

Revised

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, September 22, 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. Receive a presentation from the 2010 Complete Count Committee.
2. Discuss the contractual agreements between the Midland Chamber of Commerce and the Midland Development Corporation.

Revised

AGENDA FOR CITY COUNCIL MEETING
Tuesday, September 22, 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 Daniel Stephens, Mid-Cities 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 September 8, 2009, Regular City Council Meeting.

APPROVED

6. Consider a resolution approving the fiscal year 2009-2010 budget of the Midland Development Corporation.

APPROVED

7. Consider a resolution approving the purchase and installation of irrigation controllers for use by the Parks and Recreation Division through the Houston-Galveston Area Council (HGAC) at a total cost of \$72,124.60; and allocating funds.

APPROVED

- ★8. Consider a resolution allocating \$75,000.00 for the City Facilities Renovation Project (Project 8881); and these funds are used to repair and replace various City facilities.

[Related to Council Priority: Infrastructure]

APPROVED

9. Consider a resolution authorizing the sale of an irregular portion of land located at 500 North Mineola Street, Midland, Texas, to Richard Cornett, of Midland, Texas, for the purchase price of \$844.20; the sale of this property was not bid; adopting the appraised value as determined by the City Manager; and ordering recordation by the City Secretary.

APPROVED

- ★10. Consider a resolution authorizing the execution of Amendment Number 10 to the Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, with such amendment authorizing the inclusion of a terminal building assessment and renovation design phase project; the City share is \$13,775.00 and the FAA share is \$261,725.00; and appropriating necessary funds.

[Related to Council Priority: Infrastructure]

APPROVED

11. Consider a resolution authorizing the execution of an agreement with the Commemorative Air Force, Incorporated, for the staging of an airshow at the

Midland International Airport; the agreement allows the Commemorative Air Force to host an airshow on Midland International Airport property, sets required insurance levels as well as administering emergency response personnel; the airshow will commence Friday, October 9, 2009 and conclude on Sunday, October 11, 2009.

APPROVED

12. Consider a resolution approving the budget of the Midland Emergency Communication District for the fiscal year ending September 30, 2010.

APPROVED

13. Consider a resolution authorizing the execution of a contract with the Midland Hispanic Chamber of Commerce to promote the City's growth and development and promote tourism and the convention and hotel industry in the City.

APPROVED

14. Consider a resolution authorizing the execution of an agreement with the Arts Assembly of Midland for the encouragement, promotion, improvement and application of the arts in the City; and allocating \$110,000.00.

APPROVED

15. Consider a resolution authorizing the execution of a contract with Midland Teen Court, Incorporated, for the operation of a Teen Court program.

APPROVED

16. Consider a resolution authorizing the execution of an agreement with the Permian Basin Community Centers for mental health, mental retardation, and substance abuse services.

APPROVED

17. Consider a resolution authorizing the execution of a contract with Keep Midland Beautiful, Incorporated, for litter reduction, education, and beautification programs.

APPROVED

18. Consider a resolution authorizing the execution of a contract with Crime Stoppers of Midland, Incorporated, for the operation of a Crime Stoppers Program which will allow citizens to assist in the detection and resolution of crimes.

APPROVED

19. Consider a resolution authorizing an agreement with the Commemorative Air Force, Incorporated, to promote tourism and the hotel industry in the City.

APPROVED

20. 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.

APPROVED

21. 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.

APPROVED

22. Consider a resolution authorizing the execution of a contract with the Midland Community College District to promote economic growth and development.

APPROVED

23. Consider a resolution authorizing the execution of a contract with COM Aquatics, Incorporated, for advertising, promotion and solicitation of aquatic activities in Midland.

APPROVED

24. 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.

APPROVED

25. 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.

APPROVED

26. Consider a resolution authorizing the execution of a contract with the Midland Softball Association for the promotion and solicitation of softball activities.

APPROVED

27. Consider a resolution authorizing the execution of a contract with the Midland Soccer Association for the promotion and solicitation of soccer activities.

APPROVED

28. Consider a resolution authorizing the execution of a contract with the Midland Cole Theatre, Incorporated for the promotion of the theatre arts in the City.

APPROVED

29. Consider a resolution authorizing the execution of a contract with the Sibley Nature Center, for the promotion of educational activities.

APPROVED

30. 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.

APPROVED

31. Consider a resolution canceling the general City Election which was to be held on November 3, 2009, for election of two council members at-large, and one council member representing District 2, as the requirements of the Texas Election Code are complied with; authorizing the City Secretary to post notice; accepting and approving the City Secretary's certification; and declaring the unopposed candidates elected to office.

APPROVED

32. Consider a resolution authorizing the City Manager to purchase parts and installation for Global Positioning System Field Upgrade Kits for the City of Midland Fire and Police Department radios; the price of said upgrade is \$141,750.00; the Director of the Communications and Information Systems Department has determined said Global Positioning System Field Upgrade Kits to be available only from a single source provider, Holsum Bakers, Incorporated, dba Caprock Communications; said purchase was not bid but purchased as a sole source; and appropriating funds.

DEFERRED

- ★ 33. Consider a resolution authorizing the acceptance of \$120,866.90 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.

[Related to Council Priority: Funding]

APPROVED

- ★ 34. 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.

[Related to Council Priority: Funding]

APPROVED

- ★ 35. 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.

[Related to Council Priority: Funding]

APPROVED

- ★ 36. Consider a resolution allocating \$185,000 to the 08-09 Street and Roadway Paving Improvements Phase II Project (8904).

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 37. Consider a resolution establishing the 09-10 Street and Roadway Paving Improvements Project (8917); and allocating \$145,967 therefor.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 38. Consider a resolution appropriating \$3,800,000 from the General Fund (001) Unappropriated Fund Balance (5650) to the Jal Draw Channel Lining Project (8880).

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 39. Consider a resolution approving Change Order Number One with James Hindman, Inc. regarding the Performing Arts Center Water and Sanitary Sewer Extension Project; said change order to provide for the installation of a water line and one sewer manhole; establishing the New Jersey Avenue Utility Improvements Project; and appropriating funds therefor.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 40. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the installation of a traffic signal at the intersection of Holiday Hill Road and Briarwood Avenue.

[Related to Council Priority: Infrastructure]

APPROVED

- ★ 41. Consider a resolution accepting a grant in the amount of \$51,845 from the Texas Department of Transportation in order to conduct a Fiscal Year 2009-2010 Comprehensive Special Traffic Enforcement Program for intersection traffic control enforcement and driving while intoxicated enforcement; said grant award requires a City cash match in the amount of \$5,790; providing that the grant funds shall be used to pay overtime and benefits to police officers working on said program; authorizing the execution of acceptance documents; and appropriating grant funds.

[Related to Council Priority: Funding]

APPROVED

42. Consider a resolution authorizing the approval of a request for qualifications for the performance of support services at the City's Municipal Landfill, including audits for regulatory compliance, regulatory support relating to groundwater and air emissions, and the development of a master plan; and authorizing advertisement for qualifications.

APPROVED

43. Consider a resolution establishing Project Number 8916 "2009 Mulching Project" for the mulching of yard waste materials; and allocating \$85,000.00 therefor.

APPROVED

44. Consider a resolution authorizing the execution of a Right of Way License with TEPPCO Crude Pipeline, L.L.C., for the installation, operation and maintenance of an oil and gas pipeline to be constructed across City property near the water pollution control plant, in Sections 5 and 8, Block 38, T-2-S, T&P RR. Co. Survey, Midland County, Texas.

APPROVED

PUBLIC HEARINGS

45. At approximately 11:00 a.m. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 5A, Block 3, Westridge Park Addition, Section 14, City and County of Midland, Texas (Generally located on the west side of Tradewinds Boulevard, approximately 160 feet north of Deauville Road), 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

46. At approximately 11:03 a.m. hold a public hearing and consider an ordinance granting a special exception for Lots 10 and 11, Block 106, Resurvey West End Addition, City and County of Midland, Texas (Generally located on the northwest 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 garage; 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 City Secretary in the deed records of Midland County, Texas; and ordering publication.

APPROVED

47. At approximately 11:06 a.m. hold a public hearing considering the proposed annexation of a 81.354-acre tract of land out Section 2, Block 39, T-2-S, T&P RR Co. Survey, being Blocks 43 thru 48, and Blocks 54 and 55, Belmont Addition; and being Blocks 3 thru 14 of Sections 4 thru 7 of Bizzell-Kiser Addition, remainders of Bizzell-Kiser Addition and all adjacent and previously vacated rights-of-way, Midland County, Texas. (Generally located south of Gist Avenue,

between S. Colorado Street and S. Terrell Street - this area is known as the Window Pane.)

HEARING HELD

48. At approximately 11:09 a.m. hold a public hearing considering the proposed annexation of Lots 6, 7D and 8, Block 3, I-20 Terminal Park and a 4.539-acre tract of land out of Sections 8 and 17, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the west side of S. County Road 1276, approximately 2,000 feet south of W. Industrial Avenue.)

HEARING HELD

- ★49. At approximately 11:12 a.m. hold a public hearing and consider a resolution authorizing the intent of the City of Midland to use Community Development Block Grant funds to acquire fee simple title to real property for the development of affordable residential housing, said real property described as Lots 9 through 14, Block 1, Glenn Frances Addition, City and County of Midland, Texas; Lots 2 through 8, Block 3, Glenn Frances Addition, City and County of Midland, Texas; Lots 1 through 8, Block 4, Glenn Frances Addition, City and County of Midland, Texas; Lots 1 through 9, Block 5, Glenmore Heights Addition, City and County of Midland, Texas; and Lots 3 through 10, Block 4, Glenmore Heights Addition, City and County of Midland, Texas; declaring a public purpose; and authorizing the City Attorney to determine ownership of said real property.

[Related to Council Priority: Housing]

APPROVED

DEVELOPMENT SERVICES

50. Consider an ordinance amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the traffic engineer to install appropriate signs and markings; repealing Ordinance No. 8669; 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

51. Consider an ordinance amending Title V, "Business Regulations", Chapter 4, "Alcoholic Beverages", Section 3, "Receipt", of the City Code of Midland, Texas, so as to extend the duration of license receipts issued; containing a cumulative

clause and expressly repealing any ordinance or part thereof in conflict with this ordinance; containing a savings and severability clause; and ordering publication.

APPROVED

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

APPOINTMENTS MADE

53. Recess to the conference room for lunch.
54. 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:

Consultation with the City Attorney, Section 551.071

Discuss the economic development agreement originally entered into with Southwestern Bell Wireless, LLC, a Delaware Limited Liability Company, dba, Cingular Wireless and any assignments and discuss related tax abatement agreements.

Section 551.087 Deliberation Regarding Economic Development Negotiations

Discuss business prospects 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