

Revised

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

Tuesday, August 10, 2010 9:15 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. Update on the City of Midland's Leadership Development Programs and Culture Committee initiatives.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, August 10, 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 – Chaplain Bill Billett, Manor Park Retirement Home

INVOKED

2. Pledge of Allegiance

INVOKED

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.

COMMENTS RECEIVED

CONSENT AGENDA

- 5a. Consider a motion approving minutes of the July 27, 2010, Regular City Council Meeting.

APPROVED

- 5b. Consider a motion approving minutes of the August 3, 2010, Special City Council Meeting.

APPROVED

6. Consider a motion establishing August 17, 2010 at 8:30 a.m. in the Council Chamber at City Hall and August 23, 2010 at 8:30 a.m. in the Council Chamber at City Hall as the dates, times and places for consideration of an ordinance establishing the ad valorem tax rate for Fiscal Year 2010-2011.

APPROVED

7. Receive for information and possibly discuss third quarter Fiscal Year 2009-2010 Investment Report.

RECEIVED AND APPROVED

8. Consider a resolution approving the purchase of six hundred (600) three cubic yard refuse containers with lids and two hundred (200) four cubic yard refuse containers with lids from performance metal works dba Proform, Incorporated, of Winnsboro, Texas; and three hundred (300) three-and-a half cubic yard refuse containers with lids from Roll-Offs USA, Incorporated, of Durant, Oklahoma, at a total cost of \$400,100.00.

APPROVED

9. Consider a resolution authorizing the execution of a two-year service contract for laundry, dry cleaning and minor repair services for the City's Police Department, Utilities Division, Fire Department, Garage Division and Municipal Court uniforms, with F&D, Incorporated, dba Comet Cleaners, of Midland, Texas, at total cost of \$278,668.00.

APPROVED

10. Consider a resolution authorizing the execution of an agreement for the purchase of one hundred and fifty (150) body armor vests to be used by Midland Police Officers, from GT Distributors, Incorporated, of Austin, Texas; said purchase was not bid but purchased as a sole source; and the costs for the body armor vests shall be approximately \$99,141.00.

APPROVED

11. Consider a resolution authorizing the appropriation of funds for the design phase and bidding of Phase II of the project described as Northwest Taxiway Extension Project at Midland International Airport in the amount of \$80,000.00.

APPROVED

12. Consider a resolution accepting \$500,000.00 in grant funds from the United States Department of Housing and Urban Development Economic Development Initiative Grant Program for renovations to the Martin Luther King, Jr. Community Center; and appropriating said funds to Project No. 8906.

APPROVED

13. Consider a resolution approving a contract with Mid-Tex of Midland, Incorporated, of Midland, Texas, for renovations to the Martin Luther King, Jr. Community Center at a total cost of \$1,884,914.00.

APPROVED

14. Consider a resolution authorizing an amendment to the existing professional services agreement with Parkhill Smith & Cooper, Incorporated; said amendment increases payment to Parkhill Smith & Cooper, Incorporated, from \$175,000.00 to \$225,000.00 for services performed.

APPROVED

15. Consider a resolution adopting the City of Midland Consolidated Plan for Community Development and Housing Funds for Fiscal Years 2011 through 2015 and the 2010/2011 Action Plan to said consolidated plan; and authorizing the execution of an application for Community Development Block Grant Funds.

APPROVED

16. Consider a motion amending the conditions contained in Resolutions 2008-348 and 2009-142, 2009-348 regarding three Patriot Resources, Inc. oil and gas drill sites located in Section 11, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the Midland Country Club property.)

APPROVED

17. Consider a resolution authorizing the execution of a contract with Austin Land Service, of Cedar Park, Texas, for mulching of yard waste and wood at a cost of \$76,212.00.

APPROVED

18. Consider a resolution authorizing emergency repairs from unforeseen fire damage to a 2005 sewer jet combo truck; said repairs to be made by Kinlock Equipment & Supply, Incorporated, at a cost of \$63,111.73; and waiving any bidding requirements because the Council finds that the truck needs to be placed in service immediately.

APPROVED

SECOND READINGS

19. Consider an ordinance on second reading 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. (First reading held July 27, 2010.)

APPROVED

20. Consider an ordinance on second reading 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. (First reading held July 27, 2010.)

APPROVED

21. Consider an ordinance on second reading 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. (First reading held July 27, 2010.)

APPROVED

22. 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 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. (First reading held July 27, 2010.)

APPROVED

23. Consider an ordinance on second reading 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; directing the Interim City Secretary to publish notice; and directing the Building Official to deliver a copy of this ordinance to affected owners, lienholders and mortgagees; said ordinance being authorized by Chapter 214 of the Texas Local Government Code.

APPROVED

24. Consider an ordinance on second reading 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. (First reading held July 27, 2010.)

APPROVED

25. Consider an ordinance on second reading 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. (First reading held July 27, 2010.)

APPROVED

26. Consider an ordinance on second reading 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. (First reading held July 27, 2010.)

APPROVED

27. Consider an ordinance on second reading 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. (First reading held July 27, 2010.)

APPROVED

28. 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 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. (First reading held June 22, 2010.)

APPROVED

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

APPROVED WITH AMENDMENT

PUBLIC HEARINGS

30. At approximately 10:30 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a philanthropic event on the west 51.5 feet of Lot 5, all of Lots 6-10, and the east 22 feet of Lot 11, Block 8, Loma Linda Replat, City and County of Midland, Texas (Generally located on the north side of Scharbauer Drive, approximately 250 feet west of Lamesa Road); making said permit subject to certain special conditions and restrictions contained herein; and providing the days of operation for the event shall be from October 15, 2010 through October 17, 2010.

APPROVED

31. At approximately 10:33 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of Lots 20 and 21, Block 2, Permian Shopping Center, City and County of Midland, Texas (Generally located near the southwest corner of Andrews Highway and Dodson Street), which is presently

zoned LR-2, Local Retail District, by permitting said property to be used under a specific use permit without term for a kennel; 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

32. At approximately 10:36 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a carnival on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein.

APPROVED

33. At approximately 10:39 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 18, Block 14, Briarwood Addition, Section 17, 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 northeast corner of Briarwood Avenue and Oriole Drive); 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 WITH AMENDMENT

34. At approximately 10:42 a.m. hold a public hearing and consider an ordinance of the City Council of the City of Midland, Texas, ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"); providing tax incentives; designating a liaison for the communication with interested parties; nominating Plains All American Pipeline, L.P., to the Office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (The "Bank") as an Enterprise Project; providing an effective date; and rescinding Ordinance No. 8795.

APPROVED

35. At approximately 10:45 a.m. hold the second public hearing establishing the ad valorem tax rate of \$.47285 per \$100 taxable assessed valuation for Fiscal Year 2010-2011.

PUBLIC HEARING HELD

DEVELOPMENT SERVICES

36. Continue consideration of 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.

APPROVED WITH AMENDMENT

MISCELLANEOUS

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

NO APPOINTMENTS MADE

38. Recess to the conference room for lunch.
39. Pursuant to Texas Government Code §551.101, the Council will hold a joint Executive Session with the Board of Directors of the Midland Development Corporation 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

Respectfully submitted,

Courtney B. Sharp
City Manager