

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

Tuesday, May 10, 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. Presentation and update regarding Drought Contingency Plan.
2. Review and discuss Capital Projects that were derived at the April City Council retreat.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, May 10, 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.

1. Invocation – Reverend Daniel Stephens, Mid-Cities Community Church
INVOKED
2. Pledge of Allegiance
PLEDGED

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Mental Health Awareness Month.
PRESENTED
 - b. Presentation of a Proclamation for Travel and Tourism Week. **PRESENTED**

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

- 5a. Consider a motion approving minutes of the April 19, 2011, special City Council Meeting.

APPROVED

- 5b. Consider a motion approving minutes of the April 26, 2011, regular City Council Meeting.

APPROVED

- 5c. Consider a motion approving minutes of the May 3, 2011, special City Council Meeting.

APPROVED

6. Consider a resolution authorizing the execution of a contract for the purchase and installation of two (2) Center Pivot Irrigation Systems for use at the City's Spraberry Farm from the sole bidder, Lamesa Irrigation Company, of Lamesa, Texas, at a total cost of \$148,947.00.

APPROVED

7. Consider a resolution approving plans and specifications prepared by Parkhill, Smith and Cooper, Incorporated, and authorizing advertisement for bids for the City of Midland Project described as Phase II of the Northwest Taxiway Extension Project (7038) at the Midland International Airport; and these bids shall be for approximately 3,290 linear feet of an 8-inch water line and 3,140 linear feet of a 10-inch sewer line and miscellaneous items of construction; and 12,700 square yards of asphaltic concrete pavement and miscellaneous items of construction.

APPROVED

8. Consider a resolution authorizing the execution of a contract with Alphacorp doing business as Sire Technologies of West Valley City, Utah for the purchase of an electronic agenda automation module in the amount of \$93,940.00.

APPROVED

9. Consider a resolution authorizing the execution of an Intergovernmental Agreement with the Midland Community College District ("Midland College") for pavement management, maintenance, striping, seal coating and sign fabrication as requested for existing Midland College Property.

APPROVED

10. Consider a resolution accepting \$11,695.00 in grant funds from the Permian Basin Regional Planning Commission for Solid Waste Management Projects; and appropriating said funds.

APPROVED

11. Consider a resolution authorizing a Third Amendment to the existing Professional Services Agreement with Arcadis U.S., Incorporated; appropriating \$100,200.00 for additional work at the City's Spraberry Farm; extending the term of said agreement and ratifying payments made and actions taken in furtherance of the work contemplated by the agreement subsequent to its expiration on January 12,

2011; the original agreement price was \$175,800.00; this third amendment will bring the total agreement price to \$860,800.00.

APPROVED

12. Consider a resolution in opposition to the proposed listing of the Dunes Sagebrush Lizard (fwsr2-es-2010-0041) under the Environmental Species Act of 1973.

APPROVED

SECOND READINGS

13. Consider an ordinance on second reading amending Title XI, "Planning and Development", Chapter 9, "Landscape Regulations", of the City Code of Midland, Texas, so as to make a comprehensive revision of the landscape regulations of the City of Midland, Texas; setting forth an appeal procedure; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. (First reading held April 26, 2011.)

APPROVED

14. Consider an ordinance on second reading 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. (First reading held April 26, 2011.)

APPROVED

15. Consider an ordinance amending the official municipal budget for Fiscal Year 2010-2011 in order to provide additional funds to the Sports and Entertainment Association of Midland and Promise Projects Incorporated; the additional funding provided to the Sports and Entertainment Association of Midland will help promote tourism in the City of Midland; and the additional funds to Promising Projects Incorporated will allow for the promotion of tourism in the City of Midland through the Tall City Blues Festival; and ordering recordation; and declaring an emergency. (First reading held April 26, 2011.)

APPROVED WITH AMENDMENT

PUBLIC HEARINGS

16. At approximately 10:30 a.m. hold a public hearing and consider an ordinance amending Ordinance No. 7567, which adopted a site plan for a Planned District for a Shopping Center, by amending the site plan for Lot 6, Block 45, Fairmont

Park Addition, Section 15, City and County of Midland, Texas (generally located near the southwest corner of Loop 250 and Midland Drive); said amendment to permit the expansion of the garden center on the east end of the Home Depot Building; 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.

APPROVED

17. At approximately 10:33 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 2.50-acre tract of land located in Section 37, 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 PD, Planned District for a Shopping Center, to be used as an Amended Planned District (generally located on the northeast corner of Deauville and Westridge Boulevards); 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.

APPROVED

18. At approximately 10:36 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1a, Block 13, Kelview Heights, Section 8, City and County of Midland, Texas (generally located on the northwest corner of Big Spring Street and Neely Avenue), which is presently zoned PD, Local Planned District for a Transition 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.

APPROVED

19. At approximately 7:00 p.m. hold a public hearing on the 2011/2012 Community Development Block Grant Program.

PUBLIC HEARING HELD

MISCELLANEOUS

20. Consider a resolution authorizing the execution of an Addendum to the Agreement with the Midland Chamber of Commerce to promote tourism and the convention and hotel industry in the City of Midland.

APPROVED

21. Consider a resolution authorizing the execution of a contract with Promising Projects, Incorporated; said funds will be used to promote tourism in Midland through the Tall City Blues Fest; the Blues Fest will commence Friday, July 29, 2011 and conclude on Sunday, July 31, 2011.

APPROVED WITH AMENDMENT

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

NO APPOINTMENTS MADE

23. Recess to the conference room for lunch.
24. 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 551.074, Personnel Matters,

Deliberate the employment, evaluation, compensation and duties of the City Secretary.

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. Attorney(s) with the law firm of Cotton, Bledsoe, Tighe and Dawson, of Midland, Texas, will also be present to discuss this litigation.

25. Recess to the Blue Ridge Apartments located at 2818 West Loop 250 North, Midland, Texas, (Lot 18, Block 5, North Park Addition, Section 12, City of Midland, Midland County, Texas), to review and discuss improvements and modification to the Apartments, including but not limited to carports, window film and fixed louvers and other items relevant to Ordinance Number 8873. No action will be taken.

DEFERRED

26. At approximately 2:00 p.m. recess to Centennial Plaza, 105 North Main Street, Midland, Texas to participate in the National Tourism Travel Rally. No action will be taken.

Respectfully submitted,

Courtney B. Sharp
City Manager