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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 Robb Foreman, Homeline Baptist 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 “Hunger Action Month”
  - 3b. Presentation of Proclamation for “National Surgical Technologists Week”
  - 3c. Presentation of Proclamation for “National Literacy Month”

### **CONSENT AGENDA**

4. MOTION APPROVING THE FOLLOWING MINUTES:
  - 4a. REGULAR SESSION OF AUGUST 22, 2023
  - 4b. REGULAR SESSION OF AUGUST 29, 2023 – ADOPT BUDGET & TAX RATE
5. 2023-113 – RESOLUTION AWARDED A CONTRACT FOR THE BRIARWOOD WATER AND WASTEWATER UTILITY EXPANSION PROJECT TO TEC EXCAVATION, INC., FOR AN AMOUNT OF \$4,321,723.00; APPROVING \$432,172.30 FOR CONTINGENCIES; AND TRANSFERRING AND APPROPRIATING FUNDS **(DISTRICT 4) (GENERAL SERVICES)**
6. 2023-114 – RESOLUTION APPROVING A CONTRACT WITH NOUVEAU TECHNOLOGY

SERVICES, LP, THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF A SOUND SYSTEM AT MOMENTUM BANK BALLPARK FOR A TOTAL COST OF \$805,760.00; APPROVING \$80,576.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES)**

7. 2023-115 – RESOLUTION AWARDED A CONTRACT FOR THE NORTH CITIZEN COLLECTION STATION PROJECT AND THE WEST CITIZEN COLLECTION STATION PROJECT TO ONYX GENERAL CONTRACTORS, LLC, FOR A COST OF \$6,422,091.20; AND TRANSFERRING AND APPROPRIATING FUNDS **(DISTRICT: ALL) (GENERAL SERVICES)**
8. 104-2023 – MOTION APPROPRIATING THE SUM OF \$2,500,000.00 FROM THE FISCAL YEAR 2023 GENERAL FUND OPERATING BUDGET (001041) TO THE PUBLIC SAFETY FACILITY IMPROVEMENT PROJECT **(DISTRICT: NONE) (GENERAL SERVICES)**
9. 2023-116 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2024 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF \$3,464,789.00 **(DISTRICT: ALL) (GENERAL SERVICES)**
10. 2023-117 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH JONES BROS DIRT & PAVING CONTRACTORS, INC., IN THE AMOUNT OF \$2,500,553.50 FOR THE MAF TAXIWAY “E” RECONSTRUCTION PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS)**
11. 105-2023 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 8 TO THE PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING FOR (I) THE AIR CARRIER RUNWAYS AND TAXIWAYS PCI SURVEY AND GEOTECHNICAL TESTING PROJECT AND (II) THE INCREASED SCOPE OF THE AIRFIELD STORM SEWER SYSTEM PROJECT TO INCLUDE THE LOCATION OF SUBSURFACE UTILITY CABLES; APPROPRIATING \$378,250.00 FOR SAID AIR CARRIER RUNWAYS AND TAXIWAYS PCI SURVEY AND GEOTECHNICAL TESTING PROJECT; AND APPROPRIATING \$500,000.00 FOR THE AIRFIELD STORM SEWER SYSTEM PROJECT **(DISTRICT 4) (AIRPORTS)**
12. 106-2023 – MOTION AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY ATTORNEY TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT NO. 70 IN ORDER TO RECEIVE GRANT FUNDS FOR THE FOLLOWING PROJECTS: (I) NW BASIN WILDLIFE IMPROVEMENTS PROJECT; (II) RECONSTRUCT TAXIWAY E, WEST OF TAXIWAY A PROJECT; AND (III) AIR CARRIER RUNWAYS AND TAXIWAYS PCI SURVEY AND GEOTECHNICAL TESTING PROJECT **(DISTRICT 4) (AIRPORTS)**
13. 2023-118 – RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH

BOLER EQUIPMENT SERVICE, INC., IN THE AMOUNT OF \$1,698,086.50 FOR THE MAF NORTHWEST BASIN IMPROVEMENTS PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS)**

14. 107-2023 – MOTION AUTHORIZING THE EXECUTION OF A NON-FEDERAL REIMBURSABLE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION FOR CERTAIN SERVICES RELATED TO THE AIRFIELD DRAINAGE PROJECT AT MIDLAND INTERNATIONAL AIR & SPACE PORT; AND APPROPRIATING \$145,188.37 FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS)**
15. 108-2023 – MOTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS IN THE AMOUNT OF \$600,065.00 TO ASSIST THE CITY OF MIDLAND HEALTH SERVICES DIVISION WITH THE FUNDING AND DELIVERY OF REFUGEE IMMUNIZATION 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)**
16. 109-2023 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS, A PROPOSED PRELIMINARY PLAT OF GRASSLAND ESTATES, SECTION 25, BEING A RESIDENTIAL REPLAT OF LOT 1, BLOCK 11, GRASSLAND ESTATES, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS. (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF CROWLEY BOULEVARD AND WEST WADLEY AVENUE) **(DISTRICT 4) (DEVELOPMENT SERVICES)**
17. 110-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-040) WITH ENTERPRISE NAVITAS MIDSTREAM MIDLAND BASIN LLC REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13 AND 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**
18. 111-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-045) WITH PIONEER NATURAL RESOURCES USA, INC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 1, BLOCK X, HP HILLIARD SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT 1) (UTILITIES)**
19. 112-2023 – MOTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC REGARDING CITY-OWNED PROPERTY LOCATED AT 4203 SHELL AVENUE, MIDLAND, TEXAS 79707 **(DISTRICT 4) (UTILITIES)**

## **SECOND READINGS**

20. 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)** (FIRST READING HELD AUGUST 22, 2023)

## **PUBLIC HEARINGS**

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

21. 10435 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS AVENUE), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT; 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 2) (DEVELOPMENT SERVICES)**
22. 10436 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.32-ACRE TRACT OF LAND, BEING THE NORTH 100 FEET OF THE NORTHWEST QUARTER OF BLOCK 17, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH FORT WORTH STREET AND EAST KANSAS 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)**
23. 10437 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 2, BLOCK 3, MELODY ACRES, SECTION 4, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF TANFORAN AVENUE, APPROXIMATELY 200 FEET EAST OF ORIOLE DRIVE), BY PERMITTING A REDUCED MINIMUM LOT AREA; 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)**
24. 10438 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR BLOCKS 202 AND

203, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH COLORADO STREET AND WEST DAKOTA AVENUE), BY PERMITTING A REDUCED MINIMUM SEPARATION OF ACCESSORY BUILDINGS FROM THE PRINCIPAL BUILDING; 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 2) (DEVELOPMENT SERVICES)**

25. 10439 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 0.448-ACRE TRACT OF LAND AND A 6.292-ACRE TRACT OF LAND, BOTH OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS; THE 0.448-ACRE TRACT BEING GENERALLY LOCATED NORTH OF STATE HIGHWAY 191, APPROXIMATELY 490 FEET WEST OF STATE HIGHWAY 158; THE 6.292-ACRE TRACT BEING GENERALLY LOCATED WEST OF STATE HIGHWAY 158, APPROXIMATELY 540 FEET NORTH OF STATE HIGHWAY 191; ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
26. 10440 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 0.448-ACRE TRACT OF LAND AND A 6.292-ACRE TRACT OF LAND, BOTH OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR. CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; THE 0.448-ACRE TRACT BEING GENERALLY LOCATED NORTH OF STATE HIGHWAY 191, APPROXIMATELY 490 FEET WEST OF STATE HIGHWAY 158; THE 6.292-ACRE TRACT BEING GENERALLY LOCATED WEST OF STATE HIGHWAY 158, APPROXIMATELY 540 FEET NORTH OF STATE HIGHWAY 191; 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: NONE) (DEVELOPMENT SERVICES)**
27. 2023-119 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A PUBLICATION LAUNCH PARTY ON LOT 2, BLOCK 2, CORPORATE PLAZA ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH EDWARDS STREET AND FIESTA AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS **(DISTRICT 2) (DEVELOPMENT SERVICES)**
28. 10441 – AN ORDINANCE CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT” BY ADDING CHAPTER 1A, “CENTENNIAL ENTERTAINMENT OVERLAY DISTRICT” SO AS TO ESTABLISH AN OVERLAY ZONING DISTRICT AND PROVISIONS RELATED TO LAND USE AND DEVELOPMENT WITHIN SAID OVERLAY

ZONING DISTRICT AND TO AMEND THE ZONING MAP ACCORDINGLY; PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND CONTAINING A SAVINGS AND SEVERABILITY CLAUSE  
**(DISTRICT: ALL) (DEVELOPMENT SERVICES)**

### **MISCELLANEOUS**

29. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS  
**(DISTRICT: ALL) (CITY SECRETARY)**

### **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 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,

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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.