

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
August 27, 2024 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall



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 – Father Bala Anthony Govindu, St. Stephen’s Catholic Church
2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:
 - 3a. Presentation from Chief of Staff Taylor Novack regarding updates on Chalk the Block.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF AUGUST 13, 2024
 - 4b. REGULAR SESSION OF AUGUST 14, 2024
5. 2024-131 – RESOLUTION AUTHORIZING THE PURCHASE OF D-CELL LIGHTING FOR THE SCHARBAUER SPORTS COMPLEX FROM WHOLESALE ELECTRIC SUPPLY OF HOUSTON, INC., THROUGH THE INTERLOCAL PURCHASING SYSTEM, AT A TOTAL COST OF \$278,965.00; APPROVING \$40,600.00 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
6. 2024-132 – RESOLUTION RATIFYING THE PROCUREMENT OF CONSTRUCTION SERVICES FROM MIDESSA UNDERGROUND OF MIDLAND, TEXAS, FOR THE EMERGENCY REPAIR OF THE STORM DRAIN LOCATED IN SANTA ROSA DRIVE;

AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$103,355.36 **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

7. 090-2024 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE LANDFILL ACCESS ROAD PROJECT, SAID PLANS AND SPECIFICATIONS BEING ON FILE IN THE CITY SECRETARY'S OFFICE REFERENCED BY THE NUMBER AND DATE OF THIS MOTION, AND AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR COMPETITIVE SEALED PROPOSALS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS AND TO NEGOTIATE AN AGREEMENT FOR SAID WORK; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL. **(DISTRICT: NONE) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
8. 2024-133 – RESOLUTION AWARDDING A CONTRACT FOR THE WEST CITIZEN COLLECTION STATION PROJECT TO ONYX GENERAL CONTRACTORS, LLC, FOR A COST OF \$3,670,288.40; APPROVING \$734,057.68 FOR CONTINGENCIES; AND APPROPRIATING FUNDS **(DISTRICT 4) (GENERAL SERVICES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
9. 091-2024 – MOTION AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER WITH FORVIS MAZARS, LLP FOR PROFESSIONAL AUDIT SERVICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024; AND RATIFYING THE EXECUTION OF AN ENGAGEMENT LETTER WITH FORVIS, LLP FOR PROFESSIONAL AUDIT SERVICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023 **(DISTRICT: NONE) (GENERAL SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**
10. 092-2024 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMEMORATIVE AIR FORCE, INC., TO PROVIDE FOR THE 2024 AIRSHO AT MIDLAND INTERNATIONAL AIR & SPACE PORT **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**
11. 2024-134 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH BOLER EQUIPMENT SERVICE, INC., IN THE AMOUNT OF \$4,344,835.00 FOR THE MAF RECONSTRUCT ASPHALT AIR CARRIER APRON PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING AND TRANSFERRING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS) (TRANSPARENT & CONSISTENT COMMUNICATION)**
12. 093-2024 – MOTION AUTHORIZING THE EXECUTION OF A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND DOWNTOWN FARMERS MARKET, INC., TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND

EXPANDED BUSINESS ENTERPRISES (DISTRICT 2) (CITY MANAGER) (STRONG ECONOMY WITH MORE QUALITY JOBS)

13. 094-2024 – MOTION AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE CITY OF MIDLAND PROVIDING FOR THE WIDENING OF THAT CERTAIN PORTION OF AVALON DRIVE LOCATED BETWEEN BRIARWOOD AVENUE AND MOCKINGBIRD AVENUE; AND AUTHORIZING PAYMENT FOR SAID AGREEMENT **(DISTRICT 4) (CITY MANAGER) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
14. 095-2024 – MOTION AUTHORIZING THE EXECUTION OF AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND LS BRENTWAY LLC AS AUTHORIZED BY TEXAS LOCAL GOVERNMENT CODE § 501.103 **(DISTRICT 2) (CITY MANAGER) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
15. 2024-135 – RESOLUTION GRANTING A VARIANCE FOR A 53.86-ACRE TRACT OF LAND OUT OF LOT 8, BLOCK 2, PAVILION PARK ADDITION, SECTION 7, AND SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF SOLOMON LANE, APPROXIMATELY 1,700 FEET EAST OF THE INTERSECTION OF SOLOMON LANE AND COOPER CREEK ROAD), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 300 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS **(DISTRICT 1) (DEVELOPMENT SERVICES) (SET THE STANDARD FOR A SAFE AND SECURE CITY)**
16. 2024-136 – 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 2024 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: ALL) (DEVELOPMENT SERVICES) (PROVIDE SOUND GOVERNANCE & FISCAL MANAGEMENT)**

17. 096-2024 – MOTION AUTHORIZING THE EXECUTION OF SPORTS AGREEMENTS WITH THE FOLLOWING ORGANIZATIONS: BOYS AND GIRLS CLUB OF THE PERMIAN BASIN; GREATER MIDLAND FOOTBALL LEAGUE; POW5R SPORTS LEAGUE; MIDLAND JUNIOR BASEBALL ASSOCIATION, INC.; MIDLAND SOCCER ASSOCIATION, INC.; MIDLAND SOFTBALL ASSOCIATION, INC.; MIDLAND UNITED GIRLS SOFTBALL ASSOCIATION; 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) (PARKS AND RECREATION) (QUALITY OF LIFE AND PLACE)**
18. 097-2024 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (24-329-012) BETWEEN THE CITY OF MIDLAND AND TARGA PIPELINE MID-CONTINENT WESTEX L.L.C.; REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS. **(DISTRICT: NONE) (UTILITIES) (STRONG ECONOMY WITH MORE QUALITY JOBS)**
19. 2024-137 – RESOLUTION AUTHORIZING THE CITY MANAGER, DEPUTY CITY MANAGER, OR ASSISTANT CITY MANAGER (COLLECTIVELY, THE “CITY MANAGER’S OFFICE”) TO EXECUTE ALL AGREEMENTS AND DOCUMENTS AND TAKE ALL ACTIONS NECESSARY (1) TO CONVEY TO THE STATE OF TEXAS (THE “STATE”) A DRAINAGE EASEMENT IN, ALONG, UPON AND ACROSS A 0.1676-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 38, T-2-S, AND SECTION 44, BLOCK 38, T-1-S, T&P RR CO. SURVEY, AND A 0.3208-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND (2) TO CONVEY TO THE STATE A 0.6887-ACRE TRACT OF LAND OUT OF SECTION 5, BLOCK 38, T-2-S, T&P RR CO. SURVEY, AND A 0.0850-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER’S OFFICE TO ACCEPT, ON BEHALF OF THE CITY, CONSIDERATION FOR THE CONVEYANCES TOTALING \$174,985.00; SAID CONVEYANCES BEING AUTHORIZED BY SECTION 203.055 OF THE TEXAS TRANSPORTATION CODE AND BEING FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC IMPROVEMENTS ALONG OR NEAR INTERSTATE 20 **(DISTRICT 2) (UTILITIES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**
20. 098-2024 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIDLAND AND MIDLAND COUNTY UTILITY DISTRICT FOR THE DISCHARGE OF WASTEWATER INTO THE CITY OF MIDLAND WASTEWATER COLLECTION SYSTEM **(DISTRICT 2) (UTILITIES) (STRENGTHEN AND SUSTAIN OUR INFRASTRUCTURE)**

SECOND READINGS

21. 10555 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY

LIMITS, BEING A 10.00-ACRE TRACT OF LAND OUT OF SECTION 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF DEAUVILLE BOULEVARD AND ARLINGTON ROAD); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

22. 10556 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 10.00-ACRE TRACT OF LAND OUT OF SECTION 38, 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 DEAUVILLE BOULEVARD AND ARLINGTON 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 (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT: NONE) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
23. 10557 – AN ORDINANCE MAKING CERTAIN FINDINGS PURSUANT TO CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE; AUTHORIZING AND DIRECTING THE MAYOR OR THE CITY MANAGER TO EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO CONVEY A 3.74-ACRE TRACT OF LAND OUT OF BLOCKS 29 AND 36, EAST MIDLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (THE “PROPERTY”), TO MIDLAND SOUP KITCHEN MINISTRY (“GRANTEE”) IN EXCHANGE FOR GRANTEE’S AGREEMENT TO USE THE PROPERTY IN A MANNER THAT PRIMARILY PROMOTES A PUBLIC PURPOSE OF THE CITY; SAID PROPERTY BEING A PORTION OF HIDALGO PARK THAT IS MOSTLY UNIMPROVED AND BEING GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF ORCHARD LANE AND CARVER STREET; SAID CONVEYANCE BEING CONDITIONED ON APPROVAL BY A MAJORITY OF VOTES RECEIVED AT AN ELECTION; AND ORDERING PUBLICATION (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**
24. 10558 – AN ORDINANCE AMENDING TITLE I , “ADMINISTRATIVE” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO ADD CHAPTER 14, “TERMINATION OF CAMPAIGN TREASURER APPOINTMENT”; SAID CHAPTER ESTABLISHING A PROCESS BY WHICH TO TERMINATE THE CAMPAIGN TREASURER APPOINTMENT OF AN INACTIVE CANDIDATE OR POLITICAL COMMITTEE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (FIRST READING HELD AUGUST 13, 2024) **(DISTRICT: ALL) (CITY SECRETARY’S OFFICE) (TRANSPARENT & CONSISTENT COMMUNICATION)**

PUBLIC HEARINGS

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

25. 10559 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 1,

BLOCK 1, YMCA ADDITION, SECTION 1, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF AVALON DRIVE AND MOCKINGBIRD LANE), WHICH IS PRESENTLY ZONED AE, AGRICULTURAL ESTATE DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A CHILD-CARE: DAY-CARE CENTER; 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) (QUALITY OF LIFE AND PLACE)**

26. 10560 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1A, BLOCK 97, ORIGINAL TOWN ADDITION, SECTION 26, CITY AND COUNTY OF MIDLAND, TEXAS, FROM LI, LIGHT INDUSTRIAL DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH BAIRD STREET AND EAST 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 2) (DEVELOPMENT SERVICES) (QUALITY OF LIFE AND PLACE)**

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 551.087, Deliberate Economic Development Negotiations
 - a.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.
 - b. Section 551.074, Personnel Matters
 - b.1. Deliberate the appointment of members to the Planning and Zoning Commission.

Respectfully Submitted,

Tommy Gonzalez
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.