

AGENDA FOR CITY COUNCIL MEETING
January 22, 2013 – 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 - Rev. Pat Bryant, Travis Baptist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Receive presentation from Midland Retired Seniors Volunteer Program.

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. Special Meeting of January 7, 2013.
 - b. Regular Meeting of January 8, 2013.
6. Consider a resolution authorizing the execution of a contract with Waldrop Construction Company, Incorporated, for the construction of an addition to the maintenance building plus the construction of a new storage building and soil storage bins at the Scharbauer Sports Complex at a cost of \$484,285.00; and allocating funds; and rejecting all bids received for the construction of an indoor batting cage facility. (GENERAL SERVICES) (2013 - 016)

7. Consider a resolution authorizing the purchase of nineteen (19) Police Package Sport Utility Vehicles from the sole bidder, Caldwell Country Chevrolet, of Caldwell, Texas, at a total cost of \$516,296.00. (GENERAL SERVICES) (2013 - 017)
8. Consider a resolution approving the award of a 1-year renewable Professional Services Agreement with Icon Enterprises, Incorporated, dba Civicplus, Incorporated, through the Texas Department of Information Resources, for the re-design and implementation of the City of Midland's Website at a total first-year cost of \$49,918.00; and this item was not bid but purchased through a State of Texas Cooperative Program. (GENERAL SERVICES) (2013 - 018)
9. Consider a resolution authorizing the execution of the second amendment to the land lease with W-T Hangar, LLC at the Midland International Airport; the original lease was authorized by Resolution No. 2012-178 and adopted by the Midland City Council on June 12, 2012; the first amendment was authorized by Resolution No. 2012-371 adopted by the Midland City Council on November 13, 2012. (CITY ATTORNEY'S OFFICE) (2013 - 019)
10. Consider a resolution authorizing the acceptance of a General Drainage Easement located on Lot 15A, Block 26, Wyndwood Estates, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 020)
11. Consider a resolution authorizing the acceptance of a 0.32-acre Utility Easement located in Section 25, Block 40, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 021)
12. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Mockingbird Oaks Development, LLC for development of Los Patios Addition, Section 3, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of Briarwood Avenue and Holiday Hill Road); and allocating and appropriating funds in the amount of \$102,035.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 022)
13. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Dr Horton-Texas, Ltd. for development of Legacy Addition, City and County of Midland, Texas (Generally located south of Deauville Boulevard and west of the Legends Park Development); and appropriating funds in the amount of \$98,552.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 023)
14. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for the extension

of Tradewinds Boulevard and the construction of Associated Drainage and Utility Improvements between Thomason Drive and the Gateway Plaza Addition, as authorized by Chapter 501 of the Texas Local Government Code; and appropriating funds therefor. (ENGINEERING SERVICES) (2013 - 024)

15. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with SBC, LP for development of Westridge Park Addition, Section 23, City and County of Midland, Texas (Generally located west of Avalon Drive, south of Deauville Boulevard); and appropriating funds in the amount of \$46,374.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 025)
16. Consider a resolution accepting and appropriating funds in the amount of \$10,893.00 for the Midland College Fire Training Project in order to recognize and promote the City of Midland Fire Department as the Regional Center for Firefighter and EMS Training. (FIRE) (2013 - 026)
17. Consider a resolution authorizing the Department of Utilities to cause to be published, in the Midland Reporter Telegram, all notices required pursuant to Chapter 26 of the Texas Parks and Wildlife Code of a public hearing regarding the City's intent to execute a Temporary Right-of-Way License with Oncor Electric Delivery Company, L.L.C., across a portion of Windlands Park; and directing the Utilities Director to comply with all requirements of Chapter 26 of the Texas Parks and Wildlife Code. (UTILITIES) (2013 - 027)
18. Consider a resolution authorizing the execution of a lease agreement with New Cingular Wireless PCS, L.L.C., for space at the Westwood Shell Avenue water tower site; said non-renewable lease agreement shall be for a term of five (5) years with a monthly rental of \$2,500.00. (CISD) (2013 - 028)

SECOND READINGS

19. 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 5.00-acre tract of land out of Blocks 84 and 85, East Midland Addition, City and County of Midland, Texas, and more specifically described in Section One hereof, which is presently zoned C-3, Commercial District, to be used as a PD, Planned District for a Housing Development (Generally located on the west side of Fairgrounds Road, south of Golf Course Road); 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) (9094)
20. 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 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) (9100)

21. Consider an ordinance on second reading amending Title III, "Departments", Chapter 1, "Water Department", Section 2, "Rates," Subsection (A), "Customers Inside of City Limits," Sub-Subsection 2., "Sewer Rates," of the City Code of Midland, Texas, so as to clarify the rates charged to customers inside the City limits for sewer service; 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) (9103)

PUBLIC HEARINGS

22. A approximately 10:30 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 3.395-acre tract of land out of Blocks 83 and 86, East Midland, City and County of Midland, Texas, which is presently zoned 2F, Two-Family Dwelling District, to be used as a C-3, Commercial District (Generally located on the east side of Tilden Street, approximately 780 feet south of East Golf Course 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) (9105)
23. 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 1, Block 1, Fairgrounds Addition, City and County of Midland, Texas (Generally located on the east side of North Fairgrounds Road, approximately 900 feet south of East Golf Course Road), which is presently zoned AE, Agriculture Estate District, by permitting said property to be used under a Specific Use Permit Without Term for a Manufactured Home Park; 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) (9106)
24. At approximately 10:36 a.m. hold a public hearing and consider an ordinance changing the Zoning Use Classification of the property described as Lot 1A, Block 29, Homestead Addition, Section 8, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of West Louisiana

Avenue and North Colorado Street), which is presently zoned C-1, Central Area 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. (DEVELOPMENT SERVICES) (9107)

MISCELLANEOUS

25. Consider an ordinance amending Title X, "Traffic Regulations", Chapter 1, "General Traffic Regulations", Section 2, "Permit Required for Parades and Processions", of the City Code of Midland, Texas, so as to clarify the permitting process and other regulations related to special events; containing a process for appealing the denial of a permit; containing a cumulative clause and expressly repealing any ordinance or portion thereof in conflict with this ordinance; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00) and not requiring a culpable mental state; establishing an effective date of March 1, 2013; and ordering publication. (CITY ATTORNEY'S OFFICE) (9108)
26. Consider a motion appointing a Mayor Pro Tempore. (CITY MANAGER)
27. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

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

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.