

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

Tuesday, December 14, 2010 9:00 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 multi-media communications.
2. Discussion regarding corridor development and receive presentation from Parkhill, Smith and Cooper and City Staff, with emphasis on Highway 191 and FM 1788.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, December 14, 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 – 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 from the Government Finance Officers Association to the Midland Finance Department - Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ending September 30, 2009. **(PRESENTED)**
 - b. Presentation of Christmas Parade Awards. **(PRESENTED)**
 - c. Presentation of Management Awards. **(PRESENTED)**
 - d. Presentation of Resolution of Commendation to retiring City employee Rosie Garcia. **(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

- 5a. Consider a motion approving minutes of the November 15, 2010, Special City Council Meeting.

APPROVED

- 5b. Consider a motion approving minutes of the November 16, 2010, Regular City Council Meeting.

APPROVED

- 5c. Consider a motion approving minutes of the November 23, 2010, Special City Council Meeting.

APPROVED

6. Consider a resolution authorizing the purchase of twenty-one (21) police package automobiles for the Midland Police Department from Sam Packs 5 Star Ford of Carrollton, Texas, at a total cost of \$482,090.00.

APPROVED

7. Consider a resolution approving the purchase of nineteen (19) administrative vehicles of various types, from Rogers Ford of Midland, Texas, and Sam Packs 5-Star Ford of Carrollton, Texas, at a total cost of \$357,481.00; bids not chosen include state contract prices which do not meet advertised specifications and several bids submitted from Caldwell Country Ford, of Caldwell, Texas, which do not meet advertised mechanical specifications.

APPROVED

8. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for improvements to Airways Drive located at Midland International Airport, as authorized by Chapter 501 of the Texas Local Government Code; and appropriating funds therefor.

APPROVED

9. Consider a resolution finding that Parkhill, Smith & Cooper, Incorporated is the most qualified submitter of qualifications for professional engineering and architectural services for the purpose of certain airport capital improvement projects that may be constructed at Midland International Airport or Midland Airpark Airport.

APPROVED

10. Consider a resolution authorizing the execution of a Commercial Hangar Lease Agreement between the City of Midland, Texas and Trace Engines, L.P; the lease will allow Trace Engines, L.P. to lease Hangars 11b at the Midland International Airport.

APPROVED

11. Consider a resolution authorizing the execution of a professional services agreement with Midland Sports, Incorporated, of Midland, Texas, for professional marketing, promotion and management services at the Scharbauer Sports Complex at a total cost of \$68,000.00.

APPROVED

12. Consider a resolution rejecting all bids received for the Lamesa Road Water and Sewer Reconstruction Project; rescinding Resolution No. 2010-225 which authorized execution of a contract with Digital Comm, Incorporated, for said project; and approving plans and specifications and authorizing advertisement for bids for said project; said project will be for the replacement of water lines and repair or replacement of sewer manholes and related utility lines; notice was provided to Digital Comm, Incorporated, as required by Section 271.027 of the Texas Local Government Code.

APPROVED

13. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Grassland 2 Dev. Co., LLP for development of Grassland Estates West, Section 7, City and County of Midland, Texas (generally located east of State Highway 158 and west of Nueva Vista Golf Club); and allocating funds in the amount of \$119,296.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code.

APPROVED

14. Consider a resolution authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Inc. for professional services for the preparation of plans for the replacement of the bridge deck and other related repairs on Ward Street at Jal Draw; and appropriating funds therefor.

APPROVED

15. Consider a resolution appropriating \$4,800 to the Midland Draw Right of Way Acquisition Project (8941) for the purchase of portions of Lots 4-9, Block 11, Trueland Addition, City and County of Midland, Texas.

APPROVED

16. Consider a resolution authorizing Interlocal Agreement with Ector County, Texas regarding cooperation between the Midland Police Department and the Ector County Sheriff's Department in the investigation of criminal activity and law enforcement.

APPROVED

17. Consider a resolution authorizing Interlocal Agreement with Midland County, Texas regarding cooperation between the Midland Police Department and the Midland County Sheriff's Department in the investigation of criminal activity and law enforcement.

APPROVED

18. Consider a resolution authorizing Interlocal Agreement with City of Odessa, Texas regarding cooperation between the Midland Police Department and the Odessa Police Department in the investigation of criminal activity and law enforcement.

APPROVED

19. Consider a resolution accepting a donation of \$7,500.00 from the Yarborough Foundation; the donated funds will be deposited in the Invest-in-a-Vest Project to purchase bullet proof vests for the Midland Police Department.

APPROVED

20. Consider a resolution accepting \$100,000.00 in grant funds from the Oncor Grant Program; and depositing said funds into the City of Midland general fund.

APPROVED

21. Consider a resolution ratifying all the prior actions of the City Attorney or his designee related to litigation styled Heritage Consolidated, LLC, et al., Case No. 10-36484- HDH-11 jointly administered in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division; and the City Attorney is hereby authorized to file all motions and appeals and respond to all settlement offers in any way related to this litigation

APPROVED

SECOND READINGS

22. Consider an ordinance granting a special exception for Lots 7, 8 and 9, Block 106, Resurvey Block 106 West End Addition, City and County of Midland, Texas (Generally located on the northeast 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 fence; 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 Interim City Secretary in the deed records of Midland County, Texas; and ordering publication. (First reading held November 16, 2010.)

APPROVED

23. Consider an ordinance temporarily closing a portion of Francis Avenue between Rankin Highway (State Highway 349) and Camp Street from the east right-of-way line of Camp Street continuing east to the projected west boundary line of Lot 1A, Block 2, Lindsay Acres Addition, Section 6, at its intersection with the south boundary line of Francis Avenue and the north boundary line of Francis Avenue abutted by Blocks 31 and 32, Haley Heights Addition, in the City of Midland, Texas; 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. (First reading held November 16, 2010.)

APPROVED

24. Consider an ordinance providing a maximum time limit of fifteen (15) minutes for parking on the west side of "O" Street beginning at a point forty-four (44) feet north of the north curb line of Texas Avenue and continuing north a distance of seventy-five (75) feet, in Midland, Texas, during weekdays between the hours of 9:00 a.m. and 6:00 p.m.; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication. (First reading held November 16, 2010.)

APPROVED

25. 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. (First reading held November 16, 2010.)

APPROVED

26. Consider an ordinance vacating and abandoning a 0.075-acre utility easement out of Lot 14, Block 2, Green Hill Terrace, City and County of Midland, Texas (Generally located on the north side of Tattenham Corner, east of Holiday Hill Road); adopting the appraisal by the City Manager of \$703.20; waiving the fee for the cost of the easement; and ordering recordation by the Interim City Secretary. (First reading held November 16, 2010.)

APPROVED

PUBLIC HEARINGS

27. At approximately 10:30 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 7.27-acre tract of land out of Section 33, Block 38, 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 AE, Agriculture Estate District, to be used as a CE, Country Estate District (generally located on the southeast corner of the intersection of Elkins Road and Buckwheat Road); 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 10:33 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 3.24-acre tract of land out of Lot 1, Block 26, Wedgewood Park Addition, Section 4, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned MF-1, Multiple-Family Dwelling District, to be used as an O-1, Office District (generally located on the east side of Midland Drive, 170 feet south of Dengar 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

29. At approximately 10:36 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 Lots 1 and 2, Block 68, West End Addition, 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 southwest corner of the intersection of West Illinois Avenue and North "I" Street); 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

30. At approximately 10:42 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 40.12-acre tract of land out of Section 23, Block 40, 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 FD, Future Development District, to be used as an AE, Agriculture Estate District (generally located between Golden Gate Drive and Avalon Drive, one-fourth mile south of Mockingbird Lane); 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 10:45 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 43.920-acre tract of land out of the southeast quarter of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as a PD, Planned District for a Housing Development (generally located on the north side of Mockingbird Lane, 700 feet west of Garfield Street); 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

32. At approximately 10:48 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 2, Midkiff Plaza Addition, Section 3, City and County of Midland, Texas (generally located on the southeast corner of the intersection of North Midkiff Road and West Loop 250 North), 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

33. At approximately 10:51 a.m. consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present city limits, being an 84.01-acre tract of land out of Section 5, Block 39, 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 north side of Interstate 20, west of Warehouse Road); and approving a public service plan.

APPROVED

34. Hold a public hearing and consider a resolution providing for the annexation of certain sparsely populated property; the owner has requested that the property be annexed; said property is adjacent to and contiguous to the present boundary limits of the City of Midland; said property being a 3.10-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County Texas; the Midland City Council hereby grants the petition for annexation as authorized by Section 43.028 of the Texas Local Government Code; and authorizing and directing the Interim City Secretary to file a certified copy of this resolution and all exhibits in the Midland County Deed Records maintained by the Midland County Clerk.

APPROVED

35. At approximately 10:54 a.m. consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present city limits, being a 3.10-acre tract of land out of Section 5, Block 39, 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 north side of Interstate 20, west of Warehouse Road); and approving a public service plan.

APPROVED

36. Hold a public hearing and consider a resolution providing for the annexation of certain sparsely populated property; and the owner has requested that the property be annexed; that said property is adjacent to and contiguous to the present boundary limits of the City of Midland; said property being an approximate 19.32 acre tract of land out of Section 22, Block 40, T-1-S, T&P RR Co. Survey Midland County Texas; and the Midland City Council hereby grants the petition for annexation as authorized by Section 43.028 of the Texas Local Government Code; and that the Interim City Secretary is hereby authorized and directed to file a certified copy of this resolution and all exhibits in the Midland County Deed Records maintained by the Midland County Clerk.

APPROVED

37. At approximately 10:57 a.m. consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present city limits, being a 19.32-acre tract of land out of Section 22, 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 north of Saddle Club Ranch Estates); and approving a public service plan.

APPROVED

38. At approximately 11:00 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being an 84.01-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as a PD, Planned District for a recreation center; said tract is generally located on the north side of Interstate 20, west of Warehouse Road; 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

39. At approximately 11:03 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 3.10-acre tract of land out of Section 5, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as a PD, Planned District for a recreation center; said tract is generally located on the north side of Interstate 20, west of Warehouse Road; 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

40. At approximately 11:06 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 19.32-acre tract of land out of Section 22, 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, as an AE, Agriculture Estate District; said tract is generally located north of Saddle Club Ranch Estates; 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

41. At approximately 11:09 A.M. hold a public hearing on a request by Pioneer Natural Resources (Mabee "E" #3) for an *Oil and Gas Drilling Permit* located in Section 12, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of N. Big Spring Street across from the Midland County Club. Located 660' FSL and 467' FWL.)

PUBLIC HEARING HELD

42. At approximately 11:12 A.M. hold a public hearing on a request by Pioneer Natural Resources (Mabee "D" #7) for an *Oil and Gas Drilling Permit* located in Section 12, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of N. Big Spring Street across from the Midland County Club. Located 2150' FSL and 1980' FWL.)

PUBLIC HEARING HELD

43. At approximately 11:15 A.M. hold a public hearing on a request by Pioneer Natural Resources (Mabee #4) for an *Oil and Gas Drilling Permit* located in Section 12, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of N. Big Spring Street across from the Midland County Club. Located 467' FNL and 467' FWL.)

PUBLIC HEARING HELD

44. At approximately **6:00 p.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 5, North Park Addition, Section 12, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as a PD, Planned District for a housing development (generally located near the northwest corner of the intersection of West Loop 250 North and Whitman 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 (this request for a change in zoning classification is on appeal to the City Council from the Planning and Zoning Commission.) This involves the Blue Ridge Apartments. The Blue Ridge Apartments are generally located north of Loop 250 North, south of Bluebird Lane and between Garfield Street and Midkiff Road.

DEFERRED UNTIL JANUARY 11, 2011 MEETING

DEVELOPMENT SERVICES

45. Consider an ordinance establishing a temporary construction speed zone of 55 miles per hour on a portion of State Highway 349/Farm-to-Market Road 1788 for a Pavement Rehabilitation project by the Texas Department of Transportation; authorizing installation of appropriate signs and markings; 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

MISCELLANEOUS

46. Consider an ordinance amending Title VII, “Fire Regulations,” Chapter 1, “Fire Prevention Code,” of the Midland City Code so as to adopt the 2009 Edition of the International Fire Code as the Fire Prevention Code of the City of Midland, Texas; and repealing ordinance number 8374 and all other ordinances or parts of ordinances which are in conflict with this ordinance; 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

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

APPOINTMENTS MADE

48. Recess to the conference room for lunch.
49. 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 litigation styled Heritage Consolidated, LLC and Heritage Standard Corporation, in the United States Bankruptcy Court for the Northern District of Texas – Dallas Division; Case No. 10-36484 and Case No. 10-36485; Chapter 11.

Discuss a claim from the Law Offices of Brockett and McNeel, LLP regarding the construction of the Blue Ridge Apartments. The said Blue Ridge Apartments being located north of West Loop 250 North and between Garfield Street and Midkiff Road and south of Bluebird Lane.

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