

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, May 24, 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. Review and discussion of Capital Projects (Municipal Court).

AGENDA FOR CITY COUNCIL MEETING
Tuesday, May 24, 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 Mike Hanks, Midland First Assembly of God

INVOKED

2. Pledge of Allegiance

PLEDGED

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a.

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 May 10, 2011, Regular City Council Meeting.

APPROVED

- 5b. Consider a motion approving minutes of the May 17, 2011, Special City Council Meeting.

APPROVED

6. Receive for information and possibly discuss second quarter Fiscal Year 2011 Investment Report.

RECEIVED

7. Consider a resolution authorizing the execution of an agreement for the purchase of brass fittings and valves of assorted sizes for use by the City's Water and Wastewater and Customer Service Divisions, from Benmark Supply Company, Incorporated, of Midland, Texas, at an estimated total cost of \$67,008.47.

APPROVED

8. Consider a resolution authorizing the execution of an agreement for the purchase of 4,573 tons of Grade 4 Type D Aggregate for use by the Transportation Division, from Capitol Aggregates, Ltd. of San Antonio, Texas, at an estimated total cost of \$197,096.30.

APPROVED

9. Consider a resolution approving the execution of a contract for the purchase, installation and twenty-five (25) year maintenance of sports lighting equipment at Grande Communications Stadium and Citibank Ballpark from Musco Sports Lighting, LLC, for \$733,484.00 through the U.S. Communities Cooperative Purchasing Program.

APPROVED

10. Consider a resolution authorizing the City of Midland to accept \$1,000,000.00 in grant funds from the Texas Parks and Wildlife Department for the development of the I-20 Wildlife Preserve and Jenna Welch Nature Study Center, and authorizing the acceptance of matching funds in the amount of \$1,000,000.00 from the Friends of the I-20 Wildlife Preserve and Jenna Welch Nature Study Center, and appropriating funds.

APPROVED

11. Consider a motion on a request by the owner to reconsider denied items on a request for deferral by Schumann Engineering Co, Inc. for South Park Addition (Section 5), approved at the February 22, 2011 council meeting. This subdivision is generally located on the south side of New Jersey Ave approximately 280' west of South Lamesa Road.

APPROVED

12. Consider a motion on a request by Schumann Engineering, Co., Inc. for Horseshoe Flats Addition, to approve and deny items requested for deferral, and to waive the associated public improvement guarantee. This subdivision is generally located at the south of I-20 approximately 700' west of Cotton Flat Rd.

APPROVED

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 Tall City Blues Fest Special Event.

APPROVED

14. Consider a resolution authorizing the execution of a temporary water and sewer service agreement between the City of Midland and Production Lift Systems, Incorporated, for services to #14 East Industrial Loop, Midland, Texas, 79701; said property is outside the City Limits; Production Lift Systems, Incorporated, has executed a letter agreeing to annexation if and when the property is annexed; Production Lift Systems, Incorporated, shall be charged a rate for service which is one and one-half times the rate charged customers in the City Limits; and ordering recordation by the City Secretary.

APPROVED

15. Consider a resolution authorizing the acceptance of the Midland Development Corporation's dedication of a 49.14-acre tract of land located in Sections 11 and 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, for drainage purposes; directing the City Manager to obtain a deed from the Midland Development Corporation; authorizing the execution of all documents necessary for the acceptance of said property; authorizing payment for closing costs; ordering recordation; and rescinding Resolution No. 2010-144.

APPROVED

SECOND READINGS

16. Consider an ordinance on second reading 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. (First reading held May 10, 2011.)

APPROVED

17. 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 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. (First reading held May 10, 2011.)

APPROVED

18. Consider an ordinance on second reading 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. (First reading held May 10, 2011.)

APPROVED

PUBLIC HEARINGS

19. At approximately 10:30 a.m. hold a public hearing on a decision of the Midland City Council to lease mineral rights in and around Midland Airpark Airport. The Council shall hear from the public comments regarding the exploring, drilling, and operating for, and producing and owning oil and gas. The land to be discussed contains approximately 786.49 acres more or less.

APPROVED

20. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 2.897-acre tract of land out of the northwest quarter of Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located ½ mile south of the Midland Independent School District Bus Barn Facility); and approving a public service plan.

APPROVED

21. At approximately 10:39 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 2.897-acre tract of land out of the northwest quarter of Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as a CE, Country Estate District; said tract is generally located ½ mile south of the Midland Independent School District Bus Barn Facility; 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

22. At approximately 10:42 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor sales on Lots 1, 2, 10, 11 and 12, Block 58, Original Town, City and County of Midland, Texas (Generally located on the south side of West Texas Avenue, between North Pecos Street and North Marienfeld Street); making said permit subject to certain special conditions and restrictions contained herein.

APPROVED

DEVELOPMENT SERVICES

23. Consider an ordinance prohibiting parking on the west side of Mark Lane from the north curb line of Wadley Avenue continuing north to the south curb line of Gleneagles Drive 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.

APPROVED

24. Consider an ordinance amending Ordinance No. 8797, which vacated and abandoned 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); said amendment to extend the time for platting to May 24, 2012; 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

25. Hold a Work Session on the Preliminary Distribution of 2011/2012 Community Development Block Grant Funds.

HELD

MISCELLANEOUS

26. Consider a motion authorizing the City Manager to negotiate an agreement with the Midland Park Mall as authorized by Chapter 380 of the Texas Local Government Code.

APPROVED

27. Consider an ordinance of the City of Midland (“City”) approving a negotiated resolution between the Steering Committee of cities served by ONCOR (“Steering Committee”) and ONCOR Electric Delivery Company LLC (“ONCOR” or “Company”) regarding the company’s application to increase electric rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities’ reasonable rate making expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the tariffs to be just and reasonable; approving ONCOR’s proof of revenues; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and the Steering Committee’s Legal Counsel.

APPROVED

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

NONE MADE

29. Recess to the conference room for lunch.
30. Recess and reconvene at approximately 2:00 p.m. at Taylor Park, 1401 Carter Avenue, for the park rededication.

31. 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 551.087 Deliberation Regarding Economic Development Negotiations

Discuss business prospects and projects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives and the recapture of any previous incentives.

Respectfully submitted,

Courtney B. Sharp
City Manager