

**CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
July 14, 2015 - 10:00 a.m.
300 North Loraine
Council Chamber - City Hall
Midland, Texas**

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 - Reverend 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. Presentation of a Commendation for Verla Turner.
 - b. Introduction of City interns

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. (Please limit comments to three minutes or less.)

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular meeting of June 23, 2015.
6. Consider a resolution approving plans and specifications and authorizing advertisement for bids for leveling and re-grassing various turf areas on the Quail Course at Hogan Park Golf Course. (PURCHASING) (2015 - 188)

7. Consider a resolution approving plans and specifications and authorizing advertisement for bids for an annual supply of readymix concrete and caliche. (PURCHASING) (2015 - 189)
8. Consider a resolution awarding a contract for the Midkiff Road to Horseshoe Arena Waterline Extension Project to the sole bidder, TEC Excavation, Inc. of Midland, Texas, at a total cost of \$1,428,700.00; allocating funds; and authorizing payment therefor. (PURCHASING) (2015 - 190)
9. Consider a resolution authorizing the execution of an agreement for the purchase of brass fittings and valves of assorted sizes for use by the City's Water and Wastewater and Customer Service Divisions, from Benchmark Supply Company, Incorporated, of Midland, Texas, at an estimated total cost of \$86,934.00. (PURCHASING) (2015 - 191)
10. Consider a resolution approving plans and specifications and authorizing advertisement for bids for elevator renovations at the Police and Communications Building. (PURCHASING) (2015 - 192)
11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the purchase of six (6) thirty-five (35) to forty (40) cubic yard self-contained compactors, ten (10) thirty (30) cubic yard open top roll-off containers, and one thousand (1,000) three (3) cubic yard refuse containers with lids. (PURCHASING) (2015 - 193)
12. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the purchase of two thousand (2,000) ninety-five or ninety-six (95/96) gallon residential rollout carts. (PURCHASING) (2015 - 194)
13. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Cloverdale Road Pedestrian Access Improvements Project; said project will provide for the installation of a new five-foot-wide sidewalk and 18 pedestrian curb ramps along the north side of Cloverdale Road between South Jackson Street and South Webster Street. (PURCHASING) (2015 - 195)
14. Consider a resolution authorizing the issuance of a request for proposals for a third party benefits administrator; said proposal will include self-insured medical and dental claims administration, large case management/precertification, preferred provider organization, pharmacy benefit manager retail/mail order, voluntary long term and short term disability, voluntary vision program, basic life insurance, accidental death and dismemberment, voluntary term life, and Section 125 claims administration for the Administrative Services Department. (PURCHASING) (2015 - 196)
15. Consider a motion designating Public Information Act Coordinator Tammi Casey as the Public Information Act Coordinator to satisfy the training requirements set

forth in the Texas Public Information Act (Government Code Ch. 552). (CITY ATTORNEY'S OFFICE) (062-2015)

16. Consider a resolution authorizing the office of the City Attorney to file all documents, employ all necessary experts and make all necessary appearances to represent the City of Midland and its employees in a lawsuit styled Allstate Fire and Casualty Insurance Company as subrogee of Shelly Hayes v. City of Midland, et al.; Justice Court Precinct 4, Midland County, Texas; Cause No. S4150010; and authorizing the payment of all costs. (CITY ATTORNEY'S OFFICE) (2015 - 197)
17. Consider a resolution approving an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) and SHK The Advertising Firm. (DEVELOPMENT SERVICES) (2015 - 198)
18. Consider a resolution approving an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) and White Star Energy, Incorporated Subway Re-development Project, said agreement was previously approved by the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ). (DEVELOPMENT SERVICES) (2015 - 199)
19. Consider a resolution approving an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) and First United Methodist Church, said agreement was previously approved by the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ). (DEVELOPMENT SERVICES) (2015 - 200)
20. Consider a resolution authorizing the appropriation of funds in the amount of \$50,000 to the 2014-2015 Home Buyer Assistance Program from accounts with unobligated balances. (DEVELOPMENT SERVICES) (2015 - 201)
21. Consider a resolution approving Linn Energy, LLC's ("Operator") transfer of certain Oil and Gas Well Permits to XTO Energy Inc. ("Transferee"); and approving Operator's transfer of the Road Repair Agreement regarding said Oil and Gas Well Permits to transferee; the oil and gas wells are Robbie #2403, Robbie #2406, Robbie #2407, Robbie #2410, Robbie #2411, Robbie #2414, Robbie #2415, and Robbie #24D; said oil and gas wells are located in Section 24, Block 40, T-1-S, T & P RR Co. Survey, City and County of Midland, Texas (Generally located on the north side of Briarwood Avenue, east of Avalon Drive). (DEVELOPMENT SERVICES) (2015 - 202)
22. Consider a resolution granting a variance for Pavilion Park, Section 8, City and County of Midland, Texas (Generally located east of North Big Spring Street, approximately 2,600 feet south of Mockingbird Lane), by permitting construction of residences where no portion of any structure is closer than 135 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2015 - 203)

23. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith, from the intersection of Fairgrounds Road and Loop 250 to a point approximately 3.75 miles north of Loop 250; authorizing the City Manager to obtain appraisals, negotiate, execute and file all documents necessary to acquire said real property interests, purchase title insurance policies and hold the closings for said acquisitions; authorizing payment for said appraisals, title insurance policies and closing costs; and ordering the City Secretary to record, or ensure that the title company records, all instruments of conveyance. (ENGINEERING SERVICES) (2015 - 204)
24. Consider a resolution authorizing the City Manager to acquire, on behalf of the City of Midland, any real property interests necessary or appropriate, by any instruments of conveyance necessary or appropriate, for the use and benefit of the public for street, road, pedestrian access, drainage and public utility purposes, and for any other ancillary public use as is usual and customary in connection therewith along Briarwood Avenue, from Holiday Hill Road to Avalon Drive; authorizing the City Manager to obtain appraisals, negotiate, execute and file all documents necessary to acquire said real property interests, purchase title insurance policies and hold the closings for said acquisitions; authorizing payment for said appraisals, title insurance policies and closing costs; and ordering the City Secretary to record, or ensure that the Title company has recorded, all instruments of conveyance. (ENGINEERING SERVICES) (2015 - 205)
25. Consider a resolution authorizing the City Manager to negotiate and execute a Funding Agreement with the Midland Odessa Transportation Organization - Metropolitan Planning Organization to fund a Planning and Environmental Linkage Study for a new regional highway on the northeast side of Midland; authorizing the City Manager to advertise a request for qualifications for professional services for the performance of said planning and environmental linkage study; authorizing the City Manager to negotiate a Professional Services Agreement for said services; and providing that said Professional Services Agreement shall not become effective until approved by the City Council. (ENGINEERING SERVICES) (2015 - 206)
26. Consider a motion on request by Landgraf Crutcher & Associates Inc. to defer public improvements for Westview Addition Section 5, and to waive the corresponding financial security guarantee valued at \$179,691 an amount equal to the estimated cost of construction. The subject property is located at the southeast corner of West County Road 50 and Craddick Highway in Midland County, Texas. (ENGINEERING SERVICES) (063-2015)

27. Consider a motion on request by Landgraf Crutcher & Associates Inc. to defer public improvements for Carrasco Village Addition, and to waive the corresponding financial security guarantee valued at \$250,000 an amount equal to the estimated cost of construction. The subject property is located on East County Road 130 approximately 500 feet west of the intersection with South County Road 1140 in the City of Midland ETJ, Midland County, Texas. (ENGINEERING SERVICES) (064-2015)
28. Consider a resolution authorizing the donation of a used 1988 Sutphen Quint Fire Engine to the Texas Forest Service Helping Hands Program to be further conveyed to the City of New Deal, Texas, pursuant to Section 52I, Article III of the Texas Constitution and Section 88.106 of the Texas Education Code; and authorizing the City Manager to execute all documents necessary to transfer ownership. (FIRE) (2015 - 207)
29. Consider a resolution authorizing the execution of the Fifth Amendment to the Wholesale Water Delivery Agreement between the City of Midland and the Midland County Fresh Water Supply District No. 1 regarding additional infrastructure improvements to the T-Bar Water System. (UTILITIES) (2015 - 208)

SECOND READINGS

30. 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 and 2, Block 162, Wilshire Park Addition, Section 9, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as a PD, Planned District for a housing development (Generally located northwest of the intersection of Beal Parkway and Leisure Drive); 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)(First reading held on June 23, 2015.)(9453)
31. Consider an ordinance on second reading 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. 9304; 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)(First reading held on June 23, 2015.)(9455)

PUBLIC HEARINGS

32. Hold a public hearing and consider an ordinance amending Title X, "Traffic Regulations", Chapter 9, "Miscellaneous Driving Rules", of the City Code of Midland, Texas, by adding Section 15, "Use of Wireless Communication Devices", so as to prohibit the use of a wireless communication device to view, send, or compose an electronic message, or engage other application software while operating a motor vehicle on a public roadway within the territorial limits of the City of Midland; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date of October 1, 2015. (CITY ATTORNEY'S OFFICE) (9456)
33. Hold a public hearing and consider a resolution authorizing the temporary use of land for an outdoor amusement function on Lots 10-12, Block 93, Lots 1-12, Block 94, all of Block 104, including Haley Park, and Lots 1-5, Block 105, West End Addition, City and County of Midland, Texas (Generally located on the south side of Missouri Avenue, between South "J" Street and South "L" Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2015 - 209)
34. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as an 11,700-square foot portion of Lot 1, Block 3, Westridge Park Addition, Section 5, City and County of Midland, Texas (Generally located southwest of the intersection of Andrews Highway and Tradewinds Boulevard), 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. (DEVELOPMENT SERVICES) (9457)
35. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 10, Lynside Addition, Section 2, City and County of Midland, Texas (Generally located southwest of the intersection of East Scharbauer Drive and North Tyler Street), which is presently zoned LR-3, Local Retail District, by permitting said property to be used under a Specific Use Permit without Term for a wireless communication system; 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) (9458)

36. Hold a public hearing and consider a resolution authorizing the temporary use of land for a church fair and carnival on Lot 13, Block 71, West End Addition, Section 15, City and County of Midland, Texas (Generally located northeast of the intersection of "O" Street and Texas Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2015 - 210)
37. 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 an 11.31-acre tract of land located within the Tradewinds Boulevard and Champions Drive rights-of-way, remainder of Lot 1, Block 6, Westridge Park Addition, Section 6, and Lot 2, Block 6, Westridge Park Addition, Section 19, City and County of Midland, Texas, which is presently zoned PD, Planned District for a shopping center, to be used as an O-2, Office District (Generally located southeast of the intersection of Champions Drive and Tradewinds Boulevard); 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) (9459)
38. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 1.807-acre tract of land out of Section 5, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of West Loop 250 North, approximately 675 feet west of North Midkiff Road), which is presently zoned LR-2, local retail District, by permitting said property to be used under a Specific Use Permit with Term for an electronic billboard; 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) (9460)
39. Hold a public hearing and consider an ordinance granting a special exception for Lot 4, Block 9, Berkshire Place, City and County of Midland, Texas (Generally located on the south side of Gulf Avenue, approximately 200 feet east of North Garfield Street), by permitting an encroachment into the required front yard setback for an accessory structure; 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. (DEVELOPMENT SERVICES) (9461)

MISCELLANEOUS

40. Consider a motion appealing the Building Official's denial of a sign permit application by Flying J Travel Centers, LLC located on 3302 E. Highway 158, Midland, Texas. (DEVELOPMENT SERVICES) (065-2015)

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

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.