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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, Tru-Lite Christian Fellowship Church
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 “Walk to End Alzheimer’s Day”
  - 3b. Presentation of One-Stop Shop; Open for Business.
  - 3c. Presentation regarding pothole repairs on City of Midland Parks parking lots.

### **CONSENT AGENDA**

4. MOTION APPROVING THE FOLLOWING MINUTES:
  - 4a. REGULAR SESSION OF AUGUST 8, 2023
5. 102-2023 – MOTION APPROPRIATING AND TRANSFERRING THE SUM OF \$20,179,582.68 FROM THE GENERAL FUND TO THE PARKS OIL AND GAS SPECIAL PURPOSE FUND **(DISTRICT: NONE) (FINANCE)**
6. 2023-107 – RESOLUTION APPROVING THE PURCHASE OF A DODGE RAM 5500 POTHOLE PATCHER FROM PB LOADER, INC., THROUGH SOURCEWELL, FOR A TOTAL COST OF \$214,950.23; AND RESCINDING RESOLUTION NO. 2022-008 **(DISTRICT: NONE) (GENERAL SERVICES)**

7. 103-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE MIDLAND MANHOLE REHABILITATION PROJECT, SAID 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 FOR COMPETITIVE BIDS FOR SAID PROJECT PURSUANT TO THE STATUTES OF THE STATE OF TEXAS FOR ACCOMPLISHING THE WORK SET FORTH IN SAID PLANS AND SPECIFICATIONS **(DISTRICT: NONE) (GENERAL SERVICES)**
8. 104-2023 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS FOR CONSTRUCTION MANAGER-AT-RISK SERVICES ASSOCIATED WITH THE DOUG RUSSELL BATH HOUSE PROJECT AND TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL **(DISTRICT 3) (GENERAL SERVICES)**
9. 2023-108 – RESOLUTION APPROVING A CONTRACT WITH SPORTS FIELD SOLUTIONS, THROUGH BUYBOARD, FOR THE RENOVATION OF THE INFIELD AT MOMENTUM BANK BALLPARK FOR A TOTAL COST OF \$161,215.35; APPROVING \$16,122.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID CONTRACT **(DISTRICT 4) (GENERAL SERVICES)**
10. 2023-109 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR ON-CALL SUPERVISORY CONTROL AND DATA ACQUISITION SUPPORT SERVICES AND AUTOMATED INTEGRATION SERVICES FOR A COST NOT TO EXCEED \$125,000.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
11. 105-2023 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL LANDSCAPE, ARCHITECTURAL, AND ENGINEERING SERVICES ASSOCIATED WITH THE RENOVATION AND CONSTRUCTION OF CERTAIN SPORTS FIELDS, PARKING IMPROVEMENTS, AMPHITHEATER, AND RELATED IMPROVEMENTS AT BEAL PARK, AND TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL **(DISTRICT 4) (GENERAL SERVICES)**
12. 106-2023 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMEMORATIVE AIR FORCE, INC., TO PROVIDE FOR THE 2023 AIRSHO AT MIDLAND INTERNATIONAL AIR & SPACE PORT **(DISTRICT 4) (AIRPORTS)**
13. 2023-110 – RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MIDLAND COLLEGE FOR THE SUPPORT AND EXPANSION OF THE MIDLAND COLLEGE

TRANSPORTATION TRAINING PROGRAM, AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE **(DISTRICT: ALL) (CITY MANAGER)**

14. 107-2023 – MOTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES **(DISTRICT: ALL) (CITY MANAGER)**
15. 2023-111 – 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 2023 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) (CITY MANAGER)**
16. 108-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF EL ALAMO, SECTION 4, BEING A 201.12-ACRE TRACT OF LAND OUT OF THE NORTHWEST QUARTER OF SECTION 9, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MARTIN COUNTY, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CROWNRIDGE DRIVE, APPROXIMATELY 3,210 FEET EAST OF ELKINS ROAD) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
17. 109-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF HANNAH ADDITION, SECTION 5, BEING A 30.67-ACRE TRACT OF LAND OUT OF THE SOUTHEAST PART OF SECTION 13, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH COUNTY ROAD 1232 (ANTELOPE TRAIL), APPROXIMATELY 270 FEET SOUTH OF WEST COUNTY ROAD 126) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
18. 110-2023 – MOTION APPROVING WITH STAFF’S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF WEST END ADDITION, SECTION 30, BEING A REPLAT OF LOTS 1-3, BLOCK 75, WEST END ADDITION, AND A 0.069-ACRE PORTION OF VACATED ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 1-3 AND LOTS 6-8, BLOCK 75, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF ANDREWS

HIGHWAY AND WEST TEXAS AVENUE) **(DISTRICT 3) (DEVELOPMENT SERVICES)**

19. 111-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-042) WITH MIDLAND - PETRO D.C. PARTNERS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 5 AND 44, BLOCK 38, T-1-S AND SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**
20. 112-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (23-329-043) WITH ENTERPRISE NAVITAS PIPELINE TEXAS LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 30, BLOCK 36, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**

**SECOND READINGS**

21. 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)** (FIRST READING HELD AUGUST 8, 2023)
22. 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)** (FIRST READING HELD AUGUST 8, 2023)
23. 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)** (FIRST READING HELD AUGUST 8, 2023)
24. 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)** (FIRST READING HELD AUGUST 8, 2023)

## **PUBLIC HEARINGS**

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

25. 10432 – GATHER PUBLIC INPUT ON THE PROPOSED 2023-2024 BUDGET; AND CONSIDER AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, 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)**
26. 10433 – TAX RATE INCREASE FOR FISCAL YEAR 2023-2024; AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2023, AND ENDING ON SEPTEMBER 30, 2024 **(DISTRICT: NONE) (FINANCE)**

## **MISCELLANEOUS**

27. 10434 – AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10283; 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 1) (ENGINEERING SERVICES)**

## **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.)

Respectfully Submitted,

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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.