

**CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
August 11, 2015 – 10:00 AM
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 - Pastor Robert Pase, Grace Lutheran 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. (Please limit comments to three minutes or less.)

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Special City Council meeting of July 20, 2015.
 - b. Special City Council meeting of July 27, 2015.
 - c. Regular City Council meeting of July 28, 2015.
 - d. Special City Council meeting of August 3, 2015.
 - e. Special City Council meeting of August 4, 2015.

6. Consider a resolution authorizing the execution of a contract with Ener-Tel Services, Incorporated, for installation of a fiber optic network through Buyboard, in the amount of \$133,977.75; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2015 - 229)
7. Consider a resolution authorizing the execution of an agreement with Barbed Cross Construction, LLC, at a total cost of \$420,000.00, for the Animal Services Renovation Project Phase II. (PURCHASING) (2015 - 230)
8. Consider a resolution awarding a contract for the Cloverdale Road Pedestrian Access Improvements Project to the sole bidder, Barbed Cross Construction LLC of Midland, Texas, at a total cost of \$112,200.00; and authorizing payment therefor. (PURCHASING) (2015 - 231)
9. Consider a resolution approving the purchase of ten (10) X Series Manual Monitor/Defibrillators for the Fire Department from Zoll Medical Corporation, through National Purchasing Partners at a total cost of \$330,045.44; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2015 - 232)
10. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the construction of a new enclosed stairwell at the Police and Communications Building. (PURCHASING) (2015 - 233)
11. Consider a resolution approving the purchase of one (1) Type 1 Ambulance from Knapp Chevrolet, Incorporated, through the Houston-Galveston Area Council at a total cost of \$198,865.00; this item was not bid but purchased through a Council of Governments; and rescinding Resolution 2015-078. (PURCHASING) (2015 - 234)
12. Consider a resolution approving plans and specifications and authorizing advertisement for bids for an annual supply of chemicals needed for the treatment of drinking water for Fiscal Year 2016. (PURCHASING) (2015 - 235)
13. Consider a resolution approving the purchase of six (6) thirty-five to forty (35-40) 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 from Roll Offs USA, Incorporated, of Durant, Oklahoma, at a total cost of \$579,650.00. (PURCHASING) (2015 - 236)
14. Consider a resolution approving the purchase of two thousand four hundred ninety-six (2,496) ninety-five/ninety-six (95/96) gallon roll out carts from Toter, LLC, of Statesville, North Carolina, at a total cost of \$121,280.64; Toter, LLC, was the lowest responsible bidder meeting the specification requirements. (PURCHASING) (2015 - 237)

15. 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 Air & Space Port; the Airshow will commence Friday, August 28, 2015, and conclude Sunday, August 30, 2015. (AIRPORTS) (2015 - 238)
16. Consider a resolution authorizing the acceptance of a 0.137-acre water line easement located in Section 4, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas from Trace Engines, L.P.; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2015 - 239)
17. Consider a motion on request by West Company of Midland Inc. to defer public improvements for C&M Villarreal Addition and to waive the corresponding financial security guarantee valued at \$66,182, an amount equal to the estimated cost of construction. The subject property is located more than one mile into the City of Midland Extra Territorial Jurisdiction, on the southwest side of SH 158 approximately 7,850 feet southeast of Interstate 20 in Midland County, Texas. (City of Midland ETJ, Midland County) (ENGINEERING SERVICES) (067-2015)
18. Consider a resolution allocating funds and authorizing the City Treasurer to make a payment of \$1,400,838.00 to the Texas Department of Transportation Trust Fund in accordance with the City's Advance Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation ("TxDOT"), for the widening of Fairgrounds Road from East Loop 250 North to Pecan Avenue; said payment being required in order for TxDOT to award a contract for the construction of said project to Reece Albert, Inc. (ENGINEERING SERVICES) (2015 - 240)
19. Consider a resolution authorizing the submission of an application to the United States Department of Homeland Security Transportation Security Administration's 2016 Law Enforcement Officer Reimbursement Program; this application will be for partial reimbursement for costs associated with the deployment of a law enforcement officer at the Midland International Air & Space Port Passenger Screening Checkpoint. (POLICE) (2015 - 241)

SECOND READINGS

20. Consider an ordinance on second reading 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)(First reading held on July 14, 2015.)(9456)

21. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; authorizing and directing the traffic engineer to install appropriate signs and markings at the designated locations; 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 July 28, 2015.)(9462)
22. Consider an ordinance on second reading establishing yield right of way signs at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at said 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)(First reading held on July 28, 2015.)(9463)

PUBLIC HEARINGS

23. 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 Lots 1 and 2, Block 2, Primitive Baptist Addition, and Lot 3, Block 193, Southern Addition, City and County of Midland, Texas, which are presently zoned 1F-2, One-Family Dwelling District, in part, and LR-3, Local Retail District, in part, to be used as an LR-3, Local Retail District (Generally located northwest of the intersection of East Dakota Avenue and South Atlanta Street); 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) (9464)
24. 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 0.768-acre portion of Lot 4, Block 2, Westridge Park Addition, Section 7, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an LR-2, Local Retail District (Generally located on the west side of North Loop 250 West, approximately 700 feet south of State Highway 191); 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) (9465)
25. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 10,631-square foot portion of Lots 16-18, Block A, Garrett Place Addition, City and County of Midland, Texas (Generally located on the north side of West Indiana Avenue, approximately 160

feet east of Carlton Street), which is presently zoned LR-3, Local Retail 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) (9466)

26. Hold a public hearing and consider a resolution authorizing the temporary use of land for a festival on Lots 7-9, Block 191, Southern Addition, City and County of Midland, Texas (Generally located northeast of the intersection of South Terrell Street and East Dakota Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2015 - 242)

MISCELLANEOUS

27. Consider a motion on a proposed preliminary plat of Vista Del Pueblo Addition, being a 58.80-acre tract of land out of Section 29, Block 38, T-1-S, T&P R. R. Company Survey, City and County of Midland, Texas (Generally located on the east side of Todd Drive, approximately 0.75-miles south of East Loop 250 North.) (DEVELOPMENT SERVICES) (068-2015)
28. Consider a resolution creating a Neighborhood Empowerment Zone in accordance with Chapter 378 of the Texas Local Government Code within the boundaries of Lot 4, Block 1, Ortloff Addition, Section 5, City and County of Midland, Texas (Generally located at 1601 Westcliff Drive); providing that the City shall not exercise the powers enumerated in Section 378.004(1) through (4) of the Texas Local Government Code unless expressly authorized by the City Council at a future date; and authorizing the City Manager to sign all documents and certifications pertaining to said Neighborhood Empowerment Zone. (DEVELOPMENT SERVICES) (2015 - 243)
29. Consider a motion directing staff to begin the annexation of a 29.22-acre tract of land out of Section 24, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas (Generally located on the southwest corner of the intersection of Mockingbird Lane and Holiday Hill Road). (DEVELOPMENT SERVICES) (069-2015)
30. Consider a motion making appointments to various boards and commissions.

EXECUTIVE SESSION

31. 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 551.087 Deliberate Economic Development Negotiations.
 - a.1. 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

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.