

AGENDA FOR CITY COUNCIL MEETING

June 26, 2012 – 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 - Dr. Tim Walker, First United Methodist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

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. [Regular Meeting of June 12, 2012](#)
6. [Consider a resolution adding one \(1\) Special Meeting, on August 7, 2012, and two \(2\) Regular Meetings, one on August 21, 2012, and the second on August 27, 2012, to the City Council Meetings scheduled for the 2012 calendar year. \(FINANCE\) \(2012 - 186\)](#)
7. [Consider a resolution authorizing the execution of an agreement for the purchase of a License Plate Recognition System with Associated Service Plan for use by the Midland Police Department from John Wright Associates, Incorporated, for \\$21,200.00 through the Texas Multiple Award Schedule Purchasing Program; and accepting the City Manager's recommendation that](#)

- the purchase of said License Plate Recognition System from John Wright Associates, Incorporated, although not the lowest bid, is the best value. (GENERAL SERVICES) (2012 - 187)
8. Consider a resolution rejecting the single bid received for Bid Number 4440-12 for construction of a pavilion at Hogan Park. (GENERAL SERVICES) (2012 - 188)
 9. Consider a resolution approving the purchase of one thousand (1,000) three cubic yard refuse containers with lids, three hundred (300) three and one-half cubic yard refuse containers with lids, three (3) thirty-five to fifty cubic yard self-contained compactors, and five (5) thirty cubic yard open top roll-off containers from Roll-Offs USA, Incorporated, of Durant, Oklahoma, at a total cost of \$627,625.00. (GENERAL SERVICES) (2012 - 189)
 10. Consider a resolution approving the purchase of nine (9) Local Area Outdoor Weather Warning Systems from DFW Communications for \$124,750.00; and this item was not bid, but was purchased through the Local Government Purchasing Cooperative. (GENERAL SERVICES) (2012 - 190)
 11. Consider a resolution approving Plans and Specifications and authorizing advertisement for bids for labor, material, equipment and supervision necessary to provide and install playground equipment at Butler Park, Grafa Park, House Park, Pioneer Park, Sparks Park, Ulmer Park and a pavilion at Hogan Park; the contract will also include the purchase and installation of trash receptacles, park benches, picnic tables, barbeque grills, basketball backboards, drinking fountains, shade structures, goal posts, dug out benches, disc golf nets, athletic bleachers and senior access wellness stations for various Midland parks. (GENERAL SERVICES) (2012 - 191)
 12. Consider a resolution authorizing the issuance of a Request For Proposals for Terminal Food And Beverage Concessions at the Midland International Airport. (AIRPORTS) (2012 - 192)
 13. Consider a resolution authorizing issuance of a Request For Proposals for Terminal Gift and News Concessions at the Midland International Airport. (AIRPORTS) (2012 - 193)
 14. Consider a resolution appropriating \$250,000.00 to the Wireless System Project. (CISD) (2012 - 194)
 15. Consider a resolution appropriating \$350,000.00 to the Software Upgrade Project. (CISD) (2012 - 195)
 16. Consider a resolution appropriating \$400,000.00 to the Computer and Accessories Upgrade Project. (CISD) (2012 - 196)

17. Consider a resolution appropriating \$258,500.00 to the Central Hardware Upgrade Project. (CISD) (2012 - 197)
18. Consider a resolution authorizing the execution of an agreement with Rock The Desert Ministries, Incorporated as authorized by Chapter 351 of the Texas Tax Code; the funds allocated by this resolution shall be used to promote tourism and the motel and hotel industry; the allocated funds are expended in a manner directly enhancing and promoting tourism and the motel and hotel industry; the use and allocation of these funds are authorized by Chapter 351 of the Texas Tax Code; and the approval of this resolution should not be construed or interpreted as endorsing the message or activities promoted by Rock The Desert Ministries, Incorporated; and allocating funds. (CITY ATTORNEY'S OFFICE) (2012 - 198)
19. Consider a resolution establishing Project Number 8996 "Hike and Bike Trail Development" for further development of a Hike and Bike Trail; and appropriating funds in the amount of \$200,000.00. (COMMUNITY SERVICES) (2012 - 199)
20. Consider a resolution authorizing the execution of an Amendment to the Professional Services Agreement with Parkhill, Smith & Cooper, Inc. regarding the development of the Sparks Park Target Area; and authorizing payment therefor. (ENGINEERING SERVICES) (2012 - 200)
21. Consider a resolution authorizing the Midland Fire Department to file an application with the United States Government for the 2012 Assistance to Firefighters Grant; said funds will be used to purchase individual breathing regulators for firefighters; said grant is a matching funds grant in which the Assistance to Firefighters Grant would fund 80% (\$40,000.00) of the total amount (\$50,000.00) and the City of Midland would fund 20% (\$10,000.00) of the total amount. (FIRE) (2012 - 201)
22. Consider a resolution authorizing the City of Midland Police Department to accept the Fiscal Year 2012 Edward Byrne Memorial Justice Assistance Grant in the amount of \$60,339.00 provided by the Governor's Office; said grant funds will be used for a Use-Of-Force Training Technology Project; authorizing the execution of acceptance documents; and appropriating funds. (POLICE) (2012 - 202)
23. Consider a resolution authorizing the execution of a Professional Services Agreement Task Order with CDM Smith Inc., for Professional Engineering Support Services regarding the Design and Construction Management of the T-Bar Chlorination Station, at an estimated total cost of \$551,066.00; and appropriating funds. (UTILITIES) (2012 - 203)
24. Consider a resolution authorizing the execution of a Professional Services Agreement Task Order with CDM Smith Inc., for Professional Engineering

Support Services regarding the Membrane Biological Reactor Satellite Reclaimed Water Production Facility Project, at an estimated total cost of \$585,980.00; and appropriating funds. (UTILITIES) (2012 - 204)

25. Consider a resolution authorizing the execution of Change Order Number One with A&M Construction & Utilities, Incorporated, adding \$163,970.00 for additional work to the existing contract for the Water System Improvements - Rehabilitation and Lead Abatement of Airport and Shell Elevated Storage Tanks Project; and appropriating \$163,970.00; the original contract was for \$1,432,500.00; this change order brings the total contract price to \$1,596,470.00. (UTILITIES) (2012 - 205)

SECOND READINGS

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 Lots 1-33, Block 1, and Lots 1-51, Block 2, Mockingbird Oaks, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended Planned District (Generally located on the north side of Mockingbird Lane, 700 feet west of Garfield 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. (DEVELOPMENT SERVICES) (9031)
27. Consider an ordinance on second reading prohibiting parking on the north side of Faulkner Drive from a point 185 feet west of the centerline of Melville Drive and continuing east a distance of 640 feet to the north/south alley and the east and west sides of Melville Drive beginning at the centerline of Faulkner Drive and continuing north a distance of 130 feet to the east/west alley except to residents whose property abuts such street and have obtained a valid parking permit; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; 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. (ENGINEERING SERVICES) (9032)
28. Consider an ordinance on second reading 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. (ENGINEERING SERVICES) (9033)

29. Consider an ordinance on second reading vacating and abandoning a 0.08-acre portion of West Louisiana Avenue right-of-way and North Colorado Street right-of-way adjacent to the south 200 feet of the west half of Block 12, Homestead Addition, City and County of Midland, Texas (Generally located on the northeast corner of North Colorado Street and West Louisiana Avenue); adopting the appraisal by the City Manager of \$1,742.40; retaining a general utility easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9034)

PUBLIC HEARINGS

30. At 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 20.22-acre tract of land out of Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and more specifically described in Section One hereof, 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 Mockingbird Lane and Midkiff 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) (9035)
31. At approximately 10:33 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 Block 31A, the vacated 0.10-acre north/south alley, and the vacated adjacent 0.05-acre portion of North Marienfeld Street right-of-way, Homestead Addition, City and County of Midland, Texas, which is presently zoned O-1 Office District, to be used as a PD, Planned District for an Office Center (Generally located on the southwest corner of the intersection of West Kansas Avenue and North Marienfeld 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. (DEVELOPMENT SERVICES) (9036)
32. At approximately 10:36 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor sales on Lots 1, 2, 10, 11 and 12, Block 58, Original Town, City and County of Midland, Texas (Generally located on the south side of West Texas Avenue, between Pecos Street and Marienfeld Street); making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2012 - 206)

MISCELLANEOUS

33. [Consider a resolution approving the issuance of a permit to Callon Petroleum Operating Company \("Operator"\) to drill a non-commercial salt-water disposal well within the City limits located 1,066 feet from the west line and 2,480 feet from the north line, Section 23, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas \(Generally located on the west side of Golden Gate Drive, approximately 1/2 of a mile north of Briarwood Avenue\). \(DEVELOPMENT SERVICES\) \(2012 - 207\)](#)
34. Consider making appointments to various Boards and Commissions.

EXECUTIVE SESSION

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:
 - a. [Section 551.074 Personnel Matters](#)
 - a.1. [Deliberate the employment, evaluation, duties, and salary of the Presiding Municipal Court Judge, the Associate Municipal Court Judge, the City Manager, the City Attorney and the City Secretary.](#)
 - b. [Deliberation Regarding Real Property, Section 551.072](#)
 - b.1. Discuss the purchase, lease and value of real property described as approximately 2.066 acres, all of Block 055, Original Town Addition, City of Midland, Midland County, Texas.
 - b.2. [Discuss the purchase, lease and value of real property described as approximately 2.0 acres, all of Block 039, Original Town Addition, City of Midland, Midland County, Texas.](#)
 - b.3. [Discuss the purchase, lease and value of real property described as approximately 2.0 acres, Lot 10, Block 007, Original Town Addition, City of Midland, Midland County, Texas.](#)
 - b.4. [Discuss the purchase, lease and value of real property described as approximately 2.0 acres, all of Block 008, Original Town Addition, City of Midland, Midland County, Texas.](#)
 - b.5. [Discuss the purchase, lease and value of real property described as approximately 2.0 acres, all of Block 063, Homestead Addition, City of Midland, Midland County, Texas.](#)

- b.6. Discuss the purchase, lease and value of real property described as approximately 2.0 acres, all of Block 088, Original Town Addition, City of Midland, Midland County, Texas.
- b.7. Discuss the sale, lease and value of two City of Midland-owned properties located east of the Midland Center described as:
 - (i) 100 North Main Street (parking lot due east of the Midland Center), being approximately 0.884 acres, Block 053, Lots 013 through 023, Original Town Addition, Midland, Texas. Recorded in Volume 0858, page 0111, Midland County, Texas.
 - (ii) North Baird Street (parking east and north of Wall Street Grill), being approximately 0.886 acres, Block 053, Lots 1 through 8 & 9 (N8 of W75), and the E65 of Lots 9 through 12, Original Town Addition, Midland, Texas. Recorded in Volume 0649, page 0762, Midland County, Texas.
- c. Section 551.087 Deliberation Regarding Economic Development Negotiations
 - c.1. Discuss business prospects that the City of Midland and/or the Midland Development Corporation 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

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.