

AGENDA FOR CITY COUNCIL MEETING  
Tuesday, June 22, 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 – Father Frank Chavez, Our Lady of San Juan Church

**INVOKED**

2. Pledge of Allegiance

**PLEDGED**

**MISCELLANEOUS**

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 June 8, 2010, Regular City Council Meeting.

**APPROVED**

6. Consider a resolution authorizing the purchase of a trailer-mounted valve exerciser from E. H. Wachs Company, at a total cost of \$72,296.84.

**APPROVED**

7. Consider a resolution approving the purchase of playground equipment for Halff Park, Ratliff Park, and Taylor Park, from Playwell Group, Incorporated, at a total

cost of \$201,300.00; not all bids were the low bids; and rejecting all bids received for the supply and installation of a pavilion.

**APPROVED**

8. Consider a resolution approving the purchase of three (3) 12 - 14 cubic yard dump bodies from Fabco Industries, of Odessa, Texas, and one (1) 1-ton utility body from J&B Trailers, of Odessa, Texas, at a total cost of \$71,211.00.

**APPROVED**

9. Consider a resolution approving the purchase of in-car video equipment for the Midland Police Department from Insight Public Sector SLED for \$190,953.36 through the Texas Multiple Award Schedule Purchasing Program; and accepting the City Manager's recommendation that said in-car video equipment is proprietary in nature and available only from a sole source.

**APPROVED**

10. Consider a resolution authorizing the execution of a lease agreement with the Boys & Girls Club of Midland for the facility at Halff Park.

**APPROVED**

11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Citibank Ball Park Field Renovation Project.

**APPROVED**

12. Consider a motion on a request by Bradshaw and Associates, Inc. for Windridge Addition, to approve a deferral of water and sewer and street paving with curb and gutter, and to waive the associated public improvement guarantee. The subdivision is generally located in our ETJ on S. County Road 1120. Total value of deferrals is \$845,000.

**APPROVED**

13. Consider a resolution authorizing an amendment to the existing professional services agreement with Arcadis U.S., Incorporated; and appropriating \$419,800.00 therefor; the original agreement was for \$175,800.00; this amendment will bring the total agreement price to \$595,600.00.

**APPROVED**

14. Consider a resolution authorizing an amendment to the existing right-of-way agreement with TEPPCO Crude Pipeline L.L.C., now known as Enterprise Crude Pipeline, L.L.C.; this amendment will alter the route of the underground pipeline.

**APPROVED**

15. Consider a resolution authorizing the execution of a discharge license agreement with Grimes & Associates, Consulting Engineers, L.P., for the disposal of treated wastewater at 600 North Carver Street.

**APPROVED**

16. Consider a resolution authorizing the execution of a discharge license agreement with Grimes & Associates, Consulting Engineers, L.P., for the disposal of treated wastewater at 10400 West Interstate Highway 20.

**APPROVED**

17. Consider a resolution authorizing the execution of a discharge license agreement with Grimes & Associates, Consulting Engineers, L.P., for the disposal of treated wastewater at 3910 Texas Farm to Market Highway 1788.

**APPROVED**

18. Consider a motion approving the preliminary plat application of Heritage Oaks Addition, a 55.84-acre tract located in Section 25, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of Crowley Boulevard, north of Wadley Avenue.)

**APPROVED**

19. 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 Loraine Street, for the purpose of the Our Lady of San Juan Catholic Church Annual Fair Special Event.

**APPROVED**

**PUBLIC HEARINGS**

20. At approximately 10:33 a.m. consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 79.808-acre tract of land out of Section 37, 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 on the west side of Tradewinds Boulevard, west of the Scharbauer Sports Complex); and approving a public service plan.

**APPROVED**

21. At approximately 10:36 a.m. consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 27.04-acre tract of land out of Section 24, 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 on the north side of Briarwood Avenue, west of Holiday Hill Road); and approving a public service plan.

**APPROVED**

22. 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 71.44-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (“Tract 1A”), and being more specifically described by metes and bounds in Section One hereof, as a PD, Planned District for a housing development; establishing the zoning classification of the area indicated as being a 3.325-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (“Tract 1B”), and being more specifically described by metes and bounds in Section Two hereof, as an O-1, Office District; establishing the zoning classification of the area indicated as being a 5.139-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (“Tract 1C”), and being more specifically described by metes and bounds in Section Three hereof, as an O-1, Office District; said tracts are generally located on the west side of Tradewinds Boulevard, west of the Scharbauer Sports Complex; 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**

23. At approximately 10:42 a.m. hold a public and consider an ordinance establishing the zoning classification of the area indicated as being a 27.04-acre tract of land out of Section 24, 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 an FD, Future Development District; said tract is generally located on the north side of Briarwood Avenue, west of Holiday Hill Road; 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**

24. At approximately 10:45 a.m. consider an ordinance vacating and abandoning an east/west alley adjacent to Lots 1-12, Block 71, an east/west alley adjacent to Lots 1-12, Block 72, and an 18,720 square foot north/south general utility and drainage easement between Blocks 71 and 72, West End Addition, City and County of Midland, Texas (Generally located between West Illinois Avenue and West Texas Avenue, east of north "O" Street); adopting the appraisal by the City Manager of \$15,360.00; retaining a twenty (20) foot general utility and drainage easement; and ordering recordation by the Interim City Secretary.

**APPROVED**

**DEVELOPMENT SERVICES**

25. Consider an ordinance amending Title IV, "Building Regulations", Chapter 1, "Building Code", of the City Code of the City of Midland, Texas, and adopting the 2009 International Building Code as the Building Code of the City of Midland, Texas, for the purpose of regulating the construction, alteration, repair, equipment use and occupancy, location, maintenance, removal and demolition of buildings and structures or any appurtenance connected or attached to such building or structure; providing for the inspection of said buildings or structures, providing for the issuance of permits for the construction, alteration, repair, equipment, use and occupancy, removal and demolition of said buildings or structures and collection of inspection fees therefor; establishing minimum floor elevations for certain structures; requiring cash deposits to insure site clearance after removal or demolition of structures; containing a cumulative clause; containing a savings and severability clause; providing for a maximum fine or penalty of two thousand(\$2000.00) dollars; ordering publication; and establishing an effective date of September 1, 2010.

**APPROVED**

26. Consider an ordinance amending Title IV, "Building Regulations", Chapter 10, "Mechanical Code", of the City Code of Midland, Texas, and adopting the 2009 International Mechanical Code as the Mechanical Code of the City of Midland for the purpose of providing minimum standards, provisions and requirements for safe installation and maintenance of mechanical systems within the corporate limits of the City of Midland, Texas; providing for the inspection of said mechanical systems; providing for the issuance of permits for the installation of said

mechanical systems and the collection of inspection fees therefor; providing for appeals; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); establishing an effective date of September 1, 2010; and ordering publication.

**APPROVED**

27. Consider an ordinance amending Title IV, "Building Regulations", Chapter 1, "Building Code", Section 9, "Street Improvement Fee", of the City Code of the City of Midland, Texas, allowing for the collection of a fee when a building permit is issued by the City; said fund and fee being authorized by Section 395.081 of the Texas Local Government Code; containing a cumulative clause; containing a savings and severability clause; containing a fee escalation clause; establishing an effective date of September 1, 2010; providing an appeal process; and ordering publication.

**APPROVED**

**MISCELLANEOUS**

28. Consider a motion amending the conditions contained in the approved Resolutions 2009-183 through 186 regarding four oil and gas drill sites located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the west side of Holiday Hill Road across from the Green Tree neighborhood).

**APPROVED**

29. Discuss the consent for the creation of a water control and improvement district. The name of the proposed district is Midland County Utility District. The proposed district is not in the City limits but is located in Midland County. There are approximately 14,638 individuals residing in the proposed district. The proposed district contains approximately 54,050 acres of land located in various sections and blocks, T&P RR Co. Survey, Midland County, Texas.

**DISCUSSION HELD**

30. Consider an ordinance 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 of any lot in a residence district or any other lot used for residential purposes; 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); establishing an effective date of March 1, 2011; and ordering publication.

**APPROVED WITH AMENDMENT**

31. Consider a motion appointing a task force that will consider parking regulations, including but not limited to front yard parking regulations, and said task force may make recommendations to the Council regarding possible amendments to the City ordinances.

**FAILED**

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

**NONE MADE**

33. Recess to the conference room for lunch.
  
34. 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 that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Respectfully submitted,

Courtney B. Sharp  
City Manager