

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
Tuesday, October 27, 2009 9:30 a.m.  
City Hall Conference Room  
300 North Loraine  
Midland, Texas**

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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. Hear a presentation from Midland Odessa Transportation Organization (MOTOR).

AGENDA FOR CITY COUNCIL MEETING  
Tuesday, October 27, 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 Mickey Eckles, Mid-Cities Community 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 a Proclamation for Municipal Courts Week. **(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 October 13, 2009, Regular City Council Meeting.

**APPROVED**

- 5a. Consider a motion approving minutes of the October 19, 2009, Special City Council Meeting.

**APPROVED**

6. Consider a resolution authorizing the execution of an annual purchase agreement for ready-mix concrete and stabilized caliche from Troy Vines, Incorporated, of Midland, Texas, at a total cost of \$51,860.00.

**APPROVED**

7. Consider a resolution authorizing the purchase of an annual supply of anhydrous ammonia for purifying City of Midland drinking water from the lowest bidder, Shrieve Company, for a total price of \$97,000.00.

**APPROVED**

8. Consider a resolution authorizing the purchase of an annual supply of liquid chlorine for purifying City of Midland drinking water from the sole bidder, DPC Industries, Incorporated, for a total cost of \$189,940.00.

**APPROVED**

9. Consider a resolution authorizing the purchase of an annual supply of polymer for purifying City of Midland drinking water from Polydyne, Incorporated, for a total price of \$36,720.00; not the low bid.

**APPROVED**

10. Consider a resolution authorizing the purchase of an annual supply of aluminum sulfate for purifying City of Midland drinking water from the low bidder, Chameleon Industries, Inc, for a total price of \$244,500.00.

**APPROVED**

11. Consider a resolution approving the purchase of an annual supply of ferric sulfate for purifying City of Midland drinking water from the lowest bidder, Kemira Water Solutions, Incorporated, for a total cost of \$86,000.00.

**APPROVED**

12. Consider a resolution authorizing the purchase of one hundred forty (140) tons of emulsified asphalt, one thousand (1,000) tons of commercial base caliche and one thousand two hundred seventy eight (1,278) tons of limestone rock asphalt pavement cold mix, from NK Asphalt Partners, dba Holly Asphalt Partners, Jones Brothers Dirt and Paving, and Don Wise Transportation, respectively, at a total cost of \$225,372.00.

**APPROVED**

13. Consider a resolution authorizing the execution of a five (5) year contract with Community & Senior Services, Incorporated, for consulting and management services as well as overseeing the operation of the Midland Senior Citizens Center, at a total contract price of \$1,478,961.00.

**APPROVED**

14. Consider a resolution authorizing the execution of a five (5) year renewal agreement with O'Mulligans, Ltd., of Midland, Texas, for concession services at Hogan Park Golf Course.

**APPROVED**

15. Consider a resolution authorizing the acceptance of a 0.83-acre water pipeline easement and right-of-way located in Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the City Secretary.

**APPROVED**

16. Consider a resolution authorizing the acceptance of a 2.74-acre water pipeline easement and right-of-way located in Section 1, Block 40, T-2-S, T&P RR Company Survey, and Section 48, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas.

**APPROVED**

- ★17. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Tradewinds Boulevard 16" Water Line Project; said project will be for the installation of a water line connecting the Gateway Plaza Development with an existing water line at Thomason Drive and Tradewinds Boulevard.

***[Related to Council Priority: Infrastructure]***

**APPROVED**

18. Consider a resolution authorizing the execution of an addendum to the public improvement development agreement with Grace Partnership, LLC, for development of Gateway Plaza; and authorizing payment therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

**APPROVED**

- ★ 19. Consider a resolution authorizing the designation of City sources in the amount of \$16,500.00 to serve as matching funds of an application by the Midland Neighborhood Housing Services to the Texas Department of Housing and Community Affairs for Homebuyer Assistance Funds pursuant to the HOME Investment Partnership Program; said funds will be used for down payment assistance.

***[Related to Council Priority: Housing]***

**APPROVED**

- ★ 20. Consider a resolution accepting a grant award from the 2009 Homeland Security Grant in the amount of \$66,369.00; said grant will provide funds for law enforcement explosive ordnance disposal projects; authorizing the execution of acceptance documents; and appropriating grant funds; there are no matching funds required for this grant.

***[Related to Council Priority: Funding]***

**APPROVED**

- ★ 21. Consider a resolution accepting a grant award from the United States Department of Justice to be used for the purchase of bulletproof vests; and authorizing the execution of acceptance documents.

***[Related to Council Priority: Funding]***

**APPROVED**

- ★ 22. Consider a resolution authorizing the City of Midland Police Department in conjunction with the Midland County Sheriff's Department to accept the FY2009 Justice Assistance Grant funds totaling \$44,481.00; the City of Midland will receive \$26,689.00 (60%) and Midland County will receive \$17,792.00 (40%) of the grant funds; authorizing the execution of acceptance documents; and appropriating funds.

***[Related to Council Priority: Funding]***

**APPROVED**

23. Consider a resolution authorizing the execution of Change Order Number Four with Red River Construction Company, providing for additional work at the Water Pollution Control Plant, at an additional cost of \$212,426.00 to the existing Headworks Improvements and Digester Rehabilitation Project contract with Red River Construction Company; and appropriating funds; this Fourth Change Order brings the total contract price to \$8,439,341.89.

**APPROVED**

24. Consider a resolution authorizing the execution of a right of way license with the Greenwood Independent School District for the installation, operation and maintenance of a sewage pipeline to be constructed across City property near the Water Pollution Control Plant, in Sections 5, 8, 9 and 10, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas.

**APPROVED**

**SECOND READINGS**

25. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 7, Block 27, Wydewood 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**

**PUBLIC HEARINGS**

26. At approximately 11:00 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 a 1.20-acre tract of land out of the south half of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a recreation center (Generally located on the north side of Business I-20, approximately 400 feet west of Todd 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**

27. At approximately 11:03 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 12, Block 1, Pecan Acres, City and County of Midland, Texas (Generally located on the south side of Glasgow Street, approximately 250 feet east of Dumfries Road), which is presently zoned AE, Agriculture 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**

**DEVELOPMENT SERVICES**

28. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being an 81.354-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, being Blocks 43 through 48 and Blocks 54 and 55, Belmont Addition, and being Blocks 3 through 14 of Sections 4 through 8, Bizzell-Kiser Addition, remainders of Bizzell-Kiser Addition and all adjacent and previously vacated rights-of-way, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located on the east side of Terrell Street north of Interstate 20); and approving a public service plan.

**APPROVED**

29. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being Lots 6, 7D and 8, Block 3, I-20 Terminal Park, Midland County, Texas, and a 4.539-acre tract of land out of Sections 8 and 17, Block 40, T-2-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 South County Road 1276, approximately 2,000 feet south of West Industrial Avenue); and approving a public service plan.

**APPROVED**

30. Consider an ordinance changing the name of the 10000 block of West County Road 116 to "Pilot Avenue"; changing the name of the 10000 block of West County Road 117 to "Younger Road"; changing the name of the 10000 block of West County Road 118 to "Liberator Lane"; changing the name of the 2900 to 3300 block of South County Road 1278 to "Norden Drive"; changing the name of the 3200 to 3300 block of South County Road 1276 to "Fortress Avenue"; said roads are generally located southwest of Midland International Airport; containing a cumulative clause; containing a savings and severability clause; and directing the City Secretary to send the Midland Emergency Communications District a certified copy of this ordinance.

**APPROVED**

**MISCELLANEOUS**

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

**APPOINTMENTS MADE**

32. Recess to the conference room for lunch.
33. Discuss a proposed ordinance amending Title VI, "Police Regulations", Chapter 1, "General Offenses", of the City Code of Midland, Texas, so as to add a new Section 21, "Oil and Gas Well Permits issued on or after January 1, 2010"; said ordinance shall regulate and govern the granting or rejecting of applications for oil and gas well permits; said ordinance provides for revised regulations regarding the drilling of oil and gas wells and exploration of and production from oil and gas wells; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); establishing an effective date of January 1, 2010; and ordering publication.

**DISCUSSED**

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:

**Section 551.071, Consultation with the City Attorney, and Section 551.129, Consultations Between the City Council and Its 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.

**Section 551.071, Consultation with the City Attorney**

Discuss litigation styled Jud Walton v. the City of Midland, Texas in the Supreme Court of Texas; Cause Number 09-0155.

Respectfully submitted,

Courtney B. Sharp  
City Manager