

AGENDA FOR CITY COUNCIL MEETING
January 10, 2012 – 10:00 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 - Father Frank Chavez, San Miguel Arcángel Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Recognition of the 2011 Christmas Parade of Lights float winners.
 - b. Receive presentation from Midland Retired Seniors Volunteer Program.
 - c. Receive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
 - d. Presentation to the 2011 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.

CONSENT AGENDA

5. Consider a motion approving the following minutes:
 - a. Regular Minutes of December 13, 2011.

APPROVED

6. Consider a resolution approving appropriating funds from the Midland Development Corporation Unappropriated Fund Balance to be used for promotional purposes. (Finance)

RESOLUTION NO. 2011 - 323
RESOLUTION APPROVING THE MIDLAND DEVELOPMENT CORPORATION'S APPROPRIATION OF \$505,743.00 FROM THE FISCAL YEAR 2010-2011 BUDGET TO BE USED FOR PROMOTIONAL PURPOSES, AS AUTHORIZED BY CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE

APPROVED

7. Consider a resolution appropriating \$111,250 from the Hotel/Motel Fund (090) Unappropriated Fund Balance (5650) to the Midland Center Improvements Project (8979) for renovation to the Midland Center. (General Services)

RESOLUTION NO. 2011 - 324
RESOLUTION APPROPRIATING \$111,250.00 FROM THE HOTEL/MOTEL FUND TO THE MIDLAND CENTER IMPROVEMENTS PROJECT (8979)

APPROVED

8. Consider a resolution approving the purchase of 1-administrative car, 1-4WD Sport Utility Vehicle, 8-full size 1/2 ton regular cab pickups, 2-fullsize 1/2 ton extended cab pickups, 1-full size 3/4 ton regular cab pickup, 2-full size 3/4 ton RWD extended cab pickups, 1-full size 3/4 ton extended cab & chassis, 1-full size 1 ton dually crew cab pickup and 1-full size 1 ton heavy duty cab and chassis for the Garage Division. (General Services)

RESOLUTION NO. 2011 - 325
RESOLUTION APPROVING THE PURCHASE OF ONE (1) CAR, ONE (1) FOUR WHEEL DRIVE SPORT UTILITY VEHICLE, FOURTEEN (14) PICKUPS OF VARIOUS SIZES AND TWO (2) CAB & CHASSIS, FROM ROGERS FORD OF MIDLAND, TEXAS, AT A TOTAL COST OF \$381,014.00; AND OTHER LOWER BIDS ARE REJECTED IN FAVOR OF THE LOCAL BIDDER

PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTION 271.9051

APPROVED

9. Consider a resolution approving a contract for the installation of a new video board at Grande Stadium at the Scharbauer Sports Complex (General Services)

RESOLUTION NO. 2011 - 326

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A NEW VIDEO BOARD AT GRANDE COMMUNICATIONS STADIUM FROM DAKTRONICS, INCORPORATED, AT A TOTAL COST OF \$293,076.00

APPROVED

10. Consider a resolution approving a contract for control room upgrade at Grande Stadium at the Scharbauer Sports Complex. (General Services)

RESOLUTION NO. 2011 - 327

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF VIDEO CONTROL ROOM EQUIPMENT AT GRANDE COMMUNICATIONS STADIUM FROM MEDIA SUPPORT GROUP, LTD., AT A TOTAL COST OF \$105,202.00

APPROVED

11. Consider a resolution approving a contract for control room upgrade at Citibank Ball Park at the Scharbauer Sports Complex. (General Services)

RESOLUTION NO. 2011 - 328

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF VIDEO CONTROL ROOM EQUIPMENT AT CITIBANK BALL PARK FROM TSE SERVICES, LLC, AT A TOTAL COST OF \$80,754.00

APPROVED

12. Consider a resolution approving a contract for installation of rail pads at Citibank Ball Park at the Scharbauer Sports Complex (General Services)

RESOLUTION NO. 2011 - 329

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF FIELD PADS AT CITIBANK BALL PARK

FROM UCS, INCORPORATED, AT A TOTAL COST OF \$72,000.00

APPROVED

13. Consider a resolution approving the purchase of 1-John Deere 6430 cab tractor and 1-John Deere 550D utility tractor through HGAC from the John Deere Company for the Garage Division. (General Services)

RESOLUTION NO. 2011 - 330

RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE 6430 CAB TRACTOR AND A JOHN DEERE 550D UTILITY TRACTOR THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) FROM JOHN DEERE CONSTRUCTION RETAIL SALES, OF MOLINE, ILLINOIS, AT A TOTAL COST OF \$73,378.00; AND THESE ITEMS WERE NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

APPROVED

14. Consider a resolution approving the purchase of a Leeboy model 645 motor grader through HGAC from Hi-Way Equipment Company for the Garage Division. (General Services)

RESOLUTION NO. 2011 - 331

RESOLUTION APPROVING THE PURCHASE OF A LEEBOY MODEL 635 GRADER THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$141,975.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

APPROVED

15. Consider a resolution authorizing the execution of Terminal Rental Car and Service Agreement between Lewis Transportation Group, LLC dba Dollar Rent a Car/Thrifty Car Rental and the City of Midland at Midland International Airport. (Airport)

RESOLUTION NO. 2011 - 332

RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE CENTER AGREEMENT WITH LEWIS TRANSPORTATION GROUP, LLC DBA DOLLAR RENT A CAR/THRIFTY CAR RENTAL AT THE MIDLAND INTERNATIONAL AIRPORT

APPROVED

16. Consider a resolution authorizing the execution of a Commercial Hangar Lease Agreement between Empire Airlines, Inc. and the City of Midland at Midland International Airport. (Airport)

RESOLUTION NO. 2011 - 333
RESOLUTION AUTHORIZING THE EXECUTION OF A COMMERCIAL
HANGAR/GROUND LEASE AGREEMENT WITH EMPIRE AIRLINES, FOR THE
USE OF CERTAIN LAND AT THE MIDLAND INTERNATIONAL AIRPORT

APPROVED

17. Consider a resolution approving an Interlocal Agreement with the Midland Emergency Communication District. (CISD)

RESOLUTION NO. 2011 - 334
RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
INTERLOCAL AGREEMENT WITH THE MIDLAND EMERGENCY
COMMUNICATION DISTRICT REGARDING THE PURCHASE AND
MAINTENANCE OF 9-1-1 EMERGENCY SYSTEM RECORDING EQUIPMENT
TO BE HOUSED AT THE CITY OF MIDLAND COMMUNICATIONS CENTER

DEFERRED

18. Consider a resolution transferring 4B funds to the Scharbauer Sports Complex Fund in the amount of \$120,340. (Community Services)

RESOLUTION NO. 2011 - 335
RESOLUTION AUTHORIZING THE APPROPRIATION AND ALLOCATION OF
FUNDS FROM THE SCHARBAUER SPORTS COMPLEX SALES TAX FUND
TO THE SCHARBAUER SPORTS COMPLEX OPERATING BUDGET IN
ORDER TO PURCHASE A TELESCOPIC BOOM LIFT

APPROVED

19. Consider a resolution to assign a project number and allocate money from the General Fund for the design and construction of drainage and paving improvements for Mockingbird Lane from Mayfield Place to Whitman Drive. (Engineering)

RESOLUTION NO. 2011 - 336
RESOLUTION APPROPRIATING \$19,478 FROM THE GENERAL FUND (001)
UNAPPROPRIATED FUND BALANCE (5650) TO THE MOCKINGBIRD
PAVING AND DRAINAGE IMPROVEMENTS PROJECT (8977) FOR
IMPROVEMENTS TO MOCKINGBIRD LANE FROM MAYFIELD PLACE TO
WHITMAN DRIVE

APPROVED

20. Consider a motion of a request by Parkhill, Smith & Cooper for Devon Addition (Section 3), to approve items requested for deferral, and to waive

the associated public improvement guarantee. This subdivision is positioned inside the City Limits generally located near the Midland Airport at the northeast corner of the intersection of FM 1788 and Younger Road. The total value of the deferrals is \$30,000.00. (Engineering)

APPROVED

21. Consider a resolution accepting \$10,893 from Midland College and appropriate of funds. (Fire)

RESOLUTION NO. 2011 - 337

RESOLUTION ACCEPTING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$10,893.00 FOR THE MIDLAND COLLEGE FIRE TRAINING PROJECT IN ORDER TO RECOGNIZE AND PROMOTE THE CITY OF MIDLAND FIRE DEPARTMENT AS THE REGIONAL CENTER FOR FIREFIGHTER AND EMS TRAINING

APPROVED

22. Consider a resolution appropriating funds to the Equipment and Technology Project in the amount of \$25,920. (Police)

RESOLUTION NO. 2011 - 338

RESOLUTION APPROPRIATING PROCEEDS FROM THE SALE OF OLD SERVICE WEAPONS AND COURT AWARDED WEAPONS IN THE AMOUNT OF \$25,920.00 TO THE MIDLAND POLICE DEPARTMENT; THE PROCEEDS WILL BE USED TO PURCHASE EQUIPMENT AND TECHNOLOGY ESSENTIAL TO THE LAW ENFORCEMENT FUNCTION FOR THE MIDLAND POLICE DEPARTMENT

APPROVED

23. Consider a resolution approving the execution of a Task Order Contract with Arcadis U.S., Inc. and appropriate funds. (Utilities)

RESOLUTION NO. 2011 - 339

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH ARCADIS U.S., INCORPORATED, FOR PROFESSIONAL GROUNDWATER EVALUATION SERVICES, AT AN ESTIMATED TOTAL COST OF \$287,600.00; AND APPROPRIATING FUNDS

APPROVED

24. Consider a resolution approving the execution of a Task Order Contract with Camp Dresser & McKee, Inc. and appropriate funds. (Utilities)

RESOLUTION NO. 2011 - 340
RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH CAMP DRESSER & MCKEE INC, FOR PROFESSIONAL ENGINEERING SUPPORT SERVICES, AT AN ESTIMATED TOTAL COST OF \$466,912.00; AND APPROPRIATING FUNDS

APPROVED

25. Consider a resolution approving the funding of the Interlocal Agreement Between the City of Midland, the City of San Angelo and the City of Abilene as approved on April 8, 2011 and appropriate funds. (Utilities)

RESOLUTION NO. 2011 - 341
RESOLUTION APPROVING THE FUNDING OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND, THE CITY OF SAN ANGELO AND THE CITY OF ABILENE AS APPROVED ON APRIL 8, 2011 REGARDING LONG-TERM WATER SUPPLIES; AND APPROPRIATING \$125,000.00

APPROVED

26. Consider a resolution appropriating funds from general liability to the Atmos RRM project as reimbursement of consulting/legal fees. (City Manager)

RESOLUTION NO. 2011 - 342
RESOLUTION APPROPRIATING FUNDS FROM THE GENERAL LIABILITY SELF-INSURANCE FUND TO THE ATMOS RATE REVIEW MECHANISM PROJECT (8923) IN THE AMOUNT OF \$25,000.00; SAID FUNDS REPRESENT REIMBURSEMENT FROM ATMOS FOR CONSULTING/Legal FEES ASSOCIATED WITH THE STEERING COMMITTEE'S ANALYSIS OF THEIR RATE REVIEW MECHANISM COSTS; THERE IS NO IMPACT TO THE GENERAL FUND

APPROVED

27. Consider a resolution approving the termination of the Economic Development Agreement between the Midland Development Corporation and Sentry Pumping Units International, Inc. (Legal)

RESOLUTION NO. 2011 - 343
RESOLUTION APPROVING THE TERMINATION OF THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND SENTRY PUMPING UNITS INTERNATIONAL, INC.

APPROVED

SECOND READINGS

28. Consider an ordinance on second reading on a request by Rodney Roberts for a zone change. (Planning)

ORDINANCE NO. 8959

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 2, GREEN HILL TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTHEAST CORNER OF HOLIDAY HILL ROAD AND MOCKINGBIRDLANE) ; 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

AMENDED AND APPROVED

29. Consider an ordinance on second reading on a request by Midland Bible Church for a zone change. (Planning)

ORDINANCE NO. 8960

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 4, MAYFIELD PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF WHITMAN DRIVE, APPROXIMATELY ½ MILE NORTH OF MOCKINGBIRD LANE); 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

APPROVED

30. Consider an ordinance on second reading on a request by Gary Dawson for a Specific Use Permit Without Term for an accessory building for living or sleeping quarters. (Planning)

ORDINANCE NO. 8961

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 1, BLOCK 1, CAMELOT ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ELKINS ROAD,

APPROXIMATELY ONE MILE NORTH OF BUSINESS INTERSTATE 20), WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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

APPROVED

31. Consider an ordinance on second reading on a request by Sonny Aguilar for a Specific Use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge. (Planning)

ORDINANCE NO. 8962

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 2 AND 3, BLOCK 27, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER 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 LOUNGE 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

APPROVED

32. Consider an ordinance on second reading on a request by InSite Tower, LLC. Specific Use Permit without Term for a Wireless Communication System. (Planning)

ORDINANCE NO. 8963

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 2, BLOCK 5, NORTHLAND SHOPPING CENTER, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF SCHARBAUER DRIVE AND NORTH "A" STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR A WIRELESS COMMUNICATION TOWER; 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

APPROVED

33. Consider an ordinance on second reading on a request by Matt Gallagher for a Specific Use Permit without Term for an accessory building for living or sleeping quarters. (Planning)

ORDINANCE NO. 8964

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF LOT 19, BLOCK 9, REPLAT OF BLOCK 9, 2 SECTION, MA-ND MAR TERRACE, CITY AND COUNTY OF MIDLAND, TEXAS GENERALLY LOCATED ON THE WEST SIDE OF STANOLIND CIRCLE, APPROXIMATELY 350 FEET EAST OF CESSNA DRIVE), WHICH IS PRESENTLY ZONED 1F-1, ONE-FAMILY DWELLING DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITHOUT TERM FOR AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS; 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

APPROVED

34. Consider an ordinance on second reading on a request by Mid-Cities Church 191 for Special Exception to the zoning code. (Planning)

ORDINANCE NO. 8965

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 1, WESTLAKE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND NORTH COUNTY ROAD 1275), 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

APPROVED

35. Consider an ordinance on second reading on a request by Larry Mills for a zone change from PD, Planned District for a Transition District. (Planning)

ORDINANCE NO. 8966

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 1, BLOCK 83, WEST END, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF WEST WALL STREET AND "J" STREET); SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS; 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

APPROVED

36. Consider an ordinance on second reading on a request by SBC, L.P. for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District. (Planning)

ORDINANCE NO. 8967

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 4.68-ACRE PORTION OF THE REMAINDER OF LOT 1, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF CHAMPIONS DRIVE 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

APPROVED

37. Consider an ordinance on second reading amending currently adopted Energy Code to meet Texas state law requirements. (Code Administration)

ORDINANCE NO. 8968

AN ORDINANCE AMENDING TITLE IV, "BUILDING REGULATIONS", CHAPTER 12, "ENERGY CODE", SECTION 2, "CHANGES AND ADDITIONS TO ADOPTED ENERGY CODE", OF THE CITY CODE OF THE CITY OF MIDLAND, TEXAS, SO AS TO REMOVE THE EXEMPTION FOR ADDITIONS, ALTERATIONS OR REPAIRS TO EXISTING RESIDENTIAL AND COMMERCIAL STRUCTURES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM FINE OR PENALTY OF TWO THOUSAND DOLLARS (\$2,000.00);

AND ORDERING PUBLICATION

APPROVED

38. Consider an ordinance on second reading on a City-initiated request to vacate a portion of E. Hamby Avenue and two alleys. (Planning)

ORDINANCE NO. 8969

AN ORDINANCE VACATING AND ABANDONING A 0.62-ACRE TRACT OF STREET AND ALLEY RIGHT-OF-WAY LOCATED IN BLOCK 79, EAST MIDLAND ADDITION, AND BLOCKS 2 AND 4, GLENN FRANCIS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST GOLF COURSE ROAD AND NORTH JACKSON STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$2,718.80; WAIVING THE FEE FOR THE COST OF THE RIGHT-OF-WAY; RETAINING A GENERAL UTILITY AND DRAINAGE EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY

APPROVED

39. Consider an ordinance on second reading on a request by Andrew Mellen for the vacation of the 0.10-acre north/south alley and a 0.050-acre portion of the right-of-way of N. Marienfeld Street adjacent to the east half of Block 31A, Homestead Addition, City and County of Midland, Texas. (Planning)

ORDINANCE NO. 8970

AN ORDINANCE VACATING AND ABANDONING A 0.025-ACRE PORTION OF MARIENFELD STREET RIGHT-OF-WAY ADJACENT TO THE EAST HALF OF BLOCK 31A, AND A 0.099-ACRE NORTH/SOUTH ALLEY ADJACENT TO LOTS 1-8, BLOCK 31A, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF LOUISIANA AVENUE AND MARIENFELD STREET); ADOPTING THE APPRAISAL BY THE CITYMANAGER OF \$2,612.50; RETAINING A GENERAL UTILITY AND DRAINAGE EASEMENT; AND ORDERING RECORDATION BY THE CITYSECRETARY

APPROVED

40. Consider an ordinance on second reading on a request by Andrew Mellen for the vacation of a 0.55-acre portion of the right-of-way of Stonewall Street, a 0.17-acre portion of the right-of-way of Garden Lane, and a 0.14-acre portion of north/south alley right-of-way all adjacent to Block A, Montgomery Addition, City and County of Midland, Texas. (Planning)

ORDINANCE NO. 8971

AN ORDINANCE VACATING AND ABANDONING A0.55-ACRE PORTION OF

STONEWALL STREET RIGHT-OF-WAY, A 0.16-ACRE PORTION OF GARDEN LANE RIGHT-OF-WAY, AND A 0.14-ACRE PORTION OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY, ALL ADJACENT TO BLOCK "A", MONTGOMERY ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF GARDEN LANE AND FAIRGROUNDSROAD); ADOPTING THE APPRAISAL BY THE CITYMANAGER OF \$3,740.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

APPROVED

41. Consider an ordinance on second reading on an amended annexation ordinance to indicate that a portion of the land proposed for annexation on the west side of FM 1788 and on the north side of SH 191 will remain in the city's extraterritorial jurisdiction due to the owners requesting an agricultural use exemption agreement with the City. (Planning)

ORDINANCE NO. 8972

AN ORDINANCE AMENDING ORDINANCE NO. 8925 OF THE CITY OF MIDLAND BY ATTACHING AN AGREEMENT EXECUTED BY THE CITY MANAGER OF THE CITY OF MIDLAND AND OWNERS OF APPROXIMATELY 309 ACRES OUT OF SECTION 37, BLOCK 41, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, PURSUANT TO SECTION 43.035 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING THAT THE PROPERTY SUBJECT TO SUCH AGREEMENT SHALL REMAIN IN THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING THAT, EXCEPT AS AMENDED, ORDINANCE NO. 8925 SHALL REMAIN IN FULL FORCE AND EFFECT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO FILE A COPY OF THIS ORDINANCE IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND THE CITY MANAGER IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE AGREEMENT

APPROVED

42. Consider an ordinance on second reading on a request from the Texas Department of Transportation establishing a temporary construction speed zone of 60 miles per hour on a portion of Interstate 20 within the City Limits of Midland, Texas. (Transportation)

ORDINANCE NO. 8973

AN ORDINANCE ESTABLISHING A TEMPORARY CONSTRUCTION SPEED ZONE OF 60 MILES PER HOUR ON A PORTION OF INTERSTATE 20 FOR A STATE HIGHWAY IMPROVEMENT PROJECT BY THE TEXAS DEPARTMENT OF TRANSPORTATION; 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); AND ORDERING PUBLICATION

APPROVED

43. Consider an ordinance on second reading amending Title VIII, "Food Establishments, Health and General Sanitation", Chapter 6, "Garbage, Trash and Rubbish", Section 9, "Collection from Commercial Customers", of the City Code of Midland, Texas, so as to replace the explanatory paragraph of Table 1. Standard Commercial Locations: Three Yard Containers. (Solid Waste)

ORDINANCE NO. 8974

AN ORDINANCE OF THE CITY OF MIDLAND AMENDING TITLE VIII, "FOOD ESTABLISHMENTS, HEALTH AND GENERAL SANITATION," CHAPTER 6, "GARBAGE, TRASH AND RUBISH," SECTION 9, "COLLECTION FROM COMMERCIAL CUSTOMERS" FOR CLARIFICATION; AND ORDERING PUBLICATION

APPROVED

PUBLIC HEARINGS

44. At approximately 10:30 A.M. hold a public hearing and consider an ordinance on a request by Hamilton Williams for a Special Use Permit without Term for tire, battery and automotive accessory installation on the south 120 feet of Tract 4, Morningside, City and County of Midland, Texas. (Planning)

ORDINANCE NO. 8975

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE SOUTH 120 FEET OF TRACT 4, MORNINGSIDE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH BIG SPRING STREET, AP PROXIMATELY 880 FEET SOUTH OF SCHARBAUER 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 TIRE, BATTERY AND AUTOMOTIVE 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

APPROVED

DEVELOPMENT SERVICES

45. Consider an ordinance on a request by Los Conchos Ventures, LLC. for a zone change. (Planning)

ORDINANCE NO. 8958

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 19.71-ACRE TRACT OF LAND ("TRACT 1") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT; BY PERMITTING A 12.97-ACRE TRACT OF LAND ("TRACT 2") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS AN O-1, OFFICE DISTRICT; BY PERMITTING A 26.33-ACRE TRACT OF LAND ("TRACT 3") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS AN AMENDED PLANNED DISTRICT FOR A HOUSING DEVELOPMENT; BY PERMITTING A 60.84-ACRE TRACT OF LAND ("TRACT 4") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; BY PERMITTING A 7.93-ACRE TRACT OF LAND ("TRACT 5") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A TH, TOWNHOUSE DISTRICT; BY PERMITTING A 6.33-ACRE TRACT OF LAND ("TRACT 6") WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT, TO BE USED AS A TH, TOWNHOUSE DISTRICT; BY PERMITTING A 10.64-ACRE TRACT OF LAND ("TRACT 7") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A TH, TOWNHOUSE DISTRICT; BY PERMITTING A 19.73-ACRE TRACT OF LAND ("TRACT 8") WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, TO BE USED AS A 1F-2, ONE-FAMILY DWELLING DISTRICT; ALL OF SAID TRACTS BEING OUT OF SECTION 6, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS; ALL OF SAID TRACTS BEING MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS MADE A PART HEREOF; SAID TRACTS ARE GENERALLY LOCATED SOUTH OF MOCKINGBIRD LANE, BETWEEN HOLIDAY HILL ROAD AND ORIOLE DRIVE; 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

AMENDED AND APPROVED

46. Consider a motion approving a proposed preliminary plat of Greathouse Addition, Section 7, being a 155.99-acre tract of land out of Section 6, Block X, H.P. Hilliard Survey, City and County of Midland, Texas.

(Planning)

APPROVED

47. Consider a motion on a request from Bluestem Energy (Evan C #1) amending a Permit to drill an Oil and Gas Well within the City Limits located 1021' FNL and 2310' FWL, Section 8, Block "X" H.P. Hilliard Survey, Midland County Texas. (Development Services)

APPROVED

48. Consider a motion on a request from Bluestem Energy (Evans G #1) amending a Permit to drill an Oil and Gas Well within the City Limits located 1650' FNL and 2310' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland Count, Texas. (Development Services)

APPROVED

49. Consider a motion on a request from Bluestem Energy (Evans H #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 1650' FNL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Development Services)

APPROVED

50. Consider a motion on a request from Bluestem Energy (Evans I #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 2310' FSL and 990' FEL, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Development Services)

APPROVED

51. Consider a motion on a request from Bluestem Energy (Evans J #1) amending a Permit to drill and Oil and Gas Well within the City Limits located 2322' FSL and 2310' FEL, Section 8, Block "X" H.P. Hilliard Survey, Midland County, Texas. (Development Services)

APPROVED

MISCELLANOUS

52. Consider a motion appointing a Mayor Pro Tempore.

APPOINTED COUNCILMAN JERRY MORALES

53. Consider making appointments to various Boards and Commissions.

NONE MADE

EXECUTIVE SESSION

54. 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:

Respectfully Submitted,

Courtney B. Sharp
City Manager