

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA  
December 13, 2011 9:00 AM  
Council Chamber - City Hall  
300 North Loraine  
Midland, Texas**

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Discussion of City Council 2012 Retreat (format of retreat, date(s), etc).
2. Discussion and review of potential infrastructure deferral process.

AGENDA FOR CITY COUNCIL MEETING  
December 13, 2011 – 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 - Reverend Robert Pase, Grace Lutheran Church
2. Pledge of Allegiance

**PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation of Proclamation to retired employee Eddie Price.

**PUBLIC COMMENT**

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

**CONSENT AGENDA**

5. Consider a motion approving the following minutes:
  - a. Regular meeting of November 8, 2011.
  - b. Special meeting of November 21, 2011.

**APPROVED**

6. Consider a resolution to rescind Resolution 2011-261 and proceed with Fiscal Year 2012 General Purpose Certificates of Obligation Issue. (Finance)

RESOLUTION NO. 2011 - 293

RESOLUTION CANCELLING AND RESCINDING RESOLUTION NO. 2011-261 AND APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE SERIES 2012 CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED THIRTY-ONE MILLION ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$31,150,000.00); AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE NOTICES TO BE PUBLISHED AND POSTED

**APPROVED**

7. Consider a resolution authorizing reimbursement of the Water and Sewer Operating Fund from proceeds of the 2012 Certificate of Obligation proceeds. (Finance)

RESOLUTION NO. 2011 - 294

RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT; AND THE CITY OF MIDLAND REASONABLY EXPECTS TO REIMBURSE CAPITAL EXPENDITURES WITH PROCEEDS OF DEBT HEREAFTER TO BE INCURRED BY THE CITY

**APPROVED**

8. Consider a resolution awarding a contract to the single bidder for the purchase and installation of two pivot irrigation systems for the Utilities Department. (General Services)

RESOLUTION NO. 2011 - 295

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE AND INSTALLATION OF TWO (2) CENTER PIVOT IRRIGATION SYSTEMS FOR USE AT THE CITY'S SPRABERRY FARM FROM THE SOLE BIDDER, LAMESA IRRIGATION COMPANY, OF LAMESA, TEXAS, AT A TOTAL COST OF \$152,364.00

**APPROVED**

9. Consider a resolution awarding a contract for the purchase and installation of four complete side wheel roll irrigation systems for the Utilities Department. (General Services)

RESOLUTION NO. 2011 - 296

RESOLUTION AUTHORIZING THE PURCHASE OF FOUR COMPLETE SIDE-WHEEL ROLL IRRIGATION SYSTEMS AND SPARE PARTS FOR USE AT THE SPRABERRY FARM FACILITIES FROM MESA IRRIGATION, OF LAMESA, TEXAS, AT A TOTAL COST OF \$68,720.00

**APPROVED**

10. Consider a resolution approving an annual master agreement for an estimated quantity of 5/8", 1", 1 1/2", and 2" water meters with automated encoders for the Warehouse Division. (General Services)

RESOLUTION NO. 2011 - 297

RESOLUTION APPROVING THE PURCHASE OF SEVEN HUNDRED AND FIFTY (750) WATER METERS OF VARIOUS SIZES, ALL WITH ENCODER REGISTERS, FROM WESTERN INDUSTRIAL SUPPLY, L.L.C., OF ODESSA, TEXAS, AT A TOTAL COST OF \$128,809.00; THERE WAS ONE OTHER BIDDER WHO SUBMITTED A BID OF \$99,690.00 BUT IT IS THE CITY MANAGERS RECOMMENDATION THAT SAID BID DID NOT MEET SPECIFICATIONS AND SHOULD BE REJECTED; AND ADOPTING THE CITY MANAGER'S RECOMMENDATION

**APPROVED**

11. Consider a resolution approving the purchase of a Genie S-80X, 2WD, telescoping boom lift through HGAC from Equipment Depot LTD of Waco, Texas for the Garage Division. (General Services)

RESOLUTION NO. 2011 - 298

RESOLUTION APPROVING THE PURCHASE OF A TELESCOPIC BOOM LIFT FOR USE AT THE SCHARBAUER SPORTS COMPLEX THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$120,340.00; AND THIS ITEM WAS NOT ADVERTISED FOR COMPETITIVE BIDS BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

**AMENDED AND APPROVED**

12. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the renovation of Washington Park Pool. (General Services)

RESOLUTION NO. 2011 - 299

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE RENOVATION OF THE WASHINGTON PARK AQUATIC CENTER

**APPROVED**

13. Consider a resolution authorizing the execution of a professional services agreement with Midland Sports, Incorporated, of Midland, Texas, for professional marketing, promotion, and management services at the Scharbauer Sports Complex at a total cost of \$51, 000. (Community Services)

RESOLUTION NO. 2011 - 300

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MIDLAND SPORTS, INCORPORATED , FOR PROFESSIONAL MARKETING, PROMOTION AND MANAGEMENT SERVICES AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF \$51,000.00

**APPROVED**

14. Receive and file the CDBG Annual Report (CDBG)

**APPROVED**

15. Consider a motion directing staff to begin the annexation process for a tract of land approximately 28 acres. (Generally located at the northwest corner of Holiday Hill Road and Briarwood Avenue). (Planning)

**APPROVED**

16. Consider a resolution authorizing the Midland Odessa Transportation Organization or MOTOR MPO to be designated as a Transportation Management Area or TMA. (Transportation)

RESOLUTION NO. 2011 - 304

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS IN SUPPORT OF THE MOTOR MPO MOVING FROM A NON-TRANSPORTATION MANAGEMENT AREA (NON-TMA) DESIGNATION TO A TRANSPORTATION MANAGEMENT AREA (TMA) DESIGNATION; AND, DIRECTING STAFF TO REQUEST AND OBTAIN THE NECESSARY CORRESPONDENCE FROM THE GOVERNOR OF THE STATE OF TEXAS, ALONG WITH A FORMAL LETTER OF REQUEST FROM THE MOTOR MPO TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION REQUESTING SAID DESIGNATION

**APPROVED**

17. Consider a motion on a request from the Texas State Independent Living Council (SILC) authorizing the City of Midland to support a grant from the Texas Department of Transportation that would increase employment and improve transportation services for individuals with disabilities living in the rural counties of Odessa and Midland. (Transportation)

**APPROVED**

18. Consider a motion on a request by West Company of Midland for Stadium Addition (Toyota of Midland), to approve items requested for deferral in the amount of \$11,707.00, and to waive the associated public improvement guarantee. This subdivision is generally located at the northeast corner of the intersection of West Look 250 and Network Dr. (Engineering)

**APPROVED**

19. Consider a motion on a request by West Company of Midland for Gateway Plaza (Section 3), to approve items requested for deferral in the amount of \$32,795.70, and to waive the associated public improvement guarantee. This subdivision is generally located at the northwest corner of the intersection of West Loop 250 and Business I-20. (Engineering)

**APPROVED**

20. Consider a motion on a request by West Company of Midland for Witcher Addition (Lot 2 & Lot 3), to approve items requested for deferral in the amount of \$112,194.00, and to waive the associated public improvement guarantee. This subdivision is generally located at the southwest corner of the intersection of Norden Drive and Liberator Lane. (Engineering)

**APPROVED**

21. Consider a resolution to assign a project number for the design and construction of drainage and paving improvements for Briarwood Avenue from Holiday Hill Road to Heidleberg Lane. (Engineering)

RESOLUTION NO. 2011 - 305

RESOLUTION APPROPRIATING \$36,413 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE (5650) TO THE BRIARWOOD PAVING AND DRAINAGE IMPROVEMENTS PROJECT (8976)

**APPROVED**

22. Consider a resolution to assign a project number for the design and construction of drainage and paving improvements for Mockingbird Lane from Holiday Hill Road to Midland Drive. (Engineering)

RESOLUTION NO. 2011 - 306

RESOLUTION APPROPRIATING \$19,478 FROM THE GENERAL FUND (001) UNAPPROPRIATED FUND BALANCE (5650) TO THE MOCKINGBIRD PAVING AND DRAINAGE IMPROVEMENTS PROJECT (8977)

**DEFERRED UNTIL NEXT MEETING**

23. Consider a resolution authorizing staff to re-advertise for bids for the Ward Street Bridge project. (Engineering)

RESOLUTION NO. 2011 - 307

RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE WARD STREET BRIDGE PROJECT; SAID PROJECT WILL BE FOR THE REPLACEMENT OF THE BRIDGE DECK, REINFORCEMENT OF THE EXISTING BRIDGE STRUCTURE, IMPROVEMENTS TO PROTECT THE NEW STRUCTURE, AND IMPROVEMENTS TO BRIDGE RAILS AND SIDEWALKS

**APPROVED**

24. Consider a resolution accepting preclearance from the United States Department of Justice, Civil Rights Division, regarding the City of Midland's 2011 redistricting plan for the election of individual city council members and the configuration of individual districts. (Legal)

RESOLUTION NO. 2011 - 308

RESOLUTION ACCEPTING PRECLEARANCE FROM THE UNITED STATES DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, REGARDING THE CITY OF MIDLAND'S 2011 REDISTRICTING PLAN FOR THE ELECTION OF INDIVIDUAL CITY COUNCIL MEMBERS AND THE CONFIGURATION OF INDIVIDUAL DISTRICTS

**APPROVED**

25. Consider a resolution to approve appointment of volunteers enforcing parking restrictions. (Police)

RESOLUTION NO. 2011 - 309

RESOLUTION APPOINTING INDIVIDUALS TO SERVE AS VOLUNTEERS TO ENFORCE AUTOMOBILE PARKING RESTRICTIONS AS AUTHORIZED BY CHAPTER 681 OF THE TEXAS TRANSPORTATION CODE

**APPROVED**

26. Consider a resolution approving award of the Raw Water Project at the Water Purification Plant to Archer Western Construction, LLC and appropriate funds. (Utilities)

RESOLUTION NO. 2011 - 310  
RESOLUTION AWARDING THE RAW WATER PROJECT AT THE WATER PURIFICATION PLANT TO ARCHER WESTERN CONSTRUCTION, L.L.C., AT A TOTAL COST OF \$7,058,965.00

**APPROVED**

27. Consider a resolution approving the extension of the farm lease agreement with Kevin Cook for part of Section 12, Block 37, TWP-3-S, T&P RR Co. Survey located at the Spraberry Effluent Farm. (Utilities)

RESOLUTION NO. 2011 - 311  
RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING SPRABERRY FARM LEASE EXTENSION AGREEMENT WITH KEVIN COOK, EXTENDING THE TERM OF SAID AGREEMENT THROUGH DECEMBER 31, 2012

**APPROVED**

28. Consider a resolution approving a one year farm lease agreement with Schumann Cattle Company for a 219.3 acre portion of the Plant Farm. (Utilities)

RESOLUTION NO. 2011 - 312  
RESOLUTION AUTHORIZING THE EXECUTION OF A ONE-YEAR FARM LEASE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND SCHUMANN CATTLE COMPANY FOR OPERATION OF THE CONNER FARM LOCATED IN SECTION 10, BLOCK 38, TWP-2-S, T&P RY. CO. SURVEY, MIDLAND COUNTY, TEXAS

**APPROVED**

29. Consider a resolution approving the suspension of lease payments for AT&T Mobility Texas, L.L.C. while the Shell Tower is being relocated. (Utilities)

RESOLUTION NO. 2011 - 313  
RESOLUTION APPROVING THE TEMPORARY SUSPENSION OF LEASE PAYMENTS FROM AT&T MOBILITY TEXAS, L.L.C., (AT&T), FROM JANUARY 1, 2012, THROUGH MAY 1, 2012, WHILE THE SHELL AVENUE ELEVATED WATER TOWER IS RE-COATED

**APPROVED**

30. Consider a resolution approving the suspension of lease payments for WWC Texas RSA Limited Partnership while the Shell Tower is being relocated. (Utilities)

RESOLUTION NO. 2011 - 314  
RESOLUTION APPROVING THE TEMPORARY SUSPENSION OF LEASE PAYMENTS FROM WWC TEXAS RSA, L.P., (VERIZON), FROM JANUARY 1, 2012, THROUGH MAY 1, 2012, WHILE THE SHELL AVENUE ELEVATED WATER TOWER IS RE-COATED

**APPROVED**

31. Consider a motion on a request by Mayor Perry assigning a team comprised of Mayor Perry, Councilman Dufford, Councilman Morales, Courtney Sharp, Jim Nichols, and Stuart Purvis to review and evaluate the water RFP's recently received by the City. (City Manager)

**APPROVED**

32. Consider amending all three of the City of Midland's Section 457(b) Deferred Compensation Plan Documents in order to conform to final regulations issued by the Internal Revenue Service.

(Administrative Services)

RESOLUTION NO. 2011 - 315

RESOLUTION AUTHORIZING THE ADOPTION OF REVISED AND AMENDED DEFERRED COMPENSATION PLANS OFFERED TO EMPLOYEES OF THE CITY OF MIDLAND, UNDER SECTION 457 OF THE INTERNAL REVENUE SERVICE CODE IN ORDER TO COMPLY WITH FINAL REGULATIONS WITH A COMPLIANCE DEADLINE OF DECEMBER 31, 2011

**APPROVED**

33. Consider a resolution authorizing the City Manager to execute a Right of Way License for the installation and maintenance of an oil & gas pipeline with Vitol Midstream, L.L.C. (Utilities)

RESOLUTION NO. 2011 - 316

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RIGHT OF WAY LICENSE FOR THE INSTALLATION AND MAINTENANCE OF AN OIL & GAS PIPELINE ACROSS SECTION 44, BLOCK 38, T-1-S, MIDLAND COUNTY, TEXAS, WITH VITOL MIDSTREAM, L.L.C.

**APPROVED**

34. Consider a motion authorizing the City Manager to approve the relocation of equipment for Clear Wireless L.L.C. from the Shell Elevated Tower to the Edgewood Elevated Tower while the Shell Tower is being recoated. (Utilities)

**APPROVED**

**SECOND READINGS**

35. Consider an ordinance on second reading on a request by Bourbon St. D.C. for a Specific use Permit with Term for the sale of all alcoholic beverages, for on-premises consumption, in a lounge, on Lot 24, Block 53, Original Town, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of N. Main Street and E. Texas Avenue.) (Planning) (First reading held November 8, 2011.)

ORDINANCE NO. 8953

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOT 24, BLOCK 53, ORIGINAL TOWN, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH MAIN STREET AND EAST TEXAS 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**

36. Consider an ordinance on second reading on a request by Alan Hale for a zone change from PD, Planned District for a Housing Development to an Amended Planned District on a 2.52-acre portion of Lot 3A, Block 1, Trinity Towers Manor, Sections 3, City and County of Midland, Texas. (Generally located near the northeast corner of the intersection of N. Loop 250 West and Sinclair Avenue on Manor Village Circle.) (Planning) (First reading held November 8, 2011.)

ORDINANCE NO. 8954

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 3A, BLOCK

1, TRINITY TOWERS MANOR, SECTION 3, 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 NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND SINCLAIR AVENUE ON MANOR VILLAGE CIRCLE); 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 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. (Transportation) (First reading held November 8, 2011.)

**ORDINANCE NO. 8955**

AN ORDINANCE 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

**APPROVED**

38. Consider an ordinance on second reading removing yield signs 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. (Transportation) (First reading held November 8, 2011.)

**ORDINANCE NO. 8956**

AN ORDINANCE 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

**APPROVED**

**PUBLIC HEARINGS**

39. At approximately 10:30 A.M. hold a public hearing and 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, ONEFAMILY 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

**DEFERRED UNTIL NEXT MEETING**

40. Consider a motion approving a proposed preliminary plat of Greathouse Addition (Los Conchos Development), a 155.99-acre tract out of Section 7, Block "X", H. P. Hilliard Survey, Midland County, Texas. (Generally located on the south side of Mockingbird Lane, between Oriole Drive and Holiday Hill Road.) (Planning)

**DEFERRED UNTIL NEXT MEETING**

41. At approximately 10:33 A.M. hold a public hearing and consider an ordinance 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 MOCKINGBIRD LANE); 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**

42. At approximately 10:36 A.M. hold a public hearing and consider an ordinance 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**

43. At approximately 10:39 A.M. hold a public hearing and consider an ordinance 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**

44. At approximately 10:42 A.M. hold a public hearing and consider an ordinance 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**

45. At approximately 10:45 A.M. hold a public hearing and consider an ordinance 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

**AMENDED AND APPROVED**

46. At approximately 10:48 A.M. hold a public hearing and consider an ordinance 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 DWEL L ING DI STRICT , 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**

47. At approximately 10:51 A.M. hold a public hearing and consider a resolution on a request by Westlake Hardware, Inc. for a Temporary Land Use Permit for Outdoor Sales. (Planning)

RESOLUTION NO. 2011 - 317

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR SALES ON LOT 1, BLOCK 5, PARK PLACE, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF ANDREWS HIGHWAY AND CUTHBERT AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

**APPROVED**

48. At approximately 10:57 A.M. hold a public hearing and consider an ordinance 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**

49. At approximately 11:00 A.M. hold a public hearing and consider a resolution on a request by Erasto Martinez dba Triple M Construction for a proposed preliminary plat ON APPEAL of Country Sky Addition. (Planning)

RESOLUTION NO. 2011 - 318

RESOLUTION APPROVING A PRELIMINARY PLAT OF COUNTRY SKY ADDITION, SECTION 12, BEING A REPLAT OF LOT 27, BLOCK 4, COUNTRY SKY ADDITION, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF TUMBLEWEED TRAIL , APPROXIMATELY 780 FEET NORTH OF CACTUS TRAIL); THIS PLAT WAS DENIED BY THE PLANNING AND ZONING COMMISSION; AND THIS RESOLUTION IS AN APPEAL TO THE CITY COUNCIL

**APPROVED**

50. At approximately 11:03 A.M. hold a public hearing and consider a resolution on a request by Arcelia Renteria for an Extension for a Special Temporary for a Manufactured Home. (Planning)

RESOLUTION NO. 2011 - 319

RESOLUTION AUTHORIZING A TEMPORARY SPECIAL PERMIT FOR A MANUFACTURED HOME ON LOT 9, BLOCK 1, HOLLOWAY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF TERRELL STREET, APPROXIMATELY 150 FEET SOUTH OF CUTHBERT AVENUE)

**APPROVED**

51. At approximately 11:06 A.M. hold a public hearing and consider an ordinance 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**

52. At approximately 11:09 A.M. hold a public hearing and consider an ordinance 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**

53. At approximately 11:12 A.M. hold a public hearing and consider a request by RSP Permian, L.L.C. (Bus Barn #2601) for a Permit to Drill an Oil and Gas Well within the City Limits located 733' FNL and 1905' FWL, Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of Briarwood Avenue, approximately 870 feet east of Heidelberg Lane.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (Planning)

**PUBLIC HEARING HELD**

54. At approximately 11:15 A.M. hold a public hearing and consider a request by RSP Permian, L.L.C. (Bus Barn #2602) for a Permit to Drill an Oil and Gas Well within the City Limits located 600' FNL and 525' FWL, Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County,

Texas. (Generally located on the south side of Briarwood Avenue, approximately 450 feet west of Heidelberg Lane.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (Planning)

**PUBLIC HEARING HELD**

55. At approximately 11:18 A.M. hold a public hearing and consider a request by RSP Permian, L.L.C. (Bus Barn #2603) for a Permit to Drill an Oil and Gas Well within the City Limits located 690' FNL and 1080' FEL, Section 26, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the south side of Briarwood Avenue, approximately 600 feet west of Roadrunner Trail.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (Planning)

**PUBLIC HEARING HELD**

56. At approximately 11:21 A.M. hold a public hearing and consider a request by Pioneer Natural Resources (Mabee #3) for a Permit to Drill an Oil and Gas Well within the City Limits located 660' FNL and 1980' FEL, Section 12, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of State Highway 349, approximately 1 mile north of Arapahoe Road.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (Planning)

**PUBLIC HEARING HELD**

57. At approximately 11:24 A.M. hold a public hearing and consider a request by Pioneer Natural Resources (Mabee E #4) for a Permit to Drill an Oil and Gas Well within the City Limits located 800' FSL and 1980' FEL, Section 12, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of State Highway 349 north of Arapahoe Road.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (Planning)

**PUBLIC HEARING HELD**

58. At approximately 11:27 A.M. hold a public hearing and consider a request by Pioneer Natural Resources (Mabee D #5) for a Permit to drill an Oil and Gas Well within the City Limits located 1880' FNL and 1980' FWL, Section 12, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of State Highway 349, approximately 3/4 mile north of Arapahoe Road.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (Planning)

**PUBLIC HEARING HELD**

59. At approximately 11:30 A.M. hold a public hearing and consider a request by Pioneer Natural Resources (Mabee D #6) for a Permit to drill an Oil and Gas Well within the City Limits located 1865' FNL and 660' FEL, Section 12, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located on the east side of State Highway 349, approximately 3/4 mile north of Arapahoe Road.) This is an opportunity for the Council to receive public comment. Council may consider this permit following a 30-day public comment period at a regularly scheduled meeting. (Planning)

**PUBLIC HEARING HELD**

60. At approximately 11:33 A.M. hold a public hearing and consider a resolution on a request by Robert Anderson for a Temporary Land Use Permit for a Caliche Pit. (Planning)

**RESOLUTION NO. 2011 - 320**

**RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A CALICHE PIT ON A 128.08-ACRE TRACT OF LAND OUT OF SECTION 8, BLOCK 38, T-1- S, T&P RR CO.**

SURVEY, MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ELKINS ROAD, APPROXIMATELY ONE-HALF MILE NORTH OF ARAPAHOE ROAD); MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

**DENIED**

**DEVELOPMENT SERVICES**

61. Consider an ordinance 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**

62. Consider an ordinance 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**

63. Consider an ordinance on a request by Andrew Mellen for the vacation of the 0.10-acre north/south alley and a 0.02-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**

64. Consider an ordinance 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 A 0.55-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**

65. Consider 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**

66. Consider an ordinance 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**

**MISCELLANEOUS**

67. Consider an ordinance 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**

68. Consider a resolution amending Article VIII of the Airport Minimum Standards. (Airport)

RESOLUTION NO. 2011 - 321

RESOLUTION AUTHORIZING AN AMENDMENT TO ARTICLE VIII. PRIVATELY OWNED NONCOMMERCIAL HANGAR AND AVIATION FUEL DISPENSING FACILITY OF THE AIRPORT MINIMUM STANDARDS AT THE MIDLAND INTERNATIONAL AIRPORT

**APPROVED**

69. Consider a resolution authorizing the execution of a Land Lease Agreement between Good Luck Investments L.L.C. and the City of Midland for a 0.28 acre tract of land. (Airport)

RESOLUTION NO. 2011 - 322

RESOLUTION AUTHORIZING THE EXECUTION OF A LAND LEASE AGREEMENT WITH GOOD LUCK INVESTMENTS L.L.C., FOR HANGAR DEVELOPMENT LOCATED ON A 0.28 ACRE TRACT OF LAND LOCATED IN LOT 4B, BLOCK 11, MIDLAND INTERNATIONAL AIRPORT, INDUSTRIAL PARK ADDITION, SECTION 6, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

**AMENDED AND APPROVED**

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

**NONE MADE**

71. Consider a request from Bluestem Energy Holdings, LLC. (Evans "J" #1) for a Permit to drill an Oil and Gas Well within the City Limits. (Planning)

RESOLUTION NO. 2011 - 301

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO BLUESTEM ENERGY HOLDINGS, LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 2,322 FEET FROM THE SOUTH LINE AND 2,310 FEET FROM THE EAST LINE, SECTION 8, BLOCK "X", T-1-S, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY ½ MILE NORTH OF MOCKINGBIRD LANE); AND CONSOLIDATING SAID PERMIT UNDER AN EXISTING ROAD REPAIR AGREEMENT

**AMENDED AND APPROVED**

72. Consider a request from Callon Petroleum (Annie #3) for a Permit to drill an Oil and Gas Well within the City Limits. (Planning)

RESOLUTION NO. 2011 - 302

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 849 FEET FROM THE NORTH LINE AND 2,087 FEET FROM THE EAST LINE, SECTION 48, BLOCK 41, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FARM-TO-MARKET ROAD 1788, APPROXIMATELY 1 MILE SOUTH OF STATE HIGHWAY 191); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

**AMENDED AND APPROVED**

73. Consider a request from Callon Petroleum (Annie #8) for a Permit to drill an Oil and Gas Well within the City Limits. (Planning)

RESOLUTION NO. 2011 - 303

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO CALLON PETROLEUM

OPERATING COMPANY ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 671 FEET FROM THE NORTH LINE AND 1,197 FEET FROM THE EAST LINE, SECTION 48, BLOCK 41, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH FARM-TO-MARKET ROAD 1788, APPROXIMATELY 1 MILE SOUTH OF STATE HIGHWAY 191); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

**AMENDED AND APPROVED**

**EXECUTIVE SESSION**

74. 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 551.071, Consultation with the City Attorney:
    - 1. Discuss with the City Attorney contemplated litigation with the U.S. Fish and Wildlife Service regarding the Dunes Sagebrush Lizard.
    - 2. Discuss with the City Attorney and Attorney(s) with the law firm of Cotton, Bledsoe, Tighe, and Dawson, litigation styled In Re: Heritage Consolidated, LLC, Case No. 10-36484-hdh, Chapter 11, Jointly Administrated, in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.
  - b. Section 551.072, Deliberation Regarding Real Property
    - 3. Deliberate the lease and value of approximately 0.28 acres of land located in Lot 4B, Block 11, Midland International Airport Industrial Park Addition, Section 6, an Addition to the City of Midland, Midland County Texas, to Good Luck Investments, L.L.C, organized and existing under and by virtue of the laws of the State of New Mexico.

Respectfully Submitted,

Courtney B. Sharp  
City Manager