

AGENDA FOR CITY COUNCIL MEETING
November 08, 2011 – 10:00 AM
Council Chambers - 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 Blake Collins, Midland First Assembly Of God-Youth Minister
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. [Presentation of Commendation to Irece Jordan.](#)

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 City Council Meeting of October 25, 2011.](#)
6. [Consider a resolution to proceed with Fiscal Year 2012 General Purpose Certificates of Obligation Issue. \(Finance\)](#)

RESOLUTION NO. 2011 - 261
RESOLUTION APPROVING AND AUTHORIZING PUBLICATION OF NOTICE
OF INTENTION TO ISSUE SERIES 2012 CERTIFICATED 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

7. [Consider a resolution approving the City of Midland's Fiscal Year 2012 Investment Policy. \(Finance\)](#)

RESOLUTION NO. 2011 - 262

RESOLUTION APPROVING THE CITY OF MIDLAND'S FISCAL YEAR 2012 INVESTMENT POLICY

8. [Receive information and possibly discuss fourth quarter Fiscal Year 2011 Investment Report. \(Finance\)](#)

9. [Consider a resolution approving Fiscal Year 2011 Miscellaneous write-offs. \(Finance\)](#)

RESOLUTION NO. 2011 - 263

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR MISCELLANEOUS ACCOUNTS RECEIVABLE AND INSUFFICIENT FUNDS CHECKS

10. [Consider a resolution approving Fiscal Year 2011 Water, Sewer and Sanitation write-offs. \(Finance\)](#)

RESOLUTION NO. 2011 - 264

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR WATER, SEWER, AND GARBAGE COLLECTION SERVICES

11. [Consider a resolution approving Fiscal Year 2011 EMS write-offs. \(Finance\)](#)

RESOLUTION NO. 2011 - 265

RESOLUTION AUTHORIZING THE CITY TREASURER TO WRITE OFF AS UNCOLLECTIBLE CERTAIN DELINQUENT ACCOUNTS FOR EMERGENCY MEDICAL SERVICES RECEIVABLES

12. [Consider a resolution casting the City of Midland ballots for the Midland Central Appraisal District Board of Directors. \(Finance\)](#)

RESOLUTION NO. 2011 - 266

RESOLUTION CASTING THE CITY OF MIDLAND'S VOTES FOR DIRECTORS OF THE MIDLAND CENTRAL APPRAISAL DISTRICT AND DIRECTING THE CITY MANAGER TO FILE THE APPROPRIATE DOCUMENTS.

13. [Consider a resolution allocating funds to the CGI System Upgrade Project \(8817\). \(Finance\)](#)

RESOLUTION NO. 2011 - 267
RESOLUTION ALLOCATING \$216,220.00 TO THE CGI SYSTEMS UPGRADE PROJECT (8817)

14. [Consider a resolution approving the sole source purchase of 1250 MXUs for the Automated Meter Reader System for the Customer Service Division. \(General Services\)](#)

RESOLUTION NO. 2011 - 268
RESOLUTION APPROVING THE PURCHASE OF ONE THOUSAND TWO HUNDRED FIFTY (1,250) TRANSMITTERS FOR USE WITH THE CITY'S AUTOMATED WATER METER READER SYSTEM FROM WESTERN INDUSTRIAL SUPPLY, L.L.C., OF ODESSA, TEXAS, FOR \$150,000.00; AND ACCEPTING THE CITY MANAGER'S RECOMMENDATION THAT SAID TRANSMITTERS ARE PROPRIETARY IN NATURE AND AVAILABLE ONLY FROM A SOLE SOURCE

15. [Consider a resolution approving the purchase of an ambulance manufactured by Frazer, Ltd. through HGAC from Sterling McCall Ford, their licensed dealers, for the Garage Division. \(General Services\)](#)

RESOLUTION NO. 2011 - 269
RESOLUTION APPROVING THE PURCHASE OF AN AMBULANCE THROUGH THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) AT A TOTAL COST OF \$166,900.00; AND THIS ITEM WAS NOT BID BUT PURCHASED THROUGH A COUNCIL OF GOVERNMENTS

16. [Consider a resolution approving plans and specifications and authorizing advertisement for request for proposals for a storage area network. \(CISD\)](#)

RESOLUTION NO. 2011 - 270
RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE CONSTRUCTION OF A STORAGE AREA NETWORK AT 601 NORTH LORAIN, MIDLAND, TEXAS, FOR THE COMMUNICATIONS AND INFORMATION SERVICES DEPARTMENT

17. [Consider a resolution approving plans and specifications and authorizing advertisement for request for proposals for an Internet Service Provider. \(CISD\)](#)

RESOLUTION NO. 2011 - 271

RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS
FOR AN INTERNET SERVICE PROVIDER FOR THE COMMUNICATIONS
AND INFORMATION SERVICES DEPARTMENT

18. [Consider a resolution authorizing the acceptance of \\$150,358.00 in reimbursement funds from the Texas Department of State Health Services to reimburse the Health and Senior Services Division for the delivery of Immunization Services; and authorizing the execution of acceptance documents. \(Community Services\)](#)

RESOLUTION NO. 2011 - 272

RESOLUTION AUTHORIZING THE ACCEPTANCE OF FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO REIMBURSE THE CITY OF MIDLAND HEALTH AND SENIOR SERVICE DIVISION FOR THE DELIVERY OF IMMUNIZATION SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

19. [Consider a resolution authorizing the acceptance of \\$101,889.00 in reimbursement funds from the Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of Bioterrorism Preparedness Program Services; and authorizing the execution of acceptance documents. \(Community Services\)](#)

RESOLUTION NO. 2011 - 273

RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$101,889.00 IN REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF PUBLIC HEALTH EMERGENCY PREPAREDNESS SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

20. [Consider a resolution authorizing the acceptance of \\$55,814.00 in reimbursement funds from the Texas Department of State Health Services to assist the Health and Senior Services Division with the delivery of Local Public Health Services; and authorizing the execution of acceptance documents. \(Community Services\)](#)

RESOLUTION NO. 2011 - 274

RESOLUTION AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF \$55,814.00 TO ASSIST THE HEALTH AND SENIOR SERVICE DIVISION WITH THE DELIVERY OF LOCAL PUBLIC HEALTH SERVICES; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

21. [Consider a motion on a request by West Company of Midland for Bizzell-Kiser](#)

Addition (Section 9), to approve items requested for deferral, and to waive the associated public improvement guarantee. This subdivision is generally located on the south side of Wolcott Avenue between Fort Worth Street and Terrell Street. The total value of the deferrals is \$91,399.12. (Engineering)

22. Consider a resolution authorizing the City Manager to advertise a Request for Qualification (RFQ) for firms to provide professional services (engineering and surveying) for the paving and drainage improvements along Briarwood Avenue from Holiday Hill Road to Heidelberg Lane (approximately 2 miles) (Engineering)
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RESOLUTION NO. 2011 - 275

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR PAVING AND DRAINAGE IMPROVEMENTS ALONG BRIARWOOD AVENUE FROM HOLIDAY HILL ROAD TO HEIDELBERG LANE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

23. Consider a resolution authorizing the City Manager to advertise a Request for Qualification (RFQ) for firms to provide professional services (engineering and surveying) for the paving and drainage improvements along Mockingbird Lane from Holiday Hill Road to Midland Drive (approximately one mile). (Engineering)
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RESOLUTION NO. 2011 - 276

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES FOR PAVING AND DRAINAGE IMPROVEMENTS ALONG MOCKINGBIRD LANE FROM HOLIDAY HILL ROAD TO MIDLAND DRIVE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; AND PROVIDING THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL

24. Consider a resolution approving an amendment to the existing professional services agreement with Parkhill, Smith & Cooper and appropriating funds project for landfill support services. (Solid Waste)
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RESOLUTION NO. 2011 - 277

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TASK ORDER WITH PARKHILL, SMITH & COOPER, INCORPORATED, OF MIDLAND, TEXAS, FOR PROFESSIONAL LANDFILL SUPPORT SERVICES , AT AN ESTIMATED TOTAL COST OF \$152,390.00; AND APPROPRIATING FUNDS

25. [Consider a resolution approving award of the Water System Improvements: Rehabilitation & Lead Abatement of Airport and Shell Elevated Storage Tanks Project to A & M Construction and Utilities, Inc. and appropriate funds. \(Utilities\)](#)
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RESOLUTION NO. 2011 - 278

RESOLUTION AWARDED THE WATER SYSTEM IMPROVEMENTS: REHABILITATION AND LEAD ABATEMENT OF AIRPORT AND SHELL ELEVATED STORAGE TANKS PROJECT TO A & M CONSTRUCTION AND UTILITIES, INCORPORATED, AT A TOTAL COST OF \$1,432,500.00; AND APPROPRIATING FUNDS

26. [Consider a resolution establishing the dates of regular City Council Meetings to be held in calendar year 2012. \(City Manager\)](#)

RESOLUTION NO. 2011 - 279

RESOLUTION ESTABLISHING THE DATES OF THE REGULAR CITY COUNCIL MEETINGS TO BE HELD DURING THE CALENDAR YEAR 2012

SECOND READINGS

27. [Consider an ordinance on second reading on a request by SBC, LP. for a zone change from FD, Future Development District to PD, Planned District for a Housing Development on a 16.63-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. \(Generally located on the northwest corner of the intersection of Crowley Boulevard and Rio Grande Avenue.\) \(Planning\)](#)

ORDINANCE NO. 8951

ORDINANCE NO. 8951

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 16.63-ACRE TRACT OF LAND (BEING 19.04 ACRES INCLUSIVE OF DEDICATED RIGHTS-OF-WAY) OUT OF SECTION 25, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED ON THE NORTHWEST CORNER OF CROWLEY BOULEVARD AND RIO GRANDE AVENUE); 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

28. [Consider an ordinance on second reading on a request by City of Midland for zone change from 1F-2, One-Family Dwelling District to 1F-3, One Family Dwelling District on Lots 9 through 14, Block 1; Lots 1 through 8, Block 2; Lots 3 through 8, Block 3; Lots 1 through 8 Block 4, Glenn Frances Addition; of Lots 3 through 10, Block 4 and Lots 1 thorough 9, Block 5, Glenmore Heights; and of the N/E 5 acres of Block 79, East Midland, city and County of Midland, Texas \(Generally located near the southwest corner of the intersection of E. Golf Course Road and Tilden Street.\) \(Planning\)](#)

ORDINANCE NO. 8952

ORDINANCE NO. 8952

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOTS 9-14, BLOCK 1, LOTS 1-8, BLOCK 2, LOTS 3-8, BLOCK 3, LOTS 1-8, BLOCK 4, GLENN FRANCES ADDITION; LOTS 3-10, BLOCK 4, LOTS 1-9, BLOCK 5, GLENMORE HEIGHTS; AND THE NORTHEAST 5 ACRES OF BLOCK 79, EAST MIDLAND, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A 1F-3, ONE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE SOUTHWEST CORNER OF EAST GOLF COURSE ROAD AND TILDEN STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION

PUBLIC HEARINGS

29. [At approximately 10:36 A.M. hold a public hearing and consider an ordinance 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. \(Generally located on the southeast corner of the intersection of N. Main Street and E. Texas Avenue.\) \(Planning\)](#)

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

30. [At approximately 10:39 A.M. hold a public hearing and consider an ordinance 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. \(Generally located near the northeast corner of the intersection of N. Loop 250 West and Sinclair Avenue on Manor Village Circle.\) \(Planning\)](#)

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

31. [At approximately 10:45 A.M. hold a public hearing and consider a resolution on a request by Joe Smith / Oregon Trail Trees for a Temporary Land Use Permit for Outdoor Christmas Tree Sales on the remainder of Lot 1, Block 1, Scotsdale Addition, Section Two, City and County of Midland, Texas. \(Generally located on the west side of N. Midland Drive, approximately 160 feet south of W. Dengar Avenue.\) \(Planning\)](#)

RESOLUTION NO. 2011 - 280

RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR OUTDOOR CHRISTMAS TREE SALES ON LOT 1, BLOCK 1, SCOTSDALE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 160 FEET SOUTH OF WEST DENGAR AVENUE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

DEVELOPMENT SERVICES

32. [Consider 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. \(Transportation\)](#)

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

33. [Consider an ordinance 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. \(Transportation\)](#)

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

MISCELLANEOUS

34. [Consider a request from Bluestem Energy for 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. \(Generally located on the east side of the N. Midland Drive, approximately 3/4 mile north of Mockingbird Lane.\) \(Planning\)](#)

RESOLUTION NO. 2011 - 281

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 1021 FEET FROM THE NORTH LINE AND 2310 FEET FROM THE WEST LINE, SECTION 8, BLOCK "X", T-1-S, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDLAND DRIVE,

APPROXIMATELY 3/4 OF A MILE NORTH OF MOCKINGBIRD LANE)

35. [Consider a request from Bluestem Energy for a Permit to Drill and Oil and Gas Well within the City Limits located 1021' FNL and 1041' FWL, Section 8, Block "X", H.P> Hilliard Survey, Midland County, Texas. \(Generally located on the west side of the N. Midkiff Road, approximately 3/34 mile north of Mockingbird Lane.\) \(Planning\)](#)

RESOLUTION NO. 2011 - 282

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 1021 FEET FROM THE NORTH LINE AND 1041 FEET FROM THE WEST LINE, SECTION 8, BLOCK "X", T-1-S, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 3/4 OF A MILE NORTH OF MOCKINGBIRD LANE)

36. [Consider a request from Bluestem Energy for 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 County, Texas. \(Generally located on the west side of the N. Midkiff Road, approximately 3/4 mile north of Mockingbird Lane.\) \(Planning\)](#)

RESOLUTION NO. 2011 - 283

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 1650 FEET FROM THE NORTH LINE AND 2310 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 3/4 OF A MILE NORTH OF MOCKINGBIRD LANE)

37. [Consider a request from Bluestem Energy for a Permit to Drill an 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. \(Generally located on the west side of the N. Midkiff Road, approximately 3/4 mile north of Mockingbird Lane.\) \(Planning\)](#)

RESOLUTION NO. 2011 - 284

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 1650 FEET FROM THE NORTH LINE AND 990 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 3/4 OF A MILE NORTH OF MOCKINGBIRD LANE)

38. [Consider a request from Bluestem Energy for a Permit to Drill an 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. \(Generally located on the west side of the N. Midkiff Road, approximately 1/2 mile north of Mockingbird Lane.\) \(Planning\)](#)

RESOLUTION NO. 2011 - 285

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 2310 FEET FROM THE SOUTH LINE AND 990 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)

39. [Consider a resolution authorizing the execution of a road repair agreement with Bluestem Energy Holdings, LLC. \(Planning\)](#)

RESOLUTION NO. 2011 - 286

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH BLUESTEM ENERGY HOLDINGS, LLC REGARDING ITS APPLICATIONS TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 8, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

40. [Consider a resolution authorizing the City Manager to enter into a Professional Services Agreement with Freese and Nichols, Inc. to evaluate and recommend potential water use reduction programs and appropriate funds. \(Utilities\)](#)

RESOLUTION NO. 2011 - 287

RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS, INCORPORATED, FOR THE EVALUATION AND RECOMMENDATION OF POTENTIAL WATER USE REDUCTION PROGRAMS, AT A TOTAL COST OF \$170,880.00 ; AND APPROPRIATING FUNDS

41. [Consider a motion authorizing the City Manager and City Attorney to develop an ordinance prohibiting texting while driving.](#)
42. [Consider a motion regarding a request from Tall City Blues Fest to increase the 2011-12 Hotel/Motel Occupancy Tax allocation in the amount of \\$9,608.97 to the Midland Center to cover expenses incurred by the Tall City Blues Fest. \(City Manager\)](#)
43. [Resolution retaining the law firm of Cotton, Bledsoe, Tighe and Dawson, P.C.](#)

[regarding Heritage Consolidated, LLC, \(City Attorney\)](#)

RESOLUTION NO. 2011 - 288

RESOLUTION AUTHORIZING THE CITY ATTORNEY AND ATTORNEY(S) WITH THE LAW FIRM OF COTTON, BLEDSOE, TIGHE, AND DAWSON, P.C., TO HANDLE ALL LEGAL MATTERS RELATED TO A 45.99 ACRE TRACT OF LAND LOCATED IN SECTION 15, BLOCK 39, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS DESCRIBED IN VOLUME 2311, PAGE 306 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS (WHICH INCLUDES BUT IS NOT LIMITED TO THE REMAINDER OF LOT 1A, BLOCK 1, MIDLAND AIRPARK, SECTION 2, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS; AND LOT 2, BLOCK 1, MIDLAND AIRPARK SECTION 2, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS; AND LOT 4, BLOCK 1, MIDLAND AIRPARK, SECTION 3, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS); THE CITY ATTORNEY AND THE LAW FIRM ARE AUTHORIZED TO FILE LITIGATION, EMPLOY ALL NECESSARY EXPERTS, RESPOND TO SETTLEMENT OFFERS, AND TO EXECUTE ALL MOTIONS AND DISCOVERY DOCUMENTS AND TO MAKE ALL COURT APPEARANCES ON BEHALF OF THE CITY OF MIDLAND

44. [Consider a resolution regarding Mountain States Legal Foundation. \(City Attorney\)](#)

RESOLUTION NO. 2011 - 289

RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO REQUEST ASSISTANCE FROM THE MOUNTAIN STATES LEGAL FOUNDATION, LOCATED AT 2596 SOUTH LEWIS WAY, LAKEWOOD, COLORADO 80227, REGARDING THE DUNES SAGEBRUSH LIZARD AND THE U.S. FISH AND WILDLIFE SERVICE; AND THIS RESOLUTION SPECIFICALLY AUTHORIZES THE DISCLOSURE TO THE MOUNTAIN STATES LEGAL FOUNDATION'S BOARD OF LITIGATION AND BOARD OF DIRECTORS THAT THE CITY OF MIDLAND HAS REQUESTED THE MOUNTAIN STATES LEGAL FOUNDATION'S LEGAL ASSISTANCE AND THE FACTS AND LEGAL ISSUES INVOLVED IN THE CITY OF MIDLAND'S REQUEST REGARDING THE DUNES SAGEBRUSH LIZARD AND THE U.S. FISH AND WILDLIFE SERVICE

45. [Consider a resolution authorizing an Economic Development Agreement between the City of Midland and the](#)
Midland Development Corporation (MDC) for improvements to State Highway 349. (Legal)

RESOLUTION NO. 2011 - 290

RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF

MIDLAND AND THE MIDLAND DEVELOPMENT CORPORATION FOR
IMPROVEMENTS TO STATE HIGHWAY 349, AS AUTHORIZED BY CHAPTER
501 OF THE TEXAS LOCAL GOVERNMENT CODE

46. [Consider a resolution authorizing an Advance Funding Agreement between the City of Midland and the Texas Dept. of Transportation \(TxDOT\) for improvements to State Highway 349. \(Legal\)](#)

RESOLUTION NO. 2011 - 291

RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE
AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF
TRANSPORTATION FOR IMPROVEMENTS TO STATE HIGHWAY 349; AND
AUTHORIZING THE MAYOR TO EXECUTE ANY RELATED DOCUMENTS
NECESSARY FOR SAID IMPROVEMENTS

47. [Consider a motion making appointments to various Boards and Commissions.](#)

[EXECUTIVE SESSION](#)

48. [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 and Attorney\(s\) with the law firm of Cotton, Bledsoe, Tighe & Dawson, P.C., contemplated litigation involving a 45.99 Acre Tract of Land located in Section 15, Block 39, T-1-S T&P RR Co. Survey, Midland County, Texas and more specifically described in Volume 2311, Page 306 of the Deed Records of Midland County, Texas.](#)
2. [Discuss with the City Attorney contemplated litigation with the U.S. Fish and Wildlife Service regarding the Dunes Sagebrush Lizard.](#)
3. [Discuss with the City Attorney and Attorneys 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 Administered in the United States Bankruptcy Court, Northern District of Texas, Dallas Division.](#)

b. [Section 551.072, Deliberation Regarding Real Property](#)

4. [The Midland City Council shall conduct a closed meeting to deliberate the purchase and value of real property described as all](#)

[of Block 7, Original Town Addition, City and County of Midland,
Texas.](#)

49. [Extra Materials](#)

Respectfully Submitted,

Courtney B. Sharp
City Manager