

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, April 27, 2010, 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 update on MOTRAN and Texas Department of Transportation financing for regional highways.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, April 27, 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 2009:

Infrastructure
Housing
Economic Development
Funding

1. Invocation – Reverend Jon Wymore, Living Way Foursquare Church

2. Pledge of Allegiance

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time.
 - a. Presentation of a Proclamation for Bicycle Month.

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 April 13, 2010, Regular City Council Meeting.

6. Consider a resolution authorizing the purchase of four thousand nine hundred thirty six (4,936) tons of cold mix cold lay limestone rock asphalt from Vulcan Construction Materials, L.P., at a total cost of \$335,648.00.
7. Consider a resolution authorizing the execution of a contract to perform renovations at the Midland Senior Citizens Center with J.C. Roberts Construction Company, Incorporated, at an estimated cost of \$173,784.00.
8. Consider a resolution approving the purchase of a bucket truck through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$165,962.00; and this item was not bid but purchased through a Council of Governments.
9. Consider a resolution canceling and rescinding the contract with Discount Materials for yard waste mulching services at the Smith Road Yard Waste Disposal Site and City Landfill; and authorizing final payment of \$11,082.62 to Discount Materials for services rendered upon execution of a full and complete release.

- ★10. Consider a resolution authorizing the execution of a contract with RBR Construction, Inc., of Weatherford, Texas, for the project described as the Terminal Building Rehabilitation Project (7004) at the Midland International Airport; the Council previously authorized advertisement for bids for the project; the City's share is \$289,000.00 for the Terminal Building Rehabilitation 7004 Project; and appropriating funds including Federal Aviation Administration's remaining portion of this project.

[Related to Council Priority: Infrastructure/Funding]

- ★11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the San Juan Target Area Sidewalk Improvements Project; said project will be for the construction of a sidewalk on the south side of Dakota Avenue in the San Juan Target Area.

[Related to Council Priority: Housing]

- ★ 12. Consider a resolution ratifying the execution of Change Order Number One with Reece Albert, Inc., regarding the Mulberry Target Area Street and Alley Improvements Project; said change order to provide for revisions to Garden Lane and the increase in the portion of the project to be paid from Federal Stimulus Funds; and authorizing payment therefor in the amount of \$29,157.15.

[Related to Council Priority: Housing]

- 13. Consider a resolution authorizing the execution of an agreement for the temporary closure of state right-of-way with the State of Texas for use of a state-owned highway, including Spur 269 between Main Street and Colorado Street, for the purpose of the Celebration of the Arts Special Event.

- 14. Consider a resolution authorizing a right of way license with the City of Midland, Texas and Atlas Pipeline WestTex, L.L.C.; said right of way license is for the purpose of placing, constructing, operating, repairing, maintaining, replacing and removing one natural gas pipeline, not to exceed eight inches in diameter, for the transportation of gas and to have the right of ingress and egress at convenient points for such purpose; the pipeline is located within a portion of Sunglo Avenue right of way, Midland County, Texas; the license term is for five years, commencing with the date of this license and shall automatically renew at the end of the term for additional five years upon 120 days written request prior to expiration.

- ★ 15. Consider a resolution awarding the “Airport and Paul Davis Well Sites Improvements Project” contract to Red River Construction Company, at an estimated cost of \$3,877,740.00; and appropriating funds.

[Related to Council Priority: Infrastructure]

- ★ 16. Consider a resolution awarding the “Replacement of Primary Clarifier Effluent Lines Project” contract to Red River Construction Company, at an estimated cost of \$482,740.00; and appropriating funds.

[Related to Council Priority: Infrastructure]

17. Consider a resolution authorizing a seventh amendment to the existing professional services agreement with HDR Engineering, Incorporated; and appropriating \$156,900.00 therefor; the original agreement was for \$293,200.00; this seventh amendment will bring the total agreement price to \$1,681,613.00.

18. Consider a resolution authorizing the execution of a lease agreement with Clearwire US, L.L.C., for space at the Shell Avenue Water Tower Site; said non-renewable lease agreement shall be for a term of five (5) years with a monthly rental of \$1,000.00.

- ★ 19. Consider a resolution authorizing an amendment to the 2009/2010 Action Plan to the City of Midland Consolidated Plan for Community Development and Housing Funds per amendment documents on file with the Interim City Secretary; said amendment to include the reallocation of \$30,000.00 and related budget transfers; authorizing the consolidation of existing allocations of the Demolition, Home Buyer Assistance and Owner Occupied Housing Assistance Programs; that a copy of said amendment documents shall be on file in the City Secretary's office.

[Related to Council Priority: Housing]

20. Consider a resolution of the City of Midland, Texas, requesting the Texas State Legislature and Governor of Texas take action to compel payday and auto title lenders to stop usurious lending and comply with the same standards as licensed consumer lenders in Texas.

21. 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 Midland Central Appraisal District v. Joe Espinoza, Jr. et al, in the Judicial District Court, Midland County, Texas, Cause No. TX 12084.

SECOND READINGS

22. Consider an ordinance on second reading granting a special exception for Lot 7, Block 15, College Heights Addition, City and County of Midland, Texas (generally located on the northeast corner of the intersection of College Avenue and Burlison Street), by permitting an encroachment into the required side yard

setback for construction of a garage; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the Interim City Secretary in the deed records of Midland County, Texas; and ordering publication.

23. Consider an ordinance on second reading granting a special exception for Lot 30, Block 22, Crestgate Addition, Section 40, City and County of Midland, Texas (generally located on the west side of Coquina Court, approximately 140 feet south of Bluebird Lane), by permitting an encroachment into the required front yard setback for construction of a primary structure; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the Interim City Secretary in the deed records of Midland County, Texas; and ordering publication.
24. Consider an ordinance on second reading of the City Council of the City of Midland, Texas, ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"); providing tax incentives; designating a liaison for the communication with interested parties; nominating Plains All American Pipeline, L.P., to the office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (the "Bank") as an Enterprise Project; and providing an effective date.
25. Consider an ordinance on second reading amending the Fire District so as to delete therefrom Lot 6, Block 165, Southern Addition, City and County of Midland, Texas (generally described as 710 South Atlanta Street); directing the Building Official to amend the Fire District Map; containing a cumulative clause; and containing a savings and severability clause.
26. Consider an ordinance on second reading vacating and abandoning a 0.5-acre portion of Harrison Street Right-Of-Way adjacent to the east side of Lots 1-3, Block 19, replat of South Park Addition, and a 715.5 square foot portion of New Jersey Avenue Right-Of-Way at the Harrison Street intersection, City and County of Midland, Texas (generally located on Harrison Street south of New Jersey Avenue); and not adopting the appraisal by the City Manager of \$2,474.50; retaining a general utility and drainage easement; and ordering recordation by the Interim City Secretary.

PUBLIC HEARINGS

27. 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 0.681-acre tract of land out of Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned O-1, Office District, to be used as a PD, Planned District for a housing development (Generally located on the north side of Preston Drive, approximately 300 feet east of Sunburst 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.

28. At approximately 10:33 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function by The Ranch on the common area of Block 11A, Fairway Park Addition, Section 3, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 1,000 feet south of Loop 250 North); and making said permit subject to certain special conditions and restrictions contained herein.

MISCELLANEOUS

29. Consider an ordinance amending the official Municipal Budget for Fiscal Year 2009-2010 in order to provide additional funds to the Sports and Entertainment Association of Midland and the Midland RockHounds; the additional funding provided to the Sports and Entertainment Association of Midland will help promote tourism in the City of Midland; the additional funds provided to the Midland RockHounds will allow the City to partner with the RockHounds in order to host an Independence Day Community Fireworks Display open to the public; and ordering recordation; and declaring an emergency.

30. Consider an ordinance amending Title V, "Business Regulations", Chapter 10, "Sidewalk Sales and Selling from Fixed Locations", Section 2, "Permit and License Required If Selling From a Fixed Location", and Section 9, "Duty of Police", so as to allow licensed food vendors to sell food at a location adjacent to Centennial Plaza; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication.

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

32. Recess to the conference room for lunch.

33. 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:

Section 551.071, Consultation with the City Attorney

Discuss matters in which the duty of the attorney(s) 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.

Discuss legal issues related to the Midland Development Corporation, a Type A Corporation as authorized by Chapter 504 of the Texas Local Government Code, and the Midland Football-Soccer and Baseball Complex Development Corporation, a Type B Corporation as authorized by Chapter 505 of the Texas Local Government Code.

Respectfully submitted,

Courtney B. Sharp
City Manager