



A quorum of the City Council intends to be physically present at the aforementioned location.

The City Council may discuss, consider, and take action on any item listed on this agenda.

OPENING ITEMS

1. Invocation – Pastor Jon Slayden, Hope Community Church
2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. BRIEFING SESSION OF OCTOBER 25, 2022
 - 3b. REGULAR SESSION OF OCTOBER 25, 2022
4. 2022-152 – RESOLUTION AWARDED A CONTRACT FOR THE FAIRGROUNDS ROAD - LOOP 250 TO MOCKINGBIRD LANE PAVING PROJECT TO JONES BROS. DIRT & PAVING CONTRACTORS, INC. OF ODESSA, TEXAS, AT A TOTAL COST OF \$2,758,651.04; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 1) (GENERAL SERVICES)
5. 2022-153 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL TO PROVIDE AN EVALUATION AND ANALYSIS OF TREATMENT TECHNIQUES FOR THE PAUL DAVIS WELLFIELD FOR THE UTILITIES DEPARTMENT FOR AN AMOUNT OF \$325,500.00; APPROVING \$48,825.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)
6. 2022-154 – RESOLUTION AWARDED A CONTRACT FOR THE PECK/TERRELL LIFT STATION ELIMINATION AND NEW SEWER INSTALLATION PROJECT TO TEC EXCAVATION, INC., FOR THE UTILITIES DEPARTMENT FOR THE TOTAL COST OF \$925,277.00; APPROVING \$185,055.40 FOR CONTINGENCIES; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT 2) (GENERAL SERVICES)

7. 2022-155 – RESOLUTION AUTHORIZING THE PURCHASE OF HERBICIDE FOR THE PLANT FARM FROM HELENA AGRI-ENTERPRISES, LLC OF STANTON, TEXAS, AND PRO CHEM SALES OF LUBBOCK, TEXAS, AT A TOTAL COST OF \$156,086.95 (DISTRICT: NONE) (GENERAL SERVICES)
8. 2022-156 – RESOLUTION ACCEPTING THE PROPOSAL SUBMITTED BY QBE INSURANCE GROUP THROUGH STEALTH PARTNER GROUP OF DALLAS, TEXAS, FOR STOP LOSS INSURANCE; AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL CONTRACTS AND DOCUMENTS NECESSARY TO EFFECT THE CITY'S ACCEPTANCE OF SAID PROPOSAL; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
9. 2022-157 – RESOLUTION AUTHORIZING PURCHASE OF A VERSALIFT AERIAL BUCKET LIFT TRUCK FROM SOUTHWEST INTERNATIONAL TRUCKS INC. THROUGH BUYBOARD FOR A TOTAL COST OF \$253,888.78 (DISTRICT: NONE) (GENERAL SERVICES)
10. 2022-158 – RESOLUTION APPROVING THE PURCHASE OF THREE (3) AUTOMATED REFUSE TRUCKS FROM CHASTANG ENTERPRISES, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$1,159,210.00 (DISTRICT: NONE) (GENERAL SERVICES)
11. 2022-159 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GEOGRAPHIC INFORMATION SERVICES, INC., D/B/A AXIM GEOSPATIAL, LLC, FOR AERIAL LIDAR COLLECTION MAPPING SERVICES THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$178,200.00 FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT (DISTRICT: ALL) (GENERAL SERVICES)
12. 126-2022 – MOTION APPOINTING MARCIA BENTLEY-GERMAN AS THE CITY GOVERNANCE OFFICER/CITY SECRETARY OF THE CITY OF MIDLAND EFFECTIVE MARCH 1, 2023; AND AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT WITH MARCIA BENTLEY-GERMAN (DISTRICT: ALL) (ADMINISTRATIVE SERVICES)
13. 127-2022 – MOTION AUTHORIZING THE ACCEPTANCE OF A FUTURE DONATION OF A CEDRIC BENSON STATUE TO BE PLACED INSIDE ASTOUND BROADBAND STADIUM AT THE SCHARBAUER SPORTS COMPLEX; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS AND INSTRUMENTS FOR THE ACCEPTANCE OF SAID FUTURE DONATION (DISTRICT 4) (COMMUNITY SERVICES)
14. 2022-160 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL 10 OIL AND GAS WELLS LOCATED IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 435 FEET AND 436 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,182 FEET AND

1,362 FEET WEST OF ELKINS ROAD); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 1) (DEVELOPMENT SERVICES)

15. 2022-161 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL 12 OIL AND GAS WELLS LOCATED IN SECTION 14, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,638 FEET AND 1,998 FEET EAST OF NORTH A STREET EXTENSION AND BETWEEN 1,832 FEET AND 2,020 FEET SOUTH OF WEST LOOP 250 NORTH); GRANTING VARIANCES FOR SEVEN OF SAID OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 3) (DEVELOPMENT SERVICES)
16. 128-2022 – MOTION AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH THE CITY MANAGER (DISTRICT: ALL) (LEGAL)

SECOND READINGS

17. 10352 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 3G, BLOCK 6, SCOTSDALE ADDITION, SECTION 19, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 535 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION 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 (DISTRICT 4) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 25, 2022)
18. 10353 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 7, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH STREET AND TYLER STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM HI, HEAVY INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; 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 (DISTRICT 2) (DEVELOPMENT

SERVICES) (FIRST READING HELD OCTOBER 25, 2022)

19. 10354 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 26, WEDGWOOD PARK ADDITION, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS, FROM O-1, OFFICE DISTRICT, TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 510 FEET NORTH OF NEELY AVENUE); 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 (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 25, 2022)
20. 10355 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE WEST 40 FEET OF LOT 4 AND THE EAST 25 FEET OF LOT 5, BLOCK J, GARRETT PLACE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST INDIANA AVENUE, APPROXIMATELY 80 FEET EAST OF CARLTON STREET), BY PERMITTING A REDUCED MINIMUM LOT DEPTH; 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 (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 25, 2022)
21. 10356 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 22 AND THE WEST 97.3 FEET OF LOT 23, BLOCK 81, PERMIAN ESTATES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST WALL STREET, APPROXIMATELY 438 FEET WEST OF THOMASON DRIVE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING SAID DESIGNATION 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 (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 25, 2022)

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

22. 2022-162 – RESOLUTION REAUTHORIZING AND ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AND AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS (DISTRICT: ALL) (CITY MANAGER)

23. 129-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PIONEER NATURAL RESOURCES, USA, INC. (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: STIMSON W17A 1H; STIMSON W17B 2H; STIMSON W17C 3H; STIMSON W17D 4H; STIMSON W17E 5H; STIMSON W17F 6H; STIMSON W17G 7H; STIMSON W17H 8H; STIMSON W17I 9H; AND STIMSON W17J 10H; SAID WELLS BEING GENERALLY LOCATED BETWEEN 375 FEET AND 376 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,040 FEET AND 1,220 FEET EAST OF TODD DRIVE EXTENSION; PUBLIC HEARING ONLY (DISTRICT 1) (DEVELOPMENT SERVICES)
24. 10357 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 7, BLOCK 50, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM HI, HEAVY INDUSTRIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH STREET AND NORTH TYLER 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 (DISTRICT 2) (DEVELOPMENT SERVICES)
25. 10358 – AN ORDINANCE VACATING AND ABANDONING A 0.067-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 5 THROUGH 9, BLOCK 17, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SCHARBAUER DRIVE, APPROXIMATELY 209 FEET WEST OF NORTH BIG SPRING STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF \$5,836.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 3) (DEVELOPMENT SERVICES)

MISCELLANEOUS

26. 130-2022 – MOTION REGARDING THE PEDESTRIAN ISLAND ALONG WADLEY AVENUE NORTH OF ABELL JUNIOR HIGH, INCLUDING POSSIBLE REMOVAL OR MODIFICATION, OR OTHER ACTION RELATED THERETO (DISTRICT 4) (CITY MANAGER)

PUBLIC COMMENT

27. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

EXECUTIVE SESSION

28. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under

the following sections of the Texas Government Code:

a. Section 551.072, Deliberation Regarding Real Property

a.1. Discuss the purchase, exchange, lease or value of real property

b. Section 551.087, Deliberate Economic Development Negotiations

b.1. Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives

Respectfully Submitted,

Robert Patrick
City Manager

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