

**CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
August 25, 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 - 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:

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 August 11, 2015.
6. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the City of Midland Paving: Alleys, Streets, and Sidewalks ("Compass") Project; said project will provide for the installation of new pavement, sidewalks, curbs and gutters, and pedestrian curb ramps at multiple locations in South Central Midland. (PURCHASING) (2015 - 245)

7. Consider a resolution allocating \$450,000.00 to the Facilities Renovation Project (9059) for the repair of various City facilities. (PURCHASING) (2015 - 246)
8. Consider a resolution approving plans and specifications and authorizing advertisement for bids for three pivot irrigation systems and parts for use at the Spraberry Farm. (PURCHASING) (2015 - 247)
9. Consider a resolution approving plans and specifications and authorizing advertisement for bids for four side wheel roll irrigation systems and parts for use at the Spraberry Farm. (PURCHASING) (2015 - 248)
10. Consider a resolution authorizing the execution of a Professional Services Agreement for Engineering Services with Parkhill, Smith & Cooper, Inc., for the Edgewood Ground Storage Tanks Rehabilitation Project; providing that the fee shall not exceed \$110,000.00; and appropriating funds. (PURCHASING) (2015 - 249)
11. Consider a resolution authorizing the execution of an agreement with Playgrounds Etc., LLC, for the purchase and installation of a gazebo and shade structures at a cost of \$89,505.00, and approving the purchase of replacement shades in the amount of \$5,303.00 for a total cost of \$94,808.00. (PURCHASING) (2015 - 250)
12. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and COG Realty LLC for the construction of a multi-level parking facility in downtown Midland; approving a Parking Lease Agreement between the City of Midland and COG Realty LLC as part of said project; and approving a Temporary Parking Lease Agreement between the City of Midland and COG Realty LLC as part of said project. (CITY ATTORNEY'S OFFICE) (2015 - 251)
13. Consider a resolution approving the 2015 International Building Code, with amendments, the 2015 International Energy Conservation Code, with amendments, the 2015 International Fire Code, with amendments, the 2015 International Fuel Gas Code, with amendments, the 2015 International Mechanical Code, with amendments, the 2015 International Plumbing Code, with amendments, the 2015 International Residential Code, with amendments, and the 2014 National Electrical Code, with amendments, as public records; and providing that all of said codes shall be put on file in the office of the City Secretary for a minimum of thirty (30) days before any action is taken by the City Council. (DEVELOPMENT SERVICES) (2015 - 252)
14. Consider a resolution approving an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) and the Downtown Midland Management District, said agreement was previously approved by the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ). (DEVELOPMENT SERVICES) (2015 - 253)

15. Consider a resolution approving an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) and Target Contracting, TDM, LLC, said agreement was previously approved by the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) (DEVELOPMENT SERVICES) (2015 - 254)
16. Consider a resolution approving an Economic Development Agreement by and between the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ) and the City of Midland, said agreement was previously approved by the Midland Tax Increment Reinvestment Zone No. 1 (TIRZ). (DEVELOPMENT SERVICES) (2015 - 255)
17. Consider a resolution ratifying and approving a resolution of the Board of Directors of the Midland Housing Finance Corporation (The "Corporation") approving the transfer of all funds and property held by the corporation to the City of Midland; accepting the transfer of \$238,114.97 and all other funds and property held by The Corporation which are to be used by the City to provide for the housing needs of individuals and families of low and moderate incomes; and depositing and appropriating the accepted funds. (DEVELOPMENT SERVICES) (2015 - 256)
18. Consider a resolution authorizing the execution of a Right-of Way License between the City of Midland, Texas and WTG Gas Processing LP regarding City-owned property described as Section 34, Block 38, Township 1 North, T&P RR Co. Survey, Martin County, Texas. (ENGINEERING SERVICES) (2015 - 257)
19. Consider a resolution authorizing the City Manager to negotiate and execute all agreements necessary for the adjustments of utilities affected by the widening of Fairgrounds Road from Loop 250 to East Pecan Avenue; and authorizing payment therefor. (ENGINEERING SERVICES) (2015 - 258)
20. 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 a point at or near the intersection of Mockingbird Lane and North Garfield Street to a point at or near the intersection of Mockingbird Lane and North A Street; 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 - 259)

21. Consider a motion on request by Schumann Engineering Co. Inc. to defer public paving and utility improvements for Main Event Sports Addition and to waive the corresponding financial security guarantee valued at \$414,527, an amount equal to the estimated cost of construction. The subject property is located in the City of Midland Extra Territorial Jurisdiction on the southwest corner of the intersection of East County Road 60 and North County Road 1140 in Midland County, Texas. (ENGINEERING SERVICES) (071-2015)
22. Consider a resolution appointing two substitute judges for the City of Midland Municipal Court. (MUNICIPAL COURT) (2015 - 260)
23. Consider a resolution accepting a grant in the amount of \$17,297.50 from the Texas Department of Transportation in order to conduct a Fiscal Year 2015-2016 Comprehensive Special Traffic Enforcement Program for intersection traffic control enforcement, speed enforcement, and driving while intoxicated enforcement; said grant award requires a City cash match in the amount of \$1,402.50; providing that the grant funds shall be used to pay overtime to police officers working on said program; authorizing the execution of acceptance documents; and appropriating grant funds. (POLICE) (2015 - 261)

SECOND READINGS

24. 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 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)(First reading held on August 11, 2015.)(9464)
25. Consider an ordinance on second reading 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)(First reading held on August 11, 2015.)(9466)

PUBLIC HEARINGS

26. Hold a public hearing regarding a proposal establishing the ad valorem tax rate of \$0.38048 per \$100 taxable assessed valuation for the Fiscal Year 2015-2016. This is a public hearing only. No further action will be taken. (FINANCE) (072-2015)
27. Hold a public hearing and consider an ordinance vacating and abandoning a 1.20-acre portion of Cotton Flat Road right-of-way adjacent to Lot 1, Block 1, Horseshoe Addition, City and County of Midland, Texas (Generally located northeast of Cotton Flat Road and South Garfield Street); adopting the appraisal by the City Manager that the fair market value of said portion of Cotton Flat Road is less than or equal to the value of the west half of a 0.55-acre portion of North Baird Street adjacent to Blocks 38 and 39, Original Town Addition, City and County of Midland, Texas (Generally located between East Illinois Avenue and East Texas Avenue); retaining a General Utility and Access Easement; providing that said vacation shall not be effective until said portion of North Baird Street is conveyed to the City of Midland; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9467)
28. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 6, Block 2, South 349 acres, City and County of Midland, Texas (Generally located on the northwest corner of the intersection of Rankin Highway and Iris Lane), which is presently zoned C-3, Commercial 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) (9468)
29. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 4,175-square foot portion of Lots 1C-1J, Block 5, correction plat of Colony Place, Section 5, City and County of Midland, Texas (Generally located on the south side of West Wadley Avenue, approximately 400 feet east of North Garfield Street), which is presently zoned LR-2, 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) (9469)

30. 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 17A, Block 26, Wyndewood Addition, Section 25, 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 on the east side of North Loop 250 West, approximately 200 feet north of Sunshine Parkway); 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) (9470)
31. Hold a public hearing and consider an ordinance vacating and abandoning a 0.132-acre portion of alley right-of-way located in Section 19, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the south side of Sunshine Parkway, approximately 300 feet west of Idlewild Drive); adopting the appraisal by the City Manager of \$14,374.80; retaining a General Utility Easement; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9471)
32. Hold a public hearing and consider a resolution authorizing the Temporary Use of Land for a Carnival on Skyline Terrace, Unit 7, City and County of Midland, Texas (Generally located southwest of the intersection of West Loop 250 North and North Midkiff Road); making said permit subject to certain special conditions and restrictions contained herein; and providing that the Chief of Police shall ensure that all participants are licensed pursuant to Title V, Chapter 9 of the Midland City Code. (DEVELOPMENT SERVICES) (2015 - 262)

MISCELLANEOUS

33. Consider an ordinance amending fees and charges for Hogan Park Golf Course; and repealing prior ordinances or parts of ordinances in conflict with such fees and charges established herein. (COMMUNITY SERVICES) (9472)
34. Consider a motion approving a proposed preliminary plat of Ruckus Addition, being a 113.88-acre tract of land out of Section 30, Block 38, T-1-S, T&P RR Company Survey, City and County of Midland, Texas (Generally located southeast of the intersection of North Fairgrounds Road and Loop 250 North.) (DEVELOPMENT SERVICES) (073-2015)
35. Consider an ordinance 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. 9455; 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) (9473)

36. Consider a motion on request by Schumann Engineering Co. Inc. to defer public paving and utility improvements for True North Addition and to waive the corresponding financial security guarantee valued at \$388,474.00, an amount equal to the estimated cost of construction. The subject property is located in the City of Midland Extra Territorial Jurisdiction on the east side of North County Road 1148 approximately 1,660 feet north of the intersection with East County Road 72 in Midland County, Texas. (ENGINEERING SERVICES) (074-2015)

37. Consider a motion making appointments to various boards and commissions.

EXECUTIVE SESSION

38. 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 551.072, Deliberation Regarding Real Property
 - a.1. Discuss the purchase, exchange, lease, or value of real property described as the eastern part of Section 4, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas.
 - a. 2. Discuss the purchase, exchange, lease, or value of real property described as Lot 1, Block 8, ClayDesta Plaza Addition, City and County of Midland, Texas.

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.