

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

Tuesday, September 27, 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. Discussion regarding various openings on Boards and Commissions.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, September 27, 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.

OPENING ITEMS

1. Invocation – Reverend Tim Baugh, Golf Course Road Church of Christ

2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Breast Cancer Awareness Month & Pink the Basin Breast Cancer Awareness Day.

 - b. Presentation of a Proclamation for Anna James.

 - c. Presentation of a Proclamation for Chairs for Chihuahua 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 September 13, 2011, Regular City Council Meeting.

6. Consider a resolution authorizing the purchase of an annual supply of polymer for treating City of Midland drinking water from Polydyne, Incorporated, for a total price of \$58,530.00; not the low bid. (General Services)

7. Consider a resolution authorizing the purchase of an annual supply of polymer for dewatering used for treatment of City drinking water, from the low bidder, Polydyne, Incorporated, for a total price of \$39,069.80. (General Services)

8. Consider a resolution authorizing the purchase of an annual supply of Earthtec for treating City of Midland drinking water from the sole bidder, Chameleon Industries, Incorporated, for a total price of \$116,250.00. (General Services)

9. Consider a resolution authorizing the purchase of an annual supply of liquid anhydrous ammonia for treating City of Midland drinking water from the sole bidder, Shrieve Chemical Company, for a total price of \$158,000.00. (General Services)

10. Consider a resolution authorizing the purchase of an annual supply of potassium permanganate for treating City of Midland drinking water from the sole bidder, American International Chemical, Incorporated, of Framingham, Massachusetts, for a total price of \$24,200.00. (General Services)

11. Consider a resolution authorizing the purchase of an annual supply of aluminum sulfate for purifying City of Midland drinking water from the low bidder, Chameleon Industries, Incorporated, for a total price of \$360,750.00. (General Services)

12. Consider a resolution authorizing the purchase of an annual supply of chlorine for treating City of Midland drinking water from the sole bidder, DPC Industries, Incorporated, for a total cost of \$206,068.00. (General Services)

13. Consider a resolution authorizing the City Manager to advertise a request for qualifications for professional services to provide designs, plans, specifications and architectural services for the renovation of the Midland Center; 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. (General Services)

14. Consider a resolution authorizing the execution of an agreement with the ACE American Insurance Company for the purchase of stop loss insurance for the City of Midland's Group Health Plan, effective for the plan year commencing on October 1, 2011; and providing that said stop loss coverage shall have an annual cost of approximately \$593,541.00. (Administrative Services)

15. Consider a resolution authorizing the execution of a contract with the Midland Community College District to promote economic growth and development. (Community Services)

16. Consider a resolution authorizing the execution of a contract with the Midland Hispanic Chamber of Commerce to promote the City's growth and development. (Community Services)

17. Consider a resolution authorizing the execution of a contract with Midland Teen Court, Incorporated, for the operation of a Teen Court Program. (Community Services)

18. Consider a resolution authorizing the execution of an agreement with the Permian Basin Community Centers for mental health, mental retardation, and substance abuse services. (Community Services)

19. Consider a resolution authorizing the execution of a contract with Keep Midland Beautiful, Incorporated, for litter reduction, education, and beautification programs. (Community Services)

20. Consider a resolution authorizing the execution of a contract with Crime Stoppers of Midland, Incorporated, for the operation of a Crime Stoppers Program which will allow citizens to assist in the detection and resolution of crimes. (Community Services)

21. Consider a resolution appropriating \$11,074 to the Patel Addition Developer Agreement Project (8936) pursuant to the public improvement development agreement with SSTS, LLC for development of Patel Addition, City and County of Midland, Texas (Generally located at South Terrell Street and Interstate 20); said agreement being authorized by Section 395.081 of the Texas Local Government Code. (Engineering)

22. Consider a motion on a request by OJD Engineering for West Farm-to-Market Road 1788 Industrial Park- Section 5, to approve and deny items requested for deferral, and to waive the associated public improvement guarantee. This subdivision is generally located on West Farm-to-Market Road 1788 approximately 0.8 mile south of State Highway 191. The total value of the deferrals is \$371,480.00. (Engineering)

23. Consider a resolution approving plans and specifications and authorizing advertisement for competitive bids for the RAW Water Project at the City's Water Purification Plant; and the project may include replacement of piping and equipment at the Water Purification Plant, Paul Davis Well Field, Shell Elevated Tower and the City's Raw Water Reservoir. (Utilities)

24. Consider a resolution approving plans and specifications and authorizing advertisement for competitive bids for the Water System Improvements: Rehabilitation & Lead Abatement of Airport and Shell Elevated Storage Tanks Project. (Utilities)

25. Consider a resolution canceling and rescinding a right-of-way license and a discharge license with EA Engineering, Science and Technology, Incorporated. (Utilities)

26. Consider a motion on a request by Midland Energy Inc. to modify an approved oil and gas drilling permit (Resolution 2008-230) for Wimberley #1, Well #1 located 1073 FWL and 1230 FSL, Section 1, Block "X", H.P. Hilliard Survey, Midland County, Texas; and authorizing the Mayor to execute all documents necessary for the modifications. Said modifications pertain to (1) the fencing requirements, (2) the gate requirements, and (3) the landscaping requirements. (Generally located east of N. Lamesa Road and north of Loop 250.) (Code Administration)

SECOND READINGS

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 Lot 2D, Block 33, Correction Plat Northgate Addition, Section 21, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an Amended Planned District (Generally located on the north side of West Loop 250 North, approximately 500 feet west of North Midland 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 September 13, 2011)

28. Consider an ordinance on second reading changing the zoning use classification of the property described as a 1,500 square foot portion of Lot 23B, Block 40, Fairmont Park Addition, Section 39, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of West Loop 250 and Tremont Avenue), which is presently zoned LR-2, 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. (Planning) (First reading held September 13, 2011)

29. Consider an ordinance on second reading changing the zoning use classification of Lot 25C, Block 6, Crestgate Addition, Section 27, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 300 feet east of North Midland Drive), which is presently zoned PD, Planned District for a Shopping Center, by permitting said property to be used under a specific use permit without term for a kennel; 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. (Planning) (First reading held September 13, 2011)

30. Consider an ordinance on second reading amending Title III, “Departments”, Chapter 1, “Water Department”, Section 2, “Rates,” Subsection (A), “Customers Inside of City Limits,” of the City Code of Midland, Texas, so as to change the rates charged for water and sewer services; 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) (First reading held September 13, 2011)

PUBLIC HEARINGS

31. At approximately 10:30 a.m. hold a public hearing and consider an ordinance granting a special exception for Lot 11, Block 2, Solomon Estates, Section 2, City and County of Midland, Texas (Generally located on the southeast corner of Mockingbird Lane and “A” Street), by permitting an encroachment into the required front yard setback for construction of a fence; 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 City Secretary in the deed records of Midland County, Texas; and ordering publication. (Planning)

32. At approximately 10:33 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 13A, Block 28, Wydewood Estates, Section 27, City and County of Midland, Texas (Generally located on the south side of Wadley Avenue, east of Sunburst 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 nightclub 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. (Planning)

33. At approximately 10:36 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of 3,300 square feet out of Tract 4, Wilshire Shopping Center, City and County of Midland, Texas (Generally located on the west side of North Midland Drive, approximately 1,000 feet north of West Illinois Avenue), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a specific use permit without term for a kennel; 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. (Planning)

34. At approximately 10:39 a.m. hold a public hearing concerning a request by Bluestem Energy for a Permit to drill an Oil and Gas Well within the City Limits located 1021' FNL and 2310' FWL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of N. Midland Drive, approximately 3/4 mile north of Mockingbird Lane.) (Planning)

35. At approximately 10:42 a.m. hold a public hearing concerning a request by Bluestem Energy for a Permit to drill an Oil and Gas Well within the City Limits located 1021' FNL and 1041' FWL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the east side of N. Midland Drive, approximately 3/4 mile north of Mockingbird Lane.) (Planning)

36. At approximately 10:45 a.m. hold a public hearing concerning a request by Bluestem Energy for a Permit to drill an Oil and Gas Well within the City Limits located 1650' FNL and 2310' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of N. Midkiff Road, approximately 3/4 mile north of Mockingbird Lane.) (Planning)

37. At approximately 10:48 a.m. hold a public hearing concerning a request by Bluestem Energy for a Permit to drill an Oil and Gas Well within the City Limits located 1650' FNL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey,

Midland County, Texas. (Generally located on the west side of N. Midkiff Road, approximately ¾ mile north of Mockingbird Lane.) (Planning)

38. At approximately 10:51 a.m. hold a public hearing concerning a request by Bluestem Energy for a Permit to drill an Oil and Gas Well within the City Limits located 2310' FSL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of N. Midkiff Road, approximately ½ mile north of Mockingbird Lane.) (Planning)
39. At approximately 10:54 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a tent sale on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein. (Planning)

DEVELOPMENT SERVICES

40. Continue consideration on 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)

MISCELLANEOUS

41. Consider an ordinance amending Title VI, "Police Regulations", Chapter 1, "General Offenses", Section 19, "Nuisance Water", of the City Code of Midland, Texas, so as to prohibit nuisance water in the public streets; containing a cumulative clause; 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. (Code Administration)

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

43. Recess to the **Martin Luther King Jr, Community Center located at 2300 Butternut Lane** for lunch.

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:

Section 551.072, Deliberation Regarding Real Property

Discuss the sale, exchange, lease or value of real property described as Lot 4B, Block 11, Industrial Park Addition, Section 6, City and County of Midland, Texas.

Respectfully submitted,

Courtney B. Sharp
City Manager