

# CITY COUNCIL AGENDA

City of Big Spring  
Tuesday, February 12, 2013

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, February 12, 2013, at 5:30 p.m. in the City Council Chambers located at 307 East 4<sup>th</sup> Street, Big Spring, Texas.

**The City Council may discuss and/or take action on each of the following items before it and may go into Executive Session on any item listed on the agenda in accordance with Chapter 551 of the Texas Government Code.**

## Presentations & Public Hearings

1. Invocation & Pledge of Allegiance to the United States Flag and to the Texas State Flag Duncan
2. Presentation of "Star Employee" Award Duncan

## Disposition of Minutes

3. Minutes of the Regular Meeting of January 22, 2013 5-9 Davis

## Consent Items

4. Final Reading of an Ordinance Amending Chapter Nine of the Code of Ordinances Entitled "Fire Prevention" by Amending Section 9-1 in Order to Adopt the 2012 Edition of the International Code Council, Inc. Fire Code Along with Certain Amendments Thereto; Providing for Severability; Providing for a Penalty; Providing an Effective Date and Providing for Publication 10-14 Ferguson
5. Acceptance of McMahon-Wrinkle Airpark Development Board Minutes for Meeting of November 15, 2012 15-16 Walker

## Routine Business

6. Vouchers for 01/24/13 \$ 781,173.53 Boyd  
Vouchers for 01/31/13 \$ 241,455.59  
Vouchers for 02/07/13 \$ 1,359,070.08

## **Bids**

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| 7. | Award Bid for a Pumper Fire Truck and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 17 | Medina |
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## **New Business**

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|-----|--|-------|--------|
| 8.  | First Reading of an Ordinance Calling for a General Election to be Held on May 11, 2013, for the Purpose of Electing One Person to Serve as Mayor of the City of Big Spring Who Shall be Elected by Majority Vote of the Qualified Voters of the City of Big Spring; and Electing One Person to Serve as City District Five Council Member Who Shall be Elected by Majority Vote of the Qualified Voters of District Five; Designating One Central Polling Place within the City; Authorizing the Mayor to Execute Notice and Have the Notice Posted for the Purpose of Notifying the Public of Said Election; Providing a Severability Clause | 18-19 | Walker |
| 9.  | First Reading of an Ordinance Amending Ordinance Number 025-2012 Which Ordinance Adopted the Annual Budget for the City of Big Spring for the Fiscal Year Beginning October 1, 2012 and Ending September 30, 2013; Providing for Increasing the General Fund Budget for the Purpose of Purchasing a Fire Truck for the Big Spring Fire Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; Providing an Effective Date   | 20-21 | Walker |
| 10. | First Reading of an Ordinance Authorizing and Directing the City Manager to Designate the Placement of Stop Signs on Settles Street Which in Conjunction with the Existing Stop Signs Regulating Stadium Street will Create a 4-Way Stop Controlled Intersection; Providing for Severability; Providing for a Penalty in Accordance with State Law; Providing for Publication and Providing an Effective Date  | 22    | Darden |
| 11. | First Reading of a Resolution Endorsing Certain Legislative Action in the Regular Session of the 83 <sup>rd</sup> Texas Legislature to Enhance the Competitive Electric Market and System Reliability and to Protect the Traditional Role of Cities in the Regulatory Process  | 23-27 | Walker |

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| 12. | First Reading of an Ordinance Amending Chapter Twenty of the Code of Ordinances Entitled “Building Codes and Board of Adjustments and Appeals” by Amending Article 2 Entitled “Board of Adjustments and Appeals” Sections 20-16 and 20-17 in Order to Include One Alternate Member to the Board of Adjustments and Appeals that Has Experience and Training to Pass On Fire Related Matters and to Add a City Fire Official as an Ex-Officio Member to the Board; Providing For Severability and Providing an Effective Date | 28-29    | Sjogren |
| 13. | Consideration and Approval of Applying for a Grant from the Texas Department of Agriculture through the Texas Capital Fund for Infrastructure Development in Cooperation with the South Plains Association of Governments (SPAG) and Authorizing the Mayor or His Designee to Execute Any Necessary Documents  | 30-32    | Darden  |
| 14. | Appointment to McMahon/Wrinkle Airpark Development Board<br>1 – Opening Unexpired Term 9-2014/Resignation Letter<br>Phillip Welch  | 33<br>34 | Fuqua   |
|     | Resume   |          |         |

**City Manager’s Report**

- |     |  |       |
|-----|--|-------|
| 15. | Promotions at Big Spring Police Department and Fire Department | Fuqua |
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**Council Input**

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| 16. | Input | Duncan |
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**Executive Session**

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|-----|---|--------|
| 17. | Executive Session with the Big Spring Economic Development Corporation and Express Midstream Services, LLC Under the Provisions of Title 5, Texas Government Code, Section 551.087 to Discuss or Deliberate Commercial or Financial Information Concerning Entities that the City Seeks to have Locate, Stay, or Expand in or Near the City and with Which the City and Big Spring Economic Development Corporation are Conducting Economic Development Negotiations; and Under Title 5, Texas Government Code, Section 551.072 to Deliberate the Purchase, Exchange, Lease or Value of Real Property | Duncan |
| 18. | Executive Session under Texas Government Code Section 551.074 to Deliberate the Appointment, Employment, Evaluation and Duties of the City Manager  | Duncan |

19. Reconvene in Open Session and Take Any Necessary Action

Duncan

20. Adjourn

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on Friday, February 8, 2013 at \_\_\_\_\_ p.m. In addition this agenda and supporting documents are posted on the City of Big Spring's website, [www.mybigspring.com](http://www.mybigspring.com) in accordance with legal requirements.

  
Lesa Gamble, Administrative Assistant

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATIONS OR HEARING-IMPAIRED PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT LESA GAMBLE AT 264-2401. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 48 HOURS IN ADVANCE OF THE MEETING TIME.

**Agenda Removal Notice** - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

February \_\_\_\_\_, 2013 at \_\_\_\_\_ a.m./p.m. By: \_\_\_\_\_  
City Secretary's Office

STATE OF TEXAS :  
COUNTY OF HOWARD :  
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4<sup>th</sup>, Big Spring, Texas, at 5:30 p.m., January 22, 2013, with the following members present:

TOMMY DUNCAN	Mayor
CRAIG OLSON	Mayor Pro Tem
MARCUS FERNANDEZ	Councilmember
GLEN CARRIGAN	Councilmember
MARVIN BOYD	Councilmember

(Councilmembers Harbour and McDonald were not present at this meeting.)

Same and constituting a quorum; and

GARY FUQUA	City Manager
TODD DARDEN	Assistant City Manager
LINDA SJOGREN	City Attorney
PEGGY WALKER	Finance Director/City Secretary
JOHN MEDINA	Human Resources Director
LONNIE SMITH	Police Chief
CRAIG FERGUSON	Fire Chief
JIM LITTLE	Airpark Director
TIM GREEN	Municipal Court Judge

## **PRESENTATIONS & PUBLIC HEARINGS**

### **INVOCATION & PLEDGE OF ALLEGIANCE**

Associate Pastor Joey Bacon, Trinity Baptist Church, gave the invocation and James Davis, Boy Scout Troop 187, led the Pledge of Allegiance to the American and State Flags.

### **DISPOSITION OF MINUTES**

#### **MINUTES OF THE REGULAR MEETING OF JANUARY 8, 2013**

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Fernandez, with all members of the Council voting "aye" approving minutes of the regular meeting of January 8, 2013.

## **CONSENT ITEMS**

FINAL READING OF AN ORDINANCE AMENDING CHAPTER EIGHTEEN OF THE CITY CODE OF ORDINANCES ENTITLED "TRAFFIC," ARTICLE THREE ENTITLED "OPERATION OF VEHICLES GENERALLY" BY ADDING A NEW SECTION 18-78 ENTITLED "RACING AND EXHIBITION OF ACCELERATION" MAKING IT UNLAWFUL FOR ANY PERSON TO RACE OR OTHERWISE CAUSE VEHICLE TO MAKE A RAPID START OR ACCELERATION ON A ROADWAY; RENUMBERING AFFECTED SECTION; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

ACCEPTANCE OF CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES FOR MEETING OF OCTOBER 3, 2012

ACCEPTANCE OF HOWARD COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS MINUTES FOR MEETING OF DECEMBER 12, 2012

Motion was made by Councilmember Carrigan, seconded by Councilmember Boyd, with all members of the Council voting "aye" approving the second and final reading of the above listed ordinance and minutes.

## **ROUTINE BUSINESS**

Mayor Pro Tem Olson reviewed the vouchers. Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Boyd, with all members of the Council voting "aye" approving vouchers in the amount of \$984,186.76 (01/10/13) and \$660,525.38 (01/17/13).

## **BIDS**

AWARD BID FOR LEASE PURCHASE FINANCING FOR VARIOUS EQUIPMENT AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Fernandez, seconded by Councilmember Carrigan, with all members of the Council voting "aye" awarding bid to Houston Community Bank with an interest rate of 1.17% for the lease purchase financing for various equipment and authorizing the Mayor to execute any necessary documents.

AWARD BID FOR WATER TREATMENT PLANT UPGRADES "CONTRACT A" AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Fernandez, seconded by Mayor Pro Tem Olson, with all members of the Council voting "aye" awarding bid to Red River Construction for Water Treatment Plant upgrades "Contract A" and authorizing the Mayor or his designee to execute any necessary documents.

## **NEW BUSINESS**

### **PRESENTATION AND ACCEPTANCE OF BIG SPRING POLICE DEPARTMENT'S ANNUAL TRAFFIC CONTACT REPORT FOR 2012**

Lonnie Smith, Police Chief, presented an annual traffic contact report for 2012. Motion was made by Councilmember Boyd, seconded by Councilmember Carrigan, with all members of the Council voting "aye" accepting the Big Spring Police Department's Annual Traffic Contact Report for 2012.

### **EMERGENCY READING OF AN ORDINANCE AMENDING CHAPTER THREE OF THE CODE OF ORDINANCES ENTITLED "ANIMALS," ARTICLE NINE ENTITLED "LIVESTOCK, FOWL AND SWINE," SECTIONS 3-49 THROUGH 3-51 BY PROVIDING A LIMITED EXCEPTION FOR INDIVIDUALS PARTICIPATING IN AN EDUCATIONAL PROGRAM TO KEEP OR MAINTAIN LIVESTOCK WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE**

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving an emergency reading of an ordinance amending Chapter Three of the Code of Ordinances entitled "Animals," Article Nine entitled "Livestock, Fowl and Swine," Sections 3-49 through 3-51 by providing a limited exception for individuals participating in an educational program to keep or maintain livestock within the City; providing for severability; providing an effective date.

### **EMERGENCY READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS ON BEHALF OF THE CITY, INCLUDING A JUVENILE ACCOUNTABILITY BLOCK GRANT WAIVER OF FUNDS FORM IN ORDER TO ALLOW THE CITY'S ALLOCATION OF SUCH GRANT FUNDS FROM THE TEXAS CRIMINAL JUSTICE DIVISION TO BE USED BY LUBBOCK COUNTY TO FUND THE OFFICE OF DISPUTE RESOLUTION'S JUVENILE ACCOUNTABILITY PROGRAM; PROVIDING AN EFFECTIVE DATE**

Motion was made by Councilmember Fernandez, seconded by Councilmember Boyd, with all members of the Council voting "aye" approving an emergency reading of a resolution authorizing the City Manager to execute any necessary documents on behalf of the City, including a Juvenile Accountability Block Grant waiver of funds form in order to allow the City's allocation of such grant funds from the Texas Criminal Justice Division to be used by Lubbock County to fund the Office of Dispute Resolution's Juvenile Accountability Program; providing an effective date.

### **FIRST READING OF AN ORDINANCE AMENDING CHAPTER NINE OF THE CODE OF ORDINANCES ENTITLED "FIRE PREVENTION" BY AMENDING SECTION 9-1 IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL CODE COUNCIL, INC. FIRE CODE ALONG WITH CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION**

Motion was made by Mayor Pro Tem Oslon, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving first reading of an ordinance amending Chapter Nine of the Code of Ordinances entitled “Fire Prevention” by amending Section 9-1 in order to adopt the 2012 Edition of the International Code Council, Inc. Fire Code along with certain amendments thereto; providing for severability; providing for a penalty; providing an effective date and providing for publication.

**APPROVAL OF AN AGREEMENT WITH PARKHILL, SMITH & COOPER FOR PROFESSIONAL SERVICES FOR RENOVATION OF THE SOUND AND LIGHTING SYSTEMS IN THE CITY AUDITORIUM AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Boyd, seconded by Councilmember Fernandez, with all members of the Council voting “aye” approving an agreement with Parkhill, Smith & Cooper for professional services for renovation of the sound and lighting systems in the City Auditorium and authorizing the Mayor to execute any necessary documents.

**APPROVAL OF AN AMENDMENT TO THE AGREEMENT BY AND AMONG THE COLORADO RIVER MUNICIPAL WATER DISTRICT, THE CITY OF BIG SPRING, THE CITY OF ODESSA, AND THE CITY OF SNYDER FOR ACQUISITION OF ADDITIONAL WATER SOURCES IN LIMITED CIRCUMSTANCES AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Fernandez, seconded by Councilmember Boyd, with all members of the Council voting “aye” approving an amendment to the agreement by and among the Colorado River Municipal Water District, the City of Big Spring, the City of Odessa, and the City of Snyder for acquisition of additional water sources in limited circumstances and authorizing the Mayor to execute any necessary documents.

**ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF DECEMBER 18, 2012**

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Boyd, with all members of the Council voting “aye” approving Big Spring Economic Development Corporation Board of Directors minutes for regular meeting of December 18, 2012.

**CITY MANAGER’S REPORT**

Lonnie Smith, Police Chief, announced his retirement in March 2013 and thanked the Council for supporting him and the new law enforcement center.

Gary Fuqua, City Manager, presented a 2012 year end report and also announced his retirement before the end of the year.

## **COUNCIL INPUT**

Mayor Duncan and several councilmembers expressed appreciation to Gary and Lonnie and that they will both be greatly missed. Mayor Duncan also announced that his meeting with TxDOT last week went very well.

Mayor Pro Tem Olson thanked the city staff for doing more for less.

## **EXECUTIVE SESSION**

QUARTERLY UPDATE - ADJOURN INTO EXECUTIVE SESSION WITH THE EXECUTIVE DIRECTOR OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION UNDER THE PROVISIONS OF TITLE 5, TEXAS GOVERNMENT CODE, SECTION 551.087 TO DISCUSS OR DELIBERATE COMMERCIAL OR FINANCIAL INFORMATION CONCERNING ENTITIES THAT THE CITY SEEKS TO HAVE LOCATE, STAY, OR EXPAND IN OR NEAR THE CITY AND WITH WHICH THE CITY AND BIG SPRING ECONOMIC DEVELOPMENT CORPORATION ARE CONDUCTING ECONOMIC DEVELOPMENT NEGOTIATIONS; AND UNDER TITLE 5, TEXAS GOVERNMENT CODE, SECTION 551.072 TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AT 6:30 P.M.

RECONVENE IN OPEN SESSION AND TAKE ANY NECESSARY ACTION AT 7:00 P.M.

No action was taken.

## **ADJOURN**

Motion was made by Councilmember Boyd, seconded by Councilmember Fernandez, with all members of the Council voting "aye" to adjourn at 7:01 p.m.

CITY OF BIG SPRING, TEXAS

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Tommy Duncan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER NINE OF THE CODE OF ORDINANCES OF THE CITY OF BIG SPRING ENTITLED "FIRE PREVENTION" BY AMENDING SECTION 9-1 IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL CODE COUNCIL, INC. FIRE CODE ALONG WITH CERTAIN AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

**WHEREAS**, the City Council finds that adoption of the referenced codes will be beneficial to the health and safety of the citizens of the City;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:**

**SECTION 1.**

That Chapter 9 of the Code of Ordinances of the City of Big Spring entitled "Fire Prevention," Section 9-1 is to be amended to read as follows:

**Sec. 9-1. Fire Codes Adopted.**

The International Fire Code, 2012 edition, in its entirety, save and except Section 108 entitled "Board of Appeals," and adopting Appendices B, C, D and I but excluding Appendices A, E, F, G, and H. The following amendments and additions are as follows:

**(A) Section 101.1 Title.**

These regulations shall be known as the Fire Code of the City of Big Spring, hereinafter referred to as "this code."

**(B) Section 105.1.1 Permits required.**

Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the City Secretary or Building Official for the required permit. The permit shall be issued only after approval by the Fire Marshal.

**(C) Section 105 Operational permits.**

1. Operational permits shall be obtained by application to the City Secretary and approved by the Fire Marshal.
2. Operational Permits shall not be required for the following:
  - a) Carnivals and fairs (Section 105.6.4)
  - b) Cellulose nitrate film (Section 105.6.5)

- c) Cryogenic fluids (Section 105.6.10)
- d) Cutting and welding (Section 105.6.11)
- e) Dry Cleaning (Section 105.6.12)
- f) Exhibits and trade shows (Section 105.6.13)
- g) Fire hydrants and valves (Section 105.6.15)
- h) Floor finishing (Section 105.6.17)
- i) Fruit and crop ripening (Section 105.6.18)
- j) Fumigation and insecticidal fogging (Section 105.6.19)
- k) Lumber yards and woodworking plants (Section 105.6.25)
- l) Liquid – or gas-fueled vehicles or equipment in assembly buildings (Section 105.6.26)
- m) Open flames and candles (Section 105.6.32)

3. Operational permits shall be required for Explosives (Section 105.6.14) except for firework displays performed by licensed fireworks operators.

4. Section 105.6.30 Open Burning is amended as follows:

An operational permit is required for the kindling or maintaining of an open fire or fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Recreational fires are not exempt from the permitting requirement.

**(D) Section 105. Construction Permits.** Section 105.7 is amended as follows:

The Building Official, with the Fire Marshal's approval, is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.16.

**(E) Section 108. Board of Adjustments and Appeals.** A new Section 108 shall be added as follows:

Any person charged with violation of this code or who disagrees with a decision of a city official pursuant to this code may appeal such charge or decision to the City of Big Spring Board of Adjustments and Appeals in accordance with its procedures as set forth in Chapter 20 of the City of Big Spring Code of Ordinances.

**(F) Section 109.4 Violation Penalties** is amended as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provision of this code, shall be guilty of a misdemeanor punishable by a fine of not more than Two-Thousand (\$2000.00) Dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**(G) Section 111.4 Failure to Comply** is amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and punishable by a fine of not less than One-Hundred (\$100.00) Dollars or more than Two-Thousand (\$2000.00) Dollars. Each day that a violation continues after such work order has been issued shall be deemed a separate offense.

(H) **Section 903.2.8 Group R** is amended as follows:

An automatic sprinkler system installed in accordance with Section 903 shall be provided throughout all buildings with a group R1, R2, R3 and R4 fire area. One-Family and Two-Family dwellings shall be exempt from this requirement.

The owner of any One-Family or Two-Family dwelling shall not be prohibited from installing a fire suppression system in such dwelling as long as the system is installed according to applicable NFPA standards.

(I) **Section 908.8 Visual Alarm Smoke Detectors** is added to read as follows:

1. **Rental Property.** The owner of a rental property shall, at the request of a hearing impaired tenant, install at least one (1) visual alarm smoke detector in each separate bedroom in the dwelling unit occupied by a hearing impaired tenant.
2. **Hotel/Motel.** The owner, manager, or otherwise responsible person having control of a hotel/motel, apartment house or other short-term rental dwelling must be able to provide, upon the request by a hearing impaired person, a visual alarm smoke detector or shall have rooms available that are already equipped with a visual alarm smoke detector.
3. **Requirements for Visual Alarm Smoke Detectors.**

The visual smoke detector must:

1. Contain a strobe light with a visible effective intensity of not less than one-hundred-seventy-seven (177) candela,
2. operate on a 120-volt alternating current, and
3. be otherwise installed according to manufacturer's recommendations.

(J) **Section 908.9 Smoke Detectors in Rental Units** is added to read as follows:

The owner or agent of the owner of all apartment houses, residential rental units or hotel/motel shall provide smoke detectors and must keep written documentation, available for review by fire officials, containing installation date of all smoke detectors, dates batteries have been changed, and dates smoke detectors were tested as per recommendation of the manufacturer. This documentation must be available to tenants upon request and be available at all times for inspection by the fire department.

(K) **Section 908.10 Smoke Detector Inspections** is added to read as follows:

The Fire Chief or his designated inspector may inspect any dwelling unit required to have a smoke detector under this code at any reasonable hour to determine that the dwelling unit contains smoke detectors in good working order as required by this code. If the Fire Inspector determines that the smoke detector needs repair, it shall be repaired and made operational within one working day after notice to the landlord by the inspector.

(L) **Chapter 61, Section 6112 Residential use of Liquid Petroleum Gas** is added to read as follows:

Liquefied petroleum gas for residential installation to any type of structure, except as noted below, shall be prohibited within the incorporated city limits.

**Section 6112.1 LP-gas Installations.** LP-gas installations permitted or approved prior to this code adoption shall be allowed if they continue to meet other local and state code requirements. LP-gas installations that were not permitted or approved prior to this code adoption may apply for a permit within thirty (30) days of notification. The installation shall be in strict compliance with all applicable rules and regulations, including those set forth by the Texas Railroad Commission LP-gas safety rules. The tank location and additional safety requirements will be subject to approval by the Fire Chief or his agent.

**Section 6112.2 LP-gas Distributors.** It shall be a violation of this code for any LP-gas distributor to place or fill any LP-gas tank in a residential setting unless the same has affixed to it a decal indicating that the tank has been permitted by the city.

(M) **Chapter 61, Section 6113 Miscellaneous Use** is added to read as follows:

**Section 6113.1.** Liquefied petroleum gas cylinders used for non-commercial cookers and gas grills shall be restricted to no more than ten water gallon capacity tanks and shall be mounted in compliance with the appliance manufacturer's recommendations. These installations shall be exempt from permits. Such cylinders shall be stored in accordance with the applicable LP-gas safety rules.

**Section 6113.2.** Motor homes and other similar use recreational vehicles must be in compliance with applicable Texas Railroad Commission LP-gas safety rules.

(N) **Chapter 61, Section 6114. Liquefied Petroleum Gases** is added to read as follows:

**Section 6114.1.** Commercial or industrial use of liquefied petroleum gas must be in strict compliance with applicable LP-gas safety rules and regulations including those set forth by Texas Railroad Commission in effect at time of installation.

**Section 6114.2.** Commercial or industrial installations shall be subject to applicable permits and the approval of the Fire Chief or his agent.

**Section 6114.3.** LP-gas containers at commercial or industrial installations shall comply with the minimum distance requirements set forth in Section 9.185, Table 1, of the Texas Railroad Commission LP-Gas Safety Rules.

**SECTION 2.** THAT if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The City of Big Spring, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 3.** THAT nothing in this ordinance or in the corresponding codes published by the International Code Council, Inc. or the National Fire Protection Association, Inc. hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability

incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 4.** THAT the City Secretary is hereby ordered and directed to cause the descriptive caption, as well as the penalties for violation of this ordinance, to be published as provided by law.

**SECTION 5.** THAT this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon passage and publication as provided by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 22<sup>nd</sup> day of January, 2013, with all members voting “aye” for passage of the same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the 12<sup>th</sup> day of February, 2013, with all members voting “aye” for passage of the same.

ATTEST:

\_\_\_\_\_  
Tommy Duncan, Mayor

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Tami Davis, Asst. City Secretary

**City of Big Spring**  
**Big Spring McMahon-Wrinkle Airport and Industrial Park**  
**Development Board Meeting Minutes**  
**November 15, 2012**

The Big Spring Airport and Industrial Park Development Board met in Regular Session at 5:30 p.m., Thursday, November 15, 2012 at the Airport Terminal conference room, 3200 Rickabaugh Drive, Big Spring, Texas. Marc Marchesseault called the meeting to order at 5:30 p.m. with the following members in attendance:

Marc Marchesseault	Paschal Odom
Jan Hansen	Jim DeVille
Willie Rangel	Wayne Dawson

Absent: Ned Crandall  
Jim Little, Airport Director

Also in attendance: Kelly Grant, Director's Assistant  
Terry Wegman, EDC  
Rodney Patridge, A&P Mechanic  
Cody Hare, Maintenance Superintendent  
Orville Spradling, Aviator

**Item # 1**  
**Call to Order**

Marc called the meeting to order at 5:30 pm.

**Item # 2**  
**Review and approve minutes from October 18, 2012 meeting**

Motion to approve made by Wayne Dawson, seconded by Paschal Odom, with all members voting "aye" for acceptance of the minutes as written. Mark gave a brief update on Jim's condition and planned return to work. He also mentioned the possibility of having a called meeting in December, rather than the normal 3<sup>rd</sup> Thursday meeting schedule in December to better work around the holidays.

**Item # 3**  
**Big Spring Economic Development Corporation Update**

Terry Wegman gave an update stating that the Settles Hotel is still making progress and could possibly be open by December. They have done all of their key hiring and are still working diligently. Most of the work remaining to be done is on the outside, and the hotel could potentially open while that work is being completed. Boyce Galvanizing is moving along nicely as well, installing cranes and awaiting the new vats to be delivered this week.

**Item # 4**  
**THS Update**

Terry gave a brief update stating that THS is already offloading cars, primarily for Ft. Worth Pipe. They have delivered a car to CoEx Pipe this week. They have been working regularly, have a good crew hired and are making nice progress. They have been using flagmen to halt traffic for crossing the streets and it appears to be working well at this point. They have not begun marketing rail access, but are looking to get a Master Plan together for future expansion. Potential customers have proposed to assist in funding for the rail expansion but they will require access in exchange for the assistance. There was brief discussion of the available ramp space, future access, Hangar 25 Air Museum access requirements, and other associated issues.

**Item # 5**  
**Airport Terminal Apron Upgrade Project, Status**

Kelly stated that she had spoken to Larry Valdez from Parkhill, Smith & Cooper regarding the project. The Runway 17-35 Joint Repair project is to be included in the Apron and Fuel Farm Project work, but has to go to

TxDOT Aviation Commission vote. However, historically, there has not been a rejected project of this sort. Tracy Clinkenbeard did complete the Runway 06/24 Crack Seal project last month.

**Item # 6**

**Airport Fuel Tank Farm Project, Status**

The Fuel Farm is still on the same schedule as the Apron project and will be bid together by TxDOT Aviation once the projects have been approved by the Committee vote. Potentially the bids could be let by mid-December.

**Item # 7**

**Airport Directors Update**

Jim was unavailable for an update.

**Item # 8**

**Leased Building Issues**

Kelly and Cody Hare updated the board on the Desert Tanks building #75 sewer repairs, water issues around the airpark and building upgrades. Cody mentioned the new expansion into existing buildings that Freecom/CeRam-Kote has, the fiberglass product storage yard cleanup, the road work needed at the airpark and the lack of available buildings to lease. Occupancy is at +-100% at this time. We do have some vacancies at the moment, but we also have a waiting list that we are in the process of going through to fill the vacancies.

**Item # 9**

**Airport Safety Committee Report**

Wayne Dawson briefly discussed this evenings scheduled Pilot Safety Meeting and the Air Evac presentation. Marc and Wayne both requested that the Newsletters come out the first month of each quarter, instead of the month of the Safety Meetings. The new schedule for publications will be January, April, July and October instead of February, May, August and November. Wayne also mentioned a new program that he and Jim are interested in getting involved in – the Wright Brothers Master Pilot Award. Qualification requires a minimum of 50 years of safe flight operations piloting aircraft and can include up to 20 years of military aviation hours, but focuses primarily on general aviation.

**Item # 10**

**Other Events & Activities**

No other events or activities at this time.

**Item # 11**

**Board Member Updates**

There are no updates at this time.

**Item # 12**

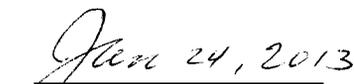
**Next Meeting Date**

December 20, 2012

**Adjournment: 6:30 p.m.**



Approved by Marc Marchesseault, Chairman



Date Approved



## *Memorandum*

**To:** Honorable Mayor, City Council, City Manager  
**From:** Craig Ferguson, Fire Chief  
**Date:** February 8, 2013  
**Subject:** Bid Award for New Pumper

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The City of Big Spring solicited quotes from qualified distributors to obtain a new pumper for the Fire Department Fleet in order to replace the existing equipment which has become irreparable. This pumper meets the specifications supplied in order to provide the appropriate response to fire emergencies.

We received quotes from the following three (3) companies:

DACO Fire Equipment, Inc.	Lubbock, TX	\$259,000.00
Metro Fire Apparatus Specialists, Inc.	Houston, TX	\$290,411.00
Hall Buick Pontiac GMC	Tyler, TX	\$255,330.00

Staff has evaluated the proposals based on bid prices, qualifications of bidders, and compliance with specification requirements.

**Recommendation:** The staff recommends that the quote for the acquisition of a new pumper be awarded to Hall Buick Pontiac GMC for the amount of \$255,330.00.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 11, 2013, FOR THE PURPOSE OF ELECTING ONE PERSON TO SERVE AS MAYOR OF THE CITY OF BIG SPRING WHO SHALL BE ELECTED BY MAJORITY VOTE OF THE QUALIFIED VOTERS OF THE CITY OF BIG SPRING; AND ELECTING ONE PERSON TO SERVE AS CITY DISTRICT FIVE COUNCIL MEMBER WHO SHALL BE ELECTED BY MAJORITY VOTE OF THE QUALIFIED VOTERS OF DISTRICT FIVE; DESIGNATING ONE CENTRAL POLLING PLACE WITHIN THE CITY; AUTHORIZING THE MAYOR TO EXECUTE NOTICE AND HAVE THE NOTICE POSTED FOR THE PURPOSE OF NOTIFYING THE PUBLIC OF SAID ELECTION; PROVIDING A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS;

SECTION 1. That an election shall be held on the 11<sup>th</sup> day of May, 2013, for the purpose of electing one person of the City of Big Spring, Texas, to serve as Mayor of the City of Big Spring who shall be a resident of the City and shall be elected by majority vote of the qualified voters of City of Big Spring to serve a three year term; and electing one person of the City of Big Spring, Texas, to serve as City District Five Council Member who shall be a resident of the City and shall be elected by a majority vote of the qualified voters of District Five to serve a three year term.

SECTION II. Mayor Tommy Duncan is hereby authorized to execute and have posted notice of said election in accordance with the law.

SECTION III. The polling place on election day for a resident voter of the Mayor and City District Five will be the Foyer of the Dorothy Garrett Coliseum, located at the corner of Birdwell Lane and Kentucky Way.

SECTION IV. Said election shall be held in accordance with the constitution and laws of the State of Texas and the Charter of the City of Big Spring, Texas, and the manner of holding said election shall be governed by the laws of the State regulating general elections and this Ordinance.

SECTION V. Voting by personal appearance during early voting and on election day shall be by DRE (Direct Recording Electronic) System and by official paper ballot for early voting by mail and for provisional ballots. Each candidate shall make application in writing to the City Secretary for the candidate's name to appear on the official ballot no later than 5:00 p.m. of the sixty-first (61<sup>st</sup>) day but no earlier than the ninety-first (91<sup>st</sup>) day prior to date of the election, as required by sections 1.006, 143.007 and 144.005 Texas Election Code and Art. V, Sec. 7 City Charter. The application shall clearly designate the residence address of the candidate. Each candidate must reside in

the city limits of the City of Big Spring. A candidate for each office may reside anywhere within the city limits of the City of Big Spring. All candidates for the office of City Council shall have been a resident citizen of the City of Big Spring for a period of one (1) year immediately preceding the date of the election.

SECTION VI. Early voting by personal appearance will be conducted at Howard County Courthouse located at 300 S. Main. Early voting will be held on weekdays beginning April 29, 2013 and ending May 7, 2013. The early voting polling place shall be open to the public from 7:00 a.m. to 7:00 p.m. on Tuesday, April 30, 2013 and Thursday, May 2, 2013 and from 8:00 a.m. to 5:00 p.m. on all other days.

SECTION VII. Only qualified electors under the general laws of the state who reside in the City of Big Spring city limits shall be qualified to vote for the office of Mayor of the City of Big Spring; and only qualified electors under the general laws of the state who reside in City District Five shall be qualified to vote for the office of District Five City Council Member.

SECTION VIII. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph or section be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, said unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 12<sup>th</sup> day of February, 2013, with all members present voting “aye” for passage of same.

PASSED AND APPROVED on second and final reading at a special meeting of the City Council on the 26<sup>th</sup> day of February, 2013, with all members present voting “aye” for passage of same.

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Tommy Duncan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 025-2012 WHICH ORDINANCE ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING A FIRE TRUCK FOR THE BIG SPRING FIRE DEPARTMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual budget for the City of Big Spring, Texas on September 25, 2012; and

WHEREAS, funding for purchase of a fire truck was not included in such budget, and is necessary for the efficient operation of the Big Spring Fire Department;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. Enacted.

THAT, the General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2012 and ending September 30, 2013 is hereby increased by the amount of \$255,000 for the purpose of purchasing a Fire Truck for the Big Spring Fire Department.

SECTION 2: Continuing effect.

The remaining portions of Ordinance Number 025-2012 shall remain in full force and effect.

SECTION 3: Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. Publication.

The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 5. Effective Date.

This ordinance shall be in force and effect from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 12<sup>th</sup> day of February, 2013, with all members present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 26<sup>th</sup> day of February, 2013, with all members present voting “aye” for the passage of same.

**CITY OF BIG SPRING**

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Tommy Duncan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO DESIGNATE THE PLACEMENT OF STOP SIGNS ON SETTLES STREET WHICH IN CONJUNCTION WITH THE EXISTING STOP SIGNS REGULATING STADIUM STREET WILL CREATE A 4-WAY STOP CONTROLLED INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the intersection of Settles and Stadium Street is currently a 2-way stop controlled intersection that the Big Spring Police Department and Public Works Department have recommended changing to a 4-way controlled stop intersection based on traffic history; and

**WHEREAS**, the City Council finds it to be in the public interest to make the intersection a 4-way controlled stop intersection and finds that the public safety and general welfare will best be served by such regulation;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS THAT:**

**SECTION 1.** The intersection of Settles and Stadium Street shall be a 4-way stop controlled intersection.

**SECTION 2.** City officials shall place and maintain the necessary signs at the above intersection.

**SECTION 3.** Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

**SECTION 4.** The penalty for violation of this ordinance shall be as mandated by State Law.

**SECTION 6.** The City Secretary is hereby ordered and directed to cause the descriptive caption and penalty for violation of this ordinance to be published as provided by law.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage and publication as required by law.

**PASSED AND APPROVED** on first reading of a regular meeting of the City Council on the 12<sup>th</sup> day of February, 2013, with all members present voting "aye" for the passage of same.

**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Council on the 26<sup>th</sup> day of February, 2013, with all members present voting "aye" for the passage of same.

\_\_\_\_\_  
Tommy Duncan, Mayor

ATTEST:

\_\_\_\_\_  
Tami Davis, Asst. City Secretary

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ENDORSING CERTAIN LEGISLATIVE ACTION IN THE REGULAR SESSION OF THE 83RD TEXAS LEGISLATURE TO ENHANCE THE COMPETITIVE ELECTRIC MARKET AND SYSTEM RELIABILITY AND TO PROTECT THE TRADITIONAL ROLE OF CITIES IN THE REGULATORY PROCESS

WHEREAS, the City of Big Spring, Texas is a member of the Steering Committee of Cities Served by Oncor (“OCSC”), a coalition of 150 cities which intervenes in Oncor rate cases and otherwise pursues policies and advocacy to secure affordable electric energy for its members and their residents in the deregulated electric market; and

WHEREAS, affordable and reliable power means economic development for the City and a better standard of living for our citizens; and

WHEREAS, the City supports legislative initiatives that promote a healthy electric market where competition can flourish and electric customers can save money; and

WHEREAS, the City endorses the legislative agenda of OCSC and opposes legislative initiatives that would fundamentally alter the ERCOT energy market or the traditional role of cities in the regulatory process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

1. The Regular Session of the 83rd Texas Legislature be encouraged to preserve the traditional role of cities in the regulatory process, including management of the public rights-of-way, original jurisdiction, and reimbursement of reasonable rate case expenses.
2. The Legislature make no statutory changes that would lead to a reduction in municipal revenues paid by public utilities as franchise fees for rental of public rights-of-way.
3. The Legislature facilitate and encourage public/private partnership opportunities between cities and electric generation developers in creating small-scale (not to exceed 50 MW) power plants capable of rapidly meeting peak power needs.
4. The Legislature preclude foreign ownership of electric distribution assets and clarify existing law that home rule cities, individually or collectively, shall be permitted to own and operate electric distribution assets so long as said cities are not involved in retail sales of electricity.
5. The Legislature resist any efforts to transform the energy-only ERCOT market into a capacity market which would increase the price of electricity.

6. The Legislature enhance protections against anti-competitive activities in the wholesale market and require the Public Utility Commission (“PUC”) to reform its rules related to Voluntary Mitigation Plans and allow cities and other interested parties to participate in review of such plans.

7. The Legislature recognize that “smart meters” are under-utilized with regard to encouraging and incentivizing reductions in energy consumption during peak periods and that the regulated transmission and distribution utilities which own the “smart meters” be allowed to re-enter the retail electric market to the extent they offer regulated rate plans designed to incent reductions in peak energy consumption.

8. The Legislature mandate that the PUC and market participants provide consumer education regarding the relationship between time of use, cost of energy production and transmission, and the price paid by consumers.

9. The Legislature require the PUC to establish certain uniform products that must be offered by all retail electric providers (“REPs”) and to establish new rules governing the powertochoose and powertosavetexas websites that will better inform retail customers of complaints against REPs and better educate customers regarding the economic and market benefits of reducing demand during peak periods.

10. This resolution shall take effect immediately upon its passage.

11. A copy of this resolution shall be sent to the elected lawmakers representing the City’s interests in the Texas House and Senate and to Jay Doegey, Chair of the Steering Committee of Cities Served by Oncor, Arlington City Attorney, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 12<sup>th</sup> day of February, 2013, with all members present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 26<sup>th</sup> day of February, 2013, with all members present voting “aye” for the passage of same.

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Mayor

ATTEST:

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Mr. Gay's Direct Line: (512) 322-5875  
Email: ggay@lglawfirm.com

## MEMORANDUM

TO: Members of the Steering Committee of Cities Served by Oncor

FROM: Geoffrey M. Gay

DATE: January 4, 2013

RE: Resolution Endorsing Legislative Agenda

The Regular Session of the 83rd Texas Legislature commences Tuesday, January 8, 2013. It is anticipated that bills will be filed that seek to eliminate or limit city participation in the ratemaking regulatory process and otherwise make it easier for utility companies to increase and expedite rate changes. The Executive Committee of the Steering Committee of Cities Served by Oncor at its quarterly meeting on December 13, 2012 discussed and approved a legislative agenda reflected in the attached model resolution. Your city is encouraged to pass the resolution as soon as possible and send a copy to your representatives in the Texas House and Senate and to Jay Doegey, Chair of the Steering Committee. Attached please find a model staff report that explains the "Be It Resolved" portion of the resolution.

**Staff Report on Resolution Endorsing  
Legislative Action in the 83rd  
Texas Legislative Session**

The City is a member of the Steering Committee of Cities Served by Oncor which has actively participated in TXU and Oncor rate cases and represented the interests of city residents and businesses before the Public Utility Commission (“PUC”), the Courts, the Legislature, and ERCOT for decades. The Steering Committee’s current legislative agenda is reflected in the Resolution.

The first and second sections of the Resolution express opposition to anticipated efforts by certain utilities and the Texas Public Policy Foundation to eliminate: (1) cities’ right to compensation for use of public rights-of-way; (2) cities’ original jurisdiction in the utility ratemaking process; and (3) cities’ right to reimbursement of reasonable rate case expenses for participating in ratemaking proceedings to protect their residents and businesses.

The third, fifth, seventh, and eighth sections are intended to express opposition to transformation of the ERCOT energy-only market into one that pays generators regardless of whether they produce or sell energy. Certain parties are playing on a fear that Texas has inadequate resources to meet the growing need for energy. They urge higher and higher prices in the wholesale market and the transformation of the wholesale market into a capacity market. The Steering Committee opposes a capacity market (Section 5) and instead offers alternatives designed to make sure supply of electricity matches the need for electricity (Sections 3, 7, and 8).

If any shortage of generation capacity exists, it is only for a handful of hours during the year at points of peak demand. What Texas needs are relatively small (less than 50 MW) generation stations that can be added to the grid quickly. That need can be met efficiently by allowing cities to enter public-private partnerships wherein certain cities could supply low-cost financing to generators in exchange for a profit from future energy sales from small scale plants operated by private parties (Section 3).

Sections 7 and 8 address the alleged resource adequacy problem by focusing on the fact that the alleged problem could be solved by reducing peak demand rather than building new capital intensive generating plants. Section 7 would further stimulate competition in the retail market by allowing traditional distribution companies to re-enter the retail market to the extent that they offer regulated rate plans, approved by the PUC, that are designed to reduce peak consumption. Section 8 would require the PUC to better educate retail customers that power generated during a few peak hours costs more to produce than power produced at night and early morning hours.

Section 4 specifically addresses an Oncor scenario. Oncor ownership is 80% by Energy Future Holdings (“EFH”) and 20% by entities located outside the United States. EFH is likely to end up in bankruptcy before the end of 2013, and EFH’s majority interest in Oncor will be sold to pay EFH’s creditors. The Steering Committee opposes further foreign ownership of the wires that serve North and West Texas communities. Section 4 urges the Legislature to allow cities to pursue ownership of Oncor’s distribution system should such assets become available for purchase.

Section 6 recognizes that market power abuse among generators leads to unfair retail prices. Voluntary Mitigation Plans were authorized in the last legislative session as a partial remedy when a generator is confronted with allegations of market abuse. However, Voluntary Mitigation Plans have turned into “get out of jail free” authorizations secretly negotiated between generators and the PUC. Certain generators are getting pre-approval of their intended conduct before any party has an opportunity to observe whether said conduct is abusive. At a minimum, cities and other interested parties should be allowed to participate in an open process where such plans are considered.

Section 9 continues efforts by the Steering Committee over the last several legislative sessions to address confusion in the residential and commercial retail markets in trying to compare offers on the powertochoose website. While providers should be allowed to offer as many rate options and different rates as they choose, at least one offer should be a standard offer defined by the PUC so that customers can make an initial apples-to-apples comparison among providers.

City staff supports passage of this resolution endorsing the Steering Committee’s legislative agenda and urges adoption. Upon adoption, a copy of the Resolution should be sent to Texas House and Senate members whose districts include the city. A copy should also be sent to Jay Doegey, Chair of the Steering Committee.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER TWENTY OF THE CODE OF ORDINANCES OF THE CITY OF BIG SPRING ENTITLED "BUILDING CODES AND BOARD OF ADJUSTMENTS AND APPEALS" BY AMENDING ARTICLE 2 ENTITLED "BOARD OF ADJUSTMENTS AND APPEALS," SECTIONS 20-16 AND 20-17 IN ORDER TO INCLUDE ONE ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENTS AND APPEALS THAT HAS EXPERIENCE AND TRAINING TO PASS ON FIRE RELATED MATTERS AND TO ADD A CITY FIRE OFFICIAL AS AN EX-OFFICIO MEMBER TO THE BOARD; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council finds that due to the recent adoption of the 2012 International Fire Code, it would be in the best interest of the health and safety of the community for the Board of Adjustments and Appeals to have an alternate member that possesses knowledge and experience in the area of fire safety;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:**

**SECTION 1.**

THAT Chapter 20 of the Code of Ordinances of the City of Big Spring entitled "Building Codes and Board of Adjustments and Appeals," Article 2 entitled "Board of Adjustments and Appeals," Sections 20-16 and 20-17 are hereby to be amended to read as follows:

**Sec. 20-16. Appointments.**

There is hereby established a Board called the Board of Adjustments and Appeals, which shall consist of seven (7) members, one alternate member and three (3) ex-officio members, appointed by a majority vote of the City Council. The Board of Adjustments and Appeals shall also include the duties of the Plumbing, Gas, Electrical, Fire and Mechanical Board of Adjustments and Appeals.

**Sec. 20-17. Membership and Terms.**

**Members.** The Board of Adjustments and Appeals shall consist of seven (7) members, one alternate member and three (3) ex-officio members.

Membership shall be composed of:

- One (1) Engineer or Architect
- One (1) Master Plumber
- One (1) Mechanical Contractor
- One (1) Master Electrician
- Three (3) Members at large from the construction industry
- One (1) Alternate member with experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems
- Three (3) Ex-officio members:
  - One (1) Representative of Atmos Energy
  - One (1) Representative of TXU Electric
  - One (1) City of Big Spring Fire Official as designated by the Fire Chief

Members must be qualified voters of the City unless other requirements cannot be met. Wherever appeals of orders, decisions, or determinations made by the fire code official are before the Board of Adjustments and Appeals, the alternate member with experience and training to pass on fire related matters shall sit in place of one other member of the Board. If any member is unable to attend the meeting the alternate member shall replace that member; however, if all members are available to attend the meeting the alternate member shall replace the most recently appointed at large member.

**SECTION 2. SEVERABILITY**

THAT if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The City of Big Spring, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 3.**

THAT nothing in this ordinance or in the corresponding codes published by the International Code Council, Inc. or the National Fire Protection Association, Inc. hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 4. EFFECTIVE DATE.**

THAT this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon completion of publication as provided by law.

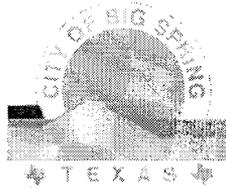
PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 12<sup>th</sup> day of February, 2013, with all members voting “aye” for passage of the same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the 26<sup>th</sup> day of February, 2013, with all members voting “aye” for passage of the same.

\_\_\_\_\_  
Tommy Duncan, Mayor

ATTEST:

\_\_\_\_\_  
Tami Davis, Asst. City Secretary



**MEMORANDUM**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
MR. GARY FUQUA, CITY MANAGER

**FROM:** TODD DARDEN, ASSISTANT CITY MANAGER

**SUBJECT:** TEXAS DEPARTMENT OF AGRICULTURE GRANT APPLICATION

**DATE:** FEBRUARY 7, 2013

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This is a request for the City Council to allow the City in cooperation with the South Plains Association of Governments (SPAG) to pursue a grant from the Texas Department of Agriculture through the Texas Capital Fund for Infrastructure Development.

This is an opportunity for the Airpark to apply for a grant with a 50/50 match for up to a maximum of \$750,000 to upgrade the existing Airpark infrastructure in order to provide for job creation and/or retention.

Staff requests your approval to proceed with this application process.

# South Plains Association of Governments

Clinton Sawyer, Councilmember, City of Amherst  
PRESIDENT

Tim C. Pierce  
EXECUTIVE DIRECTOR

## Texas Department of Agriculture Texas Capital Fund Infrastructure Development

The Texas Capital Fund infrastructure development program is an economic development tool designed to provide financial resources to non-entitlement communities. Funds from this program can be utilized for public infrastructure needed to assist a business that commits to create and/or retain permanent jobs, primarily for low and moderate income persons. This program encourages new business development and expansions.

### **Use of Proceeds**

Funds may be used for the following public infrastructure:

- water and sewer lines and facilities
- road/street improvements
- natural gas lines
- electric, telephone, and fiber optic lines
- harbor/channel dredging
- purchase of real estate related to infrastructure
- drainage channels and ponds
- pre-treatment facilities
- traffic signals and signs
- railroad spurs

### **Eligibility**

Eligible applicants are *non-entitlement cities or counties* only. Businesses or individuals may not directly submit applications. Projects must demonstrate project feasibility and financial capability. Projects are evaluated by using a scoring system based on three major criteria: **community need, jobs created/retained and economic impact.**

### **Terms**

- The minimum award is \$50,000 and the maximum is \$1,500,000 inclusive of administration costs.
- The maximum amount per job created cannot exceed \$25,000.
- Awards of more than \$750,000 require a greater level of job creation/retention and matching funds, and are limited to two (2) per year.
- The award may not exceed fifty percent (50%) of the total project cost.
- A minimum equity injection of ten percent (10%) of the total project cost by the business is required.

**Process**

The Infrastructure Program will have an open application period wherein applications received on or before the 20<sup>th</sup> of each month will be reviewed for funding based on competitive score and feasibility analysis. The Texas Capital Fund monthly allocation will be awarded to the highest scored applicants. Those not scoring high enough will be rolled into the next monthly round. Prior to an award, a thorough credit analysis will be performed to determine financial feasibility. A site visit will be conducted to view the project area and discuss award requirements.

McMahon-Wrinkle Airpark  
3200 Rickabaugh Drive  
Big Spring, Texas 79720  
Attn: Col. James F. Little, Airport Director

February 1, 2013

Dear Col. Little,

I am writing to let you know that I wish to resign from my position on the McMahon-Wrinkle Airpark Development Board, effective immediately. This is necessary because I am planning to relocate out of state within the next few months, and I must concentrate on planning all aspects of the move.

It has been my pleasure to be a member of the Airpark Development Board for seven years, serving as chairman for six of those years. I have enjoyed the close working environment that exists between the Airport Staff and the Development Board, which has fostered significant progress in growing the Airpark, both in commercial development as well as in aviation enhancements. It was gratifying to have been a part of it.

Thank you for the privilege of serving on this prestigious board.

Sincerely,



Marc Marchesseault  
2901 Robb Drive  
Big Spring, Texas 79720  
(432) 267-1923



310 Nolan • Big Spring, Texas 79720  
Phone: 432-264-2401 • Fax: 432-263-8310

**Committee & Board Appointment Resume'**

Board you are interested in serving on: McMAHON/WRINKLE AIRPARK

Your Name: PHILLIP WELCH

Address: 2816 CORONADO  
BIG SPRING, TX 79720

Home Telephone Number: 432-267-9702

Work Telephone Number: 432-935-0835

Cellular Number: SAME AS ABOVE

Current Occupation: RETIRED

**Any Related Past Experience? Please Describe Below:**

PREVIOUS CHAIR OF McMAHON / WRINKLE AIRPARK BOARD  
PAST PRESIDENT OF GREATER BIG SPRING ROTARY CLUB  
LICENSED PRIVATE PILOT SINCE 1981

**Please Describe Your Education History:**

BACHELOR OF BUSINESS ADMINISTRATION - TEXAS TECH

Signature: *Phillip Welch*

Date: February 1, 2013

Please attach any additional sheets as necessary or personal resume.  
Once form is completed please deliver or mail Attention to the City Manager at the address above.