

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
September 11, 2012 - 9:00 A.M.**
Basement Conference Room - City Hall
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. Receive a presentation from Community Services on the creation of a Midland Youth Advisory Council.
2. Receive a presentation and discuss parking lot improvements and car rentals at Midland International Airport.

AGENDA FOR CITY COUNCIL MEETING
September 11, 2012 – 10:00 AM

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.

OPENING ITEMS

1. Invocation - MPD Chaplain Sandra Fussell and 9-11 remembrance.
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

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 the following minutes:
 - a. Regular Meeting of August 21, 2012.
 - b. Regular Meeting of August 27, 2012.
 - c. Regular Meeting of August 28, 2012.
6. Consider a resolution authorizing the purchase of an annual supply of polymer for dewatering used for treatment of City drinking water, from the lowest bidder meeting bid standards, Atlantic Coast Polymers, Incorporated, for a total price of \$44,000.00; and accepting the City Manager's recommendation that certain bidders did not meet bid standards. (GENERAL SERVICES) (2012 - 278)
7. Consider a resolution authorizing the purchase of an annual supply of Earthtec

for treating City of Midland drinking water from the sole bidder, Chameleon Industries, Incorporated, for a total price of \$120,000.00. (GENERAL SERVICES) (2012 - 279)

8. Consider a resolution authorizing the purchase of an annual supply of potassium permanganate for treating City of Midland drinking water from the sole bidder, F2 Industries, L.L.C., for a total price of \$21,400.00. (GENERAL SERVICES) (2012 - 280)
9. Consider a resolution authorizing the purchase of an annual supply of chlorine for treating City of Midland drinking water from the sole bidder, DPC Industries, Incorporated, for a total cost of \$213,904.00. (GENERAL SERVICES) (2012 - 281)
10. Consider a resolution authorizing the purchase of twenty-five (25) tons of powdered activated carbon for treating City of Midland drinking water from the sole bidder, F2 Industries, L.L.C., for a total cost of \$39,000.00. (GENERAL SERVICES) (2012 - 282)
11. Consider a resolution authorizing the purchase of an annual supply of polymer for treating City of Midland drinking water from the sole bidder, Polydyne, Incorporated, for a total price of \$75,420.00. (GENERAL SERVICES) (2012 - 283)
12. Consider a resolution authorizing the purchase of an annual supply of liquid anhydrous ammonia for treating City of Midland drinking water from the sole bidder, Shrieve Chemical Company, for a total price of \$158,000.00. (GENERAL SERVICES) (2012 - 284)
13. Consider a resolution rejecting the single bid received for bid number 5301-13 for an annual supply of aluminum sulfate for purifying City of Midland drinking water. (GENERAL SERVICES) (2012 - 285)
14. Consider a resolution authorizing the City Manager to purchase or exchange real property described as Lots 1 through 6, Block 38, Original Town Addition, an addition to the City of Midland, Texas, and purchase or exchange the real property in Block 39, Original Town Addition, an addition to the City of Midland, Midland County, Texas, with Midland County, Texas and purchase or exchange the real property being all of Block 55, Original Town Addition, an addition to the City of Midland, Midland County, Texas with Midland County, Texas; authorizing the City Manager to sell or exchange the real property described as Lots 1, 2, 3, 4, 5, and 6, Block 41, Original Town Addition, an addition to the City of Midland, Midland County, Texas and sell or exchange the real property consisting of all of Block 50, Original Town Addition, an addition to the City of Midland, Midland County, Texas with Midland County, Texas; and authorizing the City Manager to execute a sublease on real property situated in Section 3, Block 39, T-2-S, T&P

RY Co. Survey, Midland County, Texas; and authorizing the City Manager to execute all documents necessary to implement this resolution; and directing the City Treasurer to pay all closing costs upon receipt of proper invoice or statement approved by the City Manager. (GENERAL SERVICES) (2012 - 286)

15. Consider a resolution reappointing Price Robinson and Jeff Meiner to the Board of Managers of the Midland Emergency Communication District. (CITY MANAGER'S OFFICE) (2012 - 287)
16. Consider a resolution approving the budget of the Midland Emergency Communication District for the fiscal year ending September 30, 2013. (CITY MANAGER'S OFFICE) (2012 - 288)
17. Consider a motion to cast a vote for the four incumbent trustees in the Texas Municipal League-Intergovernmental Risk Pool Board election. (CITY MANAGER'S OFFICE)
18. Consider a resolution authorizing the execution of a contract with Keep Midland Beautiful, Incorporated, for litter reduction, education, and beautification programs. (CITY SECRETARY'S OFFICE) (2012 - 289)
19. Consider a resolution authorizing the execution of an agreement with the Permian Basin Community Centers for mental health, mental retardation, and substance abuse services. (CITY SECRETARY) (2012 - 290)
20. Consider a resolution authorizing the execution of a contract with Midland Teen Court, Incorporated, for the operation of a Teen Court Program. (CITY SECRETARY) (2012 - 291)
21. Consider a resolution authorizing the execution of a contract with the Midland Hispanic Chamber of Commerce to promote the City's growth and development. (CITY SECRETARY'S OFFICE) (2012 - 292)
22. Consider a resolution authorizing the execution of a contract with the Midland Community College District to promote economic growth and development. (CITY SECRETARY) (2012 - 293)
23. Consider a resolution authorizing the execution of an agreement with the Arts Council of Midland for the encouragement, promotion, improvement and application of the arts in the City. (CITY SECRETARY'S OFFICE) (2012 - 294)
24. Consider a resolution authorizing the execution of a contract with COM Aquatics, Incorporated, for advertising, promotion and solicitation of aquatic activities in Midland. (CITY SECRETARY'S OFFICE) (2012 - 295)

25. Consider a resolution authorizing an agreement with the Commemorative Air Force, Incorporated, to promote tourism and the hotel industry in the city. (CITY SECRETARY'S OFFICE) (2012 - 296)
26. Consider a resolution authorizing the execution of a contract with the Downtown Midland Management District to promote tourism and the convention and hotel industry in downtown Midland; City to award the sum of \$50,000.00 from hotel/motel funds. (CITY SECRETARY'S OFFICE) (2012 - 297)
27. Consider a resolution authorizing the execution of a contract with the George W. Bush Childhood Home, Incorporated, to promote tourism and the convention and hotel industry in the City of Midland. (CITY SECRETARY'S OFFICE) (2012 - 298)
28. Consider a resolution authorizing the execution of a contract with the Midland Chamber of Commerce to promote tourism and the convention and hotel industry in the City. (CITY SECRETARY'S OFFICE) (2012 - 299)
29. Consider a resolution authorizing the execution of a contract with the Midland Chamber of Commerce for the management of the Midland Center and Centennial Plaza. (CITY SECRETARY'S OFFICE) (2012 - 300)
30. Consider a resolution authorizing the execution of a contract with the Midland Community Theatre, Incorporated for the promotion of the theatre arts in the City. (CITY SECRETARY'S OFFICE) (2012 - 301)
31. Consider a resolution authorizing the execution of a contract with the Midland Soccer Association for the promotion and solicitation of soccer activities. (CITY SECRETARY'S OFFICE) (2012 - 302)
32. Consider a resolution authorizing the execution of a contract with the Museum of the Southwest to promote tourism and the convention and hotel industry in the City of Midland. (CITY SECRETARY'S OFFICE) (2012 - 303)
33. Consider a resolution authorizing the execution of a contract with the Permian Basin Petroleum Museum, Library and Hall of Fame, Incorporated, for advertising, promotion and solicitation of oil industry activities in the City of Midland. (CITY SECRETARY'S OFFICE) (2012 - 304)
34. Consider a resolution authorizing the acceptance of \$138,260.00 in reimbursement funds from the Texas Department of State Health Services to assist the Health and Senior Service Division with the delivery of Public Health Emergency Preparedness Services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2012 - 305)

35. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$55,815.00 to assist the Health and Senior Services Division with the delivery of local public health services; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2012 - 306)
36. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services in the amount of \$150,358.00 to assist the Health and Senior Service Division with the delivery of immunizations; and authorizing the execution of acceptance documents. (COMMUNITY SERVICES) (2012 - 307)
37. Consider a resolution authorizing the City of Midland to accept a donation in the amount of \$31,649.00 from the Friends of the I-20 Wildlife Preserve and Jenna Welch Nature Study Center in order to assist in the construction of the I-20 Wildlife Preserve Pavilion and Restrooms Project, and appropriating funds. (COMMUNITY SERVICES) (2012 - 308)
38. Consider a resolution authorizing the execution of a Community Development Block Grant Contract with Casa de Amigos for a Home Cleaning Program in the amount of \$25,000.00; the purpose of this program is to provide home cleaning services to 200 indigent senior citizens and handicapped households; the program will begin on October 1, 2012 and end on September 30, 2013. (DEVELOPMENT SERVICES) (2012 - 309)
39. Consider a resolution authorizing the execution of a Community Development Block Grant contract with Community and Senior Services of Midland, Incorporated, for the Southeast Senior Center Nutrition Program in the amount of \$45,000.00; the program will be provided daily in coordination with other activities; the purpose of this program is to promote better mental and physical health for seniors through nutritious meals and socialization; the program will begin on October 1, 2012 and end on September 30, 2013. (DEVELOPMENT SERVICES) (2012 - 310)
40. Consider a resolution allocating \$125,000.00 from the General Fund (001) Nondepartemental (150) Interfund Transfer (0199) General Construction Fund (6299) to the Zoning Code Update Project (9009). (DEVELOPMENT SERVICES) (2012 - 311)
41. Consider a resolution authorizing a right-of-way crossing license with the City of Midland, Texas and DCP Midstream, LP; said right-of-way license is for the purpose of installing one (1) eight inch (8") natural gas pipeline; the pipeline is located within the City of Midland right-of-way, Section 22 and 27, Block 40, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas; the license term is for twenty (20) years, commencing with the date of this license and may renew at the end of the term for one additional twenty (20) year term upon 90 days

written request prior to expiration. (ENGINEERING SERVICES) (2012 - 312)

42. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Real Property Resources, Inc. for development of Legends Park Addition, City and County of Midland, Texas (Generally located west of the Scharbauer Sports Complex and south of Deauville Boulevard); and appropriating funds in the amount of \$609,614.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2012 - 313)
43. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Sparks Park Improvements Project; said project will be for improvements to currently unpaved right-of-way and constructing curb-and-gutter. (ENGINEERING SERVICES) (2012 - 314)
44. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Douglas Avenue and "D" Street Water and Sewer Improvements Project; said project will be for the installation of new water and sewer mains along Douglas Avenue and "D" Street. (ENGINEERING SERVICES) (2012 - 315)

SECOND READINGS

45. 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 27.00-acre tract of land out of Section 41, Block 38, T-1-S, T&P RR Co. Survey, and Lot 4, Block 1, Freeland Addition, Section 4, City and County of Midland, Texas, which is presently zoned AE, Agriculture Estate District, in part, PD, Planned District for a Transition District, in part, and as a separate PD, Planned District for a Transition District, in part, to be used as a C-3, Commercial District (Generally located on the northwest corner of the intersection of East Business Interstate 20 and Lozoya 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. (DEVELOPMENT SERVICES) (9054)
46. 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 Lots 3A, 4A and 5A, Block 3, Midland International Airport Industrial Park, City and County of Midland, Texas, which is presently zoned IP-3, Industrial Park District, to be used as a PD, Planned District for an Office Center (Generally located on the southeast corner of the intersection of Sloan Field Boulevard and Windecker 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.

(DEVELOPMENT SERVICES) (9055)

47. 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 26.28-acre tract of land ("Tract 1") which is presently zoned FD, Future Development District, to be used as a PD, Planned District for a Housing Development; by permitting a 12.11-acre tract of land ("Tract 2") which is presently zoned FD, Future Development District, to be used as an LR-2, Local Retail District; said tracts being located in Section 13, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas; said tracts being more specifically described by metes and bounds made a part hereof; said tracts are generally located on the west side of Holiday Hill Road at its intersection with Sherwood 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. (DEVELOPMENT SERVICES) (9056)
48. Consider an ordinance on second reading vacating and abandoning a 0.06-acre portion of the east/west 20-foot alley adjacent to the north side of Lot 6, Block 3, Edwards Addition, City and County of Midland, Texas (Generally located on the east side of Edwards Street, approximately 140 feet south of Cuthbert Street); adopting the appraisal by the City Manager of \$522.72; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9057)

PUBLIC HEARINGS

49. At approximately 10:30 a.m. hold a public hearing to consider a resolution of the City Council of Midland, Texas making a finding, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, that there is no feasible and prudent alternative to the change in use of approximately 0.5 acres located on the southwest portion of Windlands Park (approximately 1,800 feet west of "A" Street and 500 feet north of Ventura Drive) from public park use to a water reclamation facility for the purpose of providing irrigation water to Midland College and Windlands Park. (COMMUNITY SERVICES) (2012 - 316)
50. At approximately 10:33 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 3, Block 28, Plantation Hills, Section 15, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 300 feet west of Garfield Street), 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. (DEVELOPMENT SERVICES) (9058)

51. At approximately 10:36 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bus Barn #2603D) located 690 feet from the north line and 1080 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 600 feet west of Roadrunner Trail.) No further action will be taken on this item. (DEVELOPMENT SERVICES)
52. At approximately 10:39 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bus Barn #2611D) located 590 feet from the north line and 1040 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) No further action will be taken on this item. (DEVELOPMENT SERVICES)
53. At approximately 10:42 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bus Barn #2612D) located 640 feet from the north line and 1040 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) No further action will be taken on this item. (DEVELOPMENT SERVICES)
54. At approximately 10:45 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bus Barn #2613D) located 740 feet from the north line and 1040 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) No further action will be taken on this item. (DEVELOPMENT SERVICES)
55. At approximately 10:48 a.m. hold a public hearing regarding a proposed Oil and Gas Permit to RSP Permian, L.L.C. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Bus Barn #2614D) located 790 feet from the north line and 1040 feet from the east line located in Section 26, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the south of the Briarwood Avenue, approximately 560 feet west of Roadrunner Trail.) No further action will be taken on this item. (DEVELOPMENT SERVICES)

56. At approximately 10:51 a.m. hold a public hearing and consider an ordinance adopting a site plan for a 7.37-acre tract of land out of Lot 3, Block 1, Cross Pointe Addition, City and County of Midland, Texas (Generally located approximately 550 feet north of Briarwood Avenue on the west side of Holiday Hill Road); subject to the following conditions and restrictions; 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. (DEVELOPMENT SERVICES) (9059)
57. At approximately 10:54 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 108.712-acre tract out of Section 37, 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 a PD, Planned District for a housing development (Generally located south of State Highway 191 and west of the Scharbauer Sports Complex); 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 (DEVELOPMENT SERVICES) (9060)
58. At approximately 10:57 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 6.774-acre tract of land out of Tracts F and G, Johnson and Moran Addition, City and County of Midland, Texas, which is presently zoned LR-1, Local Retail District, to be used as a PD, Planned District for a shopping center (Generally located on the south side of Cuthbert Avenue, approximately 300 feet west of Andrews Highway); 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. (DEVELOPMENT SERVICES) (9061)
59. At approximately 11:00 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a philanthropic event 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. (DEVELOPMENT SERVICES) (2012 - 317)
60. 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 a 14.05-acre tract of land out of Section

19, 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 PD, Planned District for Housing Development, to be used as an amended Planned District (Generally located at the south side of West Wadley Avenue, approximately 450 feet east of Sunburst 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. (DEVELOPMENT SERVICES) (9062)

DEVELOPMENT SERVICES

61. Consider a resolution granting a variance for Lots 3A, 3B and 3C, Block 1, West 1788 Industrial Park, Section 7, City and County of Midland, Texas (Generally located on the 11700 and 11800 Blocks of Onyx Drive), by permitting construction of commercial buildings where no portion of any building is closer than two hundred sixty (260) feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2012 - 318)

MISCELLANEOUS

62. Consider an ordinance prohibiting parking on the west side of Boulder Drive from the south curb line of Loop 250 service road continuing south a distance of 369 feet to the north curb line of Fargo Avenue, and from the south curb line of Fargo Avenue continuing south a distance of 561 feet, also on the north and south side of Fargo Avenue from the west curb line of Boulder Drive continuing west a distance of 139 feet to the north south alley except to residents whose property abuts such street and have obtained a valid parking permit; 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 two hundred dollars (\$200.00); and ordering publication (ENGINEERING SERVICES) (9063)
63. Consider an ordinance altering prima facie speed limits along certain streets in the City; 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); repealing portions of Ordinance 8384; and ordering publication. (ENGINEERING SERVICES) (9064)
64. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department" Section 9 "Optional Litter Abatement and Beautification Fee," of the City Code of Midland, Texas, so as to make said litter abatement and beautification fee mandatory and to increase the fee from fifty cents (\$0.50) to one dollar (\$1.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9065)

65. Consider an ordinance of the City of Midland amending Title VIII, "Food Establishments, Health and General Sanitation," Chapter 6, "Garbage, Trash and Rubbish," Section 9, "Collection from Commercial Customers," Subsection (A) of the Midland City Code so as to increase the rates charged to commercial customers for the collection and disposal of garbage, trash and rubbish; containing a cumulative clause; containing a savings and severability clause; establishing an effective date of October 1, 2012; and ordering publication. (SOLID WASTE) (9066)
66. Consider an ordinance amending Title VIII, "Food Establishments, Health and General Sanitation," Chapter 6, "Garbage, Trash and Rubbish," Section 12 "Removal of Garbage, Trash or Waste Other Than by the City," of the City Code of Midland, Texas, so as to clarify rules related to garbage hauler's permits; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9067)
67. Consider an ordinance amending Title VIII, "Food Establishments, Health and General Sanitation," Chapter 6, "Garbage, Trash and Rubbish," Section 23 "Placement of Refuse Containers on Apartment and Other Commercial Establishment Premises," of the City Code of Midland, Texas, so as to change the verbiage containing Director of Utilities to Director of Solid Waste; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9068)
68. Consider an ordinance amending Title VIII, "Food Establishments, Health and General Sanitation," Chapter 6, "Garbage, Trash and Rubbish," Section 24 "Charges for Dumping or Unloading at Sanitary Landfill Operated by the City of Midland", of the City Code of Midland, Texas, so as to increase the rates charged for dumping or unloading at the sanitary landfill facility operated by the City of Midland and to incorporate a twenty-five dollar (\$25.00) landfill access fee; containing an escalation clause; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9069)
69. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," Subsection (A), "Customers Inside of City Limits," Sub-Subsection 1., "Water Rates," of the City Code of Midland, Texas, so as to increase the rates charged to customers inside the City limits for water; containing a cumulative clause; containing a savings and severability clause; and ordering publication; and the City Manager shall notify all customers outside the City limits as required by state law. (UTILITIES) (9070)
70. Consider an ordinance amending Title III, "Departments", Chapter 1, "Water Department" to include Section 27 "Septage Waste Hauler Discharges and

Fees”, of the City Code of Midland, Texas, so as to regulate the discharge of septage materials at the City’s Water Pollution Control Plant and incorporate a twenty-five dollar (\$25.00) Septage Hauler’s Discharge Fee; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (UTILITIES) (9071)

71. Consider a motion authorizing the City Manager and City Attorney to enter into settlement negotiations with Cajun Constructors, Incorporated on all claims related to the City of Midland Water Purification Plant Improvements Project. (CITY ATTORNEY’S OFFICE)
72. Consider a resolution authorizing the City Manager to negotiate and execute a Letter Development Agreement between the City of Midland, Wall Street Lofts, LLC, the Midland Development Corporation (“MDC”) and the Midland Tax Increment Reinvestment Zone No. 1 (“TIRZ”) regarding the development of a mixed-use multi-family residential and retail building and parking garage and related infrastructure, all to be located on the property currently described as Lots 1-8 and Lots 13-23, Block 53, Original Town Addition, Midland, Midland County, Texas (CITY ATTORNEY’S OFFICE) (2012 - 319)
73. Consider making appointments to various Boards and Commissions.

EXECUTIVE SESSION

74. 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:
 - a. Section 551.071, Consultation with the City Attorney and Attorney(s) with the law firm of Cotton, Bledsoe, Tighe and Dawson
 - a.1. Discuss contemplated litigation with Cajun Constructors, Incorporated regarding its claims under the construction contract for the City of Midland Water Purification Plant Improvement Project and Progress Pay Application, and the change order requests to said contract.
 - b. Section 551.087 Deliberation Regarding Economic Development Negotiations
 - b.1. Discuss business prospects that the City of Midland and/or the Midland Development Corporation seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.
 - c. Section 551.072 Deliberation Regarding Real Property.

- c.1. Deliberate the purchase, exchange and value of real property described as Lots 1 through 6, Block 38, Original Town Addition, an addition to the City of Midland, Texas.
- c.2. Deliberate the sale, exchange and value of real property consisting of all of Block 50, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- c.3. Deliberate the purchase, exchange and value of real property in Block 39, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- c.4. Deliberate the purchase, exchange and value of real property being all of Block 55, Original Town Addition, an addition to the City of Midland, Midland County, Texas.
- c.5. Deliberate the sale, exchange and value of real property described as Lots 1, 2, 3, 4, 5, and 6, block 41, Original Town Addition, an addition to the City of Midland, Midland County, Texas.

Respectfully Submitted,

Courtney B. Sharp
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please contact the City Secretary's Office at (432) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.