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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 – Pastor Roy Smith, True-Lite Christian Fellowship Church
2. Pledge of Allegiance

**CONSENT AGENDA**

3. MOTION APPROVING THE FOLLOWING MINUTES:
  - 3a. REGULAR SESSION OF JULY 26, 2022
  - 3b. SPECIAL SESSION OF AUGUST 2, 2022
4. 2022-093 – RESOLUTION AWARDED A CONTRACT FOR THE SOLOMON LANE PAVING BOND PROJECT TO PERMIAN PAVING, INC. OF MIDLAND, TEXAS, AT A TOTAL COST OF \$1,965,616.30; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT 1) (GENERAL SERVICES)
5. 2022-094 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF A REPLACEMENT ENGINE FOR A CATERPILLAR 836H COMPACTOR FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT THROUGH BUYBOARD FOR A TOTAL COST OF \$140,626.35 (DISTRICT: NONE) (GENERAL SERVICES)
6. 078-2022 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR SEALED BIDS FOR THE WATER SYSTEM IMPROVEMENTS AT BUSINESS 20 AND SAN ANDRES WATER MAIN EXTENSION PROJECT FOR THE UTILITIES DEPARTMENT AND TO NEGOTIATE A CONTRACT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT 2) (GENERAL SERVICES)

7. 2022-095 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR THE EMERGENCY MANHOLE REMOVAL AND REPLACEMENT IN JAL DRAW AT WHITNEY DRIVE BY TEC EXCAVATION, INC., FOR A TOTAL COST OF \$103,805.00 (DISTRICT 3) (GENERAL SERVICES)
8. 2022-096 – RESOLUTION CALLING AN ELECTION FOR THREE CITY OFFICIALS; AMENDING THE BOUNDARY OF THE CITY ELECTION AND CITY COUNCIL DISTRICTS; PROVIDING FOR USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS FOR SAID ELECTION; AND ESTABLISHING VOTE CENTERS FOR SAID ELECTION (DISTRICT: ALL) (CITY SECRETARY)
9. 079-2022 – MOTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE FOLLOWING AMOUNTS AND FOR THE FOLLOWING PURPOSES: \$150,358.00 TO ASSIST THE CITY OF MIDLAND HEALTH SERVICES DIVISION (THE “CITY”) WITH THE DELIVERY OF IMMUNIZATION SERVICES; \$105,462.00 TO ASSIST THE CITY WITH THE FUNDING AND DELIVERY OF PUBLIC HEALTH EMERGENCY PREPAREDNESS SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY ACCEPTANCE DOCUMENTS; AND AUTHORIZING AND DIRECTING THE CITY TREASURER TO DEPOSIT SAID GRANT FUNDS INTO THE GENERAL FUND (DISTRICT: ALL) (COMMUNITY SERVICES)
10. 2022-097 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) TO DRILL TWO OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,942 FEET AND 2,032 FEET WEST OF SOUTH LAMESA ROAD AND BETWEEN 165 FEET AND 167 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)
11. 2022-098 – RESOLUTION APPROVING THE FISCAL YEAR 2022-2023 BUDGET FOR THE MIDLAND-ODESSA URBAN TRANSIT DISTRICT (DISTRICT: ALL) (DEVELOPMENT SERVICES)
12. 2022-099 – RESOLUTION AUTHORIZING THE ISSUANCE OF AN OPERATING CERTIFICATE TO TARA ROSELIND MCCLAIN; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)

## **SECOND READINGS**

13. 10327 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.16-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF BLOCK 21, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MINEOLA STREET, APPROXIMATELY 92 FEET NORTH OF EAST MICHIGAN

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) (FIRST READING HELD JULY 26, 2022)

14. 10328 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 13, GRAFALAND ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF STOREY AVENUE AND EAST BROADWAY STREET), BY PERMITTING (1) A REDUCED MINIMUM REAR YARD SETBACK AND (2) A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST 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 JULY 26, 2022)
15. 10329 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2022; AND ORDERING PUBLICATION (DISTRICT: NONE) (FINANCE) (FIRST READING HELD JULY 26, 2022)

## **PUBLIC HEARINGS**

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

16. 10330 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 1, BUSH TENNIS CENTER ADDITION, AND LOT 4, BLOCK 1, CROSS POINTE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A RECREATION CENTER, IN PART, AND MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 2,000 FEET WEST OF HOLIDAY HILL ROAD); 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)
17. 080-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PIONEER NATURAL RESOURCES, USA, INC. (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL STIMSON E17A 101H; SAID WELL BEING GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND 1,362 FEET WEST OF ELKINS ROAD; PUBLIC HEARING ONLY (DISTRICT 1) (DEVELOPMENT SERVICES)
18. 081-2022 – 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-NAIL W17K 11H; STIMSON-NAIL W17L 12H; STIMSON-NAIL W17M 13H; STIMSON-NAIL W17N 14H; STIMSON-NAIL

W17O 15H; STIMSON-NAIL W17P 16H; STIMSON-NAIL W17Q 17H; STIMSON-NAIL W17R 18H; STIMSON-NAIL W17S 19H; AND STIMSON-NAIL W17T 20H; SAID WELLS BEING GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,040 AND 1,220 FEET EAST OF TODD DRIVE EXTENSION; PUBLIC HEARING ONLY (DISTRICT 1) (DEVELOPMENT SERVICES)

19. 082-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: ELKINS ATRELLE 31-42 #112; ELKINS ATRELLE 31-42 #113; ELKINS ATRELLE 31-42 #114; ELKINS ATRELLE 31-42 #123; ELKINS ATRELLE 31-42 #211; AND ELKINS ATRELLE 31-42 #221; SAID WELLS BEING GENERALLY LOCATED BETWEEN 500 FEET AND 501 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,096 FEET AND 1,221 FEET WEST OF TODD DRIVE; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)
20. 083-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: ELKINS ATRELLE 31-42 #122; ELKINS ATRELLE 31-42 #132; ELKINS ATRELLE 31-42 #133; ELKINS ATRELLE 31-42 #143; AND ELKINS ATRELLE 31-42 #231; SAID WELLS BEING GENERALLY LOCATED 359 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,803 FEET AND 1,903 FEET WEST OF TODD DRIVE; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)
21. 084-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MUSTANG 120 MIPA UNIT #H120MS; MUSTANG 130 MIPA UNIT #H130SS; AND MUSTANG 140 MIPA UNIT #H140MS; SAID WELLS BEING GENERALLY LOCATED BETWEEN 1,575 FEET AND 1,697 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 500 FEET AND 590 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)
22. 085-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: MUSTANG 150 MIPA UNIT #H150SS AND MUSTANG 160 MIPA UNIT #H160MS; SAID WELLS BEING GENERALLY LOCATED BETWEEN 952 FEET AND 1,121 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 433 FEET AND 460 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)
23. 086-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL REBEL #H120MS; SAID WELL BEING GENERALLY LOCATED 380 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)
24. 087-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO

PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL REBEL #H130SS; SAID WELL BEING GENERALLY LOCATED 271 FEET WEST OF SOUTH LAMESA ROAD AND 205 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

25. 088-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL REBEL #H140MS; SAID WELL BEING GENERALLY LOCATED 1,142 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)
26. 10331 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 22, BLOCK 131, WILSHIRE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF MONTY DRIVE, APPROXIMATELY 134 FEET NORTH OF MERCEDES DRIVE), BY PERMITTING (1) AN INCREASED MAXIMUM NUMBER OF ACCESSORY BUILDINGS, (2) A REDUCED MINIMUM FRONT YARD SETBACK AND (3) A REDUCED MINIMUM SIDE YARD SETBACK ON THE NORTH 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 4) (DEVELOPMENT SERVICES)
27. 10332 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 2.27-ACRE TRACT OF LAND OUT OF SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF DUMFRIES ROAD, APPROXIMATELY 3,590 FEET NORTH OF HIGHWAY 158); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 4) (DEVELOPMENT SERVICES)
28. 10333 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 2.27-ACRE TRACT OF LAND OUT OF SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN AE, AGRICULTURAL ESTATE DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE EAST SIDE OF DUMFRIES ROAD, APPROXIMATELY 3,590 FEET NORTH OF HIGHWAY 158; 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)

## **MISCELLANEOUS**

29. 10334 – AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; 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 (DISTRICT: ALL) (ENGINEERING SERVICES)

### **PUBLIC COMMENT**

30. 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**

31. 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 matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code

Respectfully Submitted,

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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.