

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
August 27, 2013 – 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 Douglas Lamb of Fannin 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 Proclamation to Freddie Ezell in recognition of his many years of service and commitment to softball in Midland.](#)

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 August 13, 2013.](#)
6. [Consider a resolution authorizing issuance of a request for proposals for refuse truck route optimization services for the Solid Waste Department. \(GENERAL SERVICES\) \(2013 - 253\)](#)

7. Consider a resolution authorizing the execution of Naming Rights License Agreement for the Baseball Stadium at the Scharbauer Sports Complex; and naming the Baseball Stadium Security Bank Ball Park. (GENERAL SERVICES) (2013 - 254)
8. Consider a resolution authorizing issuance of a Request for Qualifications for a Pavement Condition Index Survey for the Engineering Department. (GENERAL SERVICES) (2013 - 255)
9. Consider a resolution allocating \$84,367.00 for the City Facilities Renovation Project (Project 9059); and these funds are used to repair and replace various City facilities. (GENERAL SERVICES) (2013 - 256)
10. Consider a resolution authorizing the purchase of two (2) Holmatro rescue tools, and parts to repair the City's current Holmatro rescue tool, from Metro Fire Apparatus Specialists, Incorporated; said purchase was not bid but purchased as a sole source; and the costs for the two (2) rescue tools plus parts shall be approximately \$68,110.55. (GENERAL SERVICES) (2013 - 257)
11. Consider a resolution authorizing the appropriation of Federal Aviation Grant #54 to certain capital improvement projects at Midland International Airport; authorizing the reimbursement of airport funds. (AIRPORTS) (2013 - 258)
12. Consider a resolution rejecting the single bid received for the project described as Taxiway P Aircraft Run-Up (7084) at the Midland International Airport. (AIRPORTS) (2013 - 259)
13. Consider a resolution authorizing the execution of Amendment Number Five to the Professional Services Agreement with Parkhill, Smith & Cooper, Incorporated, for improvements contained in the Airport Capital Improvement Program; said amendment to include the following projects: Airfield Lighting Cabling Replacement and Airfield Signage (7112), Rehabilitation Entrance Road Pavement and Guidance Signage Project (7113); and appropriating necessary funds. (AIRPORTS) (2013 - 260)
14. Consider a resolution authorizing the execution of a contract with Little Manufacturing, Inc. of Abilene, Texas, for the project described as Emergency Roadway and Gates Rehabilitation (7082) at the Midland International Airport; the Council previously authorized advertisement for bids for the project; the total estimated cost of said project is \$764,835.50; and appropriating funds. (AIRPORTS) (2013 - 261)
15. Consider a resolution authorizing the execution of a contract with Jones Bros. of Odessa, Texas, for the project described as NW TaxiLane Extension Project Phase II (7083) at the Midland International Airport; the Council previously authorized advertisement for bids for the project; the City's share is \$941,297.92; and appropriating funds. (AIRPORTS) (2013 - 262)

16. Consider a resolution acknowledging receipt of submission for preclearance from the United States Department of Justice regarding annexations by Ordinance Nos. 9141, 9158, 9159 and 9160 effective July 9, 2013. (CITY SECRETARY'S OFFICE) (2013 - 263)
17. Consider a resolution authorizing the execution of a Professional Services Agreement with Kimley-Horn and Associates, Inc. to provide engineering, planning, administration services, and implementation for the Citywide Traffic Analysis Project; and authorizing payment therefor in the amount of \$1,255,000.00. (ENGINEERING SERVICES) (2013 - 264)
18. Consider a resolution authorizing a right-of-way license between the City of Midland, Texas and Pioneer Natural Resources, USA Incorporated, a Delaware Corporation; said right-of-way license is for entering the City of Midland's right-of-way for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing up to two (2) petroleum and petroleum by products pipeline, for salt water disposal and to have the right of ingress and egress at convenient points for such purpose; the pipeline is located within the City of Midland right-of-way, Section 8, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas; the license term is for five (5) years, commencing with the date of this license and shall automatically renew at the end of the term for one additional five (5) year term upon 120 days written request prior to expiration. (ENGINEERING SERVICES) (2013 - 265)
19. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Devon Energy Production Co., L.P. for drainage improvements to Devon Addition; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 266)
20. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with KJ Texas Properties, LLC for paving improvements to South Baird Street; and appropriating funds therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2013 - 267)
21. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Sun Development, Inc. for services to Lot 1, less 0.77 acres, Block 1, Warfield Industrial Park, Midland County, Texas (Commonly known as 10400 West Interstate 20); said property is outside the City limits; Sun Development, Inc. has executed a letter agreeing to annexation if and when the property is annexed; Sun Development, Inc. 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) (2013 - 268)
22. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Sun Development,

Inc. for services to an approximate 4.66-acre tract of land out of the east half of Section 18, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas; said property is outside the City limits; Sun Development, Inc. has executed a letter agreeing to annexation if and when the property is annexed; Sun Development, Inc. 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) (2013 - 269)

23. Consider a resolution authorizing the acceptance of a 248.9 square foot public water easement located in Lot 1, Block 1, Wallco Addition, Section 11, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 270)
24. Consider a resolution authorizing the acceptance of a 0.003-acre public drainage easement located in Lot 1, Block 1, Wallco Addition, Section 11, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 271)
25. Consider a resolution authorizing the acceptance of a 0.005-acre public drainage easement located in Section 14, Block 39, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2013 - 272)

SECOND READINGS

26. Consider an ordinance on second reading changing the zoning use classification of a 1.50-acre portion of Lot 53, Block 2, Skyview Development, City and County of Midland, Texas (Generally located on the west side of Irvin Drive, approximately 240 feet south of East Loop 250 North), which is presently zoned AE, Agriculture Estate District, by permitting said property to be used under a Specific Use Permit Without Term for a vineyard; 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 August 13, 2013.)(9173)
27. 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 20, Block 5, North Park, 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 on the north side of Loop 250, east of Billingsley Boulevard); 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) (9174)

PUBLIC HEARINGS

28. At approximately 10:30 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 between West Illinois Avenue and West Texas Avenue, east of North "O" Street); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2013 - 273)
29. At approximately 10:33 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) (2013 - 274)
30. At approximately 10:36 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 929 square foot portion of Lots 7-9, Block 58, Original Town, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of West Wall Street and North Pecos Street), which is presently zoned C-1, Central Area 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) (9177)
31. At approximately 10:39 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 Lots 2 and 4, Block 8, Westridge Park Addition, Section 23, City and County of Midland, Texas, which is presently zoned PD, Planned District for Housing Development, in part, and LR-2, Local Retail District, in part, to be used as a PD, Planned District for a Housing Development (Generally located near the southwest corner of the intersection of Deauville Boulevard and Tradewinds Boulevard); 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) (9178)
32. At approximately 10:42 a.m. hold a public hearing regarding a proposed oil and gas permit to Endeavor Energy Resources, L.P. (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Chaps #4) located 330 feet from the north line and 1,831 feet from the west line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the

north side of the Passage Way, approximately 1,800 feet east of north of N. Midkiff Road.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

MISCELLANEOUS

33. Consider a resolution authorizing the issuance of a Building Permit for the Installation of a Manufactured Home on Lot 12, Block 10, East Midland Addition, City and County of Midland, Texas (Commonly known as 1311 Walnut Lane); and providing that the issuance of said permit does not undertake to adjudicate property rights; said permit was denied by the Building Official and this resolution is an appeal to the Midland City Council. (DEVELOPMENT SERVICES) (2013 - 275)
34. Consider an ordinance providing the maximum time limit for parking on a portion of the south side of Ohio Avenue from the west curb line of Colorado Street west to the north/south alley to two hours; 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) (9179)
35. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

36. 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, compensation and duties of the City Manager, the City Attorney, the City Secretary, the Municipal Court Presiding Judge and the Municipal Court Associate Judge.
 - b. Section 551.087 Deliberate Economic Development Negotiations.
 - b.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.