

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
February 13, 2024 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall



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 from Director of Finance Christy Weakland regarding Funding Council Priorities.
 - 3b. Presentation from Director of Engineering Gabe McClelland regarding Community Engagement.

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:
 - 4a. REGULAR SESSION OF JANUARY 23, 2024
5. 2024-024 – RESOLUTION ESTABLISHING THE MIDLAND YOUTH ADVISORY COMMISSION; ADOPTING THE MIDLAND YOUTH ADVISORY COMMISSION BYLAWS; AND AUTHORIZING THE MIDLAND YOUTH ADVISORY COMMISSION TO ENTER INTO A PARTNERSHIP WITH THE BUSH FAMILY HOME STATE HISTORICAL SITE IN FURTHERANCE OF THE PURPOSE SET FORTH IN THE BYLAWS AND FOR PROVIDING THE YOUTH OF THE CITY OF MIDLAND WITH OPPORTUNITIES TO LEARN AND GAIN EXPERIENCE IN LOCAL GOVERNANCE (**DISTRICT:NONE**) (**LEGAL**)

6. 2024-025 – RESOLUTION AUTHORIZING THE PURCHASE OF 8,000 GALLONS OF LIQUID COPPER SULFATE PENTAHYDRATE 19.8% MOLLUSCICIDE NEEDED FOR THE CONTROL OF QUAGGA AND ZEBRA MUSSELS IN THE RAW DRINKING WATER SYSTEMS FROM CHAMELEON INDUSTRIES, INC., FOR A TOTAL COST OF \$136,000.00 **(DISTRICT: NONE) (GENERAL SERVICES)**
7. 2024-026 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR TEXAS COMMISSION ON ENVIRONMENTAL COMPLIANCE LANDFILL TESTING FOR A TOTAL COST OF \$277,200.00 **(DISTRICT: ALL) (GENERAL SERVICES)**
8. 2024-027 – RESOLUTION APPROVING A CONTRACT WITH TOMMY KLEIN CONSTRUCTION, INC., FOR THE REPAIR AND REPLACEMENT OF CERTAIN CABINETRY AND DOORS AT VARIOUS FIRE STATIONS FOR A TOTAL COST OF \$129,664.68 **(DISTRICT: ALL) (GENERAL SERVICES)**
9. 2024-028 – RESOLUTION APPROVING A CONTRACT WITH NOUVEAU TECHNOLOGY SERVICES, LP, THROUGH THE INTERLOCAL PURCHASING SYSTEM, FOR THE PURCHASE AND INSTALLATION OF A SOUND SYSTEM AT ASTOUND BROADBAND STADIUM FOR A TOTAL COST OF \$720,205.50; APPROVING \$72,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES)**
10. 2024-029 – RESOLUTION APPROVING A CONTRACT WITH 4B RECREATION GROUP, LLC DBA PLAYGROUNDS ETC., THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF SHADE STRUCTURES AT REYES MASHBURN NELMS PARK FOR A TOTAL COST OF \$463,450.57; APPROVING \$176,109.43 FOR PROJECT RELATED EXPENSES; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES)**
11. 2024-030 – RESOLUTION APPROVING A CONTRACT WITH RESTROOM FACILITIES LIMITED, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF A RESTROOM AND CONCESSION FACILITY AT THE REYES MASHBURN NELMS BASEBALL FIELDS FOR A TOTAL COST OF \$573,761.00; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (GENERAL SERVICES)**
12. 2024-031 – RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO VERIFY AND ATTEST TO THE SUFFICIENCY OF CERTAIN FUND BALANCES HELD BY THE CITY OF MIDLAND DEPARTMENT OF AIRPORTS; SAID VERIFICATION AND ATTESTATION SHALL BE MADE FOR THE PURPOSE OF EFFECTUATING THE CITY OF MIDLAND'S PARTICIPATION IN THE AIRFIELD IMPROVEMENTS PROJECT AT MIDLAND AIRPARK; AND AUTHORIZING THE DIRECTOR OF AIRPORTS TO EXECUTE, ON BEHALF OF THE CITY OF MIDLAND, ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, AND SUCH OTHER PARTIES AS SHALL BE NECESSARY AND APPROPRIATE FOR THE IMPLEMENTATION OF THE AIRFIELD IMPROVEMENTS PROJECT AT MIDLAND AIRPARK **(DISTRICT 4) (AIRPORTS)**

13. 015-2024 – MOTION AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THAT CERTAIN NONEXCLUSIVE 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 FEBRUARY 22, 2024, TO APRIL 30, 2024 **(DISTRICT 4) (AIRPORTS)**
14. 016-2024 – MOTION REJECTING THE SOLE BID RECEIVED FOR THE MIDLAND AIRPARK ENTRY ROAD ENHANCEMENTS PROJECT **(DISTRICT 4) (AIRPORTS)**
15. 017-2024 – MOTION REJECTING THE SOLE PROPOSAL RECEIVED FOR THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS 3A, 4A, AND 5A, BLOCK 3, MIDLAND INTERNATIONAL AIRPORT INDUSTRIAL PARK, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS **(DISTRICT 4) (AIRPORTS)**
16. 2024-032 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GARVER LLC FOR THE DEVELOPMENT OF A SAFETY MANAGEMENT SYSTEM PROGRAM FOR MIDLAND INTERNATIONAL AIR & SPACE PORT FOR A TOTAL COST OF \$194,344.00; AND APPROPRIATING FUNDS FOR SAID PROJECT **(DISTRICT 4) (AIRPORTS)**
17. 2024-033 – RESOLUTION CALLING A SPECIAL ELECTION FOR THE OFFICE OF CITY COUNCIL MEMBER AT-LARGE; PROVIDING FOR USE OF ACCESSIBLE VOTING SYSTEMS; ESTABLISHING ELECTION PRECINCTS FOR SAID ELECTION; AND ESTABLISHING VOTE CENTERS FOR SAID ELECTION **(CITY SECRETARY)**
18. 018-2024 – MOTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$180,140.00 AWARDED BY THE US DEPARTMENT OF ENERGY'S ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM; SAID GRANT FUNDS TO BE USED FOR THE MINOR ENERGY EFFICIENT RETROFITS PROGRAM (MEERP); AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO ACCEPT SAID GRANT FUNDS; AND APPROPRIATING THE SUM AMOUNT OF \$180,140.00 TO A GRANT PROJECT **(DISTRICT: ALL) (DEVELOPMENT SERVICES)**
19. 2024-034 – RESOLUTION GRANTING A VARIANCE FOR AN OIL AND GAS WELL TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELL LOCATED IN SECTION 3, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 2,538 FEET EAST OF SOUTH GARFIELD STREET AND 319 FEET NORTH OF WEST COUNTY ROAD 111); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT **(DISTRICT 2) (DEVELOPMENT SERVICES)**
20. 2024-035 – RESOLUTION GRANTING VARIANCES FOR TWO OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR

COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,101 FEET AND 1,131 FEET WEST OF RANKIN HIGHWAY AND 560 FEET SOUTH OF WEST INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT **(DISTRICT 2) (DEVELOPMENT SERVICES)**

21. 019-2024 – MOTION APPROVING, WITH STAFF'S RECOMMENDED CONDITIONS, A PROPOSED PRELIMINARY PLAT OF MIDCO LEB, BEING A REPLAT OF A 53.71-ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, PARSLEY ADDITION, MIDLAND COUNTY, TEXAS. (GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF FARM TO MARKET ROAD 715 AND EAST COUNTY ROAD 120) **(DISTRICT: NONE) (DEVELOPMENT SERVICES)**
22. 2024-036 – RESOLUTION AUTHORIZING THE TRANSFER OF LOT 2, SAVE AND EXCEPT A 0.044-ACRE TRACT OF LAND OUT OF SAID LOT, BLOCK 137, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, TO GARY KAHLER MEMORIAL SCHOLARSHIP FUND INC. ("GRANTEE"), AS AUTHORIZED BY CHAPTER 253 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED AFFORDABLE HOUSING DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIDLAND AND GRANTEE CONCERNING THE AFOREMENTIONED PORTION OF LOT 2 AND ALL OF LOT 4, BLOCK 137, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY FOR SAID TRANSFER; AND ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE **(DISTRICT: ALL) (DEVELOPMENT SERVICES)**
23. 2024-037 – RESOLUTION AUTHORIZING THE EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT"), FOR THE TEXAS AVENUE INTERSECTION IMPROVEMENTS PROJECT (THE "PROJECT"); SAID PROJECT TO PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE INTERSECTIONS ON TEXAS AVENUE, FROM NORTH A STREET TO NORTH C STREET, WITH CURB EXTENSIONS TO EXTEND THE SIDEWALK TO PROVIDE ADDITIONAL SPACE FOR PEDESTRIAN CROSSINGS; AUTHORIZING PAYMENT TO TXDOT IN AN ESTIMATED AMOUNT OF \$147,347.30 PLUS 100% OF OVERRUNS; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CERTIFY A COPY OF THIS RESOLUTION TO TXDOT **(DISTRICT 3) (ENGINEERING SERVICES)**
24. 020-2024 – MOTION AUTHORIZING THE ACCEPTANCE OF A DONATION CONSISTING OF ARTWORKS CREATED BY JEANNE MORALES; SAID ARTWORKS TO BE KEPT AND DISPLAYED AT THE MIDLAND MUNICIPAL COURT **(DISTRICT: ALL) (MUNICIPAL COURT)**
25. 021-2024 – MOTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER

DISCHARGE LICENSE AGREEMENT WITH AGRI-EMPRESA TRANSLOAD AND STORAGE, LLC **(DISTRICT: ALL) (UTILITIES)**

26. 022-2024 – MOTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER DISCHARGE LICENSE AGREEMENT WITH AFFORDABLE DEWATERING SERVICES, LLC **(DISTRICT: ALL) (UTILITIES)**
27. 023-2024 – MOTION AUTHORIZING THE EXECUTION OF A SANITARY SEWER DISCHARGE LICENSE AGREEMENT WITH WARREN EQUIPMENT COMPANY **(DISTRICT: ALL) (UTILITIES)**
28. 2024-038 – RESOLUTION AUTHORIZING THE CITY MANAGER, DEPUTY CITY MANAGER, OR AN ASSISTANT CITY MANAGER TO EXECUTE ALL AGREEMENTS AND DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO CONVEY TO THE STATE OF TEXAS AN APPROXIMATE 2.87-ACRE TRACT OF CITY-OWNED LAND OUT OF SECTION 35, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS; SAID CONVEYANCE BEING AUTHORIZED BY SECTION 203.055 OF THE TEXAS TRANSPORTATION CODE **(DISTRICT 4) (UTILITIES)**

SECOND READINGS

29. 10488 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 8, LESS THE NORTH 30 FEET, AND LOT 9, BLOCK 4, STOCKARD ACRES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF GOODE STREET, APPROXIMATELY 315 FEET NORTH OF CARTER STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; 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 **(QUALITY OF LIFE AND PLACE) (DISTRICT 2) (DEVELOPMENT SERVICES)**
30. 10489 – AN ORDINANCE VACATING AND ABANDONING A 0.25-ACRE PORTION OF SINCLAIR AVENUE RIGHT-OF-WAY AND A 0.08-ACRE PORTION OF ALLEY RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO THE NORTH 380 FEET OF THE EAST HALF OF THE SOUTH HALF OF TRACT 2, SUNSET ACRES, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND SINCLAIR AVENUE); ADOPTING THE APPRAISAL BY THE ASSISTANT CITY MANAGER OF \$7,623.00; RETAINING A NONEXCLUSIVE UTILITY EASEMENT; AND ORDERING RECORDATION BY THE CITY SECRETARY **(QUALITY OF LIFE AND PLACE) (DISTRICT 3) (DEVELOPMENT SERVICES)**

PUBLIC HEARINGS

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

31. 10490 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 1, TSC DEVELOPMENT, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 380 FEET NORTH OF TEJAS); 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)**
32. 024-2024 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: KNIGHT 140 MIPA UNIT H140LX; KNIGHT 140 MIPA UNIT H140MX; AND KNIGHT 140 MIPA UNIT H140WX; SAID WELLS BEING GENERALLY LOCATED BETWEEN 931 FEET AND 959 FEET EAST OF NORTH A STREET EXTENSION AND BETWEEN 1,882 FEET AND 1,910 FEET SOUTH OF WEST LOOP 250 NORTH **(PUBLIC HEARING ONLY) (DISTRICT 3) (DEVELOPMENT SERVICES)**
33. 10491 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 5.53-ACRE TRACT OF LAND OUT OF SECTION 36, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED APPROXIMATELY 300 FEET NORTHEAST OF HOMELAND DRIVE, AND APPROXIMATELY 520 FEET SOUTH OF WADLEY 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 3) (DEVELOPMENT SERVICES)**

MISCELLANEOUS

34. 10492 – AN ORDINANCE ADOPTING A FEE SCHEDULE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN APPEAL PROCESS; ESTABLISHING AN EFFECTIVE DATE OF MARCH 1, 2024; AND ORDERING PUBLICATION **(DISTRICT: NONE) (FINANCE)**
35. 2024-039 – RESOLUTION AWARDED A CONTRACT FOR THE CITY OF MIDLAND PAVING, ALLEYS, STREETS AND SIDEWALKS 2023 PROJECT TO BOLER EQUIPMENT SERVICE, INC. OF MIDLAND, TEXAS, AT A COST OF \$2,682,941.08; APPROVING \$536,588.22 FOR CONTINGENCIES; APPROVING \$50,000.00 FOR PROJECT-RELATED EXPENSES; TRANSFERRING AND ALLOCATING FUNDS; AND AUTHORIZING PAYMENT **(DISTRICT: ALL) (GENERAL SERVICES)**

36. 10493 – AN ORDINANCE ALTERING PRIMA FACIE SPEED LIMITS ALONG CERTAIN STREETS IN THE CITY; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; REPEALLING ORDINANCE NO. 10434; 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 4) (ENGINEERING SERVICES)**
37. 2024-040 – RESOLUTION AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO SETTLE LITIGATION STYLED CITY OF MIDLAND, TEXAS V. TIMBER FLOYD, ET AL. (142ND JUDICIAL DISTRICT COURT, MIDLAND COUNTY, TEXAS; CAUSE NO. CV56771) **(LEGAL)**

PUBLIC COMMENT

38. 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

39. 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 551.072, Deliberation Regarding Real Property
 - b.1. Discuss the purchase, exchange, lease or value of real property.
 - c. Section 551.087, Deliberate Economic Development Negotiations
 - c.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) 6857430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.