

CITY COUNCIL AGENDA

City of Big Spring
Tuesday, February 28, 2012

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, February 28, 2012, at 5:30 p.m. in the City Council Chambers located at 307 East 4th 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 February 28, 2012 3-7 Davis

Consent Items

4. Final Reading of a Resolution Suspending the March 13, 2012, Effective Date of ATMOS Energy Corp., West Texas Division Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation with the Steering Committee of Cities Served by ATMOS West Texas to Hire Legal and Consulting Services and to Negotiate with the Company and Direct Any Necessary Litigation and Appeals; Requiring Reimbursement of Cities' Rate Case Expenses 8-9 Walker
5. Acceptance of McMahon-Wrinkle Airport and Industrial Park Development Board of Directors Minutes for Regular Meeting of January 19, 2012 10-11 Walker

Routine Business

6. Vouchers for 02/16/12 \$ 442,812.92 Carrigan
Vouchers for 02/23/12 \$ 596,555.11

New Business

- 7. First Reading of an Ordinance Amending Chapter Nineteen of the City Code of Ordinances Entitled "Transportation," by Amending Article 6 Entitled, "Wreckers," in Order to Update Procedures for Permitting of Wrecker Companies to be on a Rotation List for Non-Consent Tows within the City and to Provide that the City May Contract with a Wrecker Company to Provide Wrecker Service for City Owned Vehicles as Well as to Provide Non-Consent Tows in Lieu of Using the Rotation List; Providing Safety Regulations Applicable to All Wrecker Companies Operating on City Streets and Providing for Minimum Insurance; Providing for Severability; Providing for Publication; and Providing an Effective Date 12-19 Sjogren

- 8. Acceptance of Big Spring Economic Development Corporation Board of Directors Minutes for Regular Meeting of January, 17, 2012 and Special Meeting of February 13, 2012 20-25 Fuqua

City Manager's Report

9.

Council Input

- 10. Input Duncan

- 11. 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 24, 2012 at 4:00 p.m. In addition this agenda and supporting documents are posted on the City of Big Spring's website, 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 _____, 2012 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. 4th, Big Spring, Texas, at 5:30 p.m., February 14, 2012, with the following members present:

TOMMY DUNCAN	Mayor
CRAIG OLSON	Mayor Pro Tem
MARCUS FERNANDEZ	Councilmember
MANUEL RAMIREZ	Councilmember
GLEN CARRIGAN	Councilmember
GLORIA MCDONALD	Councilmember
TERRY HANSEN	Councilmember

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
RICH GROVE	Interim Fire Chief
JIM LITTLE	Airport Director

PRESENTATIONS & PUBLIC HEARINGS

INVOCATION & PLEDGE OF ALLEGIANCE

Chaplin Scott Jimenez, The George H. O'Brien Jr. Veteran's Administration Medical Center, gave the invocation and Mayor Duncan led the Pledge of Allegiance to the American and State Flags.

DISPOSITION OF MINUTES

MINUTES OF THE REGULAR MEETING OF JANUARY 10, 2012 AND SPECIAL MEETING OF JANUARY 12, 2012

Motion was made by Councilmember Carrigan, seconded by Councilmember Ramirez, with all members of the Council voting "aye" approving the minutes of the regular meeting of January 10, 2012 and special meeting of January 12, 2012.

NEW BUSINESS

CONSIDERATION AND DISCUSSION OF A PERFORMANCE AGREEMENT WITH THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION FOR A 4-B PROJECT FOR REPAIR AND REHABILITATION OF THE CITY'S WATER AND WASTEWATER TREATMENT PLANTS AND REPAIR AND REPLACEMENT OF WATER DISTRIBUTION LINES

After a brief discussion, motion was made by Councilmember Hansen, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving a Performance Agreement with the Big Spring Economic Development Corporation for a 4-B Project for repair and rehabilitation of the City's Water and Wastewater Treatment Plants and repair and replacement of water distribution lines and authorizing the Mayor to execute any necessary documents.

CONSENT ITEMS

FINAL READING OF AN ORDINANCE CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 12, 2012 FOR THE VOTERS TO CONSIDER AUTHORIZING THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION TO USE 4A SALES AND USE TAX PROCEEDS TO CONSTRUCT, ACQUIRE, IMPROVE, RENOVATE AND EQUIP WATER SUPPLY AND WATER CONSERVATION IMPROVEMENT PROJECTS UNDER SECTION 4B OF THE DEVELOPMENT CORPORATION ACT, SPECIFICALLY INCLUDING REPAIR AND REHABILITATION OF THE CITY'S WATER AND WASTEWATER TREATMENT PLANTS AND REPAIR AND REPLACEMENT OF WATER DISTRIBUTION LINES LOCATED IN THE CITY; ESTABLISHING PROVISIONS FOR THE CONDUCT OF THE ELECTION; ENACTING OTHER PROVISIONS RELATED TO SUCH ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

ACCEPTANCE OF MCMAHON-WRINKLE AIRPORT AND INDUSTRIAL PARK DEVELOPMENT BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF NOVEMBER 17, 2011

ACCEPTANCE OF CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES FOR REGULAR MEETING OF DECEMBER 7, 2011

ACCEPTANCE OF HOWARD COUNTY APPRAISAL DISTRICT'S BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF DECEMBER 14, 2011

APPROVAL OF LATE HOMESTEAD EXEMPTION REFUNDS FOR THE MONTH OF DECEMBER 2011

Motion was made by Councilmember McDonald, seconded by Councilmember Ramirez, with all members of the Council voting "aye" approving the above listed ordinance, minutes and late homestead exemption refunds.

ROUTINE BUSINESS

VOUCHERS

Councilmember Fernandez reviewed vouchers. Motion was made by Councilmember Fernandez, seconded by Councilmember Ramirez, with all members of the Council voting "aye" approving vouchers in the amount of \$759,722.51 (01/12/12), and \$470,740.06 (01/19/12).

Councilmember Ramirez reviewed vouchers. Motion was made by Councilmember Fernandez, seconded by Councilmember McDonald, with all members of the Council voting "aye" approving vouchers in the amount of \$785,453.74 (01/26/12), \$431,015.23 (02/02/12) and \$1,000,005.44 (02/09/12).

NEW BUSINESS

PRESENTATION AND ACCEPTANCE OF BIG SPRING POLICE DEPARTMENT'S ANNUAL TRAFFIC CONTACT REPORT FOR 2011

Lonnie Smith, Police Chief, presented the Big Spring Police Department's Annual Traffic Contact Report for 2011. Motion was made by Councilmember Hansen, seconded by Councilmember McDonald, with all members of the Council voting "aye" accepting the Big Spring Police Department's Annual Traffic Contact Report for 2011.

EMERGENCY READING OF A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE PERMIAN BASIN REGIONAL PLANNING COMMISSION FOR A REGIONAL SOLID WASTE GRANT; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT AS THE AUTHORIZED REPRESENTATIVE IN ALL MATTERS RELATED TO THIS APPLICATION

Motion was made by Councilmember McDonald, seconded by Councilmember Fernandez, with all members of the Council voting "aye" approving an emergency reading of a resolution authorizing the filing of a grant application with the Permian Basin Regional Planning Commission for a Regional Solid Waste Grant; authorizing the City Manager or his designee to act as the authorized representative in all matters related to this application.

FIRST READING OF A RESOLUTION SUSPENDING THE MARCH 13, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., WEST TEXS DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH

REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES

Motion was made by Councilmember Fernandez, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving first reading of a resolution suspending the March 13, 2012, effective date of ATMOS Energy Corp., West Texas Division requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of cities served by ATMOS West Texas to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of Cities' rate case expenses.

APPROVAL OF AN AGREEMENT WITH ASHBROOK SIMON-HARTLEY TO REBUILD AND RECONDITION A BELT THICKENER AT THE WASTEWATER TREATMENT PLANT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember McDonald, seconded by Councilmember Ramirez, with all members of the Council voting "aye" approving an agreement with Ashbrook Simon-Hartley to rebuild and recondition a belt thickener at the Wastewater Treatment Plant and authorizing the City Manager or his designee to execute any necessary documents.

APPROVAL OF CHANGE ORDER NO. 1 WITH WHITEWATER CONSTRUCTION, INC. FOR THE 3RD AND 4TH STREET WATERLINE UPGRADES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Fernandez, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving Change Order No. 1 with Whitewater Construction, Inc. for the 3rd and 4th Street waterline upgrades and authorizing the City Manager or his designee to execute any necessary documents.

APPROVAL OF INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2011

Motion was made by Councilmember Hansen, seconded by Councilmember McDonald, with all members of the Council voting "aye" approving investment report for the quarter ending December 31, 2011.

ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF DECEMBER 20, 2011 AND SPECIAL MEETING OF JANUARY 3, 2012

Motion was made by Councilmember Carrigan, seconded by Councilmember Ramirez, with all members of the Council voting "aye" accepting the Big Spring Economic Development

Corporation Board of Directors minutes for regular meeting of December 20, 2011 and special meeting of January 3, 2012.

CITY MANAGER'S REPORT

Gary Fuqua, City Manager, announced that there would be a ground breaking ceremony on February 22, 2012, 10:00 a.m. at the Howard County Jail for the new Joint Law Enforcement Center.

COUNCIL INPUT

Several Councilmembers thanked the City Staff and the Big Spring Economic Development Corporation for working together.

ADJOURN

Motion was made by Councilmember Fernandez, seconded by Councilmember Ramirez, with all members of the Council voting "aye" to adjourn at 6:10 p.m.

CITY OF BIG SPRING, TEXAS

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, SUSPENDING THE MARCH 13, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., WEST TEXAS DIVISION (“ATMOS WEST TEXAS”) REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES’ RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND CITIES’ LEGAL COUNSEL

WHEREAS, on or about February 7, 2012, Atmos Energy Corp., West Texas Division (“Atmos West Texas” or “Company”), pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of Big Spring (“City”) a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its West Texas Division service area, effective March 13, 2012; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §104.001 et seq. of GURA has exclusive original jurisdiction over Atmos West Texas’ rates, operations, and services within the City; and

WHEREAS, in order to maximize the efficient use of resources and expertise, it is reasonable for the City to maintain its involvement in the Steering Committee of Cities Served by Atmos West Texas (“Cities”) and to cooperate with similarly situated cities in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, Atmos West Texas proposed March 13, 2012, as the effective date for its requested increase in rates; and

WHEREAS, it is not possible for the City to complete its review of Atmos West Texas’ filing by March 13, 2012; and

WHEREAS, the City will need an adequate amount of time to review and evaluate Atmos West Texas’ rate application to enable the City to adopt a final decision as a local regulatory authority with regard to Atmos West Texas’ requested rate increase; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility;

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

1. That the March 13, 2012, effective date of the rate request submitted by Atmos West Texas on February 7, 2012, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. That the City is authorized to cooperate with the Steering Committee of Cities Served by Atmos West Texas and its member cities in the West Texas service area and under the direction of the Steering Committee's Executive Committee to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Atmos West Texas.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. That a copy of this Resolution shall be sent to Atmos, care of Mr. Jeffrey Foley, Vice President, Rates and Regulatory Affairs, 5110 80th Street, P.O. Box 1121, Lubbock, Texas 79408-1121, and to Geoffrey Gay, General Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 14th day of February, 2012, with all members present voting "aye" for passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 21st day of February, 2012, with all members present voting "aye" for passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

APPROVED AS TO FORM:

Linda Sjogren, City Attorney

**City of Big Spring
Big Spring McMahon-Wrinkle Airport and Industrial Park
Development Board Meeting Minutes
January 19, 2012**

The Big Spring Airport and Industrial Park Development Board met in Regular Session at 5:30 p.m., Thursday, January 19, 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
Ned Crandall	Jim DeVille
Jan Hansen	Wayne Dawson

Absent: Willie Rangel

Also in attendance: Jim Little, Airport Director
Kelly Grant, Director's Assistant

Item # 1

Call to Order

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

Item # 2

Review and approve minutes from November 17, 2011 meeting

Motion to approve made by Jan Hansen, seconded by Ned Crandall, with all members voting "aye" for acceptance of the minutes as written.

Item # 3

Big Spring Economic Development Corporation Update

Terry Wegman was unavailable due to business travel. However, he did provide information to Jim for updating the board. Jim passed along that THS is working on rehab of the spur and expects the locomotive to be delivered this month. Customers are ready to begin operations as soon as possible.

Talks with UP are coming along and remain positive in most areas, with no major complications at this time. The EDC and City Council approved an agreement with Boyce Galvanizing which will be engaged in hot dip galvanizing. Their operation will be located on North 87 in the old Holland Cottonseed and Stoneville building. The capital investment is \$5M; with 40 employees and \$1.5M in annual payroll. Jim also briefly discussed a list of projects that the EDC has completed over the past couple of years, which included many airpark industries, and accounted for several million dollars in spending.

Item # 4

TAMC Update

Jim updated the board on TAMC, stating that Mr. Hobbs is still leasing the office spaces, however, little progress has been made towards his initial plans. The situation appears to be at a standstill.

Item # 5

Financial Report 2010-2011

Kelly Grant gave an overview of the financials for the 2010-2011 FY to the Airport Development Board, and addressed the board's questions.

Item # 6

Airport Terminal Ramp Upgrade Project, Status

Jim updated the board on the ramp upgrade project, stating that we have received the revised version of the Preliminary Engineering Report from PSC.

Item # 7

Airport Fuel Tank Farm Project, Status

Jim updated the board on the status of the fuel farm project, stating that the project is moving forward and PSC will be doing the design for the fuel farm.

Item # 8

Airport Directors Update

Jim briefly discussed the recent snow storm, which forced a closure of the airport for several days due to the accumulation of snow and ice on the runways and taxiways. Due to the inability to procure snow removal equipment, the airpark maintenance crew ended up having to use heavy equipment to drive the affected areas and break up the accumulations. Jim also mentioned the January 17th Permian Basin Airport Board meeting that he attended, where discussions centered on the two recent plane crashes, construction of new hangars, and a recent Wildlife Assessment that was completed on the Midland airports. Jim stated that the activity on the rail spur is moving along very well. He informed the board of our situation with hangar availability, stating that we are very quickly running out of room and have even had to turn away some airplane hangar storage requests. Jim mentioned the problems with the GEO Group prison facilities, and their desire to close Wright Avenue, and bulk up their security measures because of the increasing amount of contraband that is being thrown over the prison fences at night. Jim updated the board on the use of our facility by the Forestry Service, stating that we currently having one crew from Columbia Helicopters on contract and two Croman Corporation fire fighter helicopters stationed here on standby. The anticipated Lighted Poinsettia display at the airpark was not completed this year due to several problems that were encountered with the wildlife nuisances and the lack of adequate electrical service for the expanded display. However, the problems are being worked now and the display should be up and functioning in plenty of time for next year's Festival of Lights. Jim updated the board on his upcoming travel to the TxDOT Aviation Conference in Galveston on March 28-30th, which Marc will also be attending. For Show & Tell, the board was presented with a draft of the first quarter Airport Newsletter that will be coming out in February, a newspaper clipping that showcased the Airport's Christmas tree display at the Heritage Museum, and an obituary for Jerry Don Green, a local pilot from Snyder that had frequented our facility and was killed in a plane crash in Ruidoso several weeks ago.

Item # 9

Leased Building Issues

Jim stated that Freecom has completed their new building construction. John Crane Production Solutions, Inc. has completed their production building addition. Desert Tanks has been extremely busy with their business and is quickly outgrowing both their original location in Hangar 18, as well as their new location in the old American Limestone hangar. We are still having some issues with Lone Star Aviation's rental arrearage.

Item # 10

Airport Safety Committee Report

Wayne Dawson introduced Rodney Patridge, the speaker for our upcoming Pilot Safety Meeting. Rodney briefly discussed the topic he will be presenting, "Airworthiness Directives" and the need for both pilots and aircraft owners to be aware of the FAA's new online procedures for receiving the directives. He also mentioned that he has gotten approval from the FAA to offer Wings credits for pilots that attend the February safety meeting, based on the topic being presented.

Item # 11

Other Events & Activities

There are no other events or activities planned at this time.

Item # 12

Board Member Updates

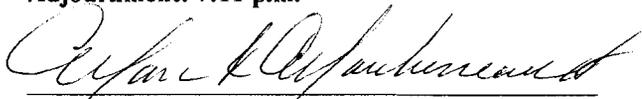
The board was updated on the condition of Willie Rangel, who recently had a medical procedure.

Item # 13

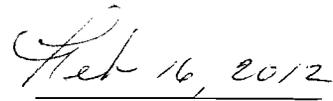
Next Meeting Date

February 16, 2012

Adjournment: 7:11 p.m.



Approved by Marc Marchesseault, Chairman



Date Approved

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER NINETEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "TRANSPORTATION," BY AMENDING ARTICLE 6 ENTITLED, "WRECKERS," IN ORDER TO UPDATE PROCEDURES FOR PERMITTING OF WRECKER COMPANIES TO BE ON A ROTATION LIST FOR NON-CONSENT TOWS WITHIN THE CITY AND TO PROVIDE THAT THE CITY MAY CONTRACT WITH A WRECKER COMPANY TO PROVIDE WRECKER SERVICE FOR CITY OWNED VEHICLES AS WELL AS TO PROVIDE NON-CONSENT TOWS IN LIEU OF USING THE ROTATION LIST; PROVIDING SAFETY REGULATIONS APPLICABLE TO ALL WRECKER COMPANIES OPERATING ON CITY STREETS AND PROVIDING FOR MINIMUM INSURANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the Big Spring finds it necessary to incorporate a contract option for wrecker services for city owned vehicles and non-consent tows to better serve the citizens of Big Spring; and

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

SECTION 1. The Code of Ordinances of the City of Big Spring, Texas, Chapter 19 entitled "TRANSPORTATION," Article 6 entitled "Wreckers" is hereby repealed and replaced to read in its entirety as follows:

TRANSPORTATION

Article 6. Wreckers.

Sec. 19-139. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning herein ascribed to them:

- A. Motor Vehicle. The term "motor vehicle" includes every vehicle which is self-propelled.

- B. Vehicle. The term "vehicle" includes every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or trucks, including trailers and semi-trailers.

- C. Chief of Police. The chief of the Big Spring Police Department or his appointed representative.
- D. Police Department. The police department of the City of Big Spring.
- E. Wrecked. The status of any vehicle that has been damaged as a result of an accident so as to reasonably require that such vehicle be removed by a wrecker.
- F. Non-Consent Tows. A tow initiated by the police department by contacting the City's contracted wrecker if applicable, or a wrecker company from the Wrecker Rotation List to remove a wrecked or disabled vehicle, when the driver is absent, incapable of or refuses to indicate a choice of wrecker company.
- G. Wrecker Rotation List. The list maintained by the police department of wrecker companies with a valid Wrecker Rotation Permit.
- H. Wrecker Business. The business of towing or removing abandoned, disabled or wrecked motor vehicles from the public streets, regardless of whether the purpose of towing is to remove, repair, wreck, store, trade or purchase such disabled or wrecked vehicles.
- I. Wrecker Company. A company, firm or person engaged in the wrecker business.

Sec. 19-140. Contracted Wrecker Service.

The City may contract with a wrecker company to provide wrecker services for the City under such terms and conditions as the City Manager deems necessary and appropriate. Such contract may provide terms and rates for wrecker services to be provided to the City for City owned or operated vehicles. If the contracted wrecker is to perform non-consent tows in lieu of a wrecker rotation list the contract must also require that the contracted wrecker at a minimum will meet all conditions required for a wrecker rotation permit and such additional requirements as the City deems necessary and appropriate.

Sec. 19-141. Wrecker Selection Process.

- (A) Designation of Wrecker Company. When a police officer investigating an accident collision determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power, or when the owner or operator of a vehicle is physically unable to drive such vehicle or if a vehicle in safe condition must be removed from a public highway, such officer shall request the owner or operator to designate in writing or while being recorded, the person or wrecker company the owner or operator desires to remove the vehicle. When the owner has designated the wrecker

company desired, the police officer shall communicate that fact to dispatch and the person receiving the communication at the police department shall call the designated company to send a wrecker to the scene of the accident, collision or arrest.

- (B) Recommendation by City Employee Prohibited. No City of Big Spring employee including a police officer investigating or present at the scene of any wreck, accident or collision on a public street, or in any other situation where a vehicle needs to be towed, shall directly or indirectly, either by word, gesture, sign or otherwise recommend to any person the name of any particular person or company engaged in the wrecker service or repair business; nor shall any such employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service. Provided that, if a police officer observes a window sticker or other written material on or about the vehicle which purports to indicate the owner or operator's preference for a specific wrecker company, the police officer may ask the owner or operator of the vehicle if the sticker or other written material indicates such person's choice of wrecker company, however the police officer shall not be obligated to do so. It is further provided that any police officer, in the exercise of official discretion, may direct that any vehicle shall be taken by the driver of the wrecker towing the vehicle directly to the police station or to any other place the officer may designate, to be held by the City of Big Spring for any lawful purpose.
- (C) Solicitation of wrecker business prohibited on public streets. No person shall solicit in any manner, directly or indirectly on the public streets of Big Spring, wrecker business involving a vehicle wrecked on said streets. This prohibition applies regardless of whether the solicitation is for the business of towing, repairing, wrecking, towing, trading, selling or purchasing said wrecked vehicle. The presence of a wrecker at the scene of a collision or arrest or abandoned vehicle when such wrecker was not called by the City of Big Spring or a party to the collision or arrest, shall be prima facie proof of violation of this section.
- (D) Failure or Inability to Designate a Wrecker Company or Arrested Driver. In the event the owner or operator of a vehicle involved in an accident or collision is physically unable to designate the wrecker company desired, or refuses to designate one, the investigating officer shall communicate the fact immediately to the Police Department headquarters. The officer also has discretion to call for a non-consent tow if the driver of the vehicle is taken into police custody. The Police Department shall then contact the City's contracted wrecker if there is a current contract for non-consent tows pursuant to Section 19-140 above, or the wrecker company currently at the top of the wrecker rotation list.

- (E) Response Times. In the event that a wrecker company designated by the owner of the vehicle or called by the police department from the City's contract or the wrecker rotation list is contacted to respond to a scene, the wrecker company shall proceed immediately to the scene where it is directed and, absent extenuating circumstances, shall be given a period of twenty-five (25) minutes in which to reach the location. If the company answering the call has not reached the location within twenty-five (25) minutes, the officer at the scene has discretion to call the contracted or rotation list wrecker if the original wrecker was designated by the owner or to call the next wrecker company on the wrecker rotation list if the originally called wrecker was at the top of the wrecker rotation list. The second called wrecker company shall then have priority over the call. Failure to comply with these response times may result in removal of a company from the wrecker rotation list or be considered a breach of contract for the City's contracted wrecker. An exception may be made where the called wrecker company advised the officer requesting the wrecker service that they will be unable to take the call or in the case of a delay beyond the control of the wrecker company or its employees.
- (F) Discretion of Police Department. In order to protect the public health and safety, a police officer on scene at any situation necessitating wrecker service shall at all times retain the sole discretion to determine the type (standard or heavy duty) of wrecker suitable and/or the need for any other specialized wrecker for any particular situation.
- (G) Cleanup and Removal of Debris. Any wrecker company called to the site of an accident shall completely remove all broken glass and debris from the public street before leaving the accident scene. All accident debris shall be disposed of in accordance with state and local sanitation laws and shall not be disposed of in a manner that will allow it to reach the gutters or storm sewers or to remain on the public right of way or any property not belonging to the wrecker company unless lawfully disposed of with the consent of the property owner.

Sec. 19-142. Wrecker Rotation List.

If the City does not have a current contract with a wrecker company to perform all non-consent tows pursuant to Section 19-140 above, the Police Department shall maintain a wrecker rotation list for use when non-consent tows are necessary. The list shall contain the name and address of each wrecker company that has been issued a wrecker rotation permit by the Police Department. Each wrecker company on the list will be utilized as the "on call" wrecker for rotating periods of two (2) weeks. Each wrecker company on the list is responsible for keeping contact information up to date.

(A) Application for Wrecker Rotation Permit. Any wrecker company desiring to be placed on the wrecker rotation list shall make application for a wrecker rotation permit with the Chief of Police. The application shall:

1. be in writing and signed and sworn to by the owner
2. state the company's qualifications and experience;
3. include a schedule of charges, rates and fees which may not exceed the rates set forth in this section;
4. list the equipment the company has for providing said service and provide a statement that the company has all equipment required under the Texas Occupations Code; and
5. include a photocopy of the applicant's and its employees' towing licenses issued under the Texas Occupations Code.

If the applicant has a valid wrecker license and complies with the requirements of this article, the Chief of Police will issue a wrecker rotation permit to the applicant which must be renewed annually. If the permit requirements are not met, the Chief of Police will notify the applicant in writing that the permit is denied and state the reasons for denial of the permit.

(B) Permit Fee. The application must be accompanied by a permit fee of One-Hundred dollars (\$100.00) per year. All permits issued hereunder shall expire September 30th of each year and shall not be prorated unless the City cancels all permits and changes to a contracted wrecker service.

(C) Liability Insurance. All wrecker companies with a wrecker rotation permit must carry standard liability insurance for each wrecker in limits of not less than the amounts required by the Texas Occupations Code.

(D) Maximum Towing Fees Authorized.

1. Vehicles with GVWR under 10,001 lbs

Towing Fee	\$100.00 plus mileage
Drop Fee	\$ 50.00 plus mileage
Work Time	\$125.00 per hour (first 15 min. free)
Mileage	\$ 4.00 operated mile

2. Vehicles with GVWR over 10,001 and less than 26,001 lbs

Hook-up fee	\$150.00
Drop Fee	\$ 75.00
Working Time	\$350.00 per hour (4 hr min.)
Waiting Time	\$150.00 per hour
Mileage	\$ 5.00 per operated mile

3. Vehicles with GVWR over 26,001 lbs

Hook-up Fee	\$350.00
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4. Special Equipment

Dolly for Cars	\$ 50.00 plus \$ 2.00 per one way mile
Dolly for Truck/Trailer	\$100.00 per hour
Light Power Plant	\$ 50.00 per hour
Air Cushions	\$200.00 per cushion per hour
Recovery Van	\$150.00 plus \$ 4.00 per one way mile
Arrow Board	\$ 50.00 per strap
Nylon Lifting Straps	\$ 50.00 per strap
Replacement Vehicle	Will be charged base fee no mileage charge

5. Extra Labor \$ 50.00 per hour per person – Time will be computed from the time such help leaves terminal point of dispatch until they return to terminal or point of dispatch after completing work.

6. Fork Lift #311 \$100.00 per hour with operator time will be computed from the time unit arrives on location until unit leaves location. Normal delivery fee charged by specific delivery truck.

7. Pay Out Fees At the option of the carrier charges or expense for payout fees or special services for the account of the shipper may be advanced by MWS. Such advance charges shall be in addition to other applicable rates or changes. MWS will assess carrying charge of twenty-five percent (25%) of said payout fees.

8. Private Property Tow Fee Schedule.

Light Duty Towing Fee	\$250.00	Drop Fee	\$125.00
Medium Duty Towing Fee	\$350.00	Drop Fee	\$175.00
Heavy Duty Tow Fee (per unit)	\$450.00	Drop Fee	\$225.00
MAX Heavy Duty Tow Fee	\$900.00		

(E) Vehicle Storage Facility.

Each wrecker company on the police wrecker rotation list must own or contract with a licensed Vehicle Storage Facility within five (5) miles of the city limits of the City of Big Spring.

(F) Yards and Storage Areas.

All yards and storage areas for damaged or impounded vehicles which are towed by wrecker companies on the wrecker rotation list shall be fenced or enclosed in order to provide protection for the vehicles in their custody.

(G) Suspension, Cancellation or Revocation of Wrecker Rotation Permit.

1. After an administrative hearing, the Chief of Police may suspend, cancel or revoke a wrecker license granted under Section 19-141 for any of the following grounds:
 - a. If the wrecker company violates any provision of this article or any other ordinances or any state law regulating vehicular traffic.
 - b. If the wrecker company fails to protect vehicles in its care as a result of wrecker pull or fails to prevent parts, accessories, and personal belongings from being removed from the vehicle except as may be necessary to protect said items from theft.
 - c. If at any time it is determined that the wrecker company fails to meet the minimum requirements for a licensed wrecker under this article.
2. The Chief of Police shall give ten (10) days notice of the time and place for the administrative hearing concerning suspension, cancellation, or revocation of a wrecker rotation permit as provided above and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.
3. Finding the Chief of Police in his written order of suspension, cancellation or revocation of wrecker license shall terminate all authority and permission

previously granted. The period of suspension, revocation or cancellation of a wrecker license shall not exceed one year.

4. Any order of the Chief of Police may be appealed to the City Council within ten (10) days from the date the permit holder receives written notice of the suspension, cancellation, or revocation. The City Council shall have authority to reverse, affirm, vacate or modify the order of the Chief of Police; provided, however, in the event the City Council affirms the order, the suspension, revocation or cancellation shall commence on the date of action by the City Council.

SECTION 2. 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 3. The City Secretary is directed to publish the caption of this ordinance along with the applicable penalty in accordance with state law.

SECTION 4. This ordinance shall take effect immediately from and after its publication and it is accordingly so ordained.

SECTION 5. It is officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

PASSED AND APPROVED on the first reading by the City Council of the City of Big Spring, Texas, this the ____ day of _____, ____, at a regular meeting of the City Council of the City of Big Spring, Texas, with all members present voting “aye” for passage of same.

PASSED AND APPROVED on the second and final reading by the City Council of the City of Big Spring, Texas, this the ____ day of _____, ____, at a regular meeting of the City Council of the City of Big Spring, Texas, with all members present voting “aye” for passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, January 17, 2012
5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street
Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:21 p.m. Tuesday, January 17, 2012 in the offices of the Big Spring Economic Development Corporation with Mr. Myers, presiding. The following notice was sent on January 13, 2012 to all Directors, the news media, and duly posted on January 13, 2012, by Teresa Darden in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, January 17, 2012 at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Executive Session, pending or contemplated litigation; Action as a Result of Executive Session; Howard College Grant Quarterly Update for Workforce Training; Action on Minutes of the December 20, 2011 Regular Meeting and January 3, 2012 Special Meeting; Action to Approve December Financials; Action to Approve December Investment Reports; Directors Report; Public Comment; Board Comment; and Adjourn".

Directors Present:

Mr. Justin Myers
Mr. Rodney Bomar
Dr. Keith Ledford
Mr. Scott MacKenzie
Mr. Jim DePauw

Directors Absent:

Staff Present:

Mr. Terry Wegman
Mrs. Teresa Darden

Guests:

Miklos Szabo
Amanda Moreno
Kyle Guthrie
Kinsey Hansen
Aubrey Weaver

AGENDA ITEM # 1 – Call to Order/Invocation and Pledge:

Mr. Myers called the meeting to order at 5:21 p.m. Mr. DePauw led the invocation and pledge.

AGENDA ITEM #2- Executive Session

- **Executive Session in accordance with Texas Government Code, Section 551.071 authorizing governmental body to consult with its attorney in an executive session to seek his or her advice on legal matters. It provides as follows:**
 1. **when the governmental body seeks the advice of its attorney about:**
 - (A) **pending or contemplated litigations**

Mr. Myers adjourned the Board of Directors into Executive Session @ 5:36 pm. January 17, 2012

AGENDA ITEM #3- Action as a Result of Executive Session:

Mr. Myers reconvened the Board of Directors into open session @ 6:07 p.m. January 17, 2012. Action as a result include:

None

AGENDA ITEM #4- Howard College Grant Quarterly Update for Workforce Training:

Mrs. Kinsey Hansen gave the 2011 Fourth quarterly update on the Howard College Grant for Workforce Training. Mrs. Hansen explained that programs have continued to be a great success. Along with the core training classes, HC has developed a NCCER accredited course. Total number of course students enrolled in the program in August was 109 students; January thus far is 80 students, with registration still open. Howard College has been very pleased with the participation from the area High Schools as well as local business. Leading EDG has partnered with Howard College to host community workshops for Continuing Education and has been a vital resource for students coming out of the Howard College program.

AGENDA ITEM # 5- Action to Approve Minutes of the December 20, 2011 Regular Meeting and January 3, 2012 Special Meeting:

Mr. Myers presented the minutes of the December 20, 2011 Regular Meeting and the December 5, 2011 Special Meeting. Motion to accept the minutes for the December 20, 2011 Regular Meeting was made by Dr. Ledford, seconded by Mr. Bomar. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion. Mr. Myers presented the minutes of the January 3, 2012 Special Meeting. Motion to accept the minutes of the January 3, 2012 Special Meeting was made by Mr. MacKenzie, seconded by Dr. Ledford. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Action on December Financials:

Mr. Bomar presented the December Financials. Motion to approve the December Financials was made by Mr. DePauw seconded by Dr. Ledford. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #7- Action to Approve December Investment Report:

Mr. Wegman presented the December Investment Report. Motion to approve the December Investment Report was made by Mr. Bomar seconded by Mr. DePauw. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #8- Directors Report

Mr. Wegman discussed various projects including: Transport Handling Specialist has continued work on the rail system in the Industrial Park, with estimated completion by the end of the year. The galvanizing plant has been approved for the SBA Loan and will be put on the County's agenda for approval. Desert Tanks has purchased the crane that was owned by EDC as part of the balance of the incentive agreement and will be turning in UCC as soon as all serial numbers are submitted to EDC. Housing for the WETT project has been put on hold, waiting on site plans. Solar plant hasn't found a utility company to purchase the electricity.

Mr. Wegman advised the board of past and upcoming meetings that include: Transmission Line Summit was January 11-12. Upcoming meetings are the TEDC Winter Meeting on January 18-20 Annual Chamber Banquet is January 31, 2012 and the next EDC Regular Meeting will be February 21, 2012

AGENDA ITEM #9- Public Comments

Mr. Weaver had several questions concerning the 4B project

AGENDA ITEM # 10- Board Comments

None

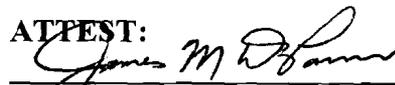
AGENDA ITEM # 11- Adjourn

Mr. Myers asked for a motion to adjourn. Motion by Dr. Ledford, seconded by Mr. DePauw. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 7:12 pm on January 17, 2012


Mr. Myers, President

ATTEST:


Mr. DePauw, Board Member

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Monday, February 13, 2012
5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street
Big Spring, Texas

The Special Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:16 p.m. Monday, February 13, 2012 in the offices of the Big Spring Economic Development Corporation with Mr. Myers, presiding. The following notice was sent on February 10, 2012 to all Directors, the news media, and duly posted on February 10, 2012, by Teresa Darden in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Special Board Meeting on Monday, February 13, 2012 at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Consideration, discussion and possible action concerning the Type B project proposed by the Big Spring City Council for the repair and rehabilitation of the City of Big Spring's water and wastewater treatment plants and repair and replacement of water distribution lines; Public Comment; Board Comment; and Adjourn".

Directors Present:

Mr. Justin Myers
Mr. Rodney Bomar
Dr. Keith Ledford
Mr. Scott MacKenzie
Mr. Jim DePauw

Directors Absent:

Staff Present:

Mr. Terry Wegman
Mrs. Teresa Darden

Guests:

Miklos Szabo	Mike Tarpley
Amanda Moreno	Anayeli Ruiz
Len Hobbs	Brent Desilets
Aubrey Weaver	Tommy Duncan
Linda Sjogren	Gary Fuqua
Peggy Walker	Thomas Deferro

AGENDA ITEM # 1 – Call to Order/Invocation and Pledge:

Mr. Myers called the meeting to order at 5:16 p.m. Mr. Bomar led the invocation and pledge.

AGENDA ITEM #2- Consideration, discussion and possible action concerning the Type B project proposed by the Big Spring City Council for the repair and rehabilitation of the City of Big Spring's water and wastewater treatment plants and repair and replacement of water distribution lines

Motion that the Board of Directors of Big Spring EDC find it to be required or suitable for: the development of improvement of water supply facilities... or other water supply alternatives; or the development and institution of water conservation programs, was made by Mr. Myers and seconded by Mr. MacKenzie. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Mr. Myers presented several options that EDC and City staff has agreed upon. City Manager, Gary Fuqua told the Board that the decision the Board makes will be City staff recommendation to City Council.

Mr. MacKenzie made the motion to enter into an agreement with the City of Big Spring, contingent on voter approval, to fund a proposed Type "B" project and authorize the Board President to execute said agreement providing for the following terms;

- BSEDC will fund up to Thirteen Million Dollars (\$13,000,000) or for a term of twenty years whichever occurs first based on the following formula;
- Such funding will be paid annually each January 1 (beginning in 2013) in an amount representing 40% of BSEDC's sales tax revenue for the fiscal year ending September 30 of the previous year;
- The 40% payment shall be subject to the following limitations: In no event shall any annual payment exceed \$750,000 or be less than \$500,000 except for the first two years;
- Income shall be defined as: Sales Tax Revenue
- The first two years payments for 2013 and 2014 shall be \$750,000 regardless of sales tax revenue generated;
- In the event that Big Spring City Council requests that BSEDC fund subsequent "B" projects during the term of this agreement, and such measure is approved by a majority of the voters of the city, the annual payments for this project will be reduced by the annual obligation incurred by BSEDC on such new "B" projects.

The motion was seconded by Mr. Bomar. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #3- Public Comments

Mr. Weaver had several statements concerning the Type B project and the functions of the EDC.

AGENDA ITEM # 4- Board Comments

None

AGENDA ITEM # 5- Adjourn

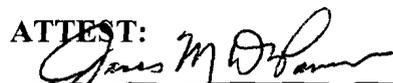
Mr. Myers asked for a motion to adjourn.

Motion by Mr. DePauw, seconded by Mr. MacKenzie. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 6:14 pm on February 13, 2012


Mr. Myers, President

ATTEST:


Mr. DePauw, Board Member