

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

Tuesday, November 16, 2010 8:30 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 presentation by Texas Disposal Systems (TDS) on solid waste collection and disposal operations.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, November 16, 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.

1. Invocation – Reverend Curtis Joiner, Ebenezer Missionary Baptist 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 Partnership Category Asset Building Award to the City of Midland.

 - b. Presentation of a Proclamation for Hunger and Homelessness Awareness Week.

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 October 26, 2010, Regular City Council Meeting.

6. Consider a resolution providing for the redemption of the outstanding City of Midland, Texas, Tax and Limited Pledge Revenue Certificates of Obligation, Series 2001A; and resolving other matters incident and related to the redemption of such obligations.

7. Consider a resolution approving the City of Midland's Investment Policy.

8. Receive for information and possibly discuss fourth quarter Fiscal Year 2010 Investment Report.

9. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for miscellaneous accounts receivable and insufficient funds checks.

10. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for water, sewer, and garbage collection services.

11. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for Emergency Medical Services receivables.

12. Consider a resolution approving the Midland Development Corporation's appropriation of \$392,000 from the Fiscal Year 2009-2010 budget to be used for promotional purposes, as authorized by Chapter 504 of the Texas Local Government Code.

13. Consider a resolution approving the purchase of a street sweeper through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$206,848.00; and this item was not bid but purchased through a Council of Governments.

14. Consider a resolution authorizing the City Manager to execute a contract for the turnkey installation of radio system upgrades at the Airport; the price of said radio system upgrades is \$297,795.58; the City Manager has determined said radio system upgrades to be available only from a single source provider, Dailey-Wells Communications, Incorporated, of San Antonio, Texas; said purchase was not bid but procured as a sole source.

15. Consider a resolution approving the acceptance of the highest bid to purchase Lot 1, Block 5, Homestead Addition, City and County of Midland, Texas.

16. Consider a resolution approving the acceptance of the highest bid to purchase Lot 16, Block 1, Davis Heights Addition, City and County of Midland, Texas.

17. Consider a resolution authorizing the City Manager to execute a lease with Midland College to lease Christensen Stadium.

18. Consider a motion on a request by West Company to defer public improvements including sewer line extension, street paving including curb and gutter, and sidewalk in association with a plat known as Roper Addition, Section 3. Said deferral includes approximately \$598,000 of public improvements.

19. Consider a motion on a request by Schumann Engineering to defer public improvements including water and sewer line extensions, street paving including curb and gutter, and sidewalk in association with a plat known as Las Palmas Addition. Said deferral includes approximately \$169,000 of public improvements.

20. Consider a motion on a request by Schumann Engineering to defer public improvements including water and sewer line extensions, street paving including curb and gutter, and sidewalk in association with a plat known as Skyline Farms, Section 2. Said deferral includes approximately \$120,000 of public improvements.

21. Consider a motion on a request by West Company to defer public improvements including water and sewer line extensions, street paving including curb and gutter, and sidewalk in association with a plat known as Freeland Addition, Section 7. Said deferral includes approximately \$183,900 of public improvements.

22. Consider a motion on a request by Mike Jackson for approval of the preliminary plat of Mockingbird Oaks, being an 88.14-acre tract of land out of the SE/4 of Section 9, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the northwest corner of the intersection of Mockingbird Land and N. Garfield Street.)

23. Consider a resolution appointing individuals to serve as volunteers to enforce automobile parking restrictions as authorized by Chapter 681 of the Texas Transportation Code.

24. Consider a resolution awarding the contract for the Northeast Tower Water Line - Phase 2 Project, at a total estimated cost of \$634,875.34, to R.E.S. Earth and Cable, L.L.C., and appropriating funds.

25. Consider a resolution authorizing the selection of Arcadis U.S., Incorporated, Camp Dresser & McKee, Incorporated, HDR Engineering, Incorporated, and Parkhill, Smith & Cooper, Incorporated, as respective first choices for performance of engineering support services for the Utilities Department over the next five (5) years.

26. Consider a resolution of the City of Midland hereinafter referred to as "Applicant" designating certain officials as being responsible for, acting for, and on behalf of the applicant in dealing with the Texas Parks & Wildlife Department, hereinafter

referred to as “Department,” for the purpose of participating in the Texas Recreation & Parks Account Outdoor Recreation Grant Program, herein after referred to as the “Program”; certifying that the applicant is eligible to receive program assistance; certifying that the applicant matching share is readily available; dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses; and certifying that the application has been submitted to the appropriate regional council of governments for the Texas Review and Comment System (TRACS) review.

27. Consider resolution approving the purchase of a fire truck through the Houston-Galveston Area Council of Governments (HGAC) at a total cost of \$561,890.00; and this item was not bid but purchased through a Council of Governments.

28. Consider a resolution approving an amendment to the reimbursable physician recruitment agreement between the Midland Development Corporation and Midland Memorial Hospital to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises; said amendment extends the original agreement term for a period of one (1) year.

29. Consider a resolution of the City Council of the City of Midland, Texas, approving the General Orders of the Midland Police Department; and providing that the City Council is the policymaking authority of the City of Midland.

SECOND READINGS

30. 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. 8776; 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 second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 9.88-acre tract of land out of Section 13, 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 an O-2, Office District (generally located on the northwest corner of Holiday Hill Road and Sherwood Drive); 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.

32. 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 a 27.04-acre tract of land out of Section 24, 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 recreation center (generally located on the north side of Briarwood Avenue, approximately 1,300 feet west of Holiday Hill 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.

33. Consider an ordinance on second reading amending Title X, "Traffic Regulations", Chapter 13, "Parking Prohibited", Section 5, "Parking in Residence Districts", Subsection (G), Paragraph 3 of the City Code of the City of Midland, Texas, so as to prohibit vehicular parking in the front yard and side yard of any lot in a residence district or any other lot used for residential purposes; said ordinance shall contain certain affirmative defenses to prosecution; and providing for a variance procedure; said ordinance shall not be considered for final passage on second reading for a minimum of sixty (60) days after passage on first reading; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00) and not requiring a culpable mental state; establishing an effective date of May 1, 2011; and ordering publication.

PUBLIC HEARINGS

34. At approximately 10:30 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a pipe yard on a 22.31-acre tract of land out of the southwest quarter of Section 5, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the northeast corner of West Interstate 20 and Warehouse Road); making said permit subject to certain special conditions and restrictions contained herein; and providing that said

function shall be held on September 11, 2010 from 6:00 p.m. until 12:00 a.m. (Midnight).

35. At approximately 10:33 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor christmas tree sales on Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas (Generally located on the west side of North Midland Drive, approximately 160 feet south of West Dengar Avenue); and making said permit subject to certain special conditions and restrictions contained herein.

36. At approximately 10:36 a.m. hold a public hearing and consider an ordinance granting a special exception for Lots 7, 8 and 9, Block 106, Resurvey Block 106 West, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of South "I" Street and Holloway Avenue), 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 Interim City Secretary in the deed records of Midland County, Texas; and ordering publication.

37. At approximately 10:39 a.m. hold a public hearing concerning the proposed annexation of a 19.32-acre tract of land out of Section 22, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located north of the Saddle neighborhood.)

38. At approximately 10:42 a.m. hold a public hearing concerning the proposed annexation of an 84.01-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR. Co. Survey, Midland County, Texas. (Generally located on the north side of I-20 west of Warehouse Road.)

39. At approximately 10:45 a.m. hold a public hearing concerning the proposed annexation of a 3.10-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the north side of I-20 west of Warehouse Road.)

DEVELOPMENT SERVICES

40. Consider an ordinance temporarily closing a portion of Francis Avenue between Rankin Highway (State Highway 349) and Camp Street from the east right-of-way line of Camp Street continuing east to the projected west boundary line of Lot 1A, Block 2, Lindsay Acres Addition, Section 6, at its intersection with the south boundary line of Francis Avenue and the north boundary line of Francis Avenue abutted by Blocks 31 and 32, Haley Heights Addition, in the City of Midland, Texas; 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.

41. Consider an ordinance providing a maximum time limit of fifteen (15) minutes for parking on the west side of "O" Street beginning at a point forty-four (44) feet north of the north curb line of Texas Avenue and continuing north a distance of seventy-five (75) feet, in Midland, Texas, during weekdays between the hours of 9:00 a.m. and 6:00 p.m.; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; 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.

42. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; 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.

43. Consider an ordinance vacating and abandoning a 0.075-acre utility easement out of Lot 14, Block 2, Green Hill Terrace, City and County of Midland, Texas (Generally located on the north side of Tattenham Corner, east of Holiday Hill Road); adopting the appraisal by the City Manager of \$703.20; waiving the fee for the cost of the easement; and ordering recordation by the Interim City Secretary.

MISCELLANEOUS

44. Consider a motion regarding the City of Midland's solid waste collection and disposal operations; the City Council may consider authorizing the City Manager

or other City Officials to propose or advertise for a request for qualifications or proposals for such services as authorized by state law.

45. Consider a motion making appointments to various Boards and Commissions.
46. Recess to the conference room for lunch.
47. 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:

Personnel Matters Under Section 551.074

Deliberate the employment, evaluation, compensation, and duties of the City Manager, the City Attorney, the Interim City Secretary and the Municipal Court Presiding Judge.

Section 551.071, Consultation with the City Attorney

Discuss litigation styled Heritage Consolidated, LLC and Heritage Standard Corporation, in the United States Bankruptcy Court for the Northern District of Texas – Dallas Division; Case No. 10-36484 and Case No. 10-36485; Chapter 11.

Discuss a claim from the Law Offices of Brockett and McNeel, LLP regarding the construction of the Blue Ridge Apartments. The said Blue Ridge Apartments being located north of West Loop 250 North and between Garfield Street and Midkiff Road and south of Bluebird Lane.

Respectfully submitted,

Courtney B. Sharp
City Manager