

Revised 7/23/10

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, July 27, 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 an update from the Census Complete Count Committee.
2. Receive an update from the Oil and Gas Enforcement Officer.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, July 27, 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 Michael Jackson, Inner City Tabernacle of Life

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

- 5a. Consider a motion approving minutes of the July 13, 2010, Regular City Council Meeting.

APPROVED

- 5b. Consider a motion approving minutes of the July 21, 2010, Special City Council Meeting.

APPROVED

6. Consider a resolution adding one (1) special meeting, on August 3, 2010, and two (2) regular meetings, one on August 17, 2010, and the second on August 23, 2010, to the City Council meetings scheduled for the 2010 calendar year.

APPROVED

7. Consider a resolution authorizing the execution of an agreement with First Service A/C Contractors, Incorporated, for heating, ventilation and air conditioning system retrofit upgrades at the Midland International Airport, the City of Midland Municipal Court, and Hogan Park Golf Course, at a cost of \$319,831.00; and appropriating funds.

APPROVED

8. Consider a resolution authorizing the execution of an air cargo lease agreement between the City of Midland, Texas and Southwest Airlines Co., the lease will allow Southwest Airlines to continue to occupy a total of 3,614.80 square feet in the air cargo facility at the Midland International Airport.

APPROVED

9. Consider a resolution appropriating funds from the General Liability Self-Insurance Fund Unappropriated Fund Balance to the Atmos Rate Review Mechanism Project (8923) in the amount of \$27,374.00.

APPROVED

10. Consider a resolution calling an election for three city officials; providing for use of accessible voting systems; establishing election precincts for said election; and establishing polling places for said election.

APPROVED

11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Lamesa Road Water and Sewer Reconstruction Project; said project will be for there placement of water lines and repair or replacement of sewer manholes and related utility lines.

APPROVED

12. Consider a resolution authorizing the execution of a public improvement development agreement with Leeco Properties, Inc. for development of Garden Twenty Addition, City and County of Midland, Texas (Generally located at Interstate 20 and Garden City Highway); and authorizing payment in the amount

of \$26,097.46 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

APPROVED

13. Consider a motion to approve the preliminary plat application of Legends Park, being a 71.085-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located northwest of the intersection of Tradewinds Boulevard and Champions Drive.)

APPROVED

14. Consider a resolution authorizing a reallocation of certain Community Development Block Grant funds from previous program years, target area street improvements, to the Community Development Block Grant Fund 2010-2011 Program Year; the grant funds from previous program years to be reallocated total \$220,000.00.

APPROVED

15. Consider a resolution authorizing the adoption of the City of Midland's 2010-2011 Action Plan to the Consolidated Plan for community development and housing funds for Fiscal Years 2010-2014, (October 2010-September 2015); the consolidated plan was approved by Resolution Number 2007-191; and authorizing the execution of an application for Community Development Block Grant funds.

APPROVED

16. Consider a resolution accepting a grant award in the amount of \$15,000 from the Texas Alcoholic Beverage Commission to be used by the Midland Police Department to enforce underage drinking laws; authorizing the execution of acceptance documents; and allocating grant funds; no cash match is required.

APPROVED

17. Consider a resolution authorizing an amendment to the existing professional services agreement with the McCluskey Group, L.L.C.; this amendment will extend the term of said professional services agreement to December 31, 2010; and ratifying all payments to the McCluskey Group, L.L.C.

APPROVED

18. Consider a resolution authorizing an eighth amendment to the existing professional services agreement with HDR Engineering, Incorporated; and appropriating \$108,900.00 therefor; the original agreement was for \$293,200.00; this eighth amendment will bring the total agreement price to \$1,790,513.00.

APPROVED

19. Consider a resolution approving the purchase of structural and proximity fire protective clothing for use by the Midland Fire Department, from Dooley Tackaberry, of Deer Park, Texas, at a total cost of \$65,146.90; and Dooley Tackaberry was not the low bidder.

APPROVED

SECOND READINGS

20. Consider an ordinance on second reading 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. (First reading held July 13, 2010.)

APPROVED

21. 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 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. (First reading held July 13, 2010.)

APPROVED

22. Consider an ordinance on second reading 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. (First reading held July 13, 2010.)

APPROVED

23. 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. (First reading held July 13, 2010.)

APPROVED

24. Consider an ordinance on second reading 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. (First reading held July 13, 2010.)

APPROVED

25. Consider an ordinance on second reading 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. (First reading held July 13, 2010.)

APPROVED

26. Consider an ordinance on second reading 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. (First reading held July 13, 2010.)

APPROVED

PUBLIC HEARINGS

27. At approximately 10:30 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of Tract 68, Llano Estacado, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of Dahlia Avenue and Avalon Drive), which is presently zoned CE, Country Estate District, by permitting said property to be used under a specific use permit without term for an accessory building to be used for living or sleeping quarters; 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

28. At approximately 10:33 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as the south 100 feet of Lot 4, Block 17, Haley Heights Addition, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of Rankin Highway and West Taylor Avenue), which is presently zoned LR-3, Local Retail 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

29. At approximately 10:36 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as the west 90 feet of Lots 10-12, Block 61, Original Town, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of West Wall Street and South Carrizo Street), which is presently zoned C-1, Central Area District, by permitting said property to be used under a specific use permit with term for the sale of all alcoholic beverages in a bar 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

30. At approximately 10:39 a.m. hold a public hearing and consider an ordinance adopting a site plan for a 1.635-acre tract of land out of the east ½ of the south ½ of Tract 2, Sunset Acres, City and County of Midland, Texas (Generally located on the northwest corner of Golf Course Road and Midkiff Road); 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.

DEFERRED UNTIL NEXT MEETING

31. At approximately 10:42 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 Lots 1, 2, 9, 10, the remainders of Lots 3 and 8, and Lots 5A and 6A, Block 13, Kelview Heights, Section 5, and the adjacent vacated 20-foot north/south alley right-of-way, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Transition District, to be used as an Amended Planned District (Generally located on the northwest corner of the intersection of North Big Spring Street and Neely Avenue); providing for such use to be subject to certain special conditions and restrictions as setout 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

32. At approximately 10:45 a.m. hold a public hearing and consider an ordinance declaring certain structures located at 305 North Adams Street, 2306 East California Avenue, 412 Elm Street, 705 South Jackson Street, 1120 East Jax Street, 505 East Longview Avenue, 210 North Madison Street, 601 South Mineola Street, 211 East Peck Avenue, 1206 East Pennsylvania Avenue, 1502 Willeys Avenue, 1711 Willeys Avenue, 508 South Calhoun Street, 709 South Lincoln Street, 211 North Madison Street, 805 South Atlanta Street, 200 East Gist Avenue, 202 East Gist Avenue, 604 South Mineola Street, 1103 Moran Street, 1215 Moran Street, 1105 South Pratt Street, 1207 Pratt Street, 702 South Calhoun Street, 1207 East California Street, 1410 Camp Street, 1408 South Fort Worth Street, 108 South Madison Street, 609 Storey Avenue, 418/508 East Summit Avenue, 2104 South Terrell Street, 301 North Tilden Street, 1004 Waverly Drive, 505 South Webster Street, and 504 East Wolcott Avenue to be dilapidated, substandard or unfit for human habitation and a hazard to the public health, safety and welfare; ordering their destruction or removal; and directing the Interim City Secretary to publish notice; said ordinance being authorized by Chapter 214 of the Texas Local Government Code.

APPROVED

33. At approximately 10:48 a.m. hold a public hearing and consider a resolution expressing the intent of the Midland City Council to continue in effect Title VI, "Police Regulations", Chapter 9, "Curfew Hours for Minors", of the Midland City Code pursuant to Texas Local Government Code Section 370.002.

APPROVED

34. At approximately 7:00 p.m. hold a public hearing at the Hispanic Cultural Center located at 1301 East Wadley Avenue to discuss front yard parking.

HELD

DEVELOPMENT SERVICES

35. Consider an ordinance amending Title IV, "Building Regulations", Chapter 4, "Gas Code", of the City Code of the City of Midland, Texas, and adopting the 2009 International Fuel Gas Code as the Gas Code of the City of Midland; providing minimum standards, provisions and requirements for gas piping and appliances; providing for the issuance of permits for the installation of said piping and appliances and the collection of inspection fees therefor; providing for bonding of persons engaged in the business of installing, repairing and maintaining said piping and appliances; regulating use of existing piping and appliances; providing for certificates of approval for piping work; providing for appeals; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); establishing an effective date of September 1, 2010; and ordering publication.

APPROVED

36. Consider an ordinance amending Title IV, "Building Regulations", Chapter 3, "Plumbing Code", of the City Code of the City of Midland, Texas, and adopting the 2009 International Plumbing Code as the Plumbing Code of the City of Midland for the purpose of regulating the installation, alteration, and maintenance of all piping and plumbing within the corporate limits of the City of Midland; providing for the inspection of said piping and plumbing; providing for the issuance of permits for the installation of said piping and the collection of inspection fees therefor; providing for the bonding of persons engaged in the business of installing, repairing and maintaining said piping or plumbing; 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

37. Consider an ordinance amending Title IV, "Building Regulations", Chapter 6, "Private Water Wells", Section 1, "Permit Fee", of the City Code of the City of Midland, Texas, so as to make a fee revision of the Private Water Wells Code of

the City of Midland, Texas; 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; establishing an effective date of September 1, 2010.

APPROVED

38. Consider an ordinance amending the Fire District so as to delete therefrom Lot 6, Block 50, East Midland Addition, City and County of Midland, Texas (Generally described as 601 North Madison Street); directing the building official to amend the Fire District Map; containing a cumulative clause; and containing a savings and severability clause.

APPROVED

MISCELLANEOUS

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

NONE MADE

40. Recess to the conference room for lunch.
41. 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