

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, October 13, 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. Update from Staff on the Centennial Plaza Project and discussion on proposed Phase II Centennial Plaza Improvements.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, October 13, 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 Church

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 Resolution of Commendation to retiring City employee Sharon Stuard. **(NOT 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

5. Consider a motion approving minutes of the September 22, 2009, Regular City Council Meeting.

APPROVED

- 5a. Consider a motion approving minutes of the September 29, 2009, Special City Council Meeting.

APPROVED

- ★6. Consider a resolution authorizing the City Manager to negotiate a professional services contract with Vandergriff Group Architects, Incorporated, for architectural services at the Midland Senior Center.

[Related to Council Priority: Infrastructure]

APPROVED

- ★7. Consider a resolution authorizing the City Manager to accept \$997,700.00 on behalf of the City of Midland from the United States Department of Energy to be used to relight City facilities with high efficiency lamps and ballasts, and replace older inefficient heating, ventilation and air conditioning units.

[Related to Council Priority: Funding]

APPROVED

8. Consider a resolution authorizing the City Manager to purchase 1298 square feet of Lot 4A, Block Twenty Eight (28), Skyline Terrace, Unit Four (4), a subdivision to the City of Midland, Texas, and 1102 square feet of Lot 4B, Block Twenty Eight (28), Skyline Terrace, Unit Four (4) a subdivision to the City of Midland, Texas, for the appraised price of \$5,400.00.

APPROVED

- ★9. Consider a resolution approving plans and specifications prepared by Parkhill, Smith and Cooper, Incorporated and Terracon Consultants, and authorizing advertisement for bids for the construction phase for the City of Midland Project described as Rehabilitation of Hangar S-11A at the Midland International Airport.

[Related to Council Priority: Infrastructure]

APPROVED

- ★10. Consider a resolution authorizing the City Manager and City Attorney to negotiate and execute a Transportation Services Agreement between SkyWest Airlines, Incorporated and the City of Midland for non-stop service between Midland International Airport and Denver International Airport.

[Related to Council Priority: Economic Development]

APPROVED

- ★11. Consider a resolution authorizing the City Manager and City Attorney to negotiate and execute an airline/airport use and lease agreement with SkyWest Airlines, Incorporated, regarding terms for operations and use of the Midland International Airport.

[Related to Council Priority: Economic Development]

APPROVED

12. Consider a resolution authorizing the City Manager and City Attorney to negotiate and execute a right of way license with the City of Midland, Texas and DCP Midstream, LP; said right of way license is for the purpose of placing, constructing, operating, repairing, maintaining, replacing and removing petroleum products and petroleum by-products pipelines for the transportation of petroleum products and petroleum by-products and to further have the right of ingress and egress at convenient points for such purpose; the pipeline transverses airport property located north of Midland described as Section 36, Block 39, T1N, T&P Ry. Co. Survey, Martin County, Texas.

APPROVED

- ★13. Consider a resolution authorizing the acceptance of a Routine Airport Maintenance Program (RAMP) Grant from the Texas Department of Transportation; authorizing the execution of grant documents; and appropriating funds therefor.

[Related to Council Priority: Funding]

APPROVED

- ★14. Consider a resolution authorizing a one year extension to the new Air Service Incentive Program to assist in local marketing for new air service at the Midland International Airport.

[Related to Council Priority: Economic Development]

APPROVED

15. Consider a resolution appointing election officials for the election of one City official on November 3, 2009.

APPROVED

16. Consider a motion to approve a request by Schumann Engineering Co., Inc. for a deferral of water and sanitary sewer for Green Acres Addition, and to waive the public improvement guarantee, and to defer sidewalk construction on Front St. This subdivision is generally located near the northwest corner of Front Street and Todd Drive.

APPROVED

- ★ 17. Consider a resolution authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Incorporated, of Midland, Texas, for professional architectural services regarding the design and construction of a new Municipal Court Building, at an estimated total cost of \$1,500,000.00; and appropriating funds.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 18. Consider a resolution accepting a grant award from the Texas “J” Regional Advisory Council in the amount of \$11,403.00, for funds to be used by the Midland Fire Department for training equipment and supplies.

[Related to Council Priority: Funding]

APPROVED

19. Consider a resolution authorizing the execution of Change Order Number Four with Cajun Constructors, Incorporated, adding \$238,539.00 for additional work to the existing contract for improvements at the City of Midland Water Purification Plant; and appropriating funds; the original contract was for \$20,804,000.00; this third change order brings the total contract price to \$21,380,254.00.

APPROVED

- ★ 20. Consider a resolution authorizing a first amendment to the existing construction management contract with CDM Constructors, Incorporated, for the addition of a 500,000 gallon storage tank, associated earthwork, piping, controls, and a distribution vault, as part of the City’s University of Texas at the Permian Basin Performing Arts Center Pump Station Project; and appropriating \$1,035,634.00

therefor; the original contract was for \$2,453,999.00; this first amendment will bring the total contract price to \$3,489,633.00.

[Related to Council Priority: Infrastructure]

APPROVED

21. Consider a resolution authorizing the execution of Change Order Number Two with James Hindman, Incorporated, adjusting for final quantities at an additional cost of \$54,198.00 to the existing City View Acres Water Line Addition Project contract; and the final contract amount including this change order shall be \$843,933.30.

APPROVED

SECOND READINGS

22. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 5A, Block 3, Westridge Park Addition, Section 14, City and County of Midland, Texas (Generally located on the west side of Tradewinds Boulevard, approximately 160 feet north of Deauville Road), which is presently zoned PD, Planned District for a shopping center, 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

23. Consider an ordinance on second reading granting a special exception for Lots 10 and 11, Block 106, Resurvey West End Addition, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of South "I" Street and Holloway Avenue), by permitting an encroachment into the required front yard setback for construction of a garage; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); ordering recordation by the City Secretary in the deed records of Midland County, Texas; and ordering publication.

APPROVED

24. Consider an ordinance amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the traffic engineer to install appropriate signs and markings;

repealing Ordinance No. 8669; 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

25. Consider an ordinance amending Title V, "Business Regulations", Chapter 4, "Alcoholic Beverages", Section 3, "Receipt", of the City Code of Midland, Texas, so as to extend the duration of license receipts issued; containing a cumulative clause and expressly repealing any ordinance or part thereof in conflict with this ordinance; containing a savings and severability clause; and ordering publication

APPROVED

PUBLIC HEARINGS

26. At approximately 11:00 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 7, Block 27, Wydeewood Estates, Section 20, City and County of Midland, Texas (Generally located on the east side of North Loop 250 West, approximately 250 feet south of West Wadley Avenue), which is presently zoned PD, Planned District for a shopping center, 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

27. At approximately 11:03 a.m. hold a public hearing and consider a resolution authorizing a temporary special permit for a manufactured home on Lot 9, Block 1, Holloway, City and County of Midland, Texas (Generally located on the east side of Terrell Street, approximately 150 feet south of Cuthbert Avenue).

APPROVED

28. At approximately 11:06 a.m. hold a public hearing on a request by Barron Operating, LLC (Robbie # 2406) for a Permit to drill an Oil and Gas Well within the City Limits located 1980' FNL and 1877' FWL, Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 1,870 feet east of Avalon Drive and ¾ mile north of Briarwood Avenue.)

HELD

29. At approximately 11:09 a.m. hold a public hearing on a request by Barron Operating, LLC (Robbie # 2410) for a Permit to drill an Oil and Gas Well within the

City Limits located 770' FNL and 1877' FWL, Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 1,870 feet east of Avalon Drive and 4,500 feet north of Briarwood Avenue.)

HELD

30. At approximately 11:12 a.m. hold a public hearing on a request by Barron Operating, LLC (Robbie # 2411) for a Permit to drill an Oil and Gas Well within the City Limits located 1877' FWL and 1984' FSL, Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 1,870 feet east of Avalon Drive and 1,980 feet north of Briarwood Avenue.)

HELD

31. At approximately 11:15 a.m. hold a public hearing on a request by Barron Operating, LLC (Robbie # 2403) for a Permit to drill an Oil and Gas Well within the City Limits located 1707' FSL and 590' FWL, Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 590 feet east of Avalon Drive and ¼ mile north of Briarwood Avenue.)

HELD

32. At approximately 11:18 a.m. hold a public hearing on a request by Barron Operating, LLC (Robbie # 2407) for a Permit to drill an Oil and Gas Well within the City Limits located 660' FSL and 1877' FWL, Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 1,870 feet east of Avalon Drive and 660 feet north of Briarwood Avenue.)

HELD

33. At approximately 11:21 a.m. hold a public hearing on a request by Barron Operating, LLC (Robbie #2414) for a Permit to drill an Oil and Gas Well within the City Limits located 2416' FNL and 590' FWL, Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 590 feet east of Avalon Drive and ½ mile north of Briarwood Avenue.)

HELD

34. At approximately 11:24 a.m. hold a public hearing on a request by Barron Operating, LLC (Robbie # 2415) for a Permit to drill an Oil and Gas Well within the City Limits located 590' FSL and 590' FWL, Section 24, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located approximately 590 feet east of Avalon Drive and 590 feet north of Briarwood Avenue.)

HELD

MISCELLANEOUS

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

APPOINTMENTS

36. At approximately 3:00 p.m., the Midland City Council will hold a public hearing at the Midland Center, 105 North Main Street, Midland, Texas, to discuss and receive public input on a proposed ordinance regarding the drilling and operating of oil and gas wells in the City limits and the City's Extraterritorial Jurisdiction.

HELD

37. At approximately 3:05 p.m., the Midland City Council will hold a public hearing at the Midland Center, 105 North Main Street, Midland, Texas, to discuss and receive public input on a proposed ordinance regulating Development Plats in the City limits and the City's Extraterritorial Jurisdiction pursuant to Chapter 212 of the Texas Local Government Code.

HELD

38. 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 551.071, Consultation with the City Attorney and Attorney(s) with the law firm of Taylor, Olson, Adkins, Sralla and Elam of Fort Worth, Texas

Discuss regulating the drilling and operating of Oil and Gas Wells in the City Limits and also in the City's Extra-territorial Jurisdiction.

Discuss surface development (non-oil and gas well operations) and a potential development plat ordinance.

Discuss Matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

Respectfully submitted,

Courtney B. Sharp
City Manager