

AGENDA FOR CITY COUNCIL MEETING
December 16, 2014 – 9:30 AM
Council Chamber - City Hall

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 - Dr. Tim Walker, First United Methodist Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation to the 2014 Management Award Recipients.

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 November 18, 2014.
 - b. Special meeting of November 18, 2014.
 - c. Special meeting of November 19, 2014.
6. Consider a resolution authorizing the execution of a contract with American Facility Services, Incorporated of Alpharetta, Georgia, for Janitorial Services and Maintenance Contract at Midland International Air and Space Port; the monthly

rate is \$39,505.00, totaling \$2,370,300.00 for five (5) years. (PURCHASING) (2014 - 437)

7. Consider a resolution awarding a contract for the Douglas Avenue & D Street Water & Wastewater Replacement Project to TEC Excavation, Inc., of Midland, Texas, at a total cost of \$870,500.00; appropriating funds in the amount of \$1,630,124.00; and authorizing payment for said contract in an amount not to exceed \$870,500.00. (PURCHASING) (2014 - 438)
8. Consider a resolution approving the purchase of two (2) administrative cars, one (1) sport utility vehicle, eight (8) full size ½ ton regular cab pickups, two (2) full size ½ ton super cab pickups, two (2) full size ½ ton super crew pickups, four (4) full size ¾ ton super crew pickups, and one (1) full size 1 ton heavy duty cab & chassis from Rogers Ford Lincoln of Midland, Texas, and Caldwell Automotive Partners Limited, dba Caldwell Country Chevrolet, of Caldwell, Texas, at a total cost of \$461,230.00; and providing that other lower bids for item numbers four (4) and five (5) are rejected in favor of the local bidder pursuant to Texas Local Government Code Section 271.9051. (PURCHASING) (2014 - 439)
9. Consider a resolution approving the purchase of two (2) Peterbilt LCF RH Drive refuse cart trucks from Rush Truck Center of Texas, LP - El Paso, of El Paso, Texas, through Buyboard at a total cost of \$551,956.00; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2014 - 440)
10. Consider a resolution authorizing the purchase of two (2) motor graders from Warren Power and Machinery, Incorporated, dba Warren Cat of Odessa, Texas, at a total cost of \$385,900.00. (PURCHASING) (2014 - 441)
11. Consider a resolution authorizing the purchase of twenty-six (26) police package vehicles from Caldwell Automotive Partners Limited, dba Caldwell Country Chevrolet, of Caldwell, Texas, through Buyboard at a total cost of \$791,670.00; this item was not bid but purchased through a Cooperative Purchasing Program. (PURCHASING) (2014 - 442)
12. Consider a resolution approving the purchase of one (1) 2-3 cubic yard dump body, one (1) 4-6 cubic yard dump body, and three (3) 12-14 cubic yard dump bodies from Equipment Southwest, Incorporated, at a total cost of \$130,618.00; and Equipment Southwest, Incorporated, was the sole bidder. (PURCHASING) (2014 - 443)
13. Consider a resolution authorizing the purchase of ammunition of assorted types and in assorted quantities for the Midland Police Department from the respective low bidders, GT Distributors, Incorporated, Bailey's House of Guns, Incorporated, Precision Delta Corporation, and Barney's Police Supplies, at an estimated total cost of \$154,307.03; and item #7 will be purchased from the

bidder providing ammunition at the best value to the City of Midland instead of the low bidder, pursuant to Texas Local Government Code Section 252.043; and the City Council accepts the City Manager's recommendation not to award item #7 to the low bidder. (PURCHASING) (2014 - 444)

14. Consider a resolution ratifying the City of Midland's purchase order submitted to TEC Excavation, Inc., of Midland, Texas, for the emergency repair of a 30" water line on West Illinois Avenue; authorizing the execution of a contract with TEC Excavation, Inc., for the emergency repair of said water line; said repair being necessary to preserve and protect the public health and safety of the residents of the City of Midland, Texas; waiving any bidding requirements; and authorizing payment therefor in an amount not to exceed \$79,795.00. (PURCHASING) (2014 - 445)
15. Consider a resolution approving the purchase of one (1) Gradall Rough Terrain Excavator from Kirby-Smith Machinery, Incorporated, of Amarillo, Texas, through Buyboard at a total cost of \$322,325.00; this item was not bid but purchased through a cooperative purchasing program. (PURCHASING) (2014 - 446)
16. Consider a resolution authorizing issuance of a Request for Proposals for a qualified firm or individuals to provide comprehensive consultation services for Group Health and Welfare Benefit Plans for the City of Midland. (ADMINISTRATIVE SERVICES) (2014 - 447)
17. Consider a resolution authorizing the execution of a contract with the sole bidder, Jones Bros. Dirt and Paving Contractors, Incorporated, of Odessa, Texas, for the project described as Taxiway P Aircraft Run-up (7103), at a total cost of \$1,584,320.00, at the Midland International Air and Space Port; and appropriating funds. (AIRPORTS) (2014 - 448)
18. Consider a resolution authorizing the execution of a six-month Temporary Right-of-Way License with Dawson Geophysical Company for seismic testing across City-owned property at the Midland International Air and Space Port. (AIRPORTS) (2014 - 449)
19. Consider a resolution approving an amendment to the Professional Services Agreement between the Midland Development Corporation and Parkhill, Smith & Cooper, Inc., for engineering services related to the development of the Spaceport Business Park located at Midland International Air and Space Port. (CITY MANAGER'S OFFICE) (2014 - 450)
20. Consider a resolution authorizing the execution of a contract with Midland Junior Baseball Association to promote tourism and the convention and hotel industry in the City of Midland; appropriating funds from the Hotel/Motel fund; and providing that Midland Junior Baseball Association will promote baseball activities and baseball tournaments in the City of Midland; and appropriating funds. (COMMUNITY SERVICES) (2014 - 451)

21. Receive and file the Consolidated Annual Performance and Evaluation Report for 2013/2014. (DEVELOPMENT SERVICES)
22. Consider a resolution authorizing the City of Midland to access the HOME Investment Partnerships Program funds from the Texas Department of Housing and Community Affairs through the Reservation System Participant Program; said funds will be used for the HOME Buyer Assistance Program; designating several City sources as matching funds not to exceed \$6,000.00; designating City cash reserves for funding projects pending reimbursement from the State; and appropriating funds from the HOME Investment Partnerships Reservation System Participant Program. (DEVELOPMENT SERVICES) (2014 - 452)
23. Consider a resolution authorizing the execution of a six-month Temporary Right-of-Way License with Dawson Geophysical Company for seismic testing across City-owned Streets and Rights-of-Way. (DEVELOPMENT SERVICES) (2014 - 453)
24. Consider a resolution granting a variance for Vineyard Addition, Sections 3, 5 and 7, City and County of Midland, Texas (Generally located southwest of the intersection of Holiday Hill Road and Green Tree Boulevard), to allow for the use of decomposed granite for sidewalks within said development. (DEVELOPMENT SERVICES) (2014 - 454)
25. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Atlas Pipeline Mid-Continent Westtex, LLC; said Right-of-Way License is for entering City of Midland property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a low pressure gas pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland County, Texas, being Sections 3 and 4, Block 39, Township 2 South, T&P RR Co. Survey; 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) (2014 - 455)
26. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Plains Pipeline, L.P.; said Right-of-Way License is for entering City of Midland property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a petroleum pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Midland County, Texas, being Section 44, Block 38, Township 1 South, T&P RR Co. Survey; recorded in Volume 2308, Page 3, Deed Records of 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; and rescinding City of Midland Resolution No. 2014-366. (ENGINEERING SERVICES) (2014 - 456)

27. Consider a resolution authorizing the execution of a Right-of-Way License between the City of Midland, Texas and Plains Pipeline, L.P.; said Right-of-Way License is for entering City of Midland property for the purpose of placing, installing, constructing, operating, repairing, maintaining, replacing and removing a petroleum pipeline and to have the right of ingress and egress at convenient points for such purpose; the property is located in Martin County, Texas, being Sections 5 and 8, Block 38, Township 1 South, T&P RR Co. Survey; recorded in Volume 239, Page 49, Deed Records of Martin 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; and rescinding City of Midland Resolution No. 2014-367. (ENGINEERING SERVICES) (2014 - 457)
28. Consider a resolution authorizing the acceptance of a drainage easement comprised of a 0.548-acre tract of land and a 25-square-foot tract of land out of Section 12, Block 40, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas, from Fasken Land and Minerals, Ltd.; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 458)
29. Consider a resolution authorizing the execution of a 3-year Effluent Farm Lease Renewal Agreement between the City of Midland, Texas, and Schumann Cattle Company, for operation of the City of Midland's Conner Effluent Farm; and rescinding Resolution No. 2014-331. (UTILITIES) (2014 - 459)

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 a 6.51-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, in Part, and 1F-1, One-Family Dwelling District, in Part, to be used as an LR-2, Local Retail District; by permitting a 15.65-acre tract of land out of Section 2, Block 39, T-2-S, T&P RR CO. Survey, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District in Part, and 1F-1, One-Family Dwelling District, in Part, to be used as an MF-2, Multiple-Family Dwelling District (Generally located on the west side of South Lamesa Road, approximately 600 feet north of East Interstate Highway 20); 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 November 18, 2014.)(9349)
31. 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 a 0.31-acre tract of land out of Blocks 3, 4 and 5, W.W. Harris

Addition, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a 1F-3, One-Family Dwelling District (Generally located on the east side of North Weatherford Street, approximately 110 feet north of Mississippi Avenue); 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 November 18, 2014.)(9350)

32. 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 10, 11 and 12, Block 183, Southern Addition, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as an LR-3, Local Retail District (Generally located southeast of the intersection of West Florida Avenue and South Big Spring 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 November 18, 2014.)(9351)
33. Consider an ordinance on second reading vacating and abandoning a 0.07-acre portion of alley right-of-way adjacent to Lots 3-10, Block 59, Original Town Addition, City and County of Midland, Texas (Generally located on the north side of West Wall Street, approximately 150 feet west of North Pecos Street); adopting the appraisal by the City Manager of \$12,196.80; and ordering recordation by the City Secretary (DEVELOPMENT SERVICES)(First reading held November 18, 2014.)(9352)
34. 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 3A, 4A and 5A, Block 1, Gamblin Addition, Section 4, and Lots 6 and 7, Block 1, Gamblin Addition, Section 3, 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 northwest of the intersection of South Midland Drive and Seminole 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 November 18, 2014.)(9353)
35. Consider an ordinance on second reading changing the zoning use classification of the property described as a 3.13-acre tract of land out of the southeast quadrant of Section 31, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the north side of State Highway 191, approximately 3,000 feet east of North Farm-to-Market Road 1788), 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)(First reading held November 18, 2014.)(9354)

36. Consider an ordinance on second reading changing the zoning use classification of the property described as Lots R and S, Tract 1, Stockyard Acres, City and County of Midland, Texas (Generally located between West Industrial Avenue and West Florida Avenue, approximately 1,100 feet east of South Garfield Street), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for a 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)(First reading held November 18, 2014.)(9357)
37. Consider an ordinance on second reading changing the zoning use classification of Lot 6B, Block 3, Corporate Plaza Addition, Section 9, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 200 feet south of Spring Park Drive), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a Specific Use Permit without Term for Utility Storage; 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 November 18, 2014.)(9359)
38. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 12, Block 26, Original Town, City and County of Midland, Texas (Generally located southeast of the intersection of North Colorado Street and West Ohio Avenue), 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)(First reading held November 18, 2014.)(9360)
39. Consider an ordinance on second reading changing the zoning use classification of the property described as Lot 1, Block 2, West Industrial Park, Section 3, City and County of Midland, Texas (Generally located on the north side of State Highway 191, approximately 750 feet east of Farm-to-Market Road 1788), which is presently zoned LR-2, Local Retail District, by permitting said property to be used under a Specific Use Permit with Term for a 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)(First reading held November 18, 2014.)(9361)

40. Consider an ordinance on second reading granting a special exception for Lot 1A, Block 8, Westridge Park Addition, Section 30, City and County of Midland, Texas (Generally located southeast of the intersection of Deauville Boulevard and Griffith Drive), by permitting a building to exceed the maximum height limit; 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)(First reading held November 18, 2014.)(9362)
41. 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 November 18, 2014.)(9363)
42. 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 November 18, 2014.)(9364)

PUBLIC HEARINGS

43. At approximately 10:30 A.M. conduct a public hearing and consider an ordinance declaring certain structures located at 105 North Lamesa Road, 212 East Summit Avenue, 301 South Lamesa Road, 305 North Lee Street, 306 south Stonewall Street, 502 South Fairgrounds Road, a location on the west side of South Fairgrounds Road having a legal description of Lot 4, Block 26, Greenwood Addition, 506 South Fairgrounds Road, 505 South Tyler Street, 505 South Webster Street, 509 South Webster Street, 1207 East Nobles Avenue, 2305 East California Avenue, 3106 Delano Avenue, and 3708 Cedar Springs Drive to be dilapidated, substandard or unfit for human habitation and hazards to the public health, safety and welfare; ordering their destruction or removal; directing the City Secretary to publish notice; and directing the Building Official to deliver a copy of this ordinance to affected owners, lienholders and mortgagees; said ordinance being authorized by Chapter 214 of the Texas Local Government Code. (DEVELOPMENT SERVICES) (9365)

44. At approximately 10:33 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 Tract 10 and the south 416.98 feet of Tract 11, Wallace Heights Addition, City and County of Midland, Texas, which are presently zoned PD, Planned District for a Shopping Center, in part, and 1F-1, One-Family Dwelling District, in part, to be used as a MF-1, Multiple-Family Dwelling District (Generally located approximately 1,500 feet east of North Loop 250 West, between Andrews Highway and Sinclair Avenue); 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) (9366)
45. At approximately 10:36 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 1, Block 1, Desert Thunder Raceway Addition, City and County of Midland, Texas, and a 28.60-acre tract of land out of Section 10, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which are presently zoned PD, Planned District for a Recreation Center, to be used as a BP, I-20 Business Park District (Generally located northwest of the intersection of South County Road 1250 and West Interstate Highway 20); 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) (9367)
46. 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 a 19.701-acre tract of land out of Section 12, Block 40, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned LR-2, Local Retail District, to be used as a BP, I-20 Business Park District (Generally located southeast of the intersection of West Interstate Highway 20 and Antelope 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) (9368)
47. 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 Lots 4, 5, and 6, Block 3, Westridge Park Addition, Section 28, City and County of Midland, Texas, which are presently zoned MF-1, Multiple-Family Dwelling District, in part, O-2, Office District, in part, and LR-2, Local Retail District, in part, to be used as a PD, Planned District (Generally located on the east side of Avalon Drive, between Andrews Highway and Deauville 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) (9369)

48. At approximately 10:45 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 4.25-acre tract of land out of Section 4, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located approximately 280 feet north of Gist Avenue, between South Midkiff Road and West Industrial Loop), which is presently zoned C-3, Commercial District, by permitting said property to be used under a Specific Use Permit with Term for a 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) (9370)
49. At approximately 10:48 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 10, Block 3, Plunk Addition, Section 8, City and County of Midland, Texas (Generally located on the south side of Garden City Highway, approximately 400 feet west of Henderson Boulevard), which is presently zoned LI, Light Industry District, by permitting said property to be used under a Specific Use Permit with Term for a 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) (9371)
50. At approximately 10:51 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1, Block 16, Kelview Heights Addition, City and County of Midland, Texas (Generally located southwest of the intersection of North Big Spring Street and Neely Avenue), 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) (9372)
51. At approximately 10:54 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lots 7 and 8, Block 183, Southern Addition, City and County of Midland, Texas (Generally located northeast of the Intersection of West Dakota Avenue and South Big Spring 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 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) (9373)

52. At approximately 10:57 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 5.50-acre tract of land out of the northwest quadrant of Section 8, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located southeast of the intersection of West Interstate Highway 20 and Jasmine Road), which is presently zoned BP, I-20 Business Park District, by permitting said property to be used under a Specific Use Permit with Term for a 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) (9374)
53. At approximately 11:00 A.M. hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 1A, Block 2A, Midkiff Plaza, Section 11, City and County of Midland, Texas (Generally located on the south side of West Loop 250 North, approximately 680 feet east 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) (9375)
54. At approximately 11:06 A.M. hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City limits, being a 5.23-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions Drive); and approving a public service plan. (DEVELOPMENT SERVICES) (9376)
55. At approximately 11:09 A.M. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 5.23-acre tract of land out of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, as an AE, Agriculture Estate District; said tract is Generally located on the west side of Tradewinds Boulevard, approximately 170 feet south of Champions 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) (9377)
56. At approximately 11:12 A.M. hold a public hearing and consider an ordinance granting a special exception for Tract 18, North Estates Addition, City and County of Midland, Texas (Generally located on the south side of Solomon Lane, approximately 300 feet east of Pine Needle Lane), by permitting an accessory

structure to exceed the maximum size limit; 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) (9378)

57. At approximately 11:15 A.M. hold a public hearing and consider an ordinance vacating and abandoning a 0.55-acre portion of Baird Street right-of-way adjacent to Lots 1-6, Block 38, and Lots 7-12, Block 39, Original Town Addition, City and County of Midland, Texas (Generally located approximately 300 feet east of North Main Street, between East Illinois Avenue and East Texas Avenue); adopting the appraisal by the City Manager of \$23,958.00; waiving the fee for the cost of the right-of-way; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9379)
58. At approximately 11:18 A.M. hold a public hearing and consider an ordinance vacating and abandoning a 20-foot alley located on Block 37, Homestead Addition, City and County of Midland, Texas (Generally located approximately 170 feet east of North Carrizo Street, between West Michigan Avenue and West Tennessee Avenue); adopting the appraisal by the City Manager of \$6,000.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9380)
59. At approximately 11:30 a.m. hold a public hearing regarding route changes to EZ-Rider. (This is a public hearing only, no action will be taken.) (DEVELOPMENT SERVICES)
60. At approximately 11:33 A.M. hold a public hearing and consider an ordinance vacating and abandoning a 0.138-acre alley adjacent to Lots 1-12, Block 42, Belmont Addition, City and County of Midland, Texas (Generally located approximately 140 feet east of Belmont Street, between West Stokes Avenue and Wolcott Avenue); adopting the appraisal by the City Manager of \$3,602.64; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9381)
61. At approximately 11:39 A.M. hold a public hearing and consider an ordinance amending Title XI, "Planning and Development", Chapter 7a, "Revised Outdoor Sign Regulations", of the City Code of the City of Midland, Texas, so as to make comprehensive revisions to regulations pertaining to billboards and electronic billboards within the City of Midland, Texas; establishing illumination standards; establishing special control areas; prohibiting new billboards and electronic billboards within the special control areas; providing for a one-time replacement of an existing billboard located within a special control area; providing for a one-time replacement of an existing billboard located within a special control area with an electronic billboard if two other billboards or electronic billboards are removed from a special control area; requiring a sign permit and a Specific Use

Permit with Term prior to constructing a new billboard or electronic billboard, or modifying a legally conforming billboard or electronic billboard; providing for notice, a public hearing, and 30-day comment period prior to the City Council voting on whether to grant a Specific Use Permit with Term; establishing minimum separation standards; establishing maximum sign area standards; establishing setback requirements; establishing an appeal procedure; 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) (9382)

MISCELLANEOUS

62. Consider a resolution stating that the City of Midland will negotiate exclusively with Hotel Santa Rita No. 1 Midland Partners, LLC for the development of Block 55, Original Town Addition, an addition to the City of Midland, Midland County, Texas (the site of the former Midland County Courthouse) and adjoining property until March 1, 2015; this resolution does not obligate the City of Midland to enter into a Development Agreement with Hotel Santa Rita No. 1 Midland Partners, LLC; any Future Development Agreement will not be effective until it is approved by a resolution of the Midland City Council; and authorizing the Mayor to execute a letter with Hotel Santa Rita No. 1 Midland Partners, LLC expressing the intent of this resolution. (CITY ATTORNEY'S OFFICE) (2014 - 460)
63. Consider a resolution authorizing the employment of the Law Firm of Cotton, Bledsoe, Tighe & Dawson, P.C. to represent the City of Midland in the lawsuit styled Lockridge Outdoor Advertising, LLC v. City of Midland (142nd judicial District Court, Midland County, Texas; Cause No. CV-50,846) (CITY ATTORNEY'S OFFICE) (2014 - 461)
64. Consider an ordinance amending Title VI, "Police Regulations", Chapter 2, "Animals and Fowl", Section 2, "Running at Large", and Section 10, "Impoundment Time, Notice and Costs", of the City Code of Midland, Texas; requiring a person who owns, keeps, possesses, harbors or maintains a dog, cat, ferret, livestock, poultry, other bird or other animal to prevent said dog, cat, ferret, livestock, poultry, other bird or other animal from being at large; negating and dispensing with the culpable mental state requirement; providing affirmative defenses; providing that each unlicensed dog, cat or ferret impounded shall be kept and maintained at the Department of Animal Control for a minimum of two days; providing for a maximum penalty or fine of five hundred dollars (\$500.00); containing a cumulative clause; containing a savings and severability clause; and ordering publication. (COMMUNITY SERVICES) (9383)
65. Consider an ordinance amending Title X, "Traffic Regulations", Chapter 1, "General Traffic Regulations", Section 3, "Truck Routes", and Section 4, "Hazardous Materials Truck Routes"; establishing truck routes, local truck routes, and hazardous materials truck routes 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) (9384)

66. Consider an ordinance authorizing the issuance of “City of Midland, Texas, General Obligation Refunding Bonds, Series 2015A”; levying a continuing direct annual ad valorem tax for the payment of said bonds; resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds; establishing procedures for the sale and delivery of said bonds; and delegating matters relating to the sale and issuance of said bonds to an authorized City official. (FINANCE) (9385)
67. Consider an ordinance authorizing the issuance of “City Of Midland, Texas, General Obligation Refunding Bonds, Taxable Series 2015B”; levying a continuing direct annual ad valorem tax for the payment of said bonds; resolving other matters incident and related to the issuance, sale, payment and delivery of said Bonds; establishing procedures for the sale and delivery of said bonds; and delegating matters relating to the sale and issuance of said bonds to an authorized City official. (FINANCE) (9386)
68. Consider a motion making appointments to various Boards and Commissions.

EXECUTIVE SESSION

69. 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 Municipal Court Presiding Judge.
 - a.2. Deliberate the employment, evaluation, compensation, and duties of the City Attorney.
 - 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. Among the matters to be discussed will be a potential Economic Development Agreement with Hotel Santa Rita No. 1 Midland Partners, LLC.

- c. Section 551.072, Deliberation Regarding Real Property.
 - c.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 Hotel Santa Rita No. 1 Midland Partners, LLC.
- d. Section 551.071, Consultation with the City Attorney.
 - d.1. Discuss with the City Attorney and attorneys from the Cotton, Bledsoe, Tighe & Dawson Law Firm litigation styled Lockridge Outdoor Advertising, LLC v. City of Midland, in the 142nd Judicial District Court in Midland County, Texas, Cause No. CV-50,846.

Respectfully Submitted,

Courtney B. Sharp
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber is 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.