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

### **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, periods of time, or reports, including, but not limited to:
  - 3a. Presentation of Proclamation for “Michael Crain Day”
  - 3b. Presentation of Proclamation for “Municipal Court Week”
  - 3c. Presentation of Proclamation for “World Polio Day”
  - 3d. Presentation from Budget Manager Alyssa Coppens regarding the 5-year forecast for fixed costs.
  - 3e. Presentation from the Midland Skatepark Association.

### **CONSENT AGENDA**

4. MOTION APPROVING THE FOLLOWING MINUTES:
  - 4a. WORK SESSION OF OCTOBER 10, 2023
  - 4b. REGULAR SESSION OF OCTOBER 10, 2023
5. 2023-144 – RESOLUTION AUTHORIZING THE SOLE-SOURCE PURCHASE OF A FITNESS COURT FOR DENNIS THE MENACE PARK FROM NATIONAL

FITNESS CAMPAIGN LP FOR A TOTAL COST OF \$105,000.00 **(DISTRICT 2)**  
**(GENERAL SERVICES)**

6. 2023-145 – RESOLUTION AUTHORIZING PURCHASE OF A WIRTGEN W 120 XTI COLD MILLING MACHINE FROM KIRBY-SMITH MACHINERY, INC., THROUGH BUYBOARD FOR A TOTAL COST OF \$502,269.45 **(DISTRICT: NONE) (GENERAL SERVICES)**
7. 2023-146 – RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE 410 P-TIER BACKHOE LOADER FROM YELLOWHOUSE MACHINERY CO. THROUGH SOURCEWELL FOR A TOTAL COST OF \$168,197.66 **(DISTRICT: NONE) (GENERAL SERVICES)**
8. 2023-147 – RESOLUTION AUTHORIZING PURCHASE OF A TEREX EVOQUIP COBRA 230R IMPACT CRUSHER FROM POWERSCREEN TEXAS, INC., THROUGH BUYBOARD FOR A TOTAL COST OF \$591,533.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
9. 2023-148 – RESOLUTION APPROVING THE PURCHASE OF SIXTY (60) BUNKER COATS AND SIXTY (60) BUNKER PANTS FROM DOOLEY TACKABERRY, INC., THROUGH BUYBOARD AT A TOTAL COST OF \$276,445.20 **(DISTRICT: NONE) (GENERAL SERVICES)**
10. 2023-149 – RESOLUTION APPROVING THE PURCHASE OF AN AMBULANCE AND ASSOCIATED EQUIPMENT FROM STERLING MCCALL FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF \$362,276.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
11. 2023-150 – RESOLUTION APPROVING THE PURCHASE OF A SPARTAN METRO PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL FOR A TOTAL COST OF \$1,448,347.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
12. 2023-151 – RESOLUTION APPROVING THE PURCHASE OF ONE HUNDRED THIRTY (130) 2024 YAMAHA ELECTRIC GOLF CARTS FROM YAMAHA GOLF CAR COMPANY THROUGH BUYBOARD AT A TOTAL COST OF \$559,000.00; AND AUTHORIZING THE TRADE-IN OF ONE HUNDRED THIRTY (130) CITY-OWNED YAMAHA DRIVE 2 GOLF CARTS **(DISTRICT 2) (GENERAL SERVICES)**
13. 2023-152 – RESOLUTION AUTHORIZING THE PURCHASE OF 130,000 POUNDS OF SODIUM PERMANGANATE - 20% SOLUTION NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2024 FROM UNIVAR SOLUTIONS USA INC. FOR A TOTAL COST OF \$223,600.00; AND RESCINDING THE PORTIONS OF RESOLUTION 2023-116 IN CONFLICT WITH THIS RESOLUTION **(DISTRICT: NONE) (GENERAL SERVICES)**
14. 124-2023 – MOTION APPROVING PLANS AND SPECIFICATIONS FOR THE

CONSTRUCTION OF A NEW LIFT STATION AT THE I-20 WILDLIFE PRESERVE FOR THE WALL STREET SEWER DIVERSION, 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 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: ALL) (GENERAL SERVICES)**

15. 125-2023 – MOTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MOTRAN ALLIANCE, INC. **(DISTRICT: ALL) (CITY MANAGER)**
16. 126-2023 – MOTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND KLJ ENGINEERING, LLC **(DISTRICT: ALL) (CITY MANAGER)**
17. 127-2023 – MOTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH SPECIAL OLYMPICS TEXAS, INC., TO HOST FALL CLASSIC EVENTS IN THE CITY OF MIDLAND BEGINNING IN OCTOBER 2024; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL **(DISTRICT: ALL) (COMMUNITY SERVICES)**
18. 2023-153 – RESOLUTION AUTHORIZING THE EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS WITH CASA DE AMIGOS OF MIDLAND, TEXAS, INCORPORATED, THE SALVATION ARMY OF MIDLAND, THE MIDLAND COUNTY HOSPITAL DISTRICT, SENIOR LIFE MIDLAND, INC., MISSION HEALTH CARE, INC., HELLINGHAUSEN HOPE, INC., THRIVING UNITED, INC., AND CHURCH ON WHEELS, INC.; AUTHORIZING THE FUNDING OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS FOR A TOTAL COST OF \$1,268,782.00; AND APPROPRIATING AND ALLOCATING FUNDS **(DISTRICT: ALL) (DEVELOPMENT SERVICES)**
19. 128-2023 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF PIONEER NATURAL RESOURCES USA ADDITION, BEING A PLAT OF AN 87.55-ACRE TRACT OF LAND OUT OF SECTIONS 33 AND 40, BLOCK 38, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH COUNTY ROAD 1140 AND EAST STATE HIGHWAY 80) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
20. 129-2023 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF YMCA ADDITION, SECTION 1, BEING A PLAT OF A 25.195-ACRE TRACT OF LAND OUT OF SECTIONS 23 AND 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY

LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF GOLDEN GATE DRIVE AND MOCKINGBIRD LANE) **(DISTRICT 4) (DEVELOPMENT SERVICES)**

21. 2023-154 – RESOLUTION ESTABLISHING A POLICY LIMITING ELIGIBILITY FOR SERVICE ON CITY BOARDS AND COMMISSIONS WITH FINAL DECISION-MAKING AUTHORITY **(LEGAL)**
22. 2023-155 – RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$52,686.00 FROM THE FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM PROVIDED BY THE OFFICE OF JUSTICE PROGRAMS FOR THE UNITED STATES DEPARTMENT OF JUSTICE; SAID GRANT FUNDS SHALL BE USED TO PURCHASE FLOCK LICENSE PLATE CAMERAS FOR THE POLICE DEPARTMENT; AND APPROPRIATING SAID GRANT FUNDS **(DISTRICT: ALL) (POLICE)**

## **SECOND READINGS**

23. 10445 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR A 54.008-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED APPROXIMATELY 1,550 FEET SOUTH OF STATE HIGHWAY 191, AND APPROXIMATELY 1,725 FEET EAST OF FARM-TO-MARKET ROAD 1788), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AN INSTITUTION FOR THE CARE OF ALCOHOLIC, PSYCHIATRIC, OR NARCOTIC PATIENTS; 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)** (FIRST READING HELD ON OCTOBER 10, 2023 )
24. 10446 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 55, BLOCK 8, 349 RANCH ESTATES, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR HOUSING DEVELOPMENT TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED EAST OF TEJAS, APPROXIMATELY 175 FEET WEST OF SIOUX COURT); 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 ON OCTOBER 10, 2023 )
25. 10447 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 2 AND 3, LLANO ESTACADO ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM CE, COUNTRY ESTATE DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 340 FEET WEST OF AVALON DRIVE);

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 3) (DEVELOPMENT SERVICES)** (FIRST READING HELD ON OCTOBER 10, 2023 )

## **PUBLIC HEARINGS**

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

26. 10448 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, CREATING TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO, CITY OF MIDLAND, TEXAS **(DISTRICT: 2 & 3) (COMMUNITY SERVICES)**
27. 10449 – AN ORDINANCE VACATING AND ABANDONING A 0.138-ACRE PORTION OF ALLEY RIGHT-OF-WAY, LOCATED WITHIN BLOCK 127, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED SOUTH OF EAST KENTUCKY AVENUE, APPROXIMATELY 100 FEET WEST OF SOUTH LAMESA ROAD); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$12,000.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT 2) (DEVELOPMENT SERVICES)**
28. 10450 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOTS 1 THROUGH 6 AND A 0.138-ACRE TRACT OF LAND, BLOCK 127, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SOUTH LAMESA ROAD AND EAST KENTUCKY AVENUE), BY PERMITTING A METAL SCREENING FENCE IN LIEU OF A MASONRY SCREENING WALL; 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)**
29. 10451 – 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)** (DEFERRED FROM SEPTEMBER 26, 2023)
30. 10452 – AN ORDINANCE VACATING AND ABANDONING A 0.42-ACRE PORTION OF NORTH N STREET RIGHT-OF WAY AND A 0.13-ACRE PORTION OF ALLEY RIGHT-OF-WAY, EACH LOCATED ADJACENT TO OR WITHIN BLOCK 11, HIGHLAND PARK

ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTH OF THE INTERSECTION OF NORTH N STREET AND WEST ILLINOIS AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$75,592.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(DISTRICT 3) (DEVELOPMENT SERVICES)**

### **MISCELLANEOUS**

31. 10453 – AN ORDINANCE AMENDING TITLE XI, “PLANNING AND DEVELOPMENT” OF THE CITY CODE OF MIDLAND, TEXAS, BY ADDING CHAPTER 1A, “CENTENNIAL ENTERTAINMENT OVERLAY DISTRICT” SO AS TO ESTABLISH AN OVERLAY ZONING DISTRICT; ESTABLISHING PROVISIONS RELATED TO LAND USE AND DEVELOPMENT WITHIN SAID OVERLAY ZONING DISTRICT; AMENDING THE ZONING MAP; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); ESTABLISHING AN EFFECTIVE DATE OF DECEMBER 1, 2023; AND ORDERING PUBLICATION **(DISTRICT: ALL) (DEVELOPMENT SERVICES)**
32. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS **(DISTRICT: ALL) (CITY SECRETARY’S OFFICE)**

### **PUBLIC COMMENT**

33. 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**

34. 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.

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.