



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 Darin Wood, First Baptist Church of Midland
2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. WORK SESSION OF JULY 25, 2023
 - 3b. REGULAR SESSION OF JULY 25, 2023
 - 3c. REGULAR SESSION OF AUGUST 2, 2023
4. 093-2023 – MOTION TRANSFERRING THE SUM OF \$10,000,000.00 FROM THE WATER & SEWER OPERATING BUDGET TO THE WATER & SEWER DEBT SERVICE FUND; AND APPROPRIATING AND TRANSFERRING THE SUM OF \$952,255.53 FROM THE WATER & SEWER UNAPPROPRIATED FUND BALANCE TO THE WATER & SEWER DEBT SERVICE FUND (DISTRICT: NONE) (FINANCE)
5. 094-2023 – MOTION APPROPRIATING AND TRANSFERRING THE SUM OF \$1,729,421 FROM THE GENERAL FUND TO THE DEBT SERVICE FUND (DISTRICT: NONE) (FINANCE)
6. 2023-101 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE CONTRACT WITH UTILIS, INC., FOR SATELLITE LEAK DETECTION SERVICES FOR THE UTILITIES DEPARTMENT AT A TOTAL COST OF \$212,000.00 (DISTRICT: ALL) (GENERAL SERVICES)
7. 2023-102 – RESOLUTION AWARDED A CONTRACT FOR THE WATER REHAB

PROGRAM 01 PROJECT TO ENTRENCH, INC., FOR AN AMOUNT OF \$2,000,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS (DISTRICT: ALL) (GENERAL SERVICES)

8. 2023-103 – RESOLUTION RATIFYING AND APPROVING THE PAYMENT FOR EMERGENCY PUMP AND MOTOR REPAIRS AT THE T-BAR WELL FIELD BY ADVANCED WATER WELL TECHNOLOGIES, LLC, FOR A TOTAL COST OF \$139,915.00 (DISTRICT: NONE) (GENERAL SERVICES)
9. 2023-104 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LEVEL 5 ARCHITECTURE, PLLC, FOR ARCHITECTURAL, DESIGN AND ENGINEERING SERVICES RELATED TO THE DOUG RUSSELL BATH HOUSE PROJECT FOR A TOTAL COST OF \$175,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 3) (GENERAL SERVICES)
10. 2023-105 – RESOLUTION AMENDING THE CITY OF MIDLAND PERSONNEL POLICIES; AMENDING AND CLARIFYING CERTAIN ATTENDANCE AND LEAVE POLICIES; AND PROVIDING AN EFFECTIVE DATE OF AUGUST 9, 2023 (DISTRICT: NONE) (ADMINISTRATIVE SERVICES)
11. 095-2023 – MOTION RATIFYING AND APPROVING AN AMENDMENT TO THAT CERTAIN NON-EXCLUSIVE COMMERCIAL FIXED BASE OPERATOR LEASE AGREEMENT DATED MARCH 29, 2023, BETWEEN THE CITY OF MIDLAND, TEXAS, AND FRANKLIN MOUNTAIN AVIATION MAF, LLC; SAID AMENDMENT PROVIDING FOR AN EXTENSION OF THE DUE DILIGENCE EXPIRATION DATE FROM JULY 27, 2023, TO NOVEMBER 24, 2023 (DISTRICT 4) (AIRPORTS)
12. 2023-106 – RESOLUTION AUTHORIZING THE ISSUANCE OF AN OPERATING CERTIFICATE FOR B & B PLATINUM LIMO, LLC; SETTING FORTH CONDITIONS ACCOMPANYING THE CERTIFICATE; AND ESTABLISHING THE TERMS OF THE CERTIFICATE (DISTRICT: ALL) (POLICE)
13. 096-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-026) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, 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)
14. 097-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-039) BETWEEN THE CITY OF MIDLAND AND BRAZOS MIDSTREAM GAS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 18 AND 19, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)
15. 098-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-317-041) WITH WTG GAS GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 36, BLOCK 39, T-1-N, T&P RR CO.

SURVEY, MARTIN COUNTY (DISTRICT: NONE) (UTILITIES)

16. 099-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-317-037) WITH WTG GAS GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 23, BLOCK 40, T-1-N, T&P RR CO. SURVEY, MIDLAND COUNTY (DISTRICT 4) (UTILITIES)
17. 100-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-317-038) WITH WTG GAS GATHERING COMPANY, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 23 AND 24, BLOCK 40, T-1-N, T&P RR CO. SURVEY, MIDLAND COUNTY (DISTRICT 4) (UTILITIES)

SECOND READINGS

18. 10427 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2023; AND ORDERING PUBLICATION (DISTRICT: ALL) (FINANCE) (FIRST READING HELD JULY 25, 2023)

PUBLIC HEARINGS

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

19. 10428 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 45, FAIRMONT PARK ADDITION, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDLAND DRIVE, APPROXIMATELY 1,335 FEET SOUTH OF WEST LOOP 250 FRONTAGE 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 1) (DEVELOPMENT SERVICES)
20. 10429 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2, BLOCK 2, WEST 191 INDUSTRIAL PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 685 FEET EAST OF FARM TO MARKET ROAD 1788); 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

21. 10430 – AN ORDINANCE AMENDING TITLE I, “ADMINISTRATIVE”, CHAPTER 12, “RECORDS MANAGEMENT POLICY”, SECTION 4, “RECORDS MANAGEMENT

OFFICER” OF THE CITY CODE OF MIDLAND, TEXAS, SO AS TO DESIGNATE THE CITY’S RECORDS MANAGER AS THE CITY’S RECORDS MANAGEMENT OFFICER; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION (DISTRICT: NONE) (CITY SECRETARY'S OFFICE)

22. 10431 – AN ORDINANCE RELEASING THE CITY OF MIDLAND’S EXTRATERRITORIAL JURISDICTION THAT WAS ACQUIRED FROM AN ANNEXATION COMMENCED AFTER JANUARY 1, 2023; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2023; AND ORDERING PUBLICATION (DISTRICT: NONE) (DEVELOPMENT SERVICES)
23. 101-2023 – MOTION AUTHORIZING THE CITY MANAGER AND THE MIDLAND DEVELOPMENT CORPORATION CHAIRMAN TO NEGOTIATE AN AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MIDLAND DEVELOPMENT CORPORATION, AND C. HODGES DEVELOPMENT SERVICES, L.P.; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AMENDMENT TO THE CHAPTER 312 TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND C. HODGES DEVELOPMENT SERVICES, L.P.; AND PROVIDING THAT ANY SUCH AMENDMENTS SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE MIDLAND CITY COUNCIL (DISTRICT 4) (CITY MANAGER)

PUBLIC COMMENT

24. 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

25. 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 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.
 - 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,

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.