

AGENDA FOR CITY COUNCIL MEETING
August 12, 2014 – 10:00 AM
Council Chamber - City Hall
300 North Loraine
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:
 - a. Presentation of a Resolution of Commendation for Howard W. Renton.
 - b. Recognition to the Midland MID-City All Star Baseball Team.

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 July 22, 2014.

6. Consider a resolution approving plans and specifications and authorizing advertisement for bids for janitorial and maintenance services at the Midland International Airport. (PURCHASING) (2014 - 247)
7. Consider a resolution authorizing the purchase of thirty-nine (39) Panasonic CF-31 Toughbook Laptop computers and accessories, and eleven (11) Panasonic CF-19 Toughbook Laptop computers and accessories from CDW Government, LLC, at a total cost of \$227,544.60; the bid request resulted in five bids, in which two of the bids appear to be lower, however the lowest bid from Howard Technology Solutions did not submit a bid for three items listed in the bid request, and Rugged Depot bid discontinued equipment which is no longer available; the City Manager recommends approving the purchase from CDW Government, LLC, of Vernon Hills, Illinois, as the overall lowest and most responsible bidder meeting all the specifications for all the items on the request for bids. (PURCHASING) (2014 - 248)
8. Consider a resolution authorizing emergency renovations of nine manholes; said renovations being necessary to preserve and protect the public health and safety of the residents of the City of Midland, Texas; said renovations to be completed by TEC Excavation, Inc., of Midland, Texas, at a cost of \$253,910.00; and waiving any bidding requirements. (PURCHASING) (2014 - 249)
9. Consider a resolution approving the purchase of twenty (20) Arbitrator camera systems and accessories for police automobiles from Visual Pro 360, Incorporated, of Jefferson City, Missouri, through the Texas department of information resources at a total cost of \$110,840.00; and this item was not bid but purchased through a State of Texas cooperative program. (PURCHASING) (2014 - 250)
10. Consider a resolution allocating \$100,000.00 from the Fiscal Year 2013-2014 General Fund (001) Non-Departmental (150) Interfund Transfer (0199) General Construction Fund (6299) budget account to the City Facilities Renovation Project (9059); and these funds are used to repair and replace various City facilities; anticipated projects include repairing the roof at City Hall and the Animal Services building. (PURCHASING) (2014 - 251)
11. Consider a resolution approving plans and specifications and authorizing advertisement for bids for labor, material, equipment, and supervision necessary to provide window cleaning services at the Midland International Airport. (PURCHASING) (2014 - 252)
12. Consider a resolution authorizing the execution of a Professional Services Agreement with CDM Smith Incorporated, of Fort Worth, Texas, for supervisory control and data acquisition system upgrades at the water purification plant, in the amount of \$40,434.00. (PURCHASING) (2014 - 253)

13. Consider a resolution adopting a complaint procedure for City services, programs or facilities; providing a written procedure for receiving, investigating, and resolving complaints regarding City of Midland services, programs or facilities under Title II of the Americans with Disabilities Act; providing an appeal procedure; providing for prompt and equitable resolution of complaints as required by Title 28 Code of Federal Regulations § 35.107; and ordering publication. (ADMINISTRATIVE SERVICES) (2014 - 254)
14. Consider a resolution authorizing the City Manager to negotiate and execute an assignment of the Commercial Land and Fixed Base Operator Lease Agreement between the City of Midland, Texas and Ross Midland LLC, dba Avion Flight Centre, to LM U.S. Corp Acquisition, Incorporated dba Landmark Aviation. (AIRPORTS) (2014 – 255)
15. Consider a resolution approving an agreement between the Midland Development Corporation, XCOR Aerospace, Inc. and N.C. Sturgeon, LP regarding improvements to Hangar S-11A and Hangar S-11B, located at Midland International Airport in Lot 1, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas. (CITY MANAGER'S OFFICE) (2014 - 256)
16. Consider a resolution approving an agreement between the Midland Development Corporation and N.C. Sturgeon, LP for the construction of Orbital Outfitters, LTD's facility, located at Midland International Airport in Lot 1a, Block 13, Industrial Park Regional Air Terminal, Unit 12, Midland, Midland County, Texas; and approving the Midland Development Corporation's appropriation of an additional \$1,000,000 therefor. (CITY MANAGER'S OFFICE) (2014 - 257)
17. Consider a resolution granting a variance for Lots 7-11 and 26-35, Block 1, and Lots 28-36, Block 4, Lone Star Trails Addition, City and County of Midland, Texas (Generally located on the east side of business State Highway 349-C (North Big Spring Street), north of Arapahoe Road), by permitting construction of residences where no portion of any structure is closer than 250 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2014 - 258)
18. Consider a resolution granting a variance for Lots 30, 33-53, 72-80, and 97-114, Block 5, Lots 12-15, Block 6, Lots 5-8, Block 8, Lots 14-16, Block 9, and Lots 3-5, Block 23, Lone Star Trails Addition, City and County of Midland, Texas (Generally located on the east side of business State Highway 349-C (North Big Spring Street), north of Arapahoe Road), by permitting construction of residences where no portion of any structure is closer than 250 feet of an oil and gas well; and authorizing issuance of building permits. (DEVELOPMENT SERVICES) (2014 - 259)

19. Consider a resolution approving the issuance of a permit to Reliance Energy, Inc. ("Operator") to drill an oil and gas well within the City limits located 660 feet from the north line and 1,980 feet from the east line, Section 1, Block 39, T-1-S, T&P RR Co. Survey, Martin County, Texas.(Generally located on the east side of State Highway 349, approximately 3 miles north of Arapahoe Road); and waiving the requirement of a road repair agreement. (DEVELOPMENT SERVICES) (2014 - 260)
20. Consider a resolution approving the issuance of a permit to Rust Oil Corporation ("Operator") to drill an oil and gas well within the City limits located 2,207 feet from the south line and 1,594 feet from the east line, Section 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west of the extension of north Garfield Street, approximately ½ mile north of Mockingbird Lane); and providing that said permit does not require a new road repair agreement but shall be consolidated under an existing road repair agreement. (DEVELOPMENT SERVICES) (2014 - 261)
21. Consider a resolution authorizing the acceptance of a 1.63-acre public utility and access easement located in Block 2, Block 3, Block 4, Block 5, Block 6, Block 7, Block 8, and Block 9, Quail Ridge Addition, Section 2, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 262)
22. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Polly LeAnn Bruner for services to an approximate 1.90-acre tract of land out of the northwest quadrant of Section 27, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, the street address of which is 8401 West County Road 60; said property is outside the City limits; Polly LeAnn Bruner has executed a letter agreeing to annexation if and when the property is annexed; Polly LeAnn Bruner shall be charged a rate for service which is one and one-half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 263)
23. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Landmarks, LLC for services to an approximate 4.00-acre tract of land located on Lot 1, Block 2, Entrada Business Park Addition, Section 2, Midland County, Texas, the street address of which is 9801 West Interstate Highway 20; said property is outside the City limits; Landmarks, LLC has executed a letter agreeing to annexation if and when the property is annexed; Landmarks, LLC shall be charged a rate for service which is one and one-half times the rate charged customers in the City limits; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 264)

24. Consider a resolution authorizing the execution of change order number four with Archer Western Contractors, L.L.C., adding \$50,193.17 for additional work to the existing contract for the Raw Water Project; and appropriating funds; the original contract was for \$7,058,965.00; this change order brings the total contract price to \$7,578,428.71. (UTILITIES) (2014 – 265)

SECOND READINGS

25. Consider an ordinance on second reading abolishing and terminating the Midland Tax Increment Reinvestment Zone Number One (TIRZ), City of Midland, Texas under the authority of Section 311.017 of the Texas Tax Code; the funds existing in the TIRZ as of August 31, 2014, shall remain in the TIRZ account and shall be used for projects that are eligible for TIRZ funding in accordance with the Texas Tax Code; and establishing an effective date; the participating entities in the TIRZ are the City of Midland, Midland County, the Midland County Hospital District, and the Midland Community College District; the TIRZ has no outstanding bond indebtedness; the City Secretary shall forward a copy of this ordinance to the Texas State Comptroller of Public Accounts, the Midland Central Appraisal District, Midland County, Midland County Hospital District and the Midland Community College District. (CITY ATTORNEY'S OFFICE)(First reading held on July 8, 2014)(9298)
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 Lot 2, Block 1, West 80 Industrial Park, Section 5, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as a C-3, Commercial District (Generally located on the northeast corner of the intersection of Beal Parkway and Wall 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)(First reading held on July 22, 2014)(9299)
27. Consider an ordinance on second reading vacating and abandoning a 0.103-acre portion of Summit Avenue right-of-way adjacent to Lot 2A, Block 52, Belmont Addition, Section 12, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Belmont Street and Summit Avenue); adopting the appraisal by the City Manager of \$2,700.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on July 22, 2014)(9301)
28. Consider an ordinance on second reading amending Title XI, "Planning and Development," of the City Code of Midland, Texas, so as to delete Chapter 11 and replace said Chapter with a new Chapter 11, "Airport Height Hazard and Compatible Land Use Zoning," in order to provide for the public health, public safety and general welfare by prohibiting airport hazards within the vicinity of

Midland International Airport and Midland Airpark; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication by the City Secretary. (DEVELOPMENT SERVICES)(First reading held on July 22, 2014)(9302)

29. Consider an ordinance on second reading altering prima facie speed limits along certain streets in the City; authorizing installation of appropriate signs and markings; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); repealing Ordinance No. 9064; and ordering publication. (ENGINEERING SERVICES)(First reading held on July 22, 2014)(9303)
30. 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. 9042 and Ordinance No. 9183; 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 22, 2014)(9304)

PUBLIC HEARINGS

31. At approximately 10:33 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (D Evans O 2) located 623 feet from the south line and 2,020 feet from the east line located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 2,000 feet west of N. Midkiff Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
32. At approximately 10:36 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (D Evans A 2) located 490 feet from the north line and 990 feet from the east line located in Section 8, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of N. Midkiff Road, approximately 500 feet south of the extension of Greentree Blvd.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
33. At approximately 10:39 A.M. hold a public hearing and consider a request by Quatro Compadres, L.P. for the annexation of a 2.35-acre tract of land out of

Section 31, Block 40, T-1-S, T&P RR Company Survey and a 36.14-acre tract of land out of Section 32, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located approximately 650 feet north of State Highway 191, 400 feet west of N. County Road 1278.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

34. At approximately 10:42 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 Lot 33B, Block 3, Briarwood Addition, Section 16, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as an amended Planned District (Generally located 250 feet west of North Midland Drive and 300 feet north of Briarwood Avenue); 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) (9305)
35. At approximately 10:45 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 16.08-acre tract of land out of Section 4, Block 38, T-1-S, T&P RR Co. Survey, City of Midland and County of Martin, Texas, which is presently zoned AE, Agriculture Estate District, to be used as a CE, Country Estate District. (Generally located on the north end of Elkins Road, approximately ½ mile north of Timber Wolf Trail); 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) (9306)
36. At approximately 10:48 A.M. hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", Chapter 2, "Plats and Subdivisions", Section 5, "Requirements for Public Improvements, Reservation and Design", subsection (C), "Streets and Alleys", Paragraph 3, "Design and Improvement Standards", subparagraph (S), "Alleys", subpart 6, of the City Code of Midland, Texas, so as to prohibit any residential lot final platted after June 30, 1994 or any commercial lot to have access from an unpaved alley that does not conform to City of Midland standard specifications to a vehicle garage, carport, or parking area or business loading area; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. (DEVELOPMENT SERVICES) (9307)
37. At approximately 10:51 A.M. hold a public hearing and consider an ordinance granting a special exception for Lots 6 and 7, Block 7, University Park, City and County of Midland, Texas (Generally located northeast of the intersection of "N" Street and Harvard Avenue), by permitting an encroachment into the required

side yard setback for construction of accessory structures; 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) (9308)

38. At approximately 10:57 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 North Pecos Street and North Marienfeld Street); making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 266)
39. At approximately 11:00 A.M. hold a public hearing and consider a resolution authorizing the temporary use of land for a church carnival and fair 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) (2014 - 267)
40. At approximately 11:03 A.M. 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 1-5, Block 105, and Blocks 94 and 104, West End Addition, City and County of Midland, Texas (Generally located on the south side of Missouri Avenue, between "J" Street and "L" Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2014 - 268)
41. At approximately 6:00 P.M. hold a public hearing regarding a proposal establishing the ad valorem tax rate of .4198 per \$100 taxable assessed valuation for the Fiscal Year 2014-2015. (FINANCE)

MISCELLANEOUS

42. Consider an ordinance amending the official Municipal Budget for Fiscal Year 2013-2014 in order to provide funds to the Midland County Fair in the amount of \$20,000.00; the funding provided will help promote tourism in the City of Midland; and the funding will come from the City's Hotel/Motel Fund (CITY SECRETARY'S OFFICE) (9309)
43. Consider a resolution authorizing the City Manager to negotiate and execute a Professional Services Agreement with a consulting firm for a comprehensive plan review for the Development Services Department; and authorizing payment in an amount not to exceed \$280,000. (DEVELOPMENT SERVICES) (2014 - 269)

44. Consider an ordinance of the City of Midland, Texas, establishing and adopting a Drought Contingency Plan for the City of Midland, Texas, in order to conserve the available water supply and protect the integrity of water supply facilities; and to protect and preserve public health, welfare, and safety and minimize the adverse impact of water supply shortages or other water supply emergency conditions; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and negating a mental state; and ordering publication. (UTILITIES) (9310)
45. Consider a motion making appointments to Building Codes Review Committee, Midland Football-Soccer and Baseball Complex Development Corporation, Midland-Odessa Urban Transit District Board, Planning and Zoning Commission; and consider motions appointing individuals to all other Boards and Commissions.

EXECUTIVE SESSION

46. 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. Among the matters to be discussed will be a potential economic development agreement with Energy Related Properties, LLC and/or Energy Tower, LLC.
 - b. Section 551.072 Deliberation Regarding Real Property.
 - b.1. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Energy Related Properties, LLC and/or Energy Tower, LLC.
 - c. Section 551.071 Consultation with the City Attorney
 - c.1. Discuss with the City Attorney contemplated litigation related to zoning in the City of Midland's extraterritorial jurisdiction in the vicinity of the Midland International Airport.

- c.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

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.