

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, November 10, 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. Discussion on management and operation agreements of city-owned facilities.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, November 10, 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 Walter Thompson, First 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 a Proclamation for Food Safety Month. **PRESENTED**
 - b. Presentation of a Proclamation for National Nurse Practitioners 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.

COMMENTS RECEIVED

CONSENT AGENDA

5. Consider a motion approving minutes of the October 27, 2009, Regular City Council Meeting.

APPROVED

6. Consider a resolution approving the City of Midland's Investment Policy.

APPROVED

7. Receive for information and possibly discuss Fourth Quarter Fiscal Year 2009 Investment Report.

APPROVED

8. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for miscellaneous accounts receivable and insufficient funds checks.

APPROVED

9. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for water, sewer, and garbage collection services.

APPROVED

10. Consider a resolution authorizing the City Treasurer to write off as uncollectible certain delinquent accounts for emergency medical services receivables.

APPROVED

11. Consider a resolution approving the Midland Development Corporation's appropriation of \$399,000 from the fiscal year 2008-2009 budget to be used for promotional purposes, as authorized by Chapter 504 of the Texas Local Government Code.

APPROVED

12. Consider a resolution approving the purchase of four thousand three hundred seventy eight (4,378) water meters of various configurations, from the low bidders, HD Supply Waterworks, and Badger Meter, Incorporated, at a total cost of \$327,415.06.

APPROVED

13. Consider a resolution authorizing a first amendment to the existing Turf Maintenance Service Contract with Alldredge Gardens, L.P., adding the Holiday Hill Road Extension and the Greathouse Park yard to the areas to be maintained; the original agreement was for \$1,723,680.12 per year for up to seven (7) years; this first amendment will bring the annual contract price to \$1,760,642.76

APPROVED

14. Consider a resolution establishing the dates of the regular City Council meetings to be held during the calendar year 2010.

APPROVED

- ★15. Consider a resolution authorizing the acceptance of \$352,496.00 in reimbursement funds from the Texas Department of State Health Services to reimburse the Health and Senior Service Division for the delivery of H1N1 Services; authorizing the execution of acceptance documents; establishing Project Number 7035 "H1N1 Preparedness 2009" in the amount of \$110,038.00 and Project Number 7036 "H1N1 Preparedness 2009 B" in the amount of \$242,458.00; and appropriating funds.

[Related to Council Priority: Funding]

APPROVED

16. Consider a motion on a request by Schumann Engineering Co., Inc. for Lost Mountain Addition Section 3, to approve a deferral of water, sanitary sewer and street paving and to waive the associated public improvement guarantee, and to defer sidewalk construction. This subdivision is generally located about one half mile east of Midkiff Road on Passage Way.

APPROVED

17. Consider a resolution appointing individuals to serve as volunteers to enforce automobile parking restrictions as authorized by Chapter 681 of the Texas Transportation Code.

APPROVED

- ★18. Consider a resolution accepting a grant from the Permian Basin Regional Planning Commission in the amount of \$50,100.00 for Solid Waste Management Projects; authorizing the execution of acceptance documents; and appropriating the grant funds to a project; the grant funds will be used for educational projects, to provide supplies and advertising for major city-wide and neighborhood clean-ups, recycling, litter prevention, beautification, conservation, illegal dumping and composting/mulching, and the purchase of at least two (2) 30-cubic yard recycling

containers for cardboard and plastic; and the grant funds consist of a portion of the \$1.25 per ton tipping fee that cities across the state collect at landfills.

[Related to Council Priority: Funding]

APPROVED

19. Consider a resolution rescinding resolution number 2009-304 awarding a bid to Troy Vines, Incorporated, for a purchase agreement for readymix concrete and caliche; and authorizing the re-advertisement of bids.

APPROVED

20. Consider a resolution authorizing the Office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland in a lawsuit styled, Mark Watson v. City of Midland; 142nd Judicial District Court, Midland County, Texas; Cause No. CV47092.

APPROVED

SECOND READINGS

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 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

22. Consider an ordinance on second reading 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

23. 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 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

24. 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 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

25. Consider an ordinance on second reading 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

PUBLIC HEARINGS

26. At approximately 11:00 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 2, Block 7, Berkshire Place, Blocks 5-8 and the south half of 9 and 10, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of north “N” Street and Shell Avenue), which is presently zoned 1F-1, One-Family Dwelling 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.

DEFERRED

27. At approximately 11:03 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 2, Block 7, Berkshire Place Addition, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of North "N" Street and Shell Avenue), which is presently zoned 1F-1, One-Family Dwelling 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 11:06 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of Lot 29 and the west 10 feet of Lot 28, Block 1, Wedgewood Park, Section 1, City and County of Midland, Texas (Generally located on the north side of Andrews Highway, approximately 140 feet east of McDonald Street), which is presently zoned 1F-2, One-Family Dwelling 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

29. At approximately 11:09 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor Christmas Tree Sales 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

30. At approximately 11:12 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being Lot 1A, Block 8, Bizzell-Kiser, Section 4, and Lots 2A and 3A, Block 8, Bizzell-Kiser, Section 5, Midland County, Texas, as a PD, Planned District for a shopping center;

establishing the zoning classification of the area indicated as being Lot 1A, Block 5, and Lots 2A-5A and 7A, Block 4, Bizzell-Kiser, Section 5, and Lot 6B, Block 4, Bizzell-Kiser, Section 6, and a 0.45-acre portion of tract 4, Bizzell-Kiser, and Lots 10A-16A, Block 7, Bizzell-Kiser, Section 5, and a 0.145-acre portion of Tract 7, Bizzell-Kiser, Midland County, Texas, as an MH, Manufactured Home Dwelling District; establishing the zoning classification of the area indicated as being all of Block 3, Bizzell-Kiser, Sections 4 and 5, and Lots 1A, 10A-12A, Block 4, Bizzell-Kiser, Section 5, and Lots 8B and 9B, Block 4, Bizzell-Kiser, Section 6, and Lot 2A, Block 5, Bizzell-Kiser, Section 5, and Lots 1A-3A, 5A-9A, 12A-22A, Block 6, Bizzell-Kiser, Section 5, and Lots 10A and 11A, Block 6, Bizzell-Kiser, Section 4, and a 0.166-acre portion of Tract 6, Bizzell-Kiser, and Lots 1A and 2A, Block 7, Bizzell-Kiser, Section 4, and Lots 3A-9A, Block 7, Bizzell-Kiser, Section 5, and a 0.656-acre portion of Tract 7, Bizzell-Kiser, and Lots 1A-4A, Block 9, Bizzell-Kiser, Section 4, and a 0.45-acre portion of Tract 9, Bizzell-Kiser, and all of Block 10, Bizzell-Kiser, Section 4, and Lots 1A-7A, Block 11, Bizzell-Kiser, Section 4, and Lot 8A, Block 11, Bizzell-Kiser, Section 5, and a 0.87-acre portion of Tract 11, Bizzell-Kiser, and all of Block 12, Bizzell-Kiser, Section 4, and Lots 1A-21A, Block 13, Bizzell-Kiser, Section 7, and Lots 22B and 23B, Block 13, Bizzell-Kiser, Section 8, and Lots 1A-18A, Block 14, Bizzell-Kiser, Section 4, and a 0.18-acre portion of Tract 14, Bizzell-Kiser, and Blocks 43-48, Blocks 54 and 55, Belmont Addition, and all adjacent and previously vacated rights-of-way, Midland County, Texas, as a 1F-3, One-Family Dwelling District; said areas are generally located south of Gist Avenue, between South Colorado Street and South Terrell Street; 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

31. At approximately 11:15 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as 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, as a C-3, Commercial District; said area is generally located on the west side of South County Road 1276, approximately 2,000 feet south of West Industrial Avenue; 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 11:21 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor tent sales of rugs and art 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 11:30 a.m. hold a public hearing and consider an 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.

APPROVED

DEVELOPMENT SERVICES

34. Consider an ordinance establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at intersections; 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

- ★ 35. Consider an ordinance vacating and abandoning a 0.03-acre portion of North Carver Street right-of-way adjacent to Lots 14-16, Block 7, Lynside Neighborhood, City and County of Midland, Texas (Generally located on the west side of North Carver Street, approximately 300 feet north of East Golf Course Road); adopting the appraisal by the City Manager of \$140.70; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary.

[Related to Council Priority: Housing]

APPROVED

MISCELLANEOUS

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

APPOINTMENTS MADE

37. Recess to the conference room for lunch.

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

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 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