

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, September 8, 2009 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. Discussion of future public hearing of the proposed oil and gas ordinance.
- ★ 2. Presentation to Council on possible uses of various funding sources for street paving and traffic signal needs.

[Related to Council Priority: Funding/Infrastructure]

AGENDA FOR CITY COUNCIL MEETING
Tuesday, September 8, 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 Andrew Powell, Christ Church of Midland

INVOKED

2. Pledge of Allegiance

PLEDGED

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognize Dr. James Humphreys as a nominee for the 2009 Janet Emerson Public Health Servant Award. **RECOGNIZED**
 - b. Presentation of a Proclamation for Alpha Cheer and Dance Company International Hip Hop Day. **PRESENTED**
 - c. Presentation of a Proclamation for National Alcohol and Drug Addiction Recovery Month. **PRESENTED**

- d. Presentation of Resolution of Commendation to retiring City employee Elizabeth A. Broughton. **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 August 18, 2009, Regular City Council Meeting.

APPROVED

- 5b. Consider a motion approving minutes of the August 24, 2009, 8:30 a.m. Regular City Council Meeting.

APPROVED

- 5c. Consider a motion approving minutes of the August 24, 2009, 4:30 p.m. Regular City Council Meeting.

APPROVED

- 5d. Consider a motion approving minutes of the August 25, 2009, Regular City Council Meeting.

APPROVED

6. Consider a resolution making an election to be exempt from certain provisions of the Health Insurance Portability and Accountability Act.

APPROVED

- ★ 7. Consider a resolution authorizing a third amendment to the existing contract with Nextel of Texas, Incorporated, regarding the City of Midland's 800 Megahertz Reconfiguration Project.

[Related to Council Priority: Funding]

APPROVED

8. Consider a motion amending the conditions contained in the approved Resolution 2008-230 regarding an oil and gas drill site located 1073 FWL and 1230 FSL, Section 1, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located north of Loop 250 and east of N. Lamesa Road.)

APPROVED WITH AMENDMENT

9. Consider a resolution approving the issuance of a permit to Midland Energy, Inc. ("Operator") to drill an oil well within the city limits located 1,980 feet from the south line and 2,052 feet from the east line, Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of East Loop 250 North, west of the extension of North Fairgrounds Road); said property is within 1,000 feet of public property owned by a governmental entity (a 10-acre Midland Independent School District school site); and waiving the requirement of a road repair agreement.

APPROVED WITH AMENDMENT

10. 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 \$55,000.00; 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 means and socialization; the program will begin on October 1, 2009 and end on September 30, 2010.

APPROVED

11. 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 and yard maintenance services to 300 indigent senior citizens and handicapped households; the program will begin on October 1, 2009 and end on October 31, 2010.

APPROVED

12. Consider a resolution authorizing the execution of a Community Development Block Grant contract with the Permian Basin Workforce Development Board for a Childcare Management Services Program in the amount of \$30,000.00; the Community Development Block Grant funds will match federal funds to be used for direct childcare services and will be in compliance with federal regulations; the program will begin on October 1, 2009 and end September 30, 2010.

APPROVED

13. Consider a resolution authorizing the transfer of Lots 7-9, Block Twent-Four (24), resurvey of Midland Heights Addition, an addition to the City of Midland, Midland County, Texas, from the Midland Community Development Corporation to the City of Midland; and authorizing the execution of all documents necessary to transfer ownership of these properties from the Midland Community Development Corporation to the City of Midland.

APPROVED

14. Consider a resolution authorizing the transfer of Lots 7-9, Block Twenty-Four (24), resurvey of Midland Heights Addition, an addition to the City of Midland, Midland County, Texas, to Midland Neighborhood Housing Services, Incorporated; and authorizing the execution of all documents necessary to transfer ownership of these properties to Midland Neighborhood Housing Services, Incorporated, in accordance with Section 253.011 of the Texas Local Government Code.

APPROVED

- ★ 15. Consider a resolution authorizing the negotiation of a professional services agreement with Parkhill, Smith & Cooper, Incorporated for architectural services in conjunction with evaluating and exploring options for the future of the City of Midland Municipal Court building.

[Related to Council Priority: Infrastructure]

APPROVED

16. Consider a resolution appointing a temporary or relief judge for the City of Midland Municipal Court.

APPROVED

- ★ 17. Consider a resolution authorizing a first amendment to the existing professional services agreement with RJN Group, Incorporated; and appropriating \$176,387.04 therefor; the original agreement was for \$1,392,575.00; this first amendment will bring the total agreement price to \$1,568,961.04.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 18. Consider a resolution authorizing the execution of an agreement with the ING Insurance Company for the purchase of stop loss insurance for the City of Midland's Group Health Plan, effective for the plan year commencing on October 1, 2009; and providing that said stop loss coverage shall have an annual cost of approximately \$629,108.64.

[Related to Council Priority: Funding]

APPROVED

- ★ 19. Consider a resolution authorizing the purchase of portions of Lots 4-14, Block 11, Trueland Addition, City and County of Midland, Texas; and authorizing the execution of all documents necessary for the purchase of said property.

[Related to Council Priority: Infrastructure]

APPROVED

20. Consider a motion approving a variance related to a proposed replat of property owned by Midland Habitat for Humanity, said property being Lots 7-12, Block 14, and Lots 1-6, Block 20, Midland Heights Addition, Section 3. (Generally located on Dakota Avenue between Moran Street and Camp Street.)

APPROVED

SECOND READINGS

21. Consider an ordinance on second reading vacating and abandoning a 0.49-acre tract of land being a partial drainage easement out of Lot 3, Block 1, Northwestern Addition, Section 5, City and County of Midland, Texas (Generally located on the south side of Mockingbird Lane); adopting the appraisal by the City Manager of \$5,229.00; waiving the fee for the cost of the easement; and ordering recordation by the City Secretary.

APPROVED

22. Consider an ordinance on second reading vacating and abandoning a 0.23-acre portion of the east/west 20-foot alley adjacent to Lots 1-4, Block 10, Nueva La

Jolla Addition, City and County of Midland, Texas (Generally located southeast of Orchard Lane and North Tilden Street); adopting the appraisal by the City Manager of \$495.50; retaining a twenty (20) foot utility easement; and ordering recordation by the City Secretary.

APPROVED

23. Consider an ordinance on second reading vacating and abandoning a 0.06-acre portion of the north/south alley adjacent to the north half of Block 26, Midland Heights Addition, City and County of Midland, Texas (Generally located Northwest of Camp Street and Rhode Island Avenue); adopting the appraisal by the City Manager of \$697.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary.

APPROVED

24. Consider an ordinance on second reading vacating and abandoning a 20-foot alley adjacent to Lots 1-17 and a 0.57-acre portion of Blue Haven Court right-of-way adjacent to Lots 7-29, all out of Block 168, Wilshire Park Addition, Section 11, City and County of Midland, Texas (Generally bounded by Loop 250 West, Graceland Drive, Beal Parkway and Blue Haven Drive); adopting the appraisal by the City Manager of \$50,440.00; and ordering recordation by the City Secretary.

APPROVED

DEVELOPMENT SERVICES

25. Continue consideration of an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lot 1, Block 2, Replat of Blocks 1 and 2, Hollandale Heights, City and County of Midland, Texas, which is presently zoned O-1, Office District, to be used as a PD, Planned District for a Transition District (Generally located on the east side of North Lamesa Road, approximately 300 feet north of Dormard Avenue); 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

FAILED

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

APPOINTMENTS MADE

27. Recess to the conference room for lunch.

28. 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