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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 – Reverend Bob Hennagin, Episcopal Church of the Holy Trinity
2. Pledge of Allegiance

### **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - 3a. Presentation of Proclamation for “Midland RSVP Day”

### **CONSENT AGENDA**

4. MOTION APPROVING THE FOLLOWING MINUTES:
  - 4a. BRIEFING SESSION OF JANUARY 24, 2023
  - 4b. REGULAR SESSION OF JANUARY 24, 2023
5. 007-2023 – MOTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED NOVEMBER 20, 2019, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; AND AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED JULY 28, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; SAID AMENDMENTS PROVIDING FOR THE REMOVAL OF THE PERMIAN BASIN QUALITY OF PLACE CONSERVANCY AS AGENT FOR THE CITY OF MIDLAND, TEXAS, REGARDING CERTAIN MATTERS OF DESIGN RELATING TO PHASE 1 AND PHASE 2 OF THE HOGAN PARK MASTER PLAN PROJECT (DISTRICT 2) (GENERAL SERVICES)

6. 008-2023 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR CERTAIN VETERINARY SERVICES FOR THE ANIMAL SERVICES DIVISION AND TO NEGOTIATE AN AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: ALL) (GENERAL SERVICES)
7. 2023-013 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR ENGINEERING SUPPORT AND ADMINISTRATIVE SERVICES TO THE CITY OF MIDLAND T-BAR RANCH WELL SYSTEM AND OTHER POTENTIAL WATER SOURCES FOR A COST OF \$362,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)
8. 2023-014 – RESOLUTION AWARDED A CONTRACT FOR THE PLANT FARM PONDS REHABILITATION PROJECT TO SYNAGRO OF TEXAS-CDR, INC., FOR THE AMOUNT OF \$4,396,743.50; APPROVING \$879,348.70 FOR CONTINGENCIES; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)
9. 2023-015 – RESOLUTION APPROVING THE PURCHASE OF OPENGOV BUDGETING, PLANNING, REPORTING AND TRANSPARENCY PLATFORM SOFTWARE FOR THE FINANCE DEPARTMENT FROM VERTOSOFT LLC THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES AT A TOTAL COST OF \$474,260.00; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)
10. 2023-016 – RESOLUTION AUTHORIZING THE EXECUTION OF THE SEVENTH AMENDMENT TO THE INTERLOCAL MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS AND MIDLAND COUNTY HOSPITAL DISTRICT, DOING BUSINESS AS MIDLAND MEMORIAL HOSPITAL, FOR CERTAIN MEDICAL AND WELL-BEING SERVICES; SAID AMENDMENT ADJUSTING THE ANNUAL FEE TO \$719,135.58 AND PROVIDING FOR THE HOSTING OF INFLUENZA CLINICS; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (ADMINISTRATIVE SERVICES)
11. 009-2023 – MOTION AUTHORIZING THE EXECUTION OF SPORTS AGREEMENTS WITH THE FOLLOWING ORGANIZATIONS: BOYS AND GIRLS CLUB OF THE PERMIAN BASIN; GREATER MIDLAND FOOTBALL LEAGUE; MIDLAND JUNIOR BASEBALL ASSOCIATION, INC.; MIDLAND SOCCER ASSOCIATION, INC.; MIDLAND SOFTBALL ASSOCIATION, INC.; MIDLAND UNITED GIRLS SOFTBALL ASSOCIATION, INC.; TEXAS CRICKET CLUB; UNDER THE LIGHTS FLAG FOOTBALL LEAGUE; WEST TEXAS BMX; AND THE YMCA OF MIDLAND; SAID AGREEMENTS PROVIDING FOR THE ORGANIZATIONS' ADMINISTRATION OF RECREATIONAL PROGRAMS, SPECIAL EVENTS, AND OTHER RELATED SERVICES THROUGH THE USE OF CITY-OWNED PROPERTY AND FACILITIES (DISTRICT: ALL) (COMMUNITY SERVICES)

12. 2023-017 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO MCM OPERATING, LLC (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE AND 1,550 FEET EAST OF HOLIDAY HILL ROAD); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 4) (DEVELOPMENT SERVICES)
13. 2023-018 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO MCM OPERATING, LLC (“OPERATOR”) TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 485 FEET SOUTH OF MOCKINGBIRD LANE EXTENSION AND BETWEEN 1,450 FEET AND 1,530 FEET EAST OF HOLIDAY HILL ROAD); SAID AMENDMENTS (1) AUTHORIZING PORTABLE SOUND WALLS TO BE INSTALLED ON THE NORTH AND SOUTH SIDES OF THE FRAC PUMPS, (2) REQUIRING FRAC SAND TO BE DELIVERED AND OFFLOADED USING BELLY DUMP TRUCKS, AND (3) REQUIRING UTILIZATION OF A MONOLINE / ZIPPER MANIFOLD (DISTRICT 4) (DEVELOPMENT SERVICES)
14. 010-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF SOUTHWEST CROSSING, SECTION 20, BEING A PLAT OF A 60.008-ACRE TRACT OF LAND OUT OF SECTION 14, BLOCK 40, T-2-S, T&P RR CO. SURVEY, COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 500 FEET WEST OF THE INTERSECTION OF SOUTH COUNTY ROAD 1239 AND WEST COUNTY ROAD 122) (DISTRICT: NONE) (DEVELOPMENT SERVICES)
15. 011-2023 – MOTION AUTHORIZING THE INTENT OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO ESTABLISH THE SCHEDULE FOR PROGRAM YEAR 2023 CDBG APPLICATION. (DISTRICT: NONE) (DEVELOPMENT SERVICES)

## **SECOND READINGS**

16. 10371 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 5 THROUGH 8, THE SOUTH 38 FEET OF LOT 9, AND A 0.067-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BLOCK 17, KELVIEW HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LR, LOCAL RETAIL DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOMA DRIVE AND SCHARBAUER DRIVE); 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 JANUARY 24, 2023)
17. 10372 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 4, BERKSHIRE PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SINCLAIR

AVENUE AND NORTH N STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE EAST SIDE OF THE LOT; 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 JANUARY 24, 2023)

## **PUBLIC HEARINGS**

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

18. 10373 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 155, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH LORAIN STREET, APPROXIMATELY 143 FEET SOUTH OF WEST PENNSYLVANIA 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 2) (DEVELOPMENT SERVICES)
19. 10374 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 4, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 550 FEET SOUTH OF WEST LOOP 250), 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 1) (DEVELOPMENT SERVICES)
20. 10375 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE AN 8.823-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, ORTLOFF ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF WESTCLIFF DRIVE, APPROXIMATELY 335 FEET SOUTH OF ANDREWS HIGHWAY); 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)
21. 10376 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF

MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 7,464-SQUARE FOOT PORTION OF LOT 1, BLOCK 8, CLAYDESTA PLAZA, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF DESTA DRIVE AND SMITH ROAD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR 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 3) (DEVELOPMENT SERVICES)

22. 10377 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 10.817-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 158 AND STATE HIGHWAY 191); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)
23. 10378 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 10.817-ACRE TRACT OF LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 158 AND 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 (DISTRICT: NONE) (DEVELOPMENT SERVICES)
24. 10379 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND BY REPEALING ORDINANCE NO. 8961, WHICH GRANTED A SPECIFIC USE DESIGNATION WITHOUT TERM THAT ALLOWED AN ACCESSORY BUILDING TO BE USED FOR LIVING OR SLEEPING QUARTERS ON 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 O-1, OFFICE 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 PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 2) (DEVELOPMENT SERVICES)
25. 10380 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 4.73-ACRE TRACT OF LAND OUT OF LOT 22, BLOCK 22, WESTERN HILLS ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO TH, TOWNHOUSE

(ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF BEAL PARKWAY, APPROXIMATELY 154 FEET SOUTH OF BLUE HAVEN DRIVE); 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)

26. 10381 – AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT”, CHAPTER 2, “PLATS AND SUBDIVISIONS”, SECTION THREE, “PLATTING PROCEDURES”, SUBSECTION (D), “PRELIMINARY PLAT”, SUB-SUBSECTION 11, “APPROVAL BY THE COUNCIL” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO REQUIRE COUNCIL APPROVAL OF A PRELIMINARY PLAT THAT WAS APPROVED BY THE PLANNING AND ZONING COMMISSION BY OPERATION OF LAW; 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: ALL) (DEVELOPMENT SERVICES)

### **MISCELLANEOUS**

27. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (CITY SECRETARY’S OFFICE)

### **PUBLIC COMMENT**

28. 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**

29. 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 551.071, Consultation with Attorney
    - a.1. Discuss pending or contemplated litigation.
  
  - b. Section 551.072, Deliberation Regarding Real Property
    - b.1. Discuss the purchase, exchange, lease or value of real property.
  
  - c. Section 551.074, Personnel Matters
    - c.1. Deliberate the appointment, employment, evaluation, or duties of the City Manager.

Respectfully Submitted,

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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.