

**Revised**

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
Tuesday, August 11, 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. Receive an update on the City of Midland Succession Plan.

# Revised

AGENDA FOR CITY COUNCIL MEETING  
Tuesday, August 11, 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 Larry Long, Fellowship Community Church

**INVOKED**

2. Pledge of Allegiance

**PLEDGED**

**MISCELLANEOUS**

3. Presentation of special events, organizations, individuals, or periods of time.

**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 July 28, 2009, Regular City Council Meeting.

**APPROVED**

6. Receive for information and possibly discuss the Third Quarter Fiscal Year 2008 – 2009 Investment Report.

**APPROVED**

7. Consider a resolution authorizing the acceptance of a proposal secured by the Public Employee Benefits Alliance for group life insurance coverage, including optional voluntary life and long term disability coverage for active employees; authorizing the City of Midland to enter into a contract with the standard for said insurance coverage.

**APPROVED**

8. Consider a resolution authorizing the execution of an operational agreement with the Midland Emergency Communication District.

**APPROVED**

- ★9. Consider a resolution accepting a five thousand dollar (\$5,000.00) civic contribution from the Mid-Cities Little League Association for the lighting project at Windlands Park; and appropriating funds to Project No. 8899 "Mid-Cities Little League Lights 2009".

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

**APPROVED**

- ★10. Consider a resolution accepting a twenty thousand dollar (\$20,000.00) civic contribution from the Midland Soccer Association, Incorporated, toward a new restroom facility at Butler Park; and appropriating funds to Project No. 8813 "Soccer Parks Facility Improvement 2007".

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

**APPROVED**

- ★ 11. Consider a resolution authorizing the execution of a professional services agreement with Parkhill, Smith & Cooper, Incorporated, of Midland, Texas, for professional architectural services at the Martin Luther King Jr. Community Center at an estimated total cost of \$175,000.00.

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

**APPROVED**

- ★ 12. Consider a resolution authorizing the execution of a contract with Reece Albert, Incorporated, of Midland, Texas, for pavement improvements to Dakota, Atlanta, New Jersey and Taylor Streets, at a total estimated cost of \$765,739.53 plus contingencies.

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

**APPROVED**

- ★ 13. Consider a resolution in support of the Joint Motran/Ports-to-Plains Tiger Grant Submission.

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

**APPROVED**

- ★ 14. Consider a resolution authorizing the execution of a contract with Lydick Hooks Roofing Company of Midland, Incorporated, for replacement of the roof at the Scarborough-Linebery House at a total cost of \$115,970.00; and appropriating funds therefor.

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

**APPROVED**

- 15. Consider a resolution authorizing the execution of an annual contract with Whiteye Enterprises, Incorporated, of Midland, Texas, for the paving of utility cuts at a cost of \$94,500.00; the term of the contract is one year; and Whiteye Enterprises, Incorporated, was the lowest and most responsible bidder.

**APPROVED**

- 16. Consider a resolution approving a contract with EXCN, Incorporated, dba Basin Electric Company, of Midland, Texas, for the turnkey installation of lights at Joe Mowles Memorial Park at a total cost of \$207,000.00.

**APPROVED**

17. Consider a resolution authorizing the purchase of three hundred and sixty (360) tons of aluminum sulfate for purifying City of Midland drinking water from Chameleon Industries, Incorporated, of Mesquite, Texas, for a total price of \$109,800.00; bidding was suspended on this item as the City's Purchasing Division determined this to be an emergency.

**APPROVED**

18. Consider a resolution authorizing the purchase of the license for Oracle Database Enterprise Edition with one year of maintenance support from Mythics, at a total cost of \$58,496.93; said purchase was not bid.

**APPROVED**

19. Consider a resolution calling an election for four City officials; amending the boundaries of the City and City Council Districts; providing for use of accessible voting systems; establishing election precincts for said election; and establishing polling places for said election.

**APPROVED**

20. Consider a resolution authorizing the execution of a joint alley use right of way license with TCTB Management Group, L.L.C., of Midland, Texas, for the non-exclusive right of ingress and egress at convenient points upon City property known as the alley East of Big Spring Street, west of Colorado Street, north of Wall Street and south of Texas Avenue; the term of the agreement is five (5) years, with TCTB Management Group, L.L.C., paying \$400.00 per year to the City of Midland.

**APPROVED**

21. Consider a resolution approving an economic development agreement between the Midland Development Corporation and the City of Midland, as authorized by Article 5190.6 of the Texas Revised Civil Statutes, as amended; and allocating said funds to the City of Midland's street paving and ancillary uses Project Number 8912.

**APPROVED**

22. Consider a resolution approving an economic development agreement between the Midland Development Corporation and the Midland Community College District, as authorized by Article 5190.6 of the Texas Revised Civil Statutes, as amended.

**APPROVED**

23. Consider a resolution establishing the Community Development Block Grant (CDBG) Target Area Selection Committee (TASC); said committee to function as an advisory committee to the Midland City Council.

**APPROVED**

**SECOND READINGS**

24. 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 6 and the west 15 feet of Lot 7, Block 5, Highland Park Addition, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a PD, Planned District for a Transition District (Generally located on the northeast corner of the intersection of West Tennessee Avenue and North "N" 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**

25. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 13A, Block 28, Wydeewood Estates, Section 27, City and County of Midland, Texas (Generally located on the south side of Wadley Avenue east of Sunburst Drive), 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 nightclub 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 WITH AMENDMENT**

26. Consider an ordinance on second reading changing the zoning use classification of the property described as an 8,258 square foot portion of Lots 7 and 8, Block 8, Johnson and Moran and Tract 2, Town and Country Annex, City and County of Midland, Texas (Generally located on the east side of North Midkiff Road, approximately 300 feet south of Andrews Highway), 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 nightclub 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.

**DENIED**

27. Consider an ordinance on second reading establishing the zoning classification of the area indicated as being a 2,780.97-acre tract of land out of Sections 31-35 and Sections 37-43, Block 40, T-1-S, out of Sections 5-8, Block 40, T-2-S, out of Sections 37 and 48, Block 41, T-1-S, and out of Section 1, Block 41, T-2-S, T&P RR Co. Survey, Midland County, Texas (“Tract 2A”), and being more specifically described by metes and bounds in Section One hereof, as an FD, Future Development District; establishing the zoning classification of the area indicated as being a 68.17-acre tract of land out of Section 42, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (“Tract 2B”), and being more specifically described by metes and bounds in Section Two here of, as a FD, Future Development for a Civic Center; establishing the zoning classification of the area indicated as being a 10-00-acre tract of land described as Lot 1, Block 1, Glenwood, Midland County, Texas (“Tract 2C”), as an O-1, Office district; said Tracts are generally located on both sides of State Highway 191 from the west City limit to FM 1788 and on both sides of 1788 from Business Interstate 20 to State Highway 191; 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 WITH AMENDMENT**

28. Consider an ordinance on second reading vacating and abandoning a 0.0925-acre tract of land being a 10-foot wide portion of the south side of Missouri Avenue between Garfield Street and “N” Street abutting Lot 1, Block 89 and Lot 1, Block 90, West End Addition, City and County of Midland, Texas (Generally located between Garfield Street and “N” Street); adopting the appraisal by the City Manager of \$4,029.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary.

**APPROVED**

29. Consider an ordinance on second reading 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 second 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; approving Atmos’ proof of revenues; adopting a savings clause; determining that this ordinance was passed in an 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.

**APPROVED**

**PUBLIC HEARINGS**

30. At approximately 11:00 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a church fair and carnival on Lots 1 through 12, Block 72, and Lots 1 through 5 and 7 through 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.

**APPROVED**

- ★31. At approximately 11:03 a.m. hold a public hearing and consider an ordinance vacating and abandoning a 0.0477-acre tract of land being an 8.65 foot wide portion of West New Jersey Avenue, a 0.1102-acre tract of land being a 20 foot wide alley, and a 0.0956-acre tract of land being a 17.35 foot wide portion of Rhode Island Avenue, all out of Block 27, Midland Heights Addition, City and County of Midland, Texas (Generally located southwest of the intersection of West New Jersey Avenue and Camp Street); adopting the appraisal by the City Manager of \$2,208.00; waiving the fee for the cost of the rights-of-way; and ordering recordation by the City Secretary.

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

**APPROVED**

32. At approximately 11:12 a.m. hold a second public hearing regarding a proposal establishing the ad valorem tax rate of \$.4705 per \$100 taxable assessed valuation for Fiscal Year 2009-2010.

**HEARING HELD**

**MISCELLANEOUS**

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

**NONE MADE**

34. Recess to the conference room for lunch.

35. 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