

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
November 08, 2016 – 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 - Minister Freeman Robinson, Northside Church of Christ
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 for National Radiologic Technologist Week

CONSENT AGENDA

4. Consider a motion approving the following minutes:
 - a. Regular meeting of October 25, 2016.
 - b. Special meeting of October 26, 2016.
5. Consider a resolution approving the purchase of one (1) Caterpillar 953DQ Track Loader for the Garage Division from Warren Power & Machinery, Inc., through Buyboard at a total cost of \$247,480.00. (PURCHASING) (2016 - 329)
6. Consider a resolution ratifying the payment of \$66,481.31 to Warren Power & Machinery, Inc., of Odessa, Texas, for the repair of the front right internal drive of the Unit 7917 Caterpillar 826H trash compactor for the Garage Division. (PURCHASING) (2016 - 330)

7. Consider a resolution authorizing the execution of a professional services agreement with HDR Engineering, Inc., for design, bid, and construction phase services for the construction of new electrical service facilities at the Water Pollution Control Plant. (PURCHASING) (2016 - 331)
8. Consider a resolution approving the purchase of one (1) Heil DP5000 Rear Loader complete refuse truck and two (2) Kann 29 cubic yard commercial side loader complete refuse trucks for the Garage Division from Austin Truck & Equipment, Ltd., DBA Freightliner of Austin through Buyboard at a total cost of \$547,656.00. (PURCHASING) (2016 - 332)
9. Consider a resolution authorizing the execution of a Lease Agreement with the United States General Services Administration for the lease of 2,924 square feet of office space at the Midland International Air & Space Port; and appropriating funds so as to comply with certain obligations under said lease agreement. (AIRPORTS) (2016 - 333)
10. Consider a resolution authorizing the execution of an Independent Professional Consultant Agreement with Frances Stapp to provide curator management and other services to the Heritage District. (COMMUNITY SERVICES) (2016 - 334)
11. Consider a resolution accepting a grant award from the Texas "J" Regional Advisory Council in the amount of \$15,403.00; said funds to be used by the Midland Fire Department for training, equipment, and supplies. (FIRE) (2016 - 335)
12. Consider a resolution appointing individuals to serve as volunteers to enforce parking restrictions as authorized by Chapter 681 of the Texas Transportation Code. (POLICE) (2016 - 336)
13. Consider a resolution authorizing the City of Midland in conjunction with Midland County to accept the Fiscal Year 2016 Justice Assistance Grant Funds totaling \$30,915.00; the City of Midland will receive \$18,549.00 (60%) and Midland County will receive \$12,366.00 (40%) of the grant funds; authorizing the execution of acceptance documents; and appropriating funds. (POLICE) (2016 - 337)

SECOND READINGS

14. Consider an ordinance on second reading changing the zoning use classification of the property described as a 4,320-square foot portion of Lots 1 and 2, Block 187, Southern Addition, City and County of Midland, Texas (Generally located southwest of the intersection of East Florida Avenue and South Weatherford 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 beer and wine 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 October 25, 2016.)(9610)

15. 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 1, Block 10, Bush Tennis Center, City and County of Midland, Texas, which is presently zoned PD, Planned District for a recreation center, to be used as an amended Planned District (Generally located on the north side of Briarwood Avenue, approximately 1,300 feet west of Holiday Hill Road); 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 October 25, 2016.)(9611)

16. Consider an ordinance on second reading changing the zoning use classification of the property described as a 630-square foot portion of the common area and a 6,250-square foot portion of Lots 14-17, Block 11A, Fairway Park Addition, Section 3, City and County of Midland, Texas (Generally located on the east side of North Big Spring Street, approximately 100 feet south of Palmer Drive), 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)(First reading held October 25, 2016.)(9612)

PUBLIC HEARINGS

17. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as Lot 2, Block 16, Greathouse Addition, Section 4, City and County of Midland, Texas (Generally located on the south side of Portico Way, approximately 125 feet east of Mathis Street), which is presently zoned NS, Neighborhood Service District, in part, and O-1, Office District, in part, by permitting said property to be used under a Specific Use Permit without Term for off-street parking of motor vehicles other than as an accessory use; 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) (9613)

18. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 3,000-square foot portion of Lot 1A, Block 1, Alldredge Gardens Addition, Section 2, City and County of Midland, Texas (Generally located northeast of the intersection of East Wadley Avenue and North Fairgrounds Road), 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) (9614)

19. Hold a public hearing and consider an ordinance changing the zoning use classification of the property described as a 1,933-square foot portion of Lot 3A, Block 1, Gateway Plaza, Section 9, City and County of Midland, Texas (Generally located southwest of the intersection of Starboard Drive and Liberty Drive), 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) (9615)

20. Hold a public hearing and consider a resolution authorizing the temporary use of land for outdoor Christmas tree sales on Lot 1, Block 1, Scotsdale Addition, Section 2, City and County of Midland, Texas (Generally located on the west

side of North Midland Drive, approximately 180 feet south of West Dengar Avenue); and making said permit subject to certain special conditions and restrictions contained herein. (DEVELOPMENT SERVICES) (2016 - 338)

21. 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 1A, Block 2, Grandridge Park Addition, Section 6, 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 west side of the intersection of Holiday Hill Road and North Loop 250 West); 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) (9616)
22. Hold a public hearing and consider an ordinance granting a special exception for Lot 6, Block 5, Midland Industrial Park Addition, City and County of Midland, Texas (Generally located northwest of the intersection of Interstate 20 and Commerce Drive), by permitting a reduced rear yard setback; 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) (9617)
23. Hold a public hearing and consider an ordinance vacating and abandoning an 8,685-square foot portion of alley right-of-way located adjacent to Lot 2, Block 6, Scotsdale Addition, Section 5, City and County of Midland, Texas (Generally located approximately 480 feet south of West Wadley Avenue, and approximately 175 feet west of North Midland Drive); adopting the appraisal by the City Manager of \$34,740.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9618)

MISCELLANEOUS

24. Consider an ordinance of the City of Midland amending Title VIII, "Food Establishments, Health and General Sanitation," Chapter 6, "Garbage, Trash and Rubbish," Section 8, "Charges for collection and disposal; mechanically loaded refuse container regulations," and Section 9, "Collection from Commercial Customers," of the Midland City Code so as to include escalation clauses for the rates charged for mechanically loaded refuse containers and to commercial customers for the collection and disposal of garbage, trash and rubbish; containing a cumulative clause; containing a savings and severability clause; and ordering publication. (SOLID WASTE) (9619)

25. Consider an ordinance establishing certain fees and charges of the City of Midland Community Services Department, Parks and Recreation Division; and repealing prior ordinances or parts of ordinances in conflict with such fees and charges set forth herein. (COMMUNITY SERVICES) (9620)
26. Consider a motion on request by Parkhill Smith & Cooper Inc. to defer public improvements for Vista Del Cielo, and to waive the corresponding financial security guarantee valued at \$1,503,824.00, an amount equal to the estimated cost of construction and consider a request to waive the sewer pro rata, assessed at \$38,538.00. The subject property is generally located at the northwest corner of the intersection of Passage Way and Garfield Road, within the City of Midland corporate limits. (ENGINEERING SERVICES) (112-2016)

PUBLIC COMMENT

27. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. 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.)

EXECUTIVE SESSION

28. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
 - a. Section §551.087 Deliberate Economic Development Negotiations.
 - a.1. Discuss business prospects that the City seeks to have, locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Respectfully Submitted,

Courtney B. Sharp
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please contact the City Secretary's Office at (432) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.