casting the City of Midland's votes for directors of the Midland Central Appraisal District and directing the City Manager to file the appropriate documents.
7. Consider a resolution authorizing the execution of a purchase agreement for an annual supply of ready-mix concrete and stabilized caliche from Troy Vines, Incorporated, of Midland, Texas, at a total cost of \$54,010.00.
- ★ 8. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the replacement of lighting in twenty-nine City buildings, and the replacement of heating, ventilation & air conditioning units in twelve (12) City buildings, said work to be paid for with grant funds from the United States Department of Energy.

***[Related to Council Priority: Funding]***

- ★ 9. Consider a resolution approving a contract with Key Enterprises, Incorporated, of Odessa, Texas, for the 2010 Tradewinds Boulevard Waterline Project at a total cost of \$239,017.70.

***[Related to Council Priority: Infrastructure]***

10. Consider a resolution authorizing the execution of an agreement for the purchase of fertilizer of assorted types and in assorted volumes for operations at the Spraberry Farm, from Helena Chemical of Stanton, Texas, at an estimated total cost of \$150,000.00.
  
11. Consider a resolution approving the purchase of two hundred (200) three cubic yard refuse container bottoms and one hundred (100) three-and-one-half cubic yard refuse containers with lids from Fuqua Industries, Incorporated, of Rio Vista, Texas; and fifty (50) four cubic yard refuse containers with lids and three hundred and fifty (350) three cubic yard refuse containers with lids from Roll-Offs USA, Incorporated, of Durant, Oklahoma, at a total cost of \$196,950.00.
  
12. Consider a resolution adopting a Voluntary Separation Incentive Program for City of Midland employees with at least five (5) years of service as of January 1, 2010; providing that notice of said program shall be given to all eligible employees; authorizing the execution of separation agreements; and providing that participation shall be limited to a maximum of twenty (20) employees.
  
13. Consider a motion authorizing the execution of a public improvement development agreement with Midland County Hospital District, for Midland Memorial Hospital Section 2 (located at Andrews Highway and Illinois); said agreement being authorized by Section 395.081 of the Texas Local Government Code.
  
14. Consider a resolution authorizing the execution of a public improvement development agreement with Johnny C. Reyes for development of Green Acres Addition, City and County of Midland, Texas (Generally located Business Interstate 20 between Chukar Lane and Todd Drive); and authorizing payment in the amount of \$4,600 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

15. Consider a motion on a request by West Company of Midland, Inc. for Fender Addition, Section 2, to approve a deferral of street paving, water and sewer and to waive the associated public improvement guarantee. This subdivision is located at the northeast corner of Gist Ave. and East Industrial Loop in our Extra-Territorial Jurisdiction.

- ★16. Consider a resolution authorizing the City Manager to execute a professional services agreement with Realtex Appraisal Company, for appraisal services associated with the purchase of real property with Community Development Block Grant funds for use as affordable residential housing; said property to be appraised is in the Glenn Frances and Glenmore Heights Addition, City of Midland, Midland County, Texas.

***[Related to Council Priority: Housing]***

- ★17. Consider a resolution authorizing the City Manager to execute a professional services agreement with Barlow Appraisal Associates, for appraisal review services associated with the purchase of real property with Community Development Block Grant Funds for use as affordable residential housing; said property to be appraised is in the Glenn Frances and Glenmore Heights Addition, City of Midland, Midland County, Texas.

***[Related to Council Priority: Housing]***

- ★18. Consider a resolution authorizing the execution of a workforce housing incentive agreement with R.W. Owens Corporation; the Workforce Housing Incentive Program is established to encourage the development of single family housing sold through Midland Neighborhood Housing Services to Community Development Block Grant eligible buyers; said agreement being authorized by Section 380.001 of the Texas Local Government Code to promote state or local economic development and stimulate business and commercial activity in the City of Midland.

***[Related to Council Priority: Housing]***

19. Consider a resolution authorizing advertisement for sealed bids for the sale of real property described as Lot 8, Block 21, Midland Heights Addition, (Generally known as 1208 West New Jersey Street), City of Midland, Midland County, Texas;

the minimum bid shall start at \$79,270.00, the fair market value as assessed by the Midland Central Appraisal District.

- ★ 20. Consider a resolution accepting additional grant funds from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$17,718.00; said funds were recently awarded to the Midland Police Department for the purpose of enhancing and coordinating drug control efforts among federal, state, and local law enforcement agencies to better combat drug trafficking; \$11,718.00 will be directed to the '07 High Intensity Drug Trafficking Areas Project 8869 and \$6,000.00 to the High Intensity Drug Trafficking Areas Project 7010; and appropriating funds.

***[Related to Council Priority: Funding]***

- ★ 21. Consider a resolution accepting a donation of \$5,000.00 from the Yarborough Foundation; the donated funds will be deposited in the Invest-In-A-Vest Project to purchase bulletproof vests for the Midland Police Department.

***[Related to Council Priority: Funding]***

- 22. Consider a resolution authorizing a Seventh Amendment to the existing professional services agreement with Camp Dresser & McKee, Incorporated; and appropriating \$1,068,658.00 therefor; the original agreement was for \$980,019.00; this sixth amendment will bring the total agreement price to \$6,814,476.00.

- ★ 23. Consider a resolution authorizing the execution of a professional services agreement with Arcadis U.S., Incorporated, for performance of a groundwater assessment at Spraberry Farm in response to inquiries from the Texas Commission on Environmental Quality regarding the City's effluent farming operations; and appropriating \$175,800.00 for said professional services.

***[Related to Council Priority: Infrastructure]***

- 24. Consider a resolution authorizing the execution of a right of way license with Atlas Pipeline Mid-Continent Westex, L.L.C., for the installation, operation and maintenance of an oil and gas pipeline to be constructed across City property

within Spraberry Farm, in Section 14, Block 37, T-3-S, T&P RR. Co. Survey, Midland County, Texas.

25. Consider a resolution authorizing the office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled Jud Walton v. City of Midland; 238<sup>th</sup> Judicial District Court, Midland County, Texas; Cause No. CV47184; and authorizing the payment of all costs.
26. Consider a resolution establishing fees in association with Title VI, "Police Regulations", Chapter 1, "General Offenses", Section 23, "Oil and Gas Well Permits issued on or after January 1, 2010"; said resolution shall establish fees for an oil and gas permit application; and establish a fee for a request for inspection and extension of a previously issued oil and gas well permit; and establish a fee for an amendment to an oil and gas well permit; and establishing a fee for an application to transfer an oil and gas well permit and a takings determination; and establishing an appeal procedure.

### **SECOND READINGS**

27. Consider an ordinance on a second reading changing the zoning use classification of Lots 1-3 and the east 7 feet of Lot 4, Block 106, Resurvey Block 106, West End Addition, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Indiana Avenue and South "I" Street), which is presently zoned 1F-1, One-Family Dwelling District, by permitting said property to be used under a specific use permit without term for an accessory building to be used for living or sleeping quarters; 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.
28. Consider an ordinance on a second reading adopting a site plan for Lot 9, Block 28, Wydewood Estates, Section 21, City and County of Midland, Texas (Generally located on the east side of Sunmore Circle, approximately 270 feet east of Sunburst Drive); 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.

29. Consider an ordinance on a second reading vacating and abandoning a 443 square foot portion of a 25-foot drainage easement out of the SW/4 of Lot 4, Block 34, Crestgate Addition, Section 32, City and County of Midland, Texas (Generally located between Eagle Cove and Cardinal Lane, approximately 265 feet west of North Midkiff Road); adopting the appraisal by the City Manager of \$203.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary.
  
30. Consider an ordinance on a second reading amending Title VI, "Police Regulations", Chapter 1, "General Offenses", of the City Code of Midland, Texas, by establishing Section 24, "Use of Engine Brake Prohibited", so as to prohibit the use of such brakes within the City limits; 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.
  
31. Consider an ordinance on a 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. 8755; 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.
  
32. Consider an ordinance on a second reading amending Title VII, "Fire Regulations", Chapter 3, "Fireworks", Section 3, "Nuisance Declared", of the Municipal Code City of Midland, Texas, so as to delete the language referring to fireworks stands as they relate to annexation; containing a cumulative clause; containing a savings and severability clause; providing for a maximum fine or penalty of two thousand dollars (\$2,000.00); and ordering publication.

**PUBLIC HEARINGS**

33. At approximately 11:03 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 1, Block 5, Pecan Acres, Section 4, City and County of Midland, Texas (Generally located on the north side of Trenton Drive, approximately 170 feet east of Trobaugh Road), which is presently zoned AE, Agriculture Estate District, by permitting said property to be used under a specific use permit without term for an accessory building to be used for living or sleeping quarters; 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**

34. Consider an ordinance amending the Fire District so as to delete therefrom Lot 6A, Block 25, Crestgate Addition, Section 35, City and County of Midland, Texas (Generally described as 3317 Caldera Boulevard); directing the Building Official to amend the Fire District Map; containing a cumulative clause; and containing a savings and severability clause.
35. Consider an ordinance vacating and abandoning a 0.55-acre portion of the north/south 80-foot general utility and drainage easement adjacent to the west half of Block 29 and the east half of Block 30, Original Town, City and County of Midland, Texas (Generally located along the former Pecos Street right-of-way between Ohio Street and Illinois Avenue); adopting the appraisal by the City Manager of \$48,000.00; and ordering recordation by the City Secretary.

**MISCELLANEOUS**

- ★ 36. Presentation of Draft Citizen Participation Plan for Community Development and Housing Funds.

***[Related to Council Priority: Housing]***

37. Consider a motion appointing a Mayor Pro Tempore.

38. Consider a motion making appointments to various Boards and Commissions.
  
39. Recess to the conference room for lunch.
  
40. 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