

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, August 24, 2010 9:00 a.m.
City Hall Conference Room
300 North Loraine
Midland, Texas**

This item, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Review and discuss the City's Workforce Housing Initiatives.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, August 24, 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 –Michael Philliber, Providence Presbyterian Church

2. Pledge of Allegiance

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation of a Proclamation for Women's Equality Week.

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 August 10, 2010, Regular City Council Meeting.

6. Consider a resolution authorizing the submission of a new Passenger Facility Charge application to the Federal Aviation Administration to include additional capital improvement projects at the Midland International Airport.

7. Consider a resolution authorizing the execution of an air cargo lease agreement between the City of Midland, Texas and Total Logistics DBA Lone Star Delivery, the lease will allow Total Logistics DBA Lone Star Delivery to continue to occupy a total of 7,688 square feet in the air cargo facility at the Midland International Airport.

8. Consider a resolution authorizing the City Manager, the City Attorney, and the Interim City Secretary to attest and execute Federal Aviation Administration Grant #50 in the estimated amount of \$125,000.00 and grant number #51 in the estimated amount of \$3,400,000.00 for various scheduled projects at the Midland International Airport upon receipt from the Federal Aviation Administration; these funds will assist the City of Midland in covering various scheduled projects at the Midland International Airport, once grant funds are received, the airport will reimburse the \$1,958,261.00 that the airport fronted in the Federal Aviation Administration share of the terminal building restoration project, with the receipt of these grants, the City of Midland will have received 100% of the city's 2010 entitlement; this grant is a 95% Federal Aviation Administration grant with the City of Midland providing 5% of the costs.

9. Consider a resolution approving the acceptance of the highest bid to purchase the East 15 feet of Lot 1, Block 2, W.C. Barber Addition, city and county of Midland, Texas.

10. Consider a resolution approving the acceptance of the highest bid to purchase Lot 3, Block 61, Moody Addition, City and County of Midland, Texas

11. Consider a resolution authorizing the acceptance of reimbursement funds from the Texas Department of State Health Services to assist the Health and Senior Service Division with the delivery of local public health services; and authorizing the execution of acceptance documents.

12. Consider a resolution authorizing the acceptance of \$138,791.00 in reimbursement funds from the Texas Department of State Health Services to assist the Health and Senior Service Division with the delivery of Bioterrorism Preparedness Program services; and authorizing the execution of acceptance documents.

13. Consider a resolution authorizing the acceptance of funds from the Texas Department of State Health Services to reimburse the Health and Senior Service Division for the delivery of immunization services; and authorizing the execution of acceptance documents.

14. Consider a resolution authorizing the City Manager to negotiate and execute a contract for renovations to the baseball field at Citibank Ball Park with Texas Multi-Chem, Ltd.

15. Consider a resolution authorizing the City Manager to advertise a request for qualifications 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; authorizing the City Manager to negotiate a professional services agreement for said services; and providing that said agreement shall not become effective until approved by the City Council.

16. Consider a resolution authorizing the City Manager to advertise a request for qualifications for professional services for the platting of lots and the preparation of plans for water, sewer and paving improvements in the Sparks Park Target Area; authorizing the City Manager to negotiate a professional services agreement for said services; and providing that said agreement shall not become effective until approved by the City Council.

17. Consider a resolution authorizing the acceptance of a 0.031-acre utility easement located in Section 48, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas; and ordering recordation by the Interim City Secretary.

18. Consider a motion on a request by West Company of Midland, Inc. for Green Hill Terrace, Section 15, to approve a deferral of sewer and street paving with curb and gutter, and to waive the associated public improvement guarantee. The subdivision is located on Tattenham Corner. Total value of deferrals is \$67,000.

19. Consider a resolution appropriating interest earned in the amount of \$1,491.00 on the 2007 Justice Assistance Grant funds; this grant was acquired for the purchase of needed equipment for the Midland Police Department.

20. Consider a resolution authorizing a second amendment to the existing construction management contract with CDM Constructors, Incorporated, for installation of a combination air valve and storage tank control valve, modifications to the chlorine safety valve system and control system, plus additional associated general costs, as part of the City's University of Texas at the Permian Basin Performing Arts Center Pump Station Project; and appropriating \$140,171.00 therefor; the original contract was for \$2,453,999.00; this second amendment will bring the total contract price to \$3,629,804.00.

21. Consider a resolution authorizing the execution of a right of way license renewal agreement with Atlas Mid-Continent Pipeline WestTex, L.L.C., for the continued operation and maintenance of an oil and gas pipeline at the city's plant farm, in Sections 43-44, Block 38, T-1-S, T&P RR. Co. Survey, Midland County, Texas.

22. Consider a resolution authorizing the execution of a right of way license renewal agreement with Atlas Mid-Continent Pipeline WestTex, L.L.C., for the continued operation and maintenance of an oil and gas pipeline at the City's plant farm, in Section 10, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas.

23. Consider a resolution authorizing the execution of a discharge license agreement with Global Oilfield Services, L.L.C., for the disposal of treated wastewater at 4701 Seminole Drive, Midland, Texas.

24. Consider a resolution authorizing the execution of an agreement for the temporary closure of state right-of-way with the State of Texas for use of a state-owned highway, including Spur 269 between Main Street and Colorado Street, for the purpose of the Lonestar Music Fest special event.

SECOND READINGS

25. Consider an ordinance on second reading changing the zoning use classification of Lots 20 and 21, Block 2, Permian Shopping Center, City and County of Midland, Texas (Generally located near the southwest corner of Andrews Highway and Dodson Street), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a specific use permit without term for a kennel; 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. (First reading held August 10, 2010)

26. 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 Lot 18, Block 14, Briarwood Addition, Section 17, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as an Amended Planned District (Generally located on the northeast corner of Briarwood Avenue and Oriole 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. (First reading held August 10, 2010)

27. Consider an ordinance on second reading ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (The "Act"); providing tax incentives; designating a liaison for the communication with interested parties; nominating Plains All American Pipeline, L.P., to the Office of the Governor, Economic Development and Tourism ("EDT") through the Economic Development Bank (The "Bank") as an Enterprise Project; providing an effective date; and rescinding Ordinance No. 8795. (First reading held August 10, 2010)

PUBLIC HEARINGS

28. At approximately 10:30 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on Lots 10-12, Block 93, Lots 1-5, Block 105, and Blocks 94 and 104, West End Addition, City and County of Midland, Texas (generally located on the south side of Missouri Avenue, between “J” street and “I” street); and making said permit subject to certain special conditions and restrictions contained herein.

29. At approximately 10:33 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 2,334 square foot portion of lot 17a, Block 1, Fairmont Park Addition, Section 4, City and County of Midland, Texas (generally located on the northwest corner of Wadley Avenue and Midland Drive), which is presently zoned LR-2, Local Retail District, 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.

30. At approximately 10:36 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on the East 90 feet of Lots 5 and 6, Block 20, Original Town, City and County of Midland, Texas (generally located on the northwest corner of the intersection of East Illinois avenue and North Terrell Street); making said permit subject to certain special conditions and restrictions contained herein; and providing that said function shall be held on September 11, 2010 from 6:00 p.m. until 12:00 a.m. (midnight)

31. At approximately 10:39 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a church carnival and fair on Lots 1-12, Block 72, and Lots 1-5 and 7-12, Block 73, West End Addition, City and County of Midland, Texas (generally located between West Illinois Avenue and West Texas Avenue, west of North “M” Street); and making said permit subject to certain special conditions and restrictions contained herein.

DEVELOPMENT SERVICES

32. 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.

MISCELLANEOUS

33. Consider an ordinance of the City Council of the City of Midland, Texas, (“City”) approving a negotiated resolution between the Atmos West Texas Cities Steering Committee (“Steering Committee”) and Atmos Energy Corp., West Texas Division (“Atmos West Texas” or “Company”) regarding the company’s third annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities’ reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; extending the rate review mechanism for one year with the exclusion of a true-up component; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the company and the steering committee’s legal counsel.

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

35. Recess to the conference room for lunch.

36. 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:

Respectfully submitted,

Courtney B. Sharp
City Manager