



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 John Wymore, Livingway Four Square Church
2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:
 - 3a. REGULAR SESSION OF SEPTEMBER 12, 2023
4. 2023-120 – RESOLUTION ACCEPTING THE PROPOSALS SUBMITTED BY UMR FOR THIRD PARTY BENEFITS ADMINISTRATION SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT INCLUDING SELF-INSURED MEDICAL, DENTAL, AND VISION CLAIMS ADMINISTRATION, LARGE CASE MANAGEMENT/PRE-CERTIFICATION, PREFERRED PROVIDER ORGANIZATION, PHARMACY BENEFIT MANAGER RETAIL/MAIL ORDER, AND SECTION 125 CLAIMS ADMINISTRATION; AUTHORIZING THE NEGOTIATION AND EXECUTION OF ALL CONTRACTS AND DOCUMENTS NECESSARY TO EFFECT THE CITY'S ACCEPTANCE OF SAID PROPOSALS; AND AUTHORIZING PAYMENT **(DISTRICT: NONE) (GENERAL SERVICES)**
5. 2023-121 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC / HIBBS & TODD, INC., FOR PROJECT MANAGEMENT SERVICES FOR THE CONSTRUCTION OF A NEW CAUSTIC CHEMICAL FEED SYSTEM AT THE WATER PURIFICATION PLANT FOR A TOTAL COST OF \$247,500.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
6. 2023-122 – RESOLUTION AWARDED A CONTRACT FOR THE UTILITY EXTENSION PROGRAM 06 PROJECT TO BOLER EQUIPMENT SERVICE, INC., FOR AN AMOUNT NOT TO EXCEED \$2,000,000.00; AND TRANSFERRING AND APPROPRIATING

FUNDS (DISTRICT: ALL) (GENERAL SERVICES)

7. 2023-123 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ONYX GENERAL CONTRACTORS, LLC, FOR CONSTRUCTION MANAGER-AT-RISK SERVICES RELATED TO THE DOUG RUSSELL BATH HOUSE PROJECT FOR A TOTAL COST OF \$10,500.00 **(DISTRICT 3) (GENERAL SERVICES)**
8. 2023-124 – RESOLUTION AUTHORIZING THE EXECUTION OF A SOLE-SOURCE THREE YEAR CONTRACT WITH HACH COMPANY FOR MAINTENANCE OF HACH EQUIPMENT AT AN ANNUAL COST OF \$264,302.15 **(DISTRICT: NONE) (GENERAL SERVICES)**
9. 2023-125 – RESOLUTION AWARDED A CONTRACT FOR THE MIDLAND MANHOLE REHABILITATION PROGRAM - PHASE 1 PROJECT TO RED DEER CONSTRUCTION, LLC, FOR AN AMOUNT NOT TO EXCEED \$2,000,000.00; AND TRANSFERRING AND APPROPRIATING FUNDS **(DISTRICT: ALL) (GENERAL SERVICES)**
10. 2023-126 – RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR FLEXIBLE SPENDING ACCOUNT, DEPENDENT CARE, COBRA, RETIREE BILLING AND HEALTH REIMBURSEMENT ACCOUNT SERVICES FOR THE ADMINISTRATIVE SERVICES DEPARTMENT **(DISTRICT: NONE) (GENERAL SERVICES)**
11. 2023-127 – RESOLUTION REJECTING ALL PROPOSALS RECEIVED FOR A BENEFITS ADMINISTRATION SYSTEM FOR THE ADMINISTRATIVE SERVICES DEPARTMENT **(DISTRICT: NONE) (GENERAL SERVICES)**
12. 2023-128 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MAVERICK CIVIL & SURVEY, LLC, FOR PROJECT MANAGEMENT, COORDINATION, SURVEY, AND DESIGN SERVICES FOR UTILITIES CONFLICTS CREATED BY THE TEXAS DEPARTMENT OF TRANSPORTATION HIGHWAY I-20 EXPANSION FOR A TOTAL COST OF \$120,000.00 **(DISTRICT: ALL) (GENERAL SERVICES)**
13. 113-2023 – MOTION AUTHORIZING THE CITY MANAGER AND THE CHAIRMAN OF THE MIDLAND DEVELOPMENT CORPORATION (MDC) TO NEGOTIATE AN AMENDED MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND, THE MDC, AND C. HODGES DEVELOPMENT SERVICES L.L.C. OR ITS ASSIGNEE, BASS PRO OUTDOOR WORLD, L.L.C., TO PROVIDE FOR (1) A 50% CITY SALES TAX REBATE FOR TEN YEARS, (2) \$250,000 FROM THE CITY'S HOTEL-MOTEL FUND OVER TEN YEARS, AND (3) \$5.5 MILLION IN MDC FUNDING FOR INFRASTRUCTURE COSTS (SUBJECT TO MDC BOARD APPROVAL); AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AMENDED PROPERTY TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND BASS PRO OUTDOOR WORLD, L.L.C., TO PROVIDE FOR A 100% CITY PROPERTY TAX ABATEMENT FOR TEN YEARS; AND PROVIDING THAT ANY SUCH AGREEMENTS

SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE MIDLAND CITY COUNCIL **(DISTRICT 4) (CITY MANAGER)**

14. 114-2023 – MOTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN THE CITY OF MIDLAND AND FIREHAWK AEROSPACE, INC., REGARDING CERTAIN CITY-OWNED PROPERTY LOCATED IN WINKLER AND LOVING COUNTIES, TEXAS **(DISTRICT: NONE) (CITY MANAGER)**
15. 2023-129 – RESOLUTION APPROVING THE TRANSFER OF 14 OIL AND GAS WELL PERMITS FROM MCM OPERATING, LLC (“OPERATOR”) TO FIREBIRD ENERGY II, LLC (“TRANSFeree”); AND APPROVING THE TRANSFER OF THE ROAD REPAIR AGREEMENT REGARDING SAID OIL AND GAS WELL PERMITS FROM OPERATOR TO TRANSFeree; SAID OIL AND GAS WELLS BEING LOCATED IN SECTION 6, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS **(DISTRICT 1) (DEVELOPMENT SERVICES)**
16. 115-2023 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (23-329-044) WITH CROWNQUEST OPERATING, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 4, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS **(DISTRICT: NONE) (UTILITIES)**

SECOND READINGS

17. 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)** (FIRST READING HELD SEPTEMBER 12, 2023)
18. 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)** (FIRST READING HELD SEPTEMBER 12, 2023)

19. 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)** (FIRST READING HELD SEPTEMBER 12, 2023)

20. 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)** (FIRST READING HELD SEPTEMBER 12, 2023)

21. 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)** (FIRST READING HELD SEPTEMBER 12, 2023)

22. 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) (FIRST READING HELD SEPTEMBER 12, 2023)

23. 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)** (FIRST READING HELD SEPTEMBER 12, 2023)

PUBLIC HEARINGS

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

24. 10442 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 54.008-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,550 FEET SOUTH OF STATE HIGHWAY 191, AND APPROXIMATELY 1,725 FEET EAST OF FARM-TO-MARKET ROAD 1788); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
25. 10443 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 54.008-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED APPROXIMATELY 1,550 FEET SOUTH OF STATE HIGHWAY 191, AND APPROXIMATELY 1,725 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: NONE) (DEVELOPMENT SERVICES)**
26. 10444 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE TRINITY TOWERS MANOR, SECTIONS 1, 2 AND 3, AND ARBOR PARK, SECTION 6, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, IN PART, AND MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LOOP 250 AND SUNSHINE PARKWAY); 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)

27. 2023-130 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A BENEFIT CONCERT ON LOT 1, BLOCK 19, ELMWOOD ADDITION, SECTION 3, LOT 2A, BLOCK 19, ELMWOOD ADDITION, SECTION 7, LOTS 13 THROUGH 20, BLOCK 6, S. W. ESTES ADDITION, AND LOT 1A, BLOCK 5, S. W. ESTES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WHITAKER STREET AND WEST KANSAS AVENUE) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS **(DISTRICT 2) (DEVELOPMENT SERVICES)**

MISCELLANEOUS

28. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS **(DISTRICT: ALL) (CITY SECRETARY'S OFFICE)**
29. 116-2023 – MOTION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO SETTLE LITIGATION STYLED TRINITY PROPERTY CONSULTANTS, LLC V. CITY OF MIDLAND, ET AL. (COUNTY COURT AT LAW, MIDLAND COUNTY, TEXAS; CAUSE NO. CC24658) **(LEGAL)**

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 pending or contemplated litigation.

 - 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.