

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, August 25, 2009, 9:30 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. Presentation and discussion regarding the Dongying-Midland Sister City Association and the possible relocation of the Chinese Pavilion currently at Beal Park.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, August 25, 2009 – 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.

- ★ These items are related to achieving City Council's Policy Agenda for 2009:
- Infrastructure
 - Housing
 - Economic Development
 - Funding

1. Invocation – Reverend Michael Philliber, Providence Presbyterian

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 August 11, 2009, Regular City Council Meeting.

APPROVED

6. Consider a resolution approving the Fiscal Year 2009-2010 Annual Budget for the Midland Football/Soccer and Baseball Complex Development Corporation, a Type B Corporation as authorized by Chapter 505 of the Texas Local Government Code.

APPROVED

- ★ 7. Consider a resolution approving the purchase of an octagonal gazebo for Hogan Park from GameTime by Total Recreation Products, Incorporated of Cypress, Texas for a total cost of \$100,630.00.

[Related to Council Priority: Infrastructure]

DEFERRED

- ★ 8. Consider a resolution authorizing the execution of an agreement for labor and material for the foundation and erection of a 70' gazebo at Hogan Park from Homes Unique, Incorporated dba Master Builders Construction Company, of Midland, Texas, at a total cost of \$62,700.00; the bid submitted by Homes Unique, Incorporated dba Master Builders Construction Company was the lowest and most responsible bid received.

[Related to Council Priority: Infrastructure]

DEFERRED

- ★ 9. Consider a resolution approving the purchase of the GT Impax Turf Surfacing for the playground equipment installation at Hogan Park Bay from GameTime by Total Recreation Products, Incorporated of Cypress, Texas for a total cost of \$69,082.83.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 10. Consider a resolution authorizing the execution of an agreement for installation of the GT Impax Turf Surfacing for the playground at Hogan Park Bay from Robertson Industries Incorporated, of Chandler Arizona, at a total cost of \$7,143.55; this item was originally sent out for bids and no bids were received.

[Related to Council Priority: Infrastructure]

APPROVED

11. Consider a resolution approving the purchase of 165 ruggedized laptops for the Midland Police and Fire Department from the lowest cost vendor, Insight Enterprises, Incorporated of Tempe, Arizona for a total cost of \$803,482.61; said purchase is through the Texas Department of Information Resources Contract DIR-SDD-531 which allows competitive bids for purchases; and allocating funds therefor.

APPROVED

12. Consider a resolution authorizing the execution of an agreement for the purchase of plastic meter boxes with lids for use at water meter locations from Morrison Supply Company, of Midland, Texas, at a total cost of \$77,137.00; the bid submitted by Morrison Supply Company, was the lowest and most responsible bid received.

APPROVED

13. Consider a resolution accepting preclearance from the United States Department of Justice regarding annexations effective June 11, 2009.

APPROVED

14. Consider a motion to approve a request by Schumann Engineering Co., Inc. for a deferral of street paving with curb and gutter, water, and sanitary sewer for Nueva La Jolla Addition, Section 3, and to waive the public improvement guarantee, and to defer sidewalk construction on Front St., Orchard Ln., and N. Tilden St. This subdivision is generally located between Orchard Lane and Front Street west of Fairgrounds Road.

APPROVED

- ★ 15. Consider a motion stating the City's intention to provide public improvements for Pueblo San Juan Addition, including water and sewer lines, two alley entrances and caliche in alley, totaling approximately \$56,000. This subdivision is located in the San Juan Target Area and is being developed by Midland Community Development Corporation.

[Related to Council Priority: Housing]

APPROVED

- ★ 16. Consider a resolution accepting the Fiscal Year 2010 and Fiscal Year 2011 Victim Coordinator and Liaison Grant from the Texas Attorney General; this grant is to be used by the Midland Police Department to maintain a Victim Assistance Liaison Position; authorizing the execution of acceptance documents; and depositing the funds into the General Fund.

[Related to Council Priority: Funding]

APPROVED

17. Consider a resolution appropriating funds in the amount of \$7,790.00 acquired from the sealed bid sale of weapons awarded to the Midland Police Department by the Court; the proceeds will be used to purchase equipment and technology essential to the law enforcement function for the Midland Police Department.

APPROVED

18. Consider a resolution authorizing a sixth amendment to the existing professional services agreement with HDR Engineering, Incorporated; and appropriating \$177,362.00 therefor; the original agreement was for \$293,200.00; this fifth amendment will bring the total agreement price to \$1,524,713.00.

APPROVED

- ★ 19. Consider a resolution awarding the Northwest Tower and Edgewood water lines - Phase 1 Project, at a total estimated cost of \$257,510.00 to James Hindman, Incorporated, and appropriating funds.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 20. Consider a resolution authorizing the filing of a grant application with the Permian Basin Regional Planning Commission for a regional solid waste program grant, and authorizing the City Manager to act on behalf of the City in matters related to said application.

[Related to Council Priority: Funding]

APPROVED

- ★ 21. Consider a resolution authorizing the acceptance of an easement located in Section 13, Block 40, T-1-S, R.R. Co. Survey, Midland County, Texas with Oncor Electric Delivery Company LLC for the installation of a water line; said water line will serve the new Northwest Elevated Water Tower; and ordering recordation by the City Secretary.

[Related to Council Priority: Infrastructure]

- ★ 22. **APPROVED**
Consider a resolution accepting a correction private right of way access easement in Section 13, Block 40, T-1-S, R.R. Co. Survey, Midland County, Texas from Fasken Land and Minerals, Ltd.; and ordering recordation by the City Secretary.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 23. Consider a resolution authorizing the acceptance of an easement located in Section 13, Block 40, T-1-S, R.R. Co. Survey, Midland County, Texas with Fasken Land and Minerals, Ltd. for the installation of a 24" water line; said waterline will serve the new Northwest Elevated Water Tower; and ordering recordation by the City Secretary.

[Related to Council Priority: Infrastructure]

APPROVED

SECOND READINGS

24. Consider an ordinance on second reading vacating and abandoning a 0.0477-acre tract of land being an 8.65 foot wide portion of West New Jersey Avenue, a 0.1102-acre tract of land being a 20 foot wide alley, and a 0.0956-acre tract of land being a 17.35 foot wide portion of Rhode Island Avenue, all out of Block 27, Midland Heights Addition, City and County of Midland, Texas (Generally located southwest of the intersection of West New Jersey Avenue and Camp Street); adopting the appraisal by the City Manager of \$2,208.00; waiving the fee for the cost of the rights-of-way; and ordering recordation by the City Secretary.

APPROVED

25. Consider an ordinance on second reading vacating and abandoning a 2.80-acre tract of rights-of-way located in Sections 27 and 28, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, being comprised of the alley in Block 4, Highland Park Addition; that portion of an alley in Blocks 15 and 16, a subdivision of Blocks 15 and 16, Gardens Addition; that portion of West Tennessee Avenue west of North "N" Street and that portion of Garfield Street south of West Michigan Avenue located in Highland Park Addition; that portion of Ohio Avenue dedicated by deed; that portion of Garfield Street dedicated by deed; that portion of the intersection of Garfield Street and Ohio Avenue dedicated in Midland Memorial Hospital, Section 1; and two 0.002-acre tracts of alley dedicated by deeds (Generally bounded by Michigan Avenue, Tennessee Avenue, Illinois Avenue and Kent Street); adopting the appraisal by the City Manager of \$183,250.00; and ordering recordation by the City Secretary.

AMENDED

26. 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 25.06-acre tract of land located in Sections 27 and 28, Block 39, 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 O-1, Office District, in part, PD, Planned District for an Office Center, in part, PD, Planned District for a Medical and Hospital District, in part, and LR-2, Local Retail District, in part, to be used as a PD, Planned District for a Medical and Hospital District (Generally located north of West Illinois Avenue and South of West Michigan Avenue and East of Andrews Highway and Kent Street and west of North "N" Street); said tract will include 2.77-acres of vacated street and alley rights-of-way (Generally described as Garfield Street from Michigan Avenue to Ohio Avenue; Ohio Avenue from Garfield Street to Andrews Highway; Tennessee Avenue from "N" Street to Garfield Street; the east-west alley in Block 4, Highland Park Addition; and the north-south alley in Blocks 15 and 16, Gardens Addition) providing for such use to be subject to certain special conditions and

restrictions as set out herein, and expressly repealing Ordinance Nos. 5261 and 5576; 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

PUBLIC HEARINGS

27. At approximately 11:00 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on Lots 10-12, Block 93, Lots 1-5, Block 105, and Blocks 94 and 104, West End Addition, City and County of Midland, Texas (Generally located on the south side of Missouri Avenue, between "J" Street and "I" Street); and making said permit subject to certain special conditions and restrictions contained herein.

APPROVED

28. At approximately 11:03 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 an 8.178-acre tract of land located in the west part of the south half of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned 1F-3, One-Family Dwelling District, in part, and O-1, Office District, in part, to be used as a PD, Planned District for a Housing Development (Generally located on the east side of Lamesa Road, approximately 1,360 feet north of Loop 250 North); 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.

WITHDRAWN AT REQUEST OF APPLICANT

29. At approximately 11:06 a.m. hold a public hearing and consider an ordinance vacating and abandoning a 0.06-acre portion of the north/south alley adjacent to the north half of Block 26, Midland Heights Addition, City and County of Midland, Texas (Generally located Northwest of Camp Street and Rhode Island Avenue); adopting the appraisal by the City Manager of \$697.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary.

APPROVED

30. At approximately 11:09 a.m. hold a public hearing and consider an ordinance vacating and abandoning a 0.23-acre portion of the east/west 20-foot alley adjacent to Lots 1-4, Block 10, Nueva La Jolla Addition, City and County of Midland, Texas (Generally located southeast of Orchard Lane and North Tilden Street); adopting the appraisal by the City Manager of \$495.50; retaining a twenty (20) foot utility easement; and ordering recordation by the City Secretary.

APPROVED

DEVELOPMENT SERVICES

31. Consider an ordinance vacating and abandoning a 0.49-acre tract of land being a partial drainage easement out of Lot 3, Block 1, Northwestern Addition, Section 5, City and County of Midland, Texas (Generally located on the south side of Mockingbird Lane); adopting the appraisal by the City Manager of \$5,229.00; waiving the fee for the cost of the easement; and ordering recordation by the City Secretary.

APPROVED

MISCELLANEOUS

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:

Personnel Matters Under Section 551.074

Deliberate the employment, evaluation, compensation, and duties of the City Manager, the City Attorney, the City Secretary and the Municipal Court Presiding Judge, and the Municipal Court Associate Judge.

Respectfully submitted,

Courtney B. Sharp
City Manager