

AGENDA FOR CITY COUNCIL MEETING
Tuesday, August 9, 2011 – 10:00 a.m.
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.

1. Invocation – Reverend Curtis Benninghoff, First United Pentecostal Church

INVOKED

2. Pledge of Allegiance

PLEDGED

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time.

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

- 5a. Consider a motion approving minutes of the July 21, 2011, Special City Council Meeting.

APPROVED WITH AMENDMENTS

- 5b. Consider a motion approving minutes of the July 26, 2011, Regular City Council Meeting.

APPROVED

- 5c. Consider a motion approving minutes of the August 2, 2011, Special City Council Meeting.

APPROVED

6. Receive for information and possibly discuss third quarter 2011 investment report. (Finance)

APPROVED

7. Consider a resolution authorizing the execution of a contract for the purchase and installation of a new crematorium for use at the City's Animal Services Facility from the sole bidder, F. C. Industries, Incorporated, of Kansas City, Missouri, at a total cost of \$49,418.00; and appropriating funds therefor. (General Services)

APPROVED

8. Consider a resolution approving the purchase of fire station alerting system equipment, to be installed by City personnel, from Zetron, Incorporated, through the Texas Department of Information Resources at a total cost of \$119,576.70; and this item was not bid but purchased through a State of Texas Cooperative Program. (General Services)

APPROVED

9. Consider a resolution allocating \$100,000.00 for the City Facilities Renovation Project (Project 8881); and these funds are used to repair and replace various City Facilities. (General Services)

APPROVED

10. Consider a resolution amending Chapter I, "Purpose", Chapter IV, "Applications, Applicants, and Conditions of Employment", Chapter V, "Attendance and Leaves", Chapter VI, "Wage and Salary Administration", and Chapter XII, "Employment at Will", of the City of Midland Personnel Policies; authorizing the Mayor to execute a certificate placing this resolution in the City of Midland Personnel Policies as authorized by Sections 271.151-160 of the Texas Local Government Code; and setting an effective date of September 1, 2011. (Administrative Services)

APPROVED

11. Consider a resolution appropriating interest earned in the amount of \$205.00 on the 2008 Justice Assistance Grant funds; this grant was acquired for the purchase of needed equipment for the Midland Police Department. (Police)

APPROVED

12. Consider a resolution of the City Council of the City of Midland, Texas, approving certain amendments to the General Orders of the Midland Police Department; and providing that the City Council is the policymaking authority of the City of Midland. (Police)

13. Consider a resolution authorizing the execution of Change Order Number One with R.E.S. Earth and Cable, L.L.C., adding \$28,300.00 for additional work to the existing contract for the Northwest Tower Water Line - Phase 2 Project; and appropriating \$28,300.00; the original contract was for \$634,875.34; this change order brings the total contract price to \$663,175.34. (Utilities)

APPROVED

14. Consider a resolution authorizing the execution of a Temporary Water and Sewer Service Agreement between the City of Midland and Hinkle Enterprises, Incorporated, for services to Lot 1, Block 2, Warfield Industrial Park, Midland County, Texas; said property is outside the City limits; Hinkle Enterprises, Incorporated, has executed a letter agreeing to annexation if and when the property is annexed; Hinkle Enterprises, Incorporated, 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. (Utilities)

APPROVED

15. Consider a resolution approving the redistricting of the City's single-member council districts and establishing new district boundary lines based on 2010 Census data for City of Midland City Council elections; directing the City Attorney and the Law Firm of Bickerstaff, Heath, Delgado, Acosta, LLP to submit the adopted plan to the United States Department of Justice for preclearance under Section 5 of the Federal Voting Rights Act; and providing for an effective date.

APPROVED

SECOND READINGS

16. 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 2E, Block 33, Correction Plat Northgate Addition, Section 21, 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 northeast corner of the intersection of West Loop 250 North and Northcrest 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. (First reading held July 26, 2011.) (Planning)

APPROVED

17. 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 1, Roper Addition, City and County of Midland, Texas, which is

presently zoned AE, Agriculture Estate District, to be used as an O-1, Office District (Generally located at the southeast corner of the intersection of Briarwood Avenue and North County Road 1250); 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. (First reading held July 26, 2011.) (Planning)

APPROVED

18. 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 4-7, Block 16, and Lots 20-23, Block 17, Greathouse Addition, Section 4, City and County of Midland, Texas, which is presently zoned NS, Neighborhood Service District, to be used as an LR-1, Local Retail District (Generally located on the north side of Briarwood Avenue and on both sides of Portico Way); 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. (First reading held July 26, 2011.) (Planning)

APPROVED

19. 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 7.81-acre tract of land out of Section 48, Block 41, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof, which is presently zoned FD, Future Development District, to be used as an LI, Light Industrial District (Generally located on the west side of Farm-to-Market Road 1788, approximately 1 mile south of State Highway 191); 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. (First reading held July 26, 2011.) (Planning)

APPROVED

20. 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 1B, Block 92, Permian Estates, Section 13, 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 northeast side of Thomason Drive, approximately 250 feet north of Wall Street); 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. (First reading held July 26, 2011.) (Planning)

APPROVED

21. Consider an ordinance on second reading establishing intersection stops at various locations within the City of Midland, Texas; requiring and authorizing the posting of appropriate signs at 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. (First reading held July 26, 2011.) (Transportation)

APPROVED

PUBLIC HEARINGS

22. At approximately 10:30 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 2, Block 4, "A" Street Community Center, Section 6, City and County of Midland, Texas, which is presently zoned 1F-1, One-Family Dwelling District, to be used as a PD, Planned District for an Office Center (Generally located on the north side of Ventura Drive, approximately 500 feet west of North "A" Street); 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. (Planning)

APPROVED

23. 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 Lot 1, Block 161, Wilshire Park Addition, Section 9, City and County of Midland, Texas, which is presently zoned MF-1, Multiple-Family Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located on the southeast corner of Loop 250 and Leisure 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. (Planning)

APPROVED

24. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 465.07-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located on the north side of State Highway 191, west of Farm-to-Market Road 1788); and approving a public service plan. (Planning)

APPROVED

25. At approximately 10:36 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 465.07-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an LR-2, Local Retail District; said tract is generally located on the north side of State Highway 191, west of Farm-to-Market Road 1788; 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. (Planning)

APPROVED

26. Consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 220.94-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof (Generally located on the south side of State Highway 191, west of Farm-to-Market Road 1788); and approving a public service plan. (Planning)

APPROVED

27. At approximately 10:39 a.m. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 220.94-acre tract of land out of Sections 37 and 48, Block 41, T-1-S, T&P RR Co. Survey, Midland County, Texas, and being more specifically described by metes and bounds in Section One hereof, as an LR-2, Local Retail District; said tract is generally located on the south side of State Highway 191, west of Farm-to-Market Road 1788; 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. (Planning)

APPROVED

28. At approximately 10:42 a.m. hold a public hearing and consider an ordinance adopting a Site Plan for a 2.95-acre tract of land out of Lot 1a, Block 1, Midland Airpark, Section 2, City and County of Midland, Texas (generally located on the west side of North "A" Street, approximately 480 feet north of West Wadley Avenue); 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. (Planning)

APPROVED

29. At approximately 10:45 a.m. hold a public hearing and consider a resolution authorizing the temporary use of land for a carnival on Lot 1, Block 17, Skyline Terrace, Unit 2, City and County of Midland, Texas (generally located on the southwest corner of the intersection of West Loop 250 North and North Midkiff Road); and making said permit subject to certain special conditions and restrictions contained herein; and the Chief of Police shall ensure that all individuals have obtained the appropriate license(s) from the Midland Police Department prior to commencing operations. (Planning)

APPROVED

30. At **6:30 p.m.** hold a public hearing regarding a proposal establishing the ad valorem tax rate of \$0.47054 per \$100 taxable assessed valuation for the Fiscal Year 2011-2012. (Finance)

PUBLIC HEARING HELD

DEVELOPMENT SERVICES

31. Consider an ordinance amending Title X, "Traffic Regulations", Chapter Four, "Traffic Control Devices", Section 11, "School Zones and Crossings", of the Midland City Code, so as to designate each school zone and school crossing within the City and regulate the speed and movement of traffic therein; authorizing and directing the Traffic Engineer to install appropriate signs and markings; repealing Ordinance No. 8846; 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. (Transportation)

APPROVED

MISCELLANEOUS

32. Consider an ordinance amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", Section 5, "Decision of the Court", of the City Code of Midland, Texas; and amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", Section 6, "Defense", of the City Code of Midland, Texas, so as to regulate the filing of dangerous dog complaints in the City of Midland Municipal Court and the disposition of said complaints; containing a savings and severability clause; and ordering publication. (Community Services)

APPROVED

33. Consider an ordinance amending Title VI, "Police Regulations", Chapter 10, "Dangerous Dogs", by establishing Section 8, "Attack by Dangerous Dog", of the City Code of Midland, Texas, so as to regulate the filing of dangerous dog complaints in the City of Midland Municipal Court and the disposition of said complaints; containing a cumulative clause and expressly repealing any ordinance or part thereof in conflict with this ordinance; containing a savings and severability

clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and negating a mental state; and ordering publication. (Community Services)

APPROVED

34. Consider a motion making appointments to various Boards and Commissions.

NONE MADE

35. Recess to the conference room for lunch.
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:

Section 551.087 Deliberation Regarding Economic Development Negotiations

Discuss business prospects and projects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives and the recapture of any previous incentives.

Section 551.071, Consultation with the City Attorney

Discuss with the City Attorney a matter in which the duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

Respectfully submitted,

Courtney B. Sharp
City Manager