

**AMENDED AUGUST 18, 2022 (ITEMS 22 & 23)**

**CITY OF MIDLAND, TEXAS  
AGENDA FOR CITY COUNCIL MEETING  
August 23, 2022 - 10:00 AM  
300 North Loraine  
Midland, Texas  
Council Chamber - City Hall**

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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 Bob Pase, Grace Lutheran Church
2. Pledge of Allegiance

**CONSENT AGENDA**

3. MOTION APPROVING THE FOLLOWING MINUTES:
  - 3a. REGULAR SESSION OF AUGUST 9, 2022
  - 3b. SPECIAL SESSION OF AUGUST 16, 2022
4. 2022-100 – RESOLUTION AWARDED A CONTRACT FOR RIGHT OF WAY LITTER COLLECTION SERVICES FOR THE SOLID WASTE DEPARTMENT TO DEE DEE MILLER D/B/A DEE SKY SERVICES FOR AN AMOUNT NOT TO EXCEED \$240,000.00 (DISTRICT: ALL) (GENERAL SERVICES)
5. 089-2022 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR COMPETITIVE SEALED BIDS FOR THE MOMENTUM BANK BALLPARK PEDESTRIAN BRIDGE REHABILITATION PROJECT FOR THE COMMUNITY SERVICES DEPARTMENT AND TO NEGOTIATE A CONTRACT FOR SAID PROJECT; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT 4) (GENERAL SERVICES)
6. 2022-101 – RESOLUTION APPROVING A CONTRACT WITH HOHENBERGER, INC., D/B/A CSI: LUBBOCK, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF ACCESS CONTROL AND CAMERA SYSTEMS AT MULTIPLE CITY BUILDINGS FOR A TOTAL COST OF \$348,524.32; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT: ALL) (GENERAL SERVICES)

7. 2022-102 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR SURVEY, DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR PHASE II OF NEW WATER AND WASTEWATER UTILITIES ALONG BRIARWOOD AVENUE BETWEEN GOLDEN GATE AVENUE AND STATE HIGHWAY 158 FOR A COST OF \$115,000.00; AND APPROPRIATING FUNDS (DISTRICT 4) (GENERAL SERVICES)
8. 2022-103 – RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT ENTERPRISE VOLUME AND TRUE-UP LICENSING FROM SOFTWARE ONE, INC., THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF \$326,997.53; RATIFYING THE SIGNING OF THE CHANGE OF RESELLER AGREEMENT; AND RESCINDING RESOLUTION 2021-075 (DISTRICT: NONE) (GENERAL SERVICES)
9. 090-2022 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMEMORATIVE AIR FORCE, INC., TO PROVIDE FOR THE 2022 AIRSHOW AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)
10. 2022-104 – RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE, TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT: ALL) (CITY MANAGER)
11. 091-2022 – MOTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH, & COOPER, INC., FOR PROFESSIONAL SERVICES RELATED TO A SITE ASSESSMENT AND DEVELOPMENT AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (CITY MANAGER)
12. 092-2022 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND HIGHER ORBITS, INC., TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT: ALL) (CITY MANAGER)
13. 093-2022 – MOTION APPROVING A CONTRACT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND RON OSBORN, INC., DBA ADVANCED ENVIRONMENTAL SERVICES FOR THE ABATEMENT OF HAZARDOUS MATERIALS WITHIN THE STRUCTURES LOCATED ON CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)

14. 094-2022 – MOTION APPROVING A CONSULTING SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND STRONG ENVIRONMENTAL SERVICES, LLC, FOR SERVICES RELATED TO THE ABATEMENT OF HAZARDOUS MATERIALS WITHIN THE STRUCTURES LOCATED AT CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)
15. 2022-105 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION (THE “COMPANY”) REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO THE COMPANY AND CITIES’ LEGAL COUNSEL (DISTRICT: NONE) (CITY MANAGER)
16. 2022-106 – RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE ARTS COUNCIL OF MIDLAND FOR THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS 19-24, BLOCK 176, AND LOTS 1-18, BLOCK 177, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL LEGAL DOCUMENTS AND INSTRUMENTS NECESSARY AND APPROPRIATE FOR THE CLOSING OF THE SALE OF SAID REAL PROPERTY (DISTRICT 2) (COMMUNITY SERVICES)
17. 095-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-027) WITH NUSTAR PERMIAN TRANSPORTATION & STORAGE, L.L.C., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24 BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS. (DISTRICT: NONE) (UTILITIES)

## **SECOND READINGS**

18. 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) (FIRST READING HELD AUGUST 09, 2022)

19. 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) (FIRST READING HELD AUGUST 09, 2022)
20. 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) (FIRST READING HELD AUGUST 09, 2022)
21. 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) (FIRST READING HELD AUGUST 09, 2022)

## **PUBLIC HEARINGS**

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

22. 10335 – GATHER PUBLIC INPUT ON THE PROPOSED 2022-2023 BUDGET; AND CONSIDER AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION (DISTRICT: NONE) (FINANCE)

23. 10336 – TAX RATE INCREASE FOR FISCAL YEAR 2022-2023; AND CONSIDER AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023 (DISTRICT: NONE) (FINANCE)
24. 10337 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.7-ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TODD DRIVE AND MARIE 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 2) (DEVELOPMENT SERVICES)
25. 10338 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.77-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WAYSIDE DRIVE, APPROXIMATELY 57 FEET NORTH OF EAST GIST 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)
26. 10339 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH C STREET), WHICH IS PRESENTLY ZONED O-1, OFFICE 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 3) (DEVELOPMENT SERVICES)
27. 10340 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE TRACT OF LAND DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 93, A 0.263-ACRE PORTION OF BLOCK 96, THE NORTH 40 FEET OF THE WEST 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF THE BRUNSON STREET RIGHT-OF-WAY, A 14,408-SQUARE FOOT PORTION OF WEST INDIANA STREET RIGHT-OF-WAY, AND A 2,650-SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE RIGHT-OF-WAY, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM 2F, TWO-FAMILY DWELLING (DUPLEX)

DISTRICT, IN PART, AND SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A CIVIC CENTER AND COMMUNITY CENTER (GENERALLY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF SOUTH L STREET AND WEST INDIANA 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)

28. 10341 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 36,700-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 FEET NORTH OF WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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)

### **PUBLIC COMMENT**

29. 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.)

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.