

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, July 13, 2010 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. Receive and discuss an update from McDonald Transit Associates, Inc. on operations of the Midland Odessa Urban Transit District (EZ Rider).
2. Discussion and direction on the Stormwater Fee.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, July 13, 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 Kent Rogers, Golf Course Road Church of Christ

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 Parks and Recreation Month.
PRESENTED
 - b. Special Recognition to Shona Bohon for receiving the Texas Municipal Courts Association Clerk of the Year Award. **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 June 22, 2010, Regular City Council Meeting.

APPROVED

- 5b. Consider a motion approving minutes of the July 6, 2010, Special City Council Meeting.

APPROVED

6. Consider a resolution approving the purchase of a used scraper, for use at the City of Midland Landfill, from Warren Cat, of Midland, Texas, at a total cost of \$395,000.00; Warren Cat was not the low bidder.

APPROVED

7. Consider a resolution approving the purchase of five (5) tandem axle cab and chassis trucks and one (1) single axle cab and chassis truck, for use by the Solid Waste, Transportation and Water and Waste Water Divisions, from MHC Kenworth, of Odessa, Texas, at a total cost of \$553,620.00; MHC Kenworth was not the low bidder.

APPROVED

8. 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 Northwest Taxiway Extension Project (7004) at the Midland International Airport.

APPROVED

9. Consider a resolution authorizing the release of expiring 2007 Federal Aviation Administration non-primary entitlement funds for the Midland Airpark; said release of these funds does not preclude the City from requesting a future grant for Midland Airpark's development needs.

APPROVED

10. Consider a resolution authorizing advertisement for request for proposals for marketing, promotion and management of the Scharbauer Sports Complex.

APPROVED

11. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$78,076.00 to assist the Health and Senior Service Division with the delivery of local public health services; and authorizing the execution of acceptance documents.

APPROVED

12. Consider a resolution authorizing the execution of a discretionary service agreement with Oncor Electric Delivery Company LLC for the relocation of certain facilities as part of the Jal Draw Channel Lining Project; and authorizing payment in the amount of \$47,952.72.

APPROVED

13. Consider a resolution authorizing the execution of a drainage obligation agreement with M. Jackson Construction 1, Ltd. for participation in regional drainage improvements; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

APPROVED

14. Consider a resolution authorizing the execution of a public improvement development agreement with SSTS, LLC for development of Patel Addition, City and County of Midland, Texas (Generally located at South Terrell Street and Interstate 20); and appropriating funds in the amount of \$88,305 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

APPROVED

15. Consider a resolution authorizing the purchase of right-of-way along Lamesa Road from Dormard Avenue to Golf Course Road for sidewalk construction and construction of a left turn lane at Scharbauer Drive and Lamesa Road; authorizing the execution of all documents necessary for the purchase of said property; and authorizing payment therefor.

APPROVED

16. Consider a resolution authorizing the execution of a public improvement development agreement with the Midland Community Development Corporation (“MCDC”) for development of Lynside Neighborhood Addition, Section 5, City and County of Midland, Texas (Generally located on Carver Street, south of Scharbauer Drive); and authorizing payment in the amount of \$25,000 therefor (the total estimated cost of the improvements is \$31,703); said agreement being authorized by Section 395.081 of the Texas Local Government Code.

APPROVED

17. Consider a resolution authorizing the execution of a right of way license with Sprint Communications Company L.P, a Delaware Limited Partnership for the purpose of constructing, operating, repairing, maintaining, replacing and expanding a fiber optic cable system for long distance service only within the City of Midland; located within a portion of Fairgrounds Road and alley right-of-way

beginning north of Business Interstate 20 and continuing to a point south of the Union Pacific Railroad tracks.

APPROVED

18. Consider a resolution approving a second amendment to the economic development agreement between the Midland Development Corporation and Trace Engines, L.P., as authorized by Chapter 501 of the Texas Local Government Code.

APPROVED

SECOND READINGS

19. Consider an ordinance on second reading 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. (First reading held June 22, 2010)

APPROVED

20. Consider an ordinance on second reading 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. (First reading held June 22, 2010)

APPROVED

21. Consider an ordinance on second reading 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. (First reading held June 22, 2010)

APPROVED

22. Consider an ordinance on second reading 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. (First reading held June 22, 2010)

APPROVED

23. Consider an ordinance on second reading 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. (First reading held June 22, 2010)

APPROVED

24. Consider an ordinance on second reading 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. (First reading held June 22, 2010)

APPROVED

PUBLIC HEARINGS

25. At approximately 10:30 a.m. hold a public hearing and consider an ordinance adopting a site plan for Lot 5, Block 1, Hillcrest Acres, Section 5, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of North Midland Drive and Princeton Avenue); subject to the following conditions and restrictions; 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

26. 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 Lot 3, Block 7, 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 on the south side of State Highway 191, approximately 800 feet west of Tradewinds 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.

APPROVED

27. At approximately 10:36 a.m. hold a public hearing and consider an ordinance vacating and abandoning a 0.14-acre north/south alley adjacent to Lots 1, 2, 9, 10, the remainders of Lots 3 and 8, and Lots 5A and 6A, Block 13, Kelview Heights, Section 5, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of North Big Spring Street and Neely Avenue); adopting the appraisal by the City Manager of \$6,160.00; retaining a twenty (20) foot general utility and drainage easement; and ordering recordation by the Interim City Secretary.

APPROVED

DEVELOPMENT SERVICES

28. Consider an ordinance temporarily closing a portion of County Road 77 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.

APPROVED

29. Consider an ordinance adopting a permit fee schedule increase as the fee schedule ordinance of the City of Midland, Texas; so as to increase permit fees in conjunction with the adoption of the 2009 International Codes; adopting fees for building permits, sidewalk permits, street repairs, electrical permits, water well permits, plumbing permits, gas fee schedule, and mechanical fee schedule; containing a cumulative clause; containing a savings and severability clause; establishing an effective date of September 1, 2010; providing an appeal process; and ordering publication.

APPROVED

30. Consider an ordinance amending Title IV, "Building Regulations", Chapter 12, "Energy Code", of the City Code of the City of Midland, Texas, and adopting the 2009 International Energy Conservation Code as the Energy Code for the City of Midland, Texas, for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems; adopting local amendments; containing a cumulative clause; containing a savings and severability clause; providing for a maximum fine or penalty of two thousand dollars (\$2,000.00); ordering publication; and establishing an effective date of September 1, 2010.

APPROVED

31. Consider an ordinance amending Title IV, "Building Regulations", Chapter 2, "Electrical Code" Section 17, "National Electrical Code", Section 21, "Clearance Required to Connect or Disconnect Services", Section 22, "Wiring Methods", Section 31, "Re-inspections", and Section 33, "Schedule of Permit Fees", of the City Code of the City of Midland, Texas, so as to make a revision to sections of the Electrical Code of the City of Midland, Texas; containing a cumulative clause; containing a savings and severability clause; providing for a maximum fine or penalty of two thousand dollars (\$2,000.00); ordering publication; and establishing an effective date of September 1, 2010.

APPROVED

MISCELLANEOUS

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

APPOINTMENTS MADE

33. Recess to the Hogan Park Golf Course Grill, 3600 North Fairgrounds Road, Midland, Texas 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:

Respectfully submitted,

Courtney B. Sharp
City Manager