

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, October 25, 2011 9:15 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. Discuss Issuance of Certificate of Obligation Bonds for Communications, Fire Station, Municipal Court, Parks & Recreation, Information Systems, Streets, Water and Wastewater. (Finance)

AGENDA FOR CITY COUNCIL MEETING
Tuesday, October 25, 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 Daniel Stephens, Mid-Cities Community Church

2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time.

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 11, 2011, Regular City Council Meeting.

6. Consider a resolution nominating Mr. Fred Poe to serve on the Midland Central Appraisal District Board of Directors. (Finance)

RESOLUTION NO.

A RESOLUTION NOMINATING A CANDIDATE FOR THE MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND CENTRAL APPRAISAL DISTRICT.

7. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the purchase of video control room equipment for Citibank Ball Park. (General Services)

RESOLUTION NO.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR AN UPGRADE TO THE CONTROL ROOM AT CITIBANK BALL PARK

8. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the purchase of a video board at Grande Communications Stadium. (General Services)

RESOLUTION NO.

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE REMOVAL AND REPLACEMENT OF THE VIDEO DISPLAY SCREEN AT GRANDE COMMUNICATIONS STADIUM

9. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the purchase of control room equipment at Grande Communications Stadium.

RESOLUTION NO.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE REPLACEMENT OF CONTROL ROOM EQUIPMENT AT GRANDE COMMUNICATIONS STADIUM

10. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the purchase of field pads for Citibank Ball Park. (General Services)

RESOLUTION NO.

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE REMOVAL AND REPLACEMENT OF THE SAFETY PADS ON THE FENCE RAILS AT CITIBANK BALL PARK

11. Consider a resolution approving a contract for Aggregation and Consulting Services with Priority Power Management, LLC for General Services. (General Services)

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PRIORITY POWER MANAGEMENT, L.L.C., FOR AGGREGATION, CONSULTING AND NEGOTIATION SERVICES REGARDING THE CITY'S ELECTRICITY SUPPLY

12. Consider a resolution authorizing the execution of a Routine Airport Maintenance Program (RAMP) Grant with Texas Department of Transportation. (Airport)

RESOLUTION NO.

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A ROUTINE AIRPORT MAINTENANCE PROGRAM GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE AN AUTOMATED WEATHER OBSERVING SYSTEM; AUTHORIZING THE MAYOR, CITY MANAGER AND CITY ATTORNEY TO EXECUTE ALL GRANT DOCUMENTS

13. Consider a motion of a proposed preliminary plat of Grandridge Estates, being a 19.04-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 northwest corner of the intersection of Crowley Boulevard and Rio Grande Avenue.) (Planning)
14. Consider a motion on a request by West Company of Midland for Country Sky Addition (Section 11), to approve items requested for deferral (\$141,220), waive the public improvement guarantee associated with the deferred items, and enter into an agreement to accept compensation to construct public infrastructure. This subdivision is generally located on the southwest side of the intersection of Briarwood Ave. and Roadrunner Trail, Approximately 350' west of Avalon Dr. (Engineering)
15. Consider a motion on a request by West Company of Midland for Northview Addition (Section 12), to approve items requested for deferral (\$47,564.00), waive the public guarantee associated with the deferred items and enter into an agreement to accept compensation to construct public infrastructure. This subdivision is generally located on the southwest side of the intersection of Mockingbird Lane and Whitman Drive. (Engineering)

16. Consider a resolution approving Change Order Number 2 for the Midland Airport and Paul Davis Well Sites Improvements Project with Red River Construction Co., Inc. and appropriate funds. (Utilities)

RESOLUTION NO.

RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER TWO WITH RED RIVER CONSTRUCTION COMPANY, INCORPORATED, ADDING \$486,604.00 FOR ADDITIONAL WORK TO THE EXISTING CONTRACT FOR IMPROVEMENTS AT THE MIDLAND INTERNATIONAL AIRPORT AND FOR THE PAUL DAVIS WELL SITES IMPROVEMENTS PROJECT; AND APPROPRIATING \$486,604.00; THE ORIGINAL CONTRACT WAS FOR \$3,877,740.00; THIS CHANGE ORDER BRINGS THE TOTAL CONTRACT PRICE TO \$4,750,756.00

17. Consider a resolution authorizing the City Manager to advertise a Request for Proposals (RFP) for firms to deliver potable water from any source to the City of Midland; authorizing the City Manager to negotiate a professional services agreement for said services; and providing that said agreement shall not become effective until approved by the City Council. (Utilities)

RESOLUTION NO.

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR FIRMS TO DELIVER POTABLE WATER TO THE CITY OF MIDLAND, IN QUANTITIES SUFFICIENT TO MEET THE CITY'S WATER NEEDS, FROM ANY AVAILABLE SOURCE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE CHOSEN FIRM FOR THE PERFORMANCE OF SAID SERVICES; AND SAID AGREEMENT SHALL NOT BE EXECUTED UNTIL APPROVED BY THE CITY COUNCIL

18. Consider a resolution authorizing the City Manager to advertise a Request for Proposals (RFP) for firms to develop and operate the T-Bar Well Field; authorizing the City Manager to negotiate a professional services agreement for said services; and providing that said agreement shall not become effective until approved by the City Council. (Utilities)

RESOLUTION NO.

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR FIRMS TO DEVELOP AND OPERATE THE T-BAR RANCH WELL FIELD LOCATED IN LOVING COUNTY, TEXAS AND IN WINKLER COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH THE CHOSEN FIRM FOR THE PERFORMANCE OF SAID SERVICES; AND SAID AGREEMENT SHALL NOT BE EXECUTED UNTIL APPROVED BY THE CITY COUNCIL

19. Consider a resolution approving the acceptance of a bid made for the purchase of real property described as Lots 7 & 8, Block 34, Greenwood Addition, City of

Midland, Midland County, Texas, commonly known as 309 South Stonewall.
(Code Administration)

RESOLUTION NO.

RESOLUTION APPROVING THE ACCEPTANCE OF A BID MADE FOR THE PURCHASE OF REAL PROPERTY DESCRIBED AS LOTS 7 AND 8, BLOCK 34, GREENWOOD ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

20. Consider a resolution regarding a lease at the Midland International Airport with Lucky Air, L.L.C.

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE A LEASE AGREEMENT WITH LUCKY AIR, LLC, FOR THE USE OF CERTAIN LAND AT THE MIDLAND INTERNATIONAL AIRPORT; LUCKY AIR, L.L.C., WILL CONSTRUCT A HANGAR ON THE LEASED PREMISES; AND THE LEASE WILL NOT BE EFFECTIVE UNTIL APPROVED BY A RESOLUTION OF THE MIDLAND CITY COUNCIL

SECOND READINGS

21. Consider an ordinance on second reading on a request by Insignia Hospitality Group, Inc. for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District. (Planning) (First reading held October 11, 2011)

ORDINANCE NO. 8948

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 8 AND 9, BLOCK 3, WESTRIDGE PARK ADDITION, SECTION 16, 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 NEAR THE NORTHEAST CORNER OF CATALINA DRIVE AND DEAUVILLE 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

22. Consider an ordinance on second reading providing the maximum time limit for parking upon a portion of "N" Street of two hours and repealing Ordinance No. 6757. (Transportation) (First reading held October 11, 2011)

ORDINANCE NO. 8949

AN ORDINANCE PROVIDING THE MAXIMUM TIME LIMIT FOR PARKING ON A PORTION OF "N" STREET FROM THE SOUTH CURB LINE OF TENNESSEE AVENUE, SOUTH TO THE EAST/WEST ALLEY BETWEEN OHIO AVENUE AND ILLINOIS AVENUE TO TWO HOURS; 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 TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

23. Consider an ordinance on second reading prohibiting parking at anytime on a portion of the west side of Northrup Drive north of Sinclair Avenue and on the south side of Sinclair Avenue between Northrup Drive and Hughes Street except to residents who have obtained a valid parking permit. (Transportation) (First reading held October 11, 2011)

ORDINANCE NO. 8950

AN ORDINANCE PROHIBITING PARKING ON THE WEST SIDE OF NORTHRUP DRIVE FROM A POINT 242 FEET SOUTH OF THE CENTERLINE OF GULF AVENUE, INCLUDING 1907 NORTHRUP DRIVE, CONTINUING NORTH TO THE SOUTH CURB LINE OF NEELY AVENUE AND ON THE SOUTH SIDE OF SINCLAIR AVENUE BETWEEN NORTHRUP DRIVE AND HUGHES STREET EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SUCH STREET AND HAVE OBTAINED A VALID PARKING PERMIT; 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; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

PUBLIC HEARINGS

24. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by SBC, LP. for a zone change from FD, Future Development District to PD, Planned District for a Housing Development on a 16.63-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 northwest corner of the intersection of Crowley Boulevard and Rio Grande Avenue.) (Planning)

ORDINANCE NO.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 16.63-ACRE TRACT OF LAND (BEING 19.04 ACRES INCLUSIVE OF DEDICATED RIGHTS-OF-WAY) 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 ON THE NORTHWEST CORNER OF CROWLEY BOULEVARD AND RIO GRANDE AVENUE); 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

25. At approximately 10:36 A.M. hold a public hearing and consider an ordinance on a request by City of Midland for a zone change from 1F-2, One-Family Dwelling District to 1F-3, One-Family Dwelling District on Lots 9 through 14, Block 1; Lots 1 through 8, Block 2; Lots 3 through 8, Block 3; Lots 1 through 8, Block 4, Glenn Frances Addition; of Lots 3 through 10, Block 4 and Lots 1 through 9, Block 5, Glenmore Heights; and of the N/E 5 acres of Block 79, East Midland, City and County of Midland, Texas. (Generally located near the southwest corner of the intersection of E. Golf Course Road and Tilden Street.) (Planning)

ORDINANCE NO.

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 9-14, BLOCK 1, LOTS 1-8, BLOCK 2, LOTS 3-8, BLOCK 3, LOTS 1-8, BLOCK 4, GLENN FRANCES ADDITION; LOTS 3-10, BLOCK 4, LOTS 1-9, BLOCK 5, GLENMORE HEIGHTS; AND THE NORTHEAST 5 ACRES OF BLOCK 79, EAST MIDLAND, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF EAST GOLF COURSE ROAD AND TILDEN STREET); 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

26. At approximately 10:39 A.M. hold a public hearing on a request by Bluestem Energy Holdings, LLC. (Evans "J" #1) for a Permit to drill an Oil and Gas Well within the City Limits located 2322' FSL and 2310' FEL, Section 8, Block "X", H. P. Hilliard Survey, Midland County, Texas. (Generally located on the west side of the N. Midkiff Road, approximately ½ mile north of Mockingbird Lane.) (Planning)
27. At approximately 10:42 A.M. hold a public hearing on a request by Callon Petroleum (Annie #3) for a Permit to drill an Oil and Gas Well within the City Limits located 849' FNL and 2087' FEL, Section 48, Block 41, T-1-S, T&P RR Co.

Survey, Midland County, Texas. (Generally located on the west side S. FM 1788, approximately 1 mile south of State Hwy 191.) (Planning)

28. At approximately 10:45 A.M. hold a public hearing on a request by Callon Petroleum (Annie #8) for a Permit to drill an Oil and Gas Well within the City Limits located 671' FNL and 1197' FEL, Section 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side S. FM 1788, approximately 1 mile south of State Hwy 191.) (Planning)

29. At approximately 10:47 A.M. hold a public hearing and consider a resolution on a request by McClatchy Bro's Inc. for a Temporary Land Use Permit for a Pipe Yard on a 22.31-acre tract of land out of the SW/4 of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the northeast corner of the intersection of W. Interstate 20 and Warehouse Road.) (Planning)

RESOLUTION NO.

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

30. At approximately 10:50 A.M. hold a public hearing and consider a resolution on a request by Midland Community Theatre for a Temporary Land Use Permit for an Outdoor Event on a 4.68-acre tract of land out of Section 15, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the north side of W. Wadley Avenue, approximately 1,000 feet east of N. Garfield Street.) (Planning)

RESOLUTION NO.

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN OUTDOOR EVENT ON A 4.68-ACRE TRACT OF LAND OUT OF SECTION 15, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 1,000 FEET EAST OF NORTH GARFIELD STREET); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

31. At approximately 10:53 a.m. hold a public hearing to allow for continued taxation of Tangible Personal Property in Transit per Senate Bill 1 and consider a resolution to constitute “official action by governing body” as required. (Finance)

RESOLUTION NO.

A RESOLUTION PROVIDING FOR THE CONTINUED TAXATION OF GOODS-IN-TRANSIT AS ALLOWED UNDER SENATE BILL NUMBER 1 WHICH WAS ENACTED BY THE TEXAS LEGISLATURE IN THE 82ND LEGISLATURE FIRST SPECIAL SESSION

MISCELLANEOUS

32. Consider a resolution authorizing issuance of an operating certificate for My Shuttle Home MODE. (Police)

RESOLUTION NO.

RESOLUTION AUTHORIZING AN OPERATING CERTIFICATE FOR ELF HOLDINGS, INC. D.B.A. MY SHUTTLE HOME MODE, TO OPERATE A SHUTTLE SERVICE BUSINESS; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE

33. Consider a motion regarding a request from Tall City Blues Fest to increase the 2011-12 Hotel/Motel Occupancy Tax allocation in the amount of \$9,608.97 to the Midland Center to cover expenses incurred by the Tall City Blues Fest. (City Manager)
34. Consider a motion making appointments to various Boards and Commissions.
35. Recess to the conference room for lunch and receive an update on Citywide Development Issues.

EXECUTIVE SESSION

36. 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 with the City Attorney and Attorneys with the law firm of Cotton, Bledsoe, Tighe, and Dawson, litigation styled In Re: Heritage Consolidated, LLC, Case No. 10-36484-hdh, Chapter 11, Jointly Administered, in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.

Discuss with the City Attorney a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Discuss with the City Attorney and Attorney(s) with the law firm of Cotton, Bledsoe, Tighe and Dawson contemplated litigation regarding a 45.99 acre tract of land located in Section 15, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas.

Respectfully submitted,

Courtney B. Sharp
City Manager