



CITY COUNCIL AGENDA

Tuesday, March 10, 2015

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, March 10, 2015, 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.

As a courtesy to those in attendance, please place your cell phone on “Silent” or “Vibrate.”

Please, no talking during the meeting, take any conversations outside, so others can hear.

Thank You!

1. Invocation & Pledge of Allegiance to the United States Flag and to the Texas State Flag McLellan

“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

Announcements & Public Hearings

2. **Public Hearing** - Regarding SUP15_01 – Requesting Approval to Construct a Combination Accessory Structure in a Single-Family (SF-2) Dwelling District with no Primary Structure, on a Lot at Wasson Place Subdivision, Block 6, Lot 13 in Southwest Big Spring, Howard County, Texas 5-10 Johnston
3. **Public Hearing** – Regarding Consideration and Approval of a Preliminary and Final Plat of the Insignia Addition on an Approximately 4.99 Acre Tract Located West of the Intersection of San Antonio Street and North 11th Street, more specifically, this Property Occupies Approximately 4.99 Acre Tract Out of Section 26, Block 33 of the T-1-N T&P R.R.Co. Survey of Howard County in North Central, Big Spring 11-16 Johnston

Disposition of Minutes

- | | | | |
|----|---|-------|-------|
| 3. | Approval of the Minutes of the Regular Meeting of February 24, 2015 | 17-20 | Davis |
|----|---|-------|-------|

Routine Business

- | | | | |
|----|--|--|----------|
| 4. | Vouchers for 02/26/15 \$ 336,149.71
Vouchers for 03/05/15 \$ 614,593.91 | | McDonald |
|----|--|--|----------|

New Business

- | | | | |
|----|---|-------|-------------|
| 5. | Presentation by the United States Army Special Operations Command – JADE HELM for July 15 th , 2015 – September 15, 2015 | | Thomas Mead |
| 6. | First Reading of a Resolution Inviting the United States Army Special Operations Command (USASOC) to Conduct a Large Scale Military Training Exercise Called “JADE HELM 15” in Big Spring, Howard County, Texas from July 15, 2015 Through September 15, 2015; and Providing an Effective Date | 21 | Edwards |
| 7. | First Reading of an Ordinance Declaring the Unopposed Candidates in the May 9, 2015 General Election for City Council Member District 4 and for City Council Member District 6 as Elected to Office; Canceling the General Election for City Council Position for City Council Member District 4 and for City Council Member District 6; and Providing an Effective Date | 22-24 | Moore |
| 8. | First Reading of a Resolution Authorizing the Issuance of Specific Use Permit (SUP15-01) Without Term to Jimmy and Debra Cook (SUP15-01), Permitting Construction of a Thirty (30) Foot by Twenty-Four (24) Square Foot Accessory Building Without a Primary Structure in a Single-Family (SF-2) Dwelling District on Block 6, Lot 13 in the Replat of Wasson Place Subdivision; and Providing an Effective Date | 25-27 | Johnston |
| 9. | First Reading of an Ordinance Approving a Final Plat on an Approximately 4.99 Acre Tract Located West of the Intersection of San Antonio Street and North 11 th Street, More Specifically, This Property Occupies an Approximate 4.99 Acre Tract Out of Section 26, Block 33, T-1-N T&P R.R.Co. Survey in East Big Spring, Howard County Texas; Providing for Severability; Providing for Publication; and Providing an Effective Date | 28-31 | Johnston |

- | | | | |
|-----|---|-------|--------|
| 10. | First Reading of an Ordinance Amending Chapter 6 Entitled “Cemetery, Parks and Recreation” in Order to Re-Title Article 11 From “Big Spring Family Aquatic Center” to “Russ McEwen Aquatic Center”; Amending Section 6-195 Entitled “Aquatic Center Rules” to Include Additional Rules Regulating Obscene and/or Offensive Content Displayed on Clothing, Articles and Tattoos; Restructuring Section 6-195 for Clarity; Providing for Severability; and Providing an Effective Date | 32-35 | Womack |
| 11. | First Reading of an Ordinance Amending Ordinance Number 048-2014 Which Adopted the Annual Budget for the City of Big Spring, for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015 to Increase the Motel Tax Fund Budget for the Purpose of Purchasing a Sound System for the Howard College Coliseum; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 36-37 | Wegman |
| 12. | First Reading of an Ordinance Amending Chapter 13 Entitled “Health Safety and Nuisances,” by Replacing Article 9 Entitled “City Smoking Ordinance” with a New Article 9 of The Same Name in Order to Regulate the Use and Sale of Electronic Vaping Devices in the Same Manner as Other Tobacco Products; Providing for Severability; Providing for Publication; and Providing an Effective Date | 38-48 | Darden |
| 13. | Consideration and Approval of an Agreement with Plains Cotton Cooperative Association for a 20’ Utility Easement and Right of Way being 10’ on Each Side of the Following Described Centerline, said Easement Being Across a 6.671 Acre Tract to Star Dodge, as Recorded in Official Public Records of Howard County, Texas Volume 1430, Page 532. This Said 6.671 Acre Tract Being Out of a Called 47.05 Acre Tract as Deeded to the Plains Cotton Cooperative Association in Volume 1125, Page 369, as Recorded in the Official Public Records of Howard County, Texas with All Lands being Out of the T&P R.R. Survey Lands, Abstract #621, in the City of Big Spring, Texas | 49-53 | Womack |
| 14. | Consideration and Approval of an Agreement with Plains Cotton Cooperative Association for a 20’ Utility Easement and Right of Way being 10’ on Each Side of the Following Described Centerline, said Easement Being Across the Remainder of a Called 47.05 Acre Tract as Deeded to the Plains Cotton Cooperative Association in Volume 1125, Page 369, as Recorded in the Official Public Records of Howard County, Texas with All Lands being Out of the T&P R.R. Survey Lands, Abstract #621, in the City of Big Spring, Texas | 54-58 | Womack |

15. Approval of Investment Report for the Quarter Ending December 31, 2014 59-61 Moore

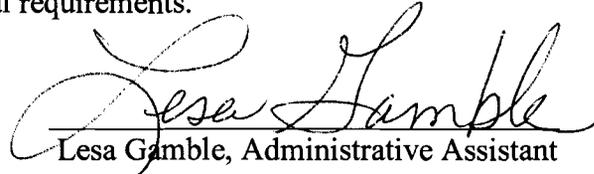
City Manager's Report

16. Standing Report Darden
17. Vector Fleet Management - Cost Sharing Darden

Council Input

18. Input McLellan
19. Adjourn McLellan

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, March 6, 2015 at 6:00 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

March _____, 2015 at _____ a.m./p.m.

By: _____



Memo

Meeting Date: March 10, 2015

To: City Council members

From: Roxanne Johnston, City Planner

Subject: SUP15_01, a request for approval to construct a combination accessory structure on a lot located in a Single-Family (SF-2) Dwelling District with no primary structure on the following property:

Location: A 68.77'x114.26' lot located at the northwest intersection of Oxford Drive and Glenwood. More specifically, this property occupies the Replat of Wasson Place subdivision, Block 6, Lot 13, in southwest Big Spring.

Purpose: Approval of this request would allow the applicant to construct a combination shop and garage.

Contacts: Roxanne Johnston, City Planner 432-264-2319
Jimmy and Debra Cook, Applicants 432-264-0221

Background and Analysis:

On February 17, 2015, the Planning and Zoning Commission voted unanimously to forward their recommendation of approval for this request. The applicants seek to place a combination garage and private workshop/storage building on the vacant subject lot. The lot is bounded by Oxford Street to the east, which is an improved street, an alleyway to the north, Glenwood Street to the south which is an unimproved street, and a lot containing a permitted carport to the west. The applicants own a home on the lot north of the subject property, on the north side of the alley. This alley contains dumpsters and also provides access to lots situated west and northwest of the subject property. Formally abandoning the alley and then replatting the lots to include the abandoned alley is not an option at this time.

The applicants purchased the material for their project and then approached staff to see what was needed in order to comply with City codes and policies. They explained to staff that they are unable to add a garage and personal workshop on their actual home lot because there is not enough space. Their home lot was platted with a 35' building setback, which gives them a smaller building footprint on their lot overall and other lot owners in the same subdivision experience this issue as well. Typically, lots located in SF-2 Districts have a 25' setback along the front yard, but there are situations where some subdivision plats are more restrictive than the zoning allows. When this situation arises, the more restrictive setbacks indicated on the plat or within a recorded covenant or deed, for example, take precedence over the Zoning Ordinance as in this case.

Staff also discovered that the majority of the subdivision lots located immediately north of the unimproved Glenwood Street have no improved street access, and are not viable for the development of single-family structures until a fully improved street is constructed. The unimproved Glenwood Street has an approximately 95' wide right-of-way and is not included in the City's current Thoroughfare Map of the Comprehensive Plan draft as a future arterial.

Article 2, Section 2-1(2) of the Zoning Ordinance defines an accessory building as *"a detached building used for a purpose customarily incidental to the main structure including but not limited to a private garage for automobile storage, tool house, greenhouse as a hobby, home workshop, children's playhouse, storage house or garden shelter...[and] does not include carports in accordance with Article 8-1."*

Article 8, Section 8.1(a) of the Zoning Ordinance titled *"Accessory Uses"* states: *"The following uses which are classified as accessory uses shall be allowed by permit as set forth in the Building code of the City of Big Spring; For a residential use, a subordinate use customarily incidental to and located on the lot or contiguous tract occupied by the main or principal use, not separated by a street or alley, for a purpose customarily incidental to the use of the main structure such as a private garage for automobile storage, tool house, greenhouse or a hobby only, home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business and excluding living and sleeping quarters except as permitted by specific use permit."*

Additionally, the applicants are able to make their request because although Article 7, Section 7-2 of the Zoning Ordinance titled *"Specific Use Permits,"* outlines uses that are allowable with a Specific Use Permit, there is a clause that says *"(b)... but are not limited to."* Clearly, the Zoning Ordinance does not exclude them from being able to make application for their request.

Article 6, Section 6-4 defines the SF-2 zoning districts as *"A zone designed to accommodate single-family development on lots that are a minimum of 7,000 square feet in area."* Single-family development, in this instance, refers to dwellings. If the applicant were intending to construct a home on the lot and include their shop and

garage, then they could do so within SF-2, by right, given that they follow the building setbacks.

The applicants are proposing a 30 foot in length by 24 foot in width building. The proposed height is 9 feet. This amounts to 720 square feet of floor area.

Article 6, 6-6 SF-2 titled "*Single-Family Dwelling District*," lists uses allowed in this district. Again, a garage and shop are examples of accessory structures. "*Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations...*"

Lastly the reason this case is being considered for a Special Use Permit is because the proposed garage and workshop/storage project is considered "accessory" and not "primary." Approval of this request by City Council would be by Resolution.

General Information:

Existing Zoning: Single Family Dwelling (SF-2)

Existing Land Use: Vacant, undeveloped lot

Surrounding Zoning/Land Use:

North:	Single-Family Dwelling (SF-2)	Low density Single-family residences
South:	Single-Family Residential (SF-2)	Vacant property
East:	Single-Family Dwelling (SF-2)	Vacant property
West:	Single-Family Dwelling (SF-2)	Vacant property

Thoroughfares/Streets: Oxford Street is a local street designed to handle neighborhood traffic at low speeds. Oxford Street dead-ends directly southeast of the subject lot.

Glenwood Street is undeveloped and appears to serve as a drainage ditch at this time.

Zoning History: The property contains no special zoning overlays

Applicable Regulations: Allowed uses for this property can be found in Article 6, Section 6-6 of the Zoning Ordinance, titled "*SF-2, Single-Family Dwelling District*"

Development Standards: **Zoning Ordinance, Article 4 and Appendix C**

Minimum Lot Area-7000 sq ft

Existing Lot Area- 7858 sq ft

Minimum Lot Dimensions- 60X100feet

Existing Lot Dimensions- 68.77'x114.26'

Minimum Front Yard per SF-2 zoning- 25 ft

Minimum Front Yard for Subject Property per plat restrictions- 35 ft

Minimum Side Yard- 5'

Minimum Rear Yard- 10'

Maximum Floor Area Ratio (FAR)- 35% For Single-Family development*

Maximum FAR allowable on subject lot- Approx. 2750 sq ft

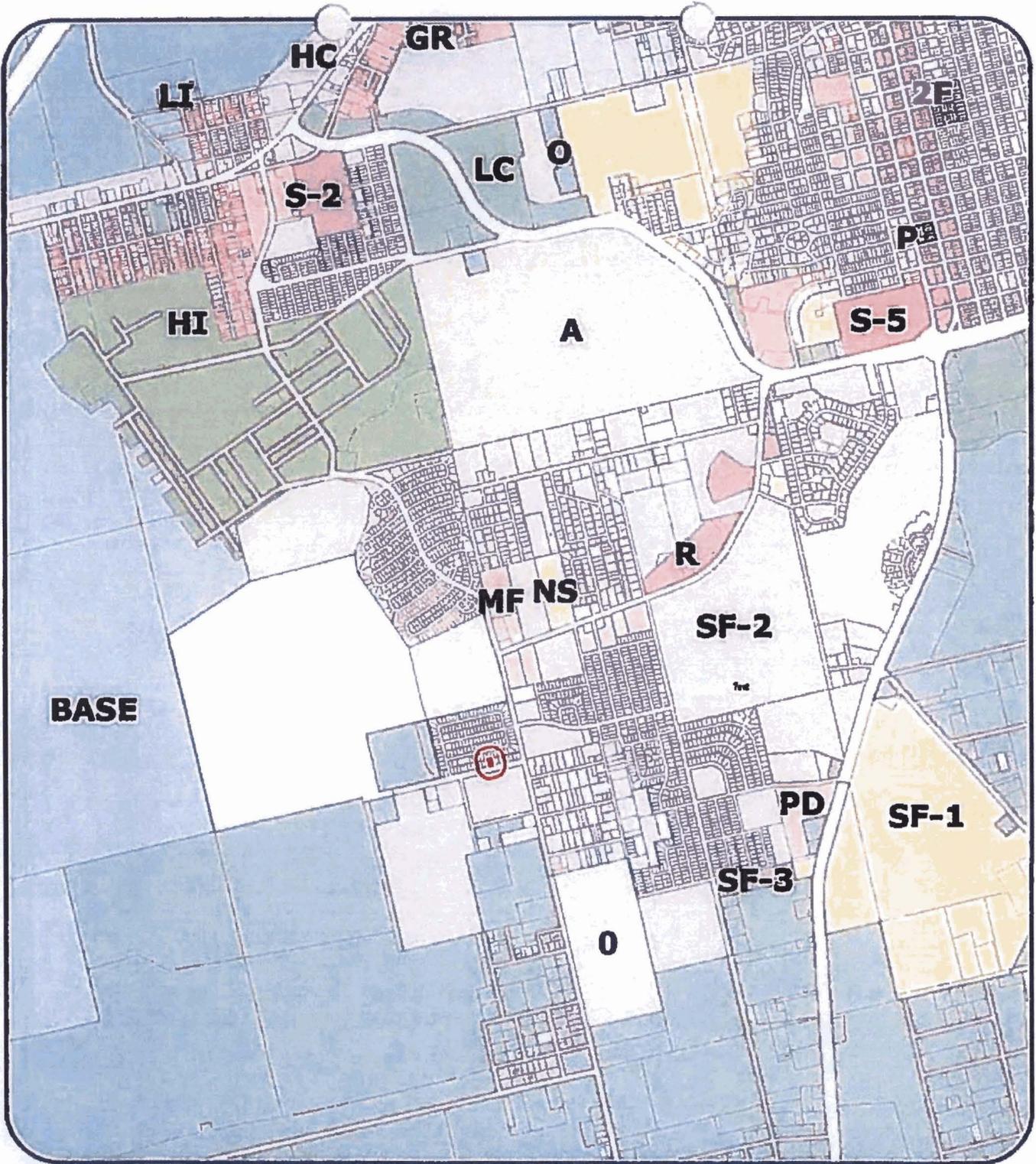
Proposed structure FAR (30'X24') is 720 sq ft.

Note: The above development standards are for Single-Family development only.

Special Information

Traffic Concerns:	Traffic entering and exiting the site will not likely increase since the intended use is private in nature.
Parking Requirements:	Zoning Ordinance, Article 4, Section 4-9 <i>"One (1) space for each dwelling unit for single-family residence..."</i> There are no parking requirements for accessory structures.
Notifications Required:	Yes
Notifications Sent:	15
Responses in Favor:	1
Responses in Opposition:	2

Attachments: Excerpt from zoning maps, highlighting subject property; and Specific Use Permit Application provided by the applicants



Zoning Case File:
Specific Use Permit 15-01

Council District: Meyers

0 462.525 1,850 2,775 3,700
 Feet

CITY OF BIG SPRING GIS /MAPPING DEPARTMENT

Legend

Subject Property: —
 Current Zoning: SINGLE FAMILY (SF-2)
 Request: Accessory structure w/o primary
 Vision: N/A





**Zoning Case File:
Specific Use Permit 15-01**

Council District: Marquez

0 10 20 30 40
Feet

Legend

- Subject Property: —
- Current Zoning: SINGLE FAMILY (SF-2)
- Request: Accessory structure w/o primary
- Vision: N/A





Memo

Meeting Date: March 10, 2015

To: City Council members

From: Roxanne Johnston, City Planner

Subject: Insignia Subdivision, a request for approval of a Preliminary Plat and Final Plat on a Heavy Commercial Zoning District on the following property:

Location: An unaddressed 4.99 acre tract located west of the intersection of San Antonio Street and North 11th Street. More specifically, this property occupies a 4.99 acre tract out of Section 26, Block 33 of the T-1-N T&P R.R. Co. Survey of Howard County in north central Big Spring.

Purpose: Approval of this request will allow hotels on the proposed Lots 1 and 2.

Contacts: Roxanne Johnston, City Planner 432-264-2319
Andrew Mellen, Maverick Engineering 432-262-0999

The Planning and Zoning Commission **unanimously recommended conditional approval** for the Preliminary Plat on **November 5, 2014**.

Staff recommends **approving** the Preliminary Plat subject to conditions and notes as listed below:

1. Providing the Planning Department with a current tax certificate by the Howard County Appraisal District indicating that no taxes are due for this subdivision.

NOTES:

1. Correct the location data shown indicated on the north and west sides of the preliminary plat draft as they read the same.

2. Provide the street width for San Antonio Street.
3. Correct the Metes and Bounds description to read "County of Howard," instead of "County of Martin."
4. Submission and approval of a drainage study to staff illustrating how drainage is to be handled on site before the final plat can be recorded.
5. Plans shall be prepared and submitted for approval illustrating the proposed installation of required service connections before the final plat can be recorded.

On **March 3, 2015**, the Planning and Zoning Commission **unanimously recommended conditional approval** of the Final Plat.

Staff also recommends **approving** the Final Plat subject to addressing the notes as listed below:

1. Provide Language on the plat stating "Notice: Selling a portion of this addition by metes and bounds may be a violation of City ordinance and state law and subject to fines and withholding of utilities and building permits." [*Chapter 12, Subdivision Ordinance, Section 15.B.2*]
2. Provide a signature block for recording purposes for the County Clerk.
3. Because a 30' ROW (0.23 acres) of area within North San Antonio Street will be dedicated to the City, indicate the eastern border of the proposed plat (to the show middle of N. San Antonio Street, in heavy solid lines instead of the dashed lines shown. [*Chapter 12, Subdivision Ordinance, Section 7.F.1*]
4. Approval of a drainage study to staff illustrating how drainage is to be handled on site before the final plat can be recorded.
5. Change title to say "Final Plat Insignia Addition, Block 1, Lots 1-2, City of Big Spring, Howard County, Texas" or a similar title.
6. It is preferred that the existing notation for Block 1 is changed to read "Block 1" or "Block One" that stretches over both lots in a lighter font.

Analysis:

The applicant is seeking to place two hotels on the lots indicated within this final plat.

The reason this subdivision is being reviewed by City Council is because a 20 foot public utility easement is required on the proposed Lot 1 in order to extend sewer and water services through to the proposed Lot 2 located to the west. Additionally, a 0.23 acre portion of N. Antonio Street is to be dedicated to the City as noted on the Final Plat draft.

General Information:

Existing Zoning: Heavy Commercial

Existing Land Use: Vacant tract

Surrounding Zoning/Land Use:

North:	Heavy Commercial	The Hampton Inn motel
South:	Heavy Commercial	Vacant property
East:	Light Commercial	Commercial and residential properties
West:	Heavy Industrial	Vacant property

Thoroughfares/Streets: San Antonio Street is identified as a "local street," designed to carry light neighborhood traffic at lower speeds and generally connect to collector streets. The owners intend to dedicate a 0.23 acre area of N. San Antonio Street.

Required ROW Width: 50'

Actual ROW Width: Approximately

Required Pavement Width: 36'

Storm Water/Drainage: Refer to conditions listed above

Topography: No topographical issues are expected with this property.

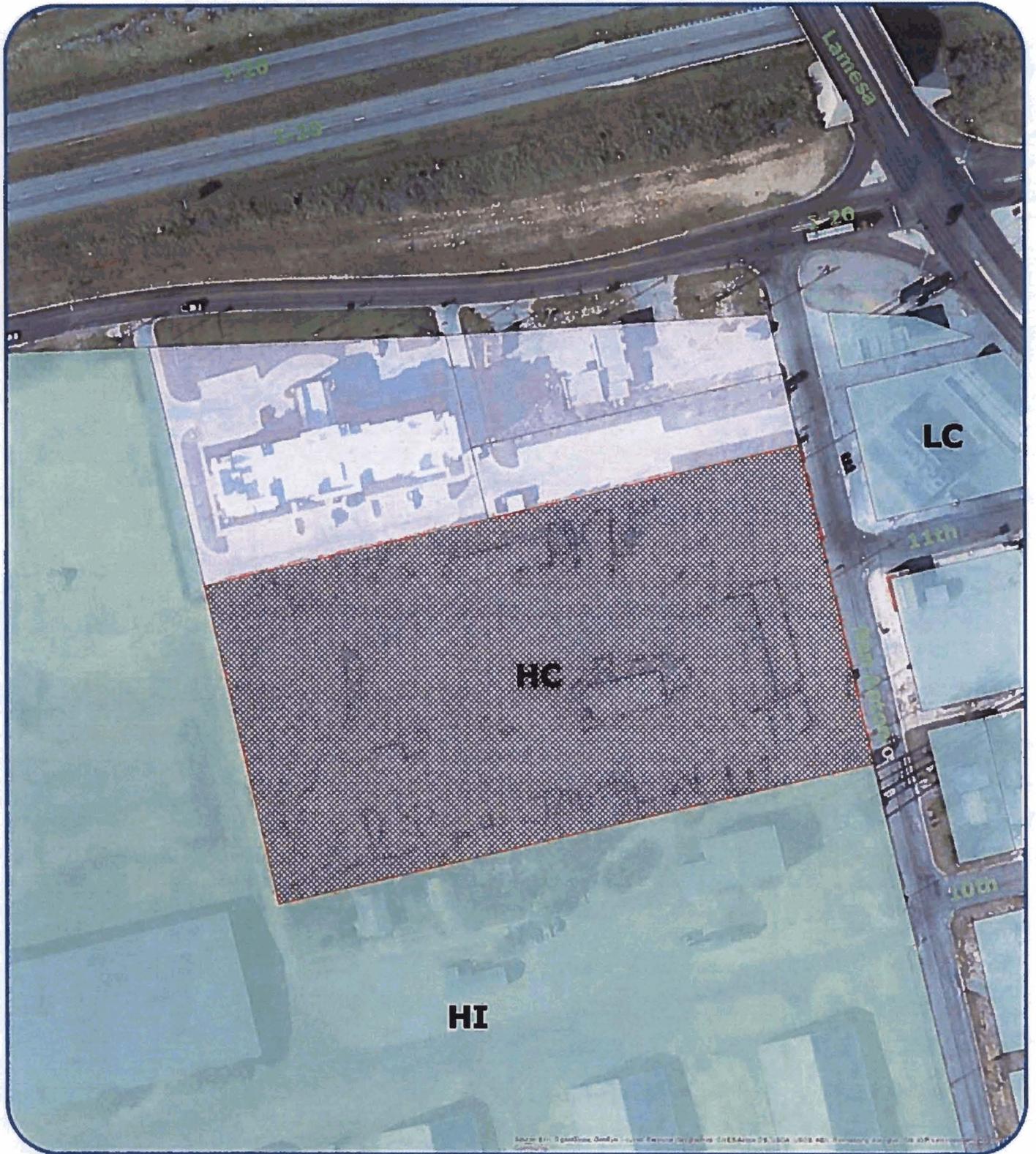
911 Addressing: The layout of the final plat is not expected to create any addressing issues.

Water/Sewer Utilities: Plans have been submitted and will need to be approved by the Public Works Director.

Fire Protection and Access Management: No access management issues are expected at this point in development.

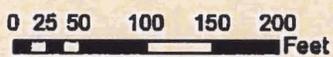
Private Utilities: To be addressed though the development phase.

Attachments: Aerial map, highlighting subject property;
Preliminary Plat Draft, and
Final Plat draft.



**Insignia Addition
Preliminary and Final Plat**

Council District: Marquez



Legend

Subject Property: ———

Current Zoning: Heavy Commercial (HC)

Requested Zone Change: N/A

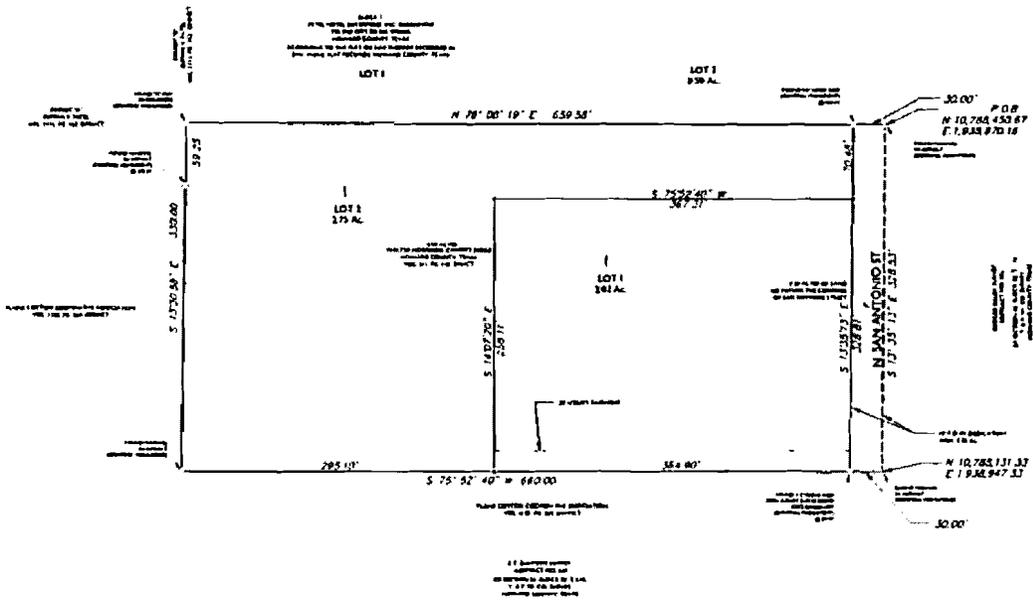
Vision: N/A



FINAL PLAT

INSIGNIA ADDITION

A SUBDIVISION OF 4.99 ACRES OF LAND OUT OF SECTION 26, BLOCK 33,
T-1-N, T.&P. RR. CO. SURVEY, CITY OF BIG SPRING, HOWARD COUNTY, TEXAS.

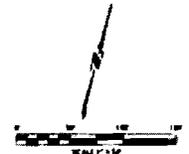


APPROVAL OF BOARD OF PUBLIC WORKS
I, the undersigned Board of Public Works of the City of Big Spring, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF CITY CLERK
I, the undersigned City Clerk of the City of Big Spring, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE CITY ENGINEER
I, the undersigned City Engineer of the City of Big Spring, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE COUNTY CLERK
I, the undersigned County Clerk of Howard County, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.



LEGEND

- 1. BOUNDARY OF THE CITY OF BIG SPRING
- 2. BOUNDARY OF THE CITY OF BIG SPRING
- 3. BOUNDARY OF THE CITY OF BIG SPRING
- 4. BOUNDARY OF THE CITY OF BIG SPRING

APPROVAL OF COUNTY CLERK
I, the undersigned County Clerk of Howard County, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF CITY ENGINEER
I, the undersigned City Engineer of the City of Big Spring, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE CITY CLERK
I, the undersigned City Clerk of the City of Big Spring, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE COUNTY CLERK
I, the undersigned County Clerk of Howard County, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE CITY ENGINEER
I, the undersigned City Engineer of the City of Big Spring, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE COUNTY CLERK
I, the undersigned County Clerk of Howard County, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE CITY CLERK
I, the undersigned City Clerk of the City of Big Spring, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.

APPROVAL OF THE COUNTY CLERK
I, the undersigned County Clerk of Howard County, Texas, hereby approve the addition of a subdivision of the City of Big Spring and hereby authorize the same.



INSIGNIA ADDITION

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 24, 2015, with the following members present:

LARRY McLELLAN	Mayor
RAUL BENAVIDES	Mayor Pro Tem
RAUL MARQUEZ	Councilmember
CARMEN HARBOUR	Councilmember
JUSTIN MYERS	Councilmember
BOBBY McDONALD	Councilmember
MARVIN BOYD	Councilmember

Same and constituting a quorum; and

TODD DARDEN	City Manager
JOHN MEDINA	Human Resource Director
KAYE EDWARDS	Interim City Attorney
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
JIM LITTLE	Airpark Director
DON MOORE	Finance Director/ City Secretary
TIM GREEN	Municipal Court Judge
DEBBIE WEGMAN	Community Services Director

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor McLellan gave the invocation and led the Pledge of Allegiance to the American and Texas Flags.

ROUTINE BUSINESS

Routine business was moved to the front of the meeting due to Councilmember Myers leaving after reviewing the vouchers.

Councilmember Myers reviewed the vouchers in the amount of \$837,408.46 (02/12/15) and \$937,521.58 (02/19/15). Motion was made by Councilmember Myers, seconded by Councilmember Harbour, with all Councilmembers voting “aye” approving the above listed vouchers.

DISPOSITION OF MINUTES

APPROVAL OF MINUTES OF THE REGULAR MEETING OF FEBRUARY 12, 2015

Motion was made by Councilmember McDonald, seconded by Councilmember Marquez, with all members of the Council voting “aye” approving the above listed minutes.

CONSENT ITEMS

FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 048-2014, WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 BY INCREASING THE AIRPARK FUND BUDGET FOR THE PURPOSE OF FUNDING TWO NEW SCAG MOWERS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

ACCEPTANCE OF THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MINUTES FOR THE MEETING OF DECEMBER 19, 2013

ACCEPTANCE OF THE CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES FOR THE MEETING OF DECEMBER 3, 2014

ACCEPTANCE OF THE HOWARD COUNTY APPRAISAL DISTRICT’S BOARD OF DIRECTORS MINUTES FOR THE MEETING OF DECEMBER 10, 2014

Motion was made by Councilmember Harbour, seconded by Councilmember McDonald with all members of the Council voting “aye” approving the second and final reading of the above listed ordinance and minutes.

SECOND READING OF AN ORDINANCE APPROVING Z14-06, A REZONE OF BLOCK 4, LOT 17, NORTH BELVUE ADDITION, ALSO KNOWN AS 906 BIRDWELL LANE, LOCATED IN EAST BIG SPRING, FROM SINGLE-FAMILY (SF-2) DWELLING ZONING DISTRICT TO MULTI-FAMILY (MF) DWELLING ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE (FIRST READING JANUARY 13, 2015)

After a brief discussion, motion was made by Councilmember Marquez, seconded by Councilmember Harbour with Councilmember Marquez and McLellan voting “aye” approving the second and final reading of the above listed ordinance. Councilmembers Harbour, Benavides, McDonald and Boyd, being opposed, voting “nay” for passage of same. Motion **fails** four to two. Councilmember Myers was not present.

BIDS

REQUEST PERMISSION TO ADVERTISE FOR SEALED BIDS FOR PURCHASE OF CITY OWNED PROPERTY LOCATED AT 707 NOLAN STREET, ALSO KNOWN AS LOT 9, BLOCK 60 ORIGINAL TOWN, BEING APPROXIMATELY 0.161 ACRES, IN THE CITY OF BIG SPRING, HOWARD COUNTY, TEXAS

Motion was made by Mayor Pro Tem Benavides, seconded by Councilmember Boyd, with all members of the Council voting “aye” granting permission to advertise for the above listed sealed bids.

AWARD BID FOR FOUR (4) POLICE DEPARTMENT PATROL UNITS AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem Benavides, seconded by Councilmember Boyd, with all members of the Council voting “aye” awarding the above listed bid to Caldwell Country Ford in the total amount of \$156,260.16.

NEW BUSINESS

PRESENTATION AND ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION’S ANNUAL AUDIT FOR YEAR ENDED SEPTEMBER 30, 2014

Dale Newberry, Certified Public Accountant, presented the Big Spring Economic Development Corporation’s Annual Audit. Motion was made by Mayor Pro Tem Benavides, seconded by Councilmember Harbour, with all members of the Council voting “aye” approving the above captioned audit.

CONSIDERATION AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH AND COOPER FOR THE 2015 SEAL COAT PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem Benavides, seconded by Councilmember Harbour, with all members of the Council voting “aye” approving the above captioned agreement.

CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT WITH VARIOUS GOVERNMENTAL ENTITIES FOR THE 2015 SEAL COAT PROGRAM AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem Benavides, seconded by Councilmember Boyd, with all members of the Council voting “aye” approving the above captioned agreement.

APPROVAL AND ACCEPTANCE OF THE MINUTES OF THE REGULAR MEETING OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION HELD ON JANUARY 20, 2015

Motion was made by Councilmember Marquez, seconded by Councilmember Harbour, with all members of the Council voting “aye” approving the above captioned minutes.

CITY MANAGER’S REPORT

Todd Darden, City Manager, announced that the Code Enforcement Department is working after hours on parking in the grass complaints.

COUNCIL INPUT

Mayor McLellan thanked several business’s on Main Street who are helping Keep Big Spring Beautiful keep the medians clean on Main Street.

Councilmember McDonald asked for ideas to help bring Interstate 27 thru Big Spring.

Councilmember Boyd asked citizens to help keep your alleys clean by picking up trash that does not make it in the trash dumpsters.

ADJOURN

Mayor McLellan adjourned the meeting at 6:30 p.m.

CITY OF BIG SPRING, TEXAS

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS INVITING THE UNITED STATES ARMY SPECIAL OPERATIONS COMMAND (USASOC) TO CONDUCT A LARGE SCALE MILITARY TRAINING EXERCISE CALLED “JADE HELM 15” IN BIG SPRING, HOWARD COUNTY, TEXAS FROM JULY 15, 2015 THROUGH SEPTEMBER 15, 2015; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The United States Army Special Operations Command (USASOC) from Fort Bragg, North Carolina is planning a large scale exercise, called JADE HELM 15 (JH15); and

WHEREAS, the JH15 is an eight-week joint military and interagency exercise to be conducted throughout Texas, New Mexico, Arizona, California, Nevada, Utah and Colorado featuring exercises on unconventional warfare and national security strategies; and

WHEREAS, Over 1,200 service members will participate in JH15, potentially supplying \$150,000 to the local economy;

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

SECTION 1: The City of Big Spring City Council hereby invites the United States Army Special Operations Command (USASOC) to conduct the JADE HELM 15 in Big Spring, Howard County, Texas from July 15, 2015 through September 15, 2015.

SECTION 2: This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 10th day of March, 2015, with all members present voting “aye” for the passage of the same.

PASSED AND APPROVED on second and final reading at regular meeting of the City Council on the 24th day of March, 2015, with all members present voting “aye” for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, DECLARING THE UNOPPOSED CANDIDATES IN THE MAY 9, 2015 GENERAL ELECTION FOR CITY COUNCIL MEMBER, DISTRICT 4 AND FOR CITY COUNCIL MEMBER, DISTRICT 6 AS ELECTED TO OFFICE; CANCELING THE GENERAL ELECTION FOR CITY COUNCIL POSITION FOR CITY COUNCIL MEMBER, DISTRICT 4 AND FOR CITY COUNCIL MEMBER, DISTRICT 6; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the general election was called for May 9, 2015, for the purpose of electing City Council Members for Districts 4 and 6; and

WHEREAS, the City Secretary has provided certification to the City Council, attached hereto as Exhibit A, that City Council Positions for Districts 4 and 6 are unopposed for election to office;

WHEREAS, no candidate's name has been placed on the list of write-in candidates for these offices under applicable law; and

WHEREAS, pursuant to the provisions of Section 2.053 of the Texas Election Code, the governing body of the City of Big Spring, Texas, may by ordinance declare an unopposed candidate elected to office;

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

SECTION 1. That the following candidates, who are unopposed in the May 9, 2015 general election, are declared elected to office, and shall be issued certificates of election in the same manner as provided for a candidate elected at an election.

City Council District 4	Steve Waggoner
City Council District 6	Jim DePauw

SECTION 2. That the May 9, 2015 general election is canceled for City Council Districts 4 and 6 and a copy of this ordinance shall be posted on Election Day at the polling place that would have been used in the election.

SECTION 3. That this ordinance shall take effect immediately upon its final passage, and it is so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Big Spring on the 10th day of **March, 2015**, 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 of the City of Big Spring on the 24th day of **March, 2015**, with all members present voting “aye” for passage of same.

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

CERTIFICATION OF UNOPPOSED CANDIDATES

To: Larry McLellan, Mayor and City Council Members

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates for election to office for the general election scheduled to be held on May 9, 2015, are unopposed.

List offices and names of candidates:

<u>Offices</u>	<u>Candidates</u>
City Council Member, District 4	Steve Waggoner
City Council Member, District 6	Jim DePauw

Don Moore, City Secretary

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF BIG SPRING, TEXAS, AUTHORIZING THE ISSUANCE OF SPECIFIC USE PERMIT (SUP15-01) WITHOUT TERM TO JIMMY AND DEBRA COOK (SUP15-01) PERMITTING CONSTRUCTION OF A THIRTY (30) FOOT BY TWENTY-FOUR (24) SQUARE FOOT ACCESSORY BUILDING WITHOUT A PRIMARY STRUCTURE IN A SINGLE-FAMILY (SF-2) DWELLING DISTRICT ON BLOCK 6, LOT 13 IN THE REPLAT OF WASSON PLACE SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Big Spring has received a request for a Specific Use Permit without term for a combination garage/workshop/and storage building to be located on Block 6, Lot 13 in the Replat of Wasson Place Subdivision;

WHEREAS, the Planning and Zoning Commission held a public hearing on Tuesday, February 17, 2015 as required by law and gave its final approval and recommendation that the City Council authorize a Specific Use Permit to Jimmy and Debra Cook for an accessory building to occupy a lot without a primary structure subject to the setback restrictions of the recorded plat and Zoning Ordinance; and

WHEREAS, proper notice has been published and mailed to all parties affected and has been issued by the City;

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

SECTION 1. A Specific Use Permit without term for a combination garage/workshop/and storage building to be located on Block 6, Lot 13 in the Replat of Wasson Place Subdivision, Big Spring, Howard County, Texas is hereby approved and issued to Jimmy and Debra Cook.

SECTION 2. This resolution shall be effective immediately upon its final passage.

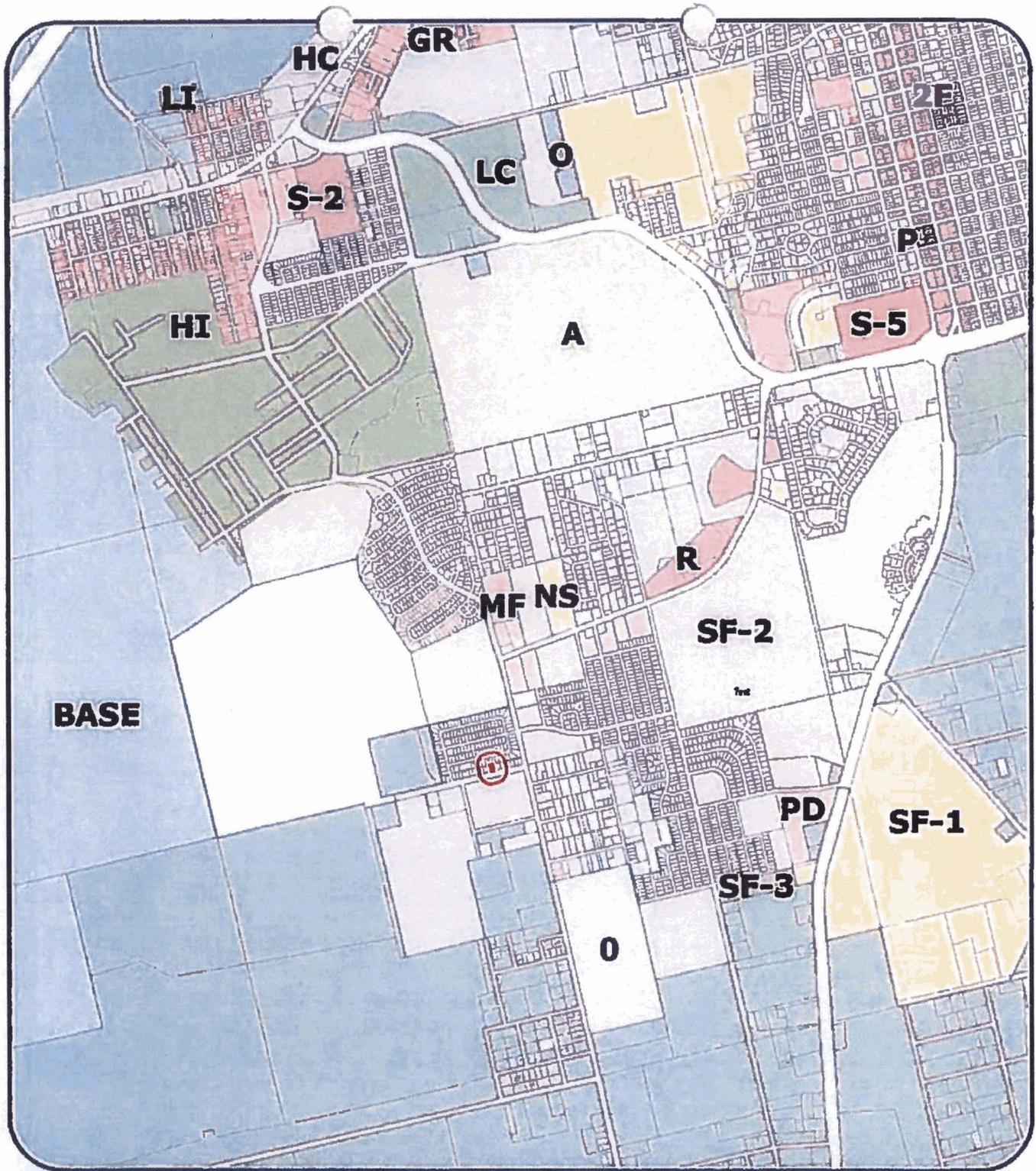
PASSED AND APPROVED on first reading by the City Council of the City of Big Spring, Texas this 10th day of **March, 2013**, at a regular meeting of the City Council, with all members present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading by the City Council of the City of Big Spring, Texas this 24th day of **March, 2013**, at a regular meeting of the City Council, with all members present voting “aye” for the passage of same.

ATTEST:

Larry McLellan, Mayor

Tami Davis, Assistant City Secretary



**Zoning Case File:
Specific Use Permit 15-01**

Council District: Meyers



Legend

- Subject Property: —
- Current Zoning: SINGLE FAMILY (SF-2)
- Request: Accessory structure w/o primary
- Vision: N/A



CITY OF BIG SPRING GIS /MAPPING DEPARTMENT



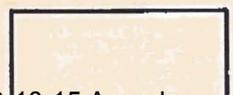
**Zoning Case File:
Specific Use Permit 15-01**

Council District: Marquez

0 510 20 30 40
Feet

Legend

- Subject Property: —
- Current Zoning: SINGLE FAMILY (SF-2)
- Request: Accessory structure w/o primary
- Vision: N/A



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, APPROVING A FINAL PLAT ON AN APPROXIMATELY 4.99 ACRE TRACT LOCATED WEST OF THE INTERSECTION OF SAN ANTONIO STREET AND NORTH 11TH STREET, MORE SPECIFICALLY, THIS PROPERTY OCCUPIES AN APPROXIMATE 4.99 ACRE TRACT OUT OF SECTION 26, BLOCK 33, T-1-N T&P R.R. CO. SURVEY OF IN EAST BIG SPRING, HOWARD COUNTY TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission recommends that the City Council authorize a final plat of approximately 4.99 acres out of Section 26, Block 33, T-1-N, T&P RR Co. Survey located west of the intersection of San Antonio Street and North 11th Street in East Big Spring, Howard County, Texas.

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

SECTION 1. The Final Plat of the approximately 4.99 acre tract out of Section 46, Block 33, T-1-N T & P R.R Co. Survey of Howard County in the City of Big Spring, Howard County, Texas, attached hereto as Exhibit "A," is hereby approved subject to the conditions of providing language on the plat that reads: "Notice: Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law and subject to fines and withholding of utilities and building permit," providing a signature block for recording purposes for the County Clerk, indicating the eastern border of the proposed plat in heavy solid lines, approval of a drainage study, changing the title to say "Final Plat Insignia Addition, Block 1, Lots 1-3, City of Big Spring, Howard County, Texas" or a similar title, and changing existing notation for Block 1 to read "Block 1" or "Block One" that stretches over both lots in a lighter font.

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. This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the provision of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **March, 2015**, with all members present voting "aye" for the passage of same.

PASSED AND APPROVED on second final reading at a regular meeting of the City Council on the **28th** day of **March, 2015**, with all members present voting “aye” for the passage of same.

Larry McLellan, Mayor

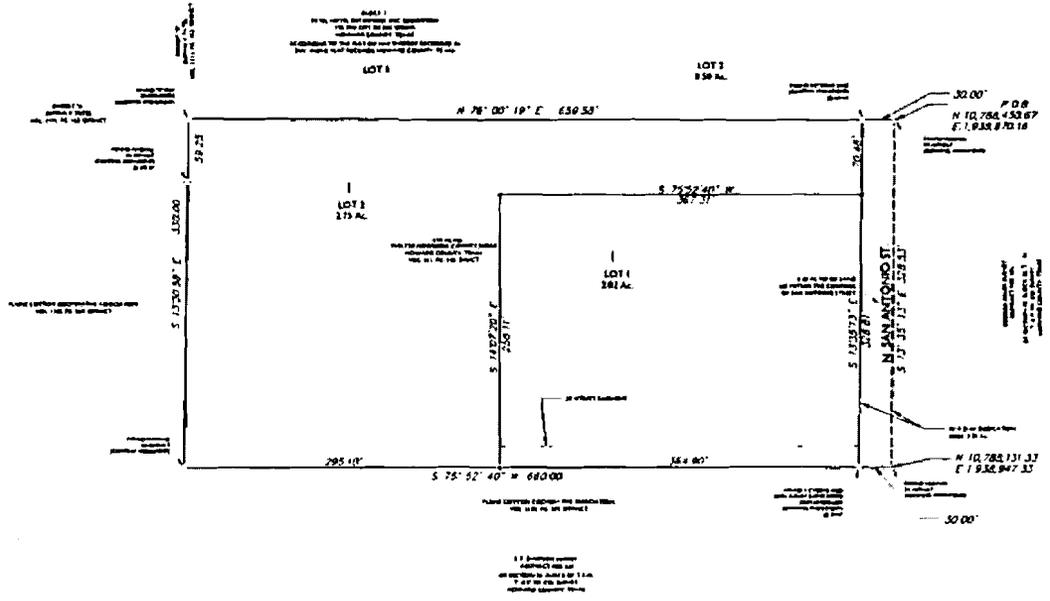
ATTEST:

Tami Davis, Asst. City Secretary

FINAL PLAN

INSIGNIA ADDITION

A SUBDIVISION OF 4.99 ACRES OF LAND OUT OF SECTION 26, BLOCK 33,
T-1-N, T.&P. RR. CO. SURVEY, CITY OF BIG SPRING, HOWARD COUNTY, TEXAS.



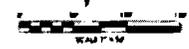
CERTIFICATE OF PROCEEDING FROM STATE
 I, the undersigned Director of Public Safety of the State of Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring and hereby approve the same.

CERTIFICATE OF PLANNING COMMISSION
 I, the undersigned Planning Commission of the City of Big Spring, Texas, hereby approve the plan of subdivision of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

CERTIFICATE OF THE CITY CLERK
 I, the undersigned City Clerk of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

CERTIFICATE OF THE CITY ENGINEER
 I, the undersigned City Engineer of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

By Surveyor



LEGEND

- BOUNDARY OF BLOCK 33 FROM SURVEY OF JUNE 11, 1911
- BOUNDARY OF BLOCK 33 FROM SURVEY OF JUNE 11, 1911
- BOUNDARY OF BLOCK 33 FROM SURVEY OF JUNE 11, 1911
- BOUNDARY OF BLOCK 33 FROM SURVEY OF JUNE 11, 1911

CERTIFICATE OF PUBLIC SAFETY
 I, the undersigned Director of Public Safety of the State of Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring and hereby approve the same.

CERTIFICATE OF PLANNING COMMISSION
 I, the undersigned Planning Commission of the City of Big Spring, Texas, hereby approve the plan of subdivision of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

CERTIFICATE OF THE CITY CLERK
 I, the undersigned City Clerk of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

CERTIFICATE OF THE CITY ENGINEER
 I, the undersigned City Engineer of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

By Surveyor

CERTIFICATE OF THE CITY ENGINEER
 I, the undersigned City Engineer of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

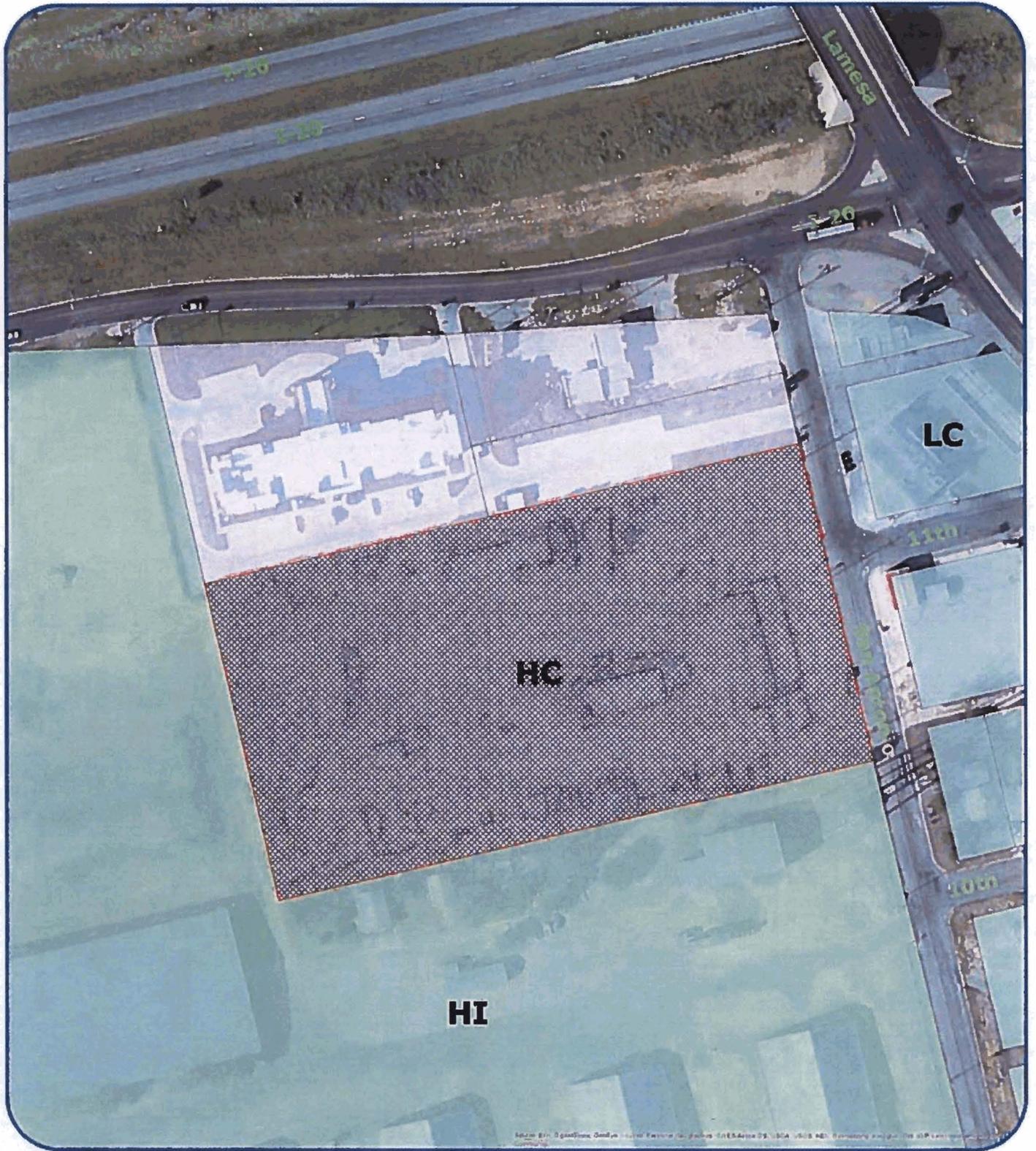
CERTIFICATE OF THE CITY ENGINEER
 I, the undersigned City Engineer of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

CERTIFICATE OF THE CITY ENGINEER
 I, the undersigned City Engineer of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

CERTIFICATE OF THE CITY ENGINEER
 I, the undersigned City Engineer of the City of Big Spring, Texas, hereby certify that the undersigned plan conforms to the requirements of the City of Big Spring, Texas, and hereby certify that the same conforms to the requirements of the City of Big Spring, Texas.

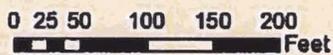


INSIGNIA ADDITION



**Insignia Addition
Preliminary and Final Plat**

Council District: Marquez



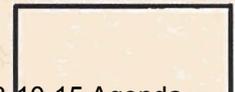
Legend

Subject Property: —

Current Zoning: Heavy Commercial (HC)

Requested Zone Change: N/A

Vision: N/A



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 6 ENTITLED “CEMETERY, PARKS AND RECREATION” IN ORDER TO RE-TITLE ARTICLE 11 FROM “BIG SPRING FAMILY AQUATIC CENTER” TO “RUSS McEWEN AQUATIC CENTER”; BY AMENDING SECTION 6-195 ENTITLED “AQUATIC CENTER RULES” TO INCLUDE ADDITIONAL RULES REGULATING OBSCENE AND/OR OFFENSIVE CONTENT DISPLAYED ON CLOTHING, ARTICLES AND TATTOOS; RESTRUCTURING SECTION 6-195 FOR CLARITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Big Spring Family Aquatic center was dedicated and renamed the Russ McEwen Aquatic Center during a Council Meeting on November 17, 2012; and

WHEREAS, the City Council finds it in the best interest of the citizens of Big Spring to regulate obscene and/or offensive content displayed on clothing, articles, and tattoos.

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

SECTION 1. THAT the City of Big Spring Code of Ordinances Chapter 6 entitled “Cemetery, Parks and Recreation” is hereby amended in order to re-title Article 11 from “Big Spring Family Aquatic Center” to “Russ McEwen Aquatic Center.”

SECTION 2. THAT the City of Big Spring Code of Ordinances, Chapter 6 entitled “Cemetery, Parks and Recreation,” Section 6-195 entitled “Aquatic Center Rules” is hereby amended to read in its entirety as follows:

Sec. 6-195. Aquatic Center Rules.

1. Every person entering the Aquatic Center (whether swimming or not) must pay or present a valid punch pass.
2. Permitted swimming items include:
 - a. Wacky noodles;
 - b. Water shoes;
 - c. U.S. Coast Guard approved life vests only; and
 - d. Goggles.

3. Prohibited swimming items include:
 - a. Swim fins, water wings, or large floats (including those approved by the U.S. Coast Guard);
 - b. Full face masks;
 - c. Snorkels; and
 - d. Denim or cut-off shorts.

4. The following items are strictly prohibited inside the Aquatic Center:
 - a. Weapons of any kind;
 - b. Alcohol and illegal substances;
 - c. Tobacco of any kind, electronic cigarettes, lighters, and matches;
 - d. Glass or metal containers;
 - e. Ice chests; and
 - f. Pets of any kind. Exception: Official service animals are permitted.
 - g. Outside food or drink. Exception: Guests who have reserved a pavilion for celebratory purposes are permitted to bring a cake or similar food item, plastic utensils, and plates for the occasion.

5. The following activities are adverse to a safe and fun environment and shall not be permitted:
 - a. Abusive or profane behavior or language;
 - b. Running, fighting, or rough play;
 - c. Communication with Aquatic Center lifeguards, except to report an emergency;
 - d. Loitering on Aquatic Center property, including the parking lot; and

- e. Leaning, sitting, or playing on or near ropes and guard stands.
6. Proper attire is required for entry into the Aquatic Center. The following are deemed inappropriate and are therefore, not permitted:
- a. G-string swimwear or clothing and other revealing swimwear;
 - b. Clothing or articles that depict:
 - 1. Profanity;
 - 2. Pornography or pornographic images;
 - 3. Graphic violence;
 - 4. Support of drugs or drug use;
 - 5. Gang symbols; or
 - 6. Discrimination against any group.
 - c. Tattoos that depict the following must be securely and completely covered at all times:
 - 1. Profanity;
 - 2. Pornography or pornographic images;
 - 3. Graphic violence;
 - 4. Support of drugs or drug use;
 - 5. Gang symbols; or
 - 6. Discriminate against any group.
7. Children ages 3 and under must wear swim diapers at all times when in the water.
8. Children ages 11 and under must be accompanied by a person that is 16 years of age or older.

9. Life guards and Aquatic Center staff may require any person to perform a swim test if, at their discretion, an unsupervised person is in the water and the person appears incapable of swimming and likely to endanger themselves or others.
10. A parent or guardian must accompany any child under 5 years of age or under 48 inches tall at all times, whether in or out of the water.
11. Guests must obey all rules and follow the directions of lifeguards and Aquatic Center staff.
12. Aquatic Center staff and lifeguards may eject and/or deny future entrance to any person for violation of these rules or for any act or threatened act they deem hazardous to the health and safety of any person, potentially harmful to property, or detrimental to good order.

SECTION 3. THAT 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. THAT all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. THAT this ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **March, 2015**, with all members present voting “aye” for passage of the same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **24th** day of **March, 2015**, with all members present voting “aye” for passage of the same.

ATTEST:

Larry McLellan, Mayor

Tami Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 048-2014 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 TO INCREASE THE MOTEL TAX FUND BUDGET FOR THE PURPOSE OF PURCHASING A SOUND SYSTEM FOR THE HOWARD COLLEGE COLISEUM; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2014-15 budget for the City of Big Spring, Texas on September 25, 2014; and

WHEREAS, funding for the purchase of a sound system for the Howard College Coliseum was not included in the current budget, and such purchase is requested by Howard College in order to hold special events that draw tourists to our community;

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

SECTION 1. Enacted.

THAT the Motel Tax Fund of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015 is hereby increased by the amount of \$120,000 for the purpose of purchasing a sound system for the Howard College Coliseum. This increase will be funded through existing fund balance.

SECTION 2. Continuing effect.

THAT the remaining portions of Ordinance Number 048-2014 shall remain in full force and effect.

SECTION 3. Repeal.

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

SECTION 4. Publication.

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

SECTION 5. Effective Date.

THAT, this ordinance shall be in force and effective 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 10th day of **March, 2015** with all members of the Council 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 24th day of **March, 2015** with all members of the Council voting “aye” for the passage of same.

CITY OF BIG SPRING

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 13 ENTITLED "HEALTH SAFETY AND NUISANCES," BY REPLACING ARTICLE 9 ENTITLED "CITY SMOKING ORDINANCE" WITH A NEW ARTICLE 9 OF THE SAME NAME IN ORDER TO REGULATE THE USE AND SALE OF ELECTRONIC VAPING DEVICES IN THE SAME MANNER AS OTHER TOBACCO PRODUCTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it in the best interest of the public health, safety, and welfare to regulate electronic smoking devices in the same manner as other tobacco products;

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

SECTION 1: The City of Big Spring Code of Ordinances Chapter 13 entitled "Health, Safety and Nuisances," Article 9 entitled "City Smoking Ordinance" is hereby replaced to read in its entirety as follows:

Article 9. City Smoking Ordinance

Sec. 13-180. Definitions.

For the purpose of this Article, the following definitions shall apply:

- (A) Bar or cocktail lounge means a place where mixed alcoholic beverages are sold for consumption on the premises as the primary business activity where such sales constitute at least 75% of the gross revenue of the business. A bar includes those facilities located within a hotel, motel or other similar transient occupancy establishment.
- (B) Business means any sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making or not-for-profit purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medicine, dental, engineering, architectural, or other professional services are provided.
- (C) Common traffic area means an area within a building primarily used for the unobstructed passage of pedestrian traffic through the building.
- (D) Designated smoking area means a designated area, which shall:

- (1) Be a physically enclosed area as defined herein, separated from non-smoking areas; and
- (2) Be ventilated with a separate heating, ventilation, and air conditioning (HVAC system as defined herein.
- (E) Electronic vaping device means any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides, or is manufactured or intended to provide, a vapor of liquid nicotine and/or other substances mixed with propylene glycol and/or other substances delivered or deliverable to the user that he/she can inhale in simulation of smoking. This term shall include every version and type of such devices whether they are manufactured or marketed as electronic cigarettes, e-cigarettes, electronic cigars, e-cigars, electronic pipes, e-pipes, electronic hookahs, e-hookahs or under any other product name or design.
- (F) Electronic vaping liquid (also known as e-juice or e-liquid) means any liquid product composed of propylene glycol or other carrier solvent and may contain nicotine and/or other substance and manufactured for the use with electronic vaping devices.
- (G) Enclosed or enclosed area means all space between a floor and ceiling, which is enclosed on all sides by solid walls or windows, which extend from the floor to the ceiling, including a door which remains closed at all times, except when used for entry or exit. Spaces screened by partitions, which do not extend to the ceiling or are not solid, office landscaping or similar structures are not considered enclosed areas.
- (H) Employee means any person who is employed by an employer in consideration for monetary compensation or profit.
- (I) Employer means any person, partnership, corporation, association, or other entity that employs one or more persons.
- (J) Fast food restaurant means a food establishment with:
 - (1) A limited fast food only menu; and
 - (2) No wait staff (counterstaff allowed); and
 - (3) A passout window for delivery of food to be consumed off premises (a passout window is not necessary if the establishment is located within a shopping center). The term “fast food restaurant” does not include cafeterias or establishments where beverages must be consumed on premises.
- (K) Minor means a person younger than eighteen (18) years of age.
- (L) HVAC means a separate heating, ventilation, and air conditioning system such that air from the smoking area is exhausting directly to the outside and not circulated

within the building or mixed with the general dilution ventilation for the building and that creates a negative pressure away from the door into the room sufficient to prevent any flow of smoke from the smoking area to the non-smoking area. Such system shall supply a minimum of thirty cubic feet per minute (30 CFM) outdoor air exchange per person and be under negative pressure.

- (M) Open display unit means any device, furniture or furnishing within or upon which electronic vaping devices are displayed to customers, and includes, but is not limited to, any case, rack, shelf, counter, table, desk, kiosk, booth, stand, vending machine and other surface.
- (N) Place of employment means an enclosed area controlled by any employer, but not used by the general public, and to which employees have access during the course of employment, including but not limited to, work areas, employee lounges, employee restrooms, conference rooms, and employee cafeterias. The term does not include a private residence, unless it is used as a child care, adult care, or health care facility.
- (O) Possession means actual care, custody, control or management.
- (P) Private place means any enclosed area to which the public is not invited or in which the public is not permitted, including but not limited to, personal or private residences, private social clubs, or personal automobiles.
- (Q) Public meeting means a meeting that is open to the public and held in an enclosed area of a public space.
- (R) Public place or public area means an enclosed area that is used by the general public to which the public is invited or in which the public is permitted and includes, but is not limited to:
 - (1) All enclosed facilities, including buildings owned, leased, or controlled by the City of Big Spring;
 - (2) All or any part of a building used for local government purposes;
 - (3) A retail store, office, service establishment, or other commercial establishment;
 - (4) A grocery store;
 - (5) A restaurant, cafeteria, delicatessen, commissary, or mobile food unit;
 - (6) A public primary or secondary school, a public institution of higher education, or any other educational facility;
 - (7) A restroom;

- (8) An enclosed theater, movie house, auditorium, arena, music hall, lecture hall, or other performing arts venue;
 - (9) An elevator;
 - (10) A library, museum, gallery, or aquarium;
 - (11) A health care facility or hospital;
 - (12) A child care facility;
 - (13) A service line, cashier area, over-the-counter sales area, or common traffic area;
 - (14) Sports arenas, stadiums, and convention halls, including bowling facilities and other indoor recreational facilities;
 - (15) A lobby, hallway or other common area in apartment buildings, condominiums, trailer parks, retirement facilities, adult care facilities, nursing homes, or other multiple-unit residential facilities;
 - (16) A polling place;
 - (17) A public plane or train;
 - (18) A transit system bus or interstate bus, taxicab, or any other public transport;
 - (19) A public transportation facility, including ticket, boarding, and waiting areas of public transit depots;
 - (20) A lobby, reception area, waiting area, hallway, or other common-use area;
 - (21) A retail food production and marketing facility;
 - (22) All areas available to, and customarily used by, the general public in all businesses and non-profit entities patronized by the public, including but not limited to, attorney's offices and other offices not otherwise exempted herein, banks, laundromats, hotels and motels, and
 - (23) The public areas of a fast food restaurant.
- (S) Restaurant means a food establishment where the primary business is the preparation and sale of food.

- (T) Retail electronic vaping store means a retail store utilized primarily for the sale of electronic vaping devices, accessories, and/or electronic vaping liquid, or any other article or product that is for use in an electronic vaping device and in which the sale of other products is merely incidental.
- (U) Retail store means an establishment whose purpose is to offer for sale and sell to consumers, not for resale, goods, wares, merchandise and food, which items are purchased for use and/or consumption off premises, including but not limited to, supermarkets, convenience stores, drug stores, and warehouse stores.
- (V) Retail tobacco store means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (W) Service line means any indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.
- (X) Single-pack means any cigarette, cigar, tobacco or smokeless tobacco product sold in less than a carton or similar units.
- (Y) Smoking smokes, or smoke means inhaling, exhaling, burning, possessing, carrying, or holding any lighted cigar, cigarette, pipe, weed, plant, or combustible substance in any manner or in any form and/or vaping or the use of any electronic vaping devices.
- (Z) Sports arena means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and any other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.
- (AA) Sports grill means an establishment as defined by the Zoning Ordinance of the City of Big Spring.
- (BB) Tobacco product means a cigarette, cigar, electronic vaping device, smoking tobacco, including granulated, pug-cut, crimp-cut, ready rubbed and any form of tobacco suitable for smoking in a pipe or as a cigarette, chewing tobacco, including plug, scrap, and any kind of tobacco suitable for chewing, snuff or other preparations of pulverized tobacco, nicotine product, dissolvable nicotine, electronic vaping liquid, or any other article or product that is for use in an electronic vaping device.
- (CC) Vaping means inhaling or exhaling vapors of electronic vaping liquid from an electronic device of any kind. For the purposes of this Article vaping is synonymous with smoking, smokes, or smoke.

Sec. 13-181. Offense; Enforcement.

- (A) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this Article to fail to comply with any of its provisions.
- (B) It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Article.
- (C) It shall be unlawful for any person to smoke in any area within twenty (20) feet of any public entrance to any enclosed area where smoking is prohibited. In addition, it shall be unlawful for any person to smoke in any area within fifty (50) feet of any public entrance to any hospital, medical clinic, medical doctor's office, chiropractor's office, or day care.
- (D) a person commits an offense if, at a public meeting or in a public place at an area not designated as a smoking area, the person smokes and fails or refuses to extinguish tobacco products or move to a designated smoking area upon a request by any person to do so.
- (E) The proprietor or person in charge of a business or other public place commits an offense if:
 - 1) The proprietor or person in charge allows smoking, but fails to comply with the requirements of this Article as to designation of a smoking area, including the posting of signs; or
 - 2) The proprietor or person in charge fails or refuses upon the request of any person to ask a person smoking while not in a designated smoking area to extinguish smoking material or move to a designated smoking area.
- (F) This Article does not require the owner, operator, manager, or any employee of an establishment to report a violation of this Article or to take legal action against any individual violating this Article.
- (G) The police department shall inspect for compliance with this Article.
- (H) Any owner, manager, operator or employee of any establishment regulated by this Article shall inform personnel violating this Article of the appropriate provisions thereof.

Sec. 13-181-1. Sale or Distribution to a Minor Prohibited; Proof of Age Required.

- (A) A person commits an offense if the person:
 - 1) Sells, give or causes to be sold or given a tobacco product to a minor; or

- 2) Sells, gives or causes to be sold or given a tobacco product to another person who delivers it to a minor.
- (B) If an offense under this section occurs in connection with a sale by an employee of the owner of a store in which tobacco products are sold at retail, the employee is responsible for the offense and is subject to prosecution.
- (C) It is a defense to prosecution under Subsection (a)(1) that the person to whom the tobacco product was sold or given presented to the defendant valid proof of identification.
- (D) Proof of identification is valid for purposes of Subsection (c) if it contains a physical description and photograph consistent with the person's appearance, purports to establish that the person is eighteen (18) years of age or older and was issued by a governmental agency. The proof of identification may include a driver's license issued by this state or another state, a passport or an identification card issued by a state or the federal government.

Sec. 13-181-2. Possession, Purchase, Consumption, or Receipt of Tobacco Products by a Minor Prohibited.

- (A) A minor commits an offense if the minor possesses a tobacco product, and the minor was not:
 - 1) In the course and scope of the minor's employment by a person or entity holding a permit issued by the state, if required by law, authorizing the person to engage in the business of being a distributor, wholesaler, bonded agent or retailer of tobacco products; or
 - 2) In the presence of an adult parent, legal guardian, or spouse.
- (B) A minor commits an offense if, in order to acquire a tobacco product, the minor states to any person engaged in the business of selling tobacco products that such minor is eighteen (18) years of age or older, or presents to any such person a document or writing that purports to establish that such minor is eighteen (18) years of age or older.

Sec. 13-182. Smoking in Public Places

- (A) Smoking is prohibited in all enclosed public places within the City of Big Spring, except in designated smoking areas, and as otherwise allowed in this Article.
- (B) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare the entire establishment or facility a nonsmoking establishment.

- (C) In the event a public place has common areas not the responsibility of individual tenants, the building owner or his representative shall be responsible for application of this Article to such common areas.
- (D) A smoking area may not be designated in:
- 1) A facility of a public, primary or secondary school;
 - 2) An elevator;
 - 3) An enclosed theater or movie house, auditorium, music hall, lecture hall, or other performing arts venue;
 - 4) A library, museum, gallery, or aquarium;
 - 5) A hospital;
 - 6) A transit system bus or interstate bus, taxicabs, or any other public transport;
 - 7) A service line, cashier area, over-the-counter sales area, or other common traffic area;
 - 8) A restroom;
 - 9) A lobby, reception area, waiting room, hallway, or any other common-use area;
 - 10) The ticket, boarding and waiting areas of public transit depots;
 - 11) Any room, chamber, place of meeting or public assembly under the control of any board, council, commission, committee, including joint committees or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
 - 12) Health facilities, including, but not limited to waiting rooms, hallways, wards, and semiprivate rooms, clinics, physical therapy facilities, doctors offices, and dentists offices;
 - 13) The lobbies, hallways and other common areas, in apartment buildings, condominiums, trailer parks, retirement facilities, adult care facilities, nursing homes, and other multiple-unit residential facilities;
 - 14) A polling place;
 - 15) The public areas of a fast food restaurant;

- 16) A place in which smoking is prohibited by the fire marshal or by any other law, ordinance or regulation.

Sec. 13-183. Exceptions

The prohibitions against smoking contained herein shall not apply to the following places:

- (A) To any facility including, but not limited to, restaurants, hotel, and motel conference or meeting rooms, and public and private assembly rooms in which one or more private functions are being held and which are under the control of the sponsor of the function and not the owner or operator of the facility, so long as the area being used for the private function qualifies as a designated smoking area.
- (B) To performing arts venues, but only by a performer participating in a theatrical performance;
- (C) To a bar or cocktail lounge, as defined by the Zoning Ordinance of the City of Big Spring.
- (D) To a retail tobacco store or retail electronic vaping store, however, this exception shall not apply to an establishment that shares a common HVAC system with any other tenant in the same building in which the retail tobacco store or retail electronic vaping store is located;
- (E) To private clubs, which are owned by their members;
- (F) To private residences, except when used as a childcare, adult day care, health care facility, or other place of employment;
- (G) To personal automobiles;
- (H) To designated smoking hotel and motel rooms rented to guests provided that designated smoking rooms on the same floor are contiguous and smoke from these rooms do not infiltrate into areas where smoking is prohibited under this Article;
- (I) To outdoor areas or outdoor places of employment;
- (J) To an outdoor dining area that is at least twenty (20) feet from, or separately walled from, gatherings of nonsmokers and which does not require employees or members of the public to walk through it upon entering the restaurant and which is properly posted with signage;
- (K) To restaurants, places of employment, or public places where it is not otherwise prohibited to designate a smoking area. It shall be a requirement for the application of this Subsection that the restaurant, public place, or place of employment has designated smoking areas, has complied with all requirements for the establishment

of a designated smoking area, as provided in this Article, and has petitioned the city for, and been granted, a permit to allow smoking. A proprietor or person in charge of a restaurant, public place or place of employment who desires to permit smoking shall designate an area not to exceed thirty (30) percent of the allowable area as the smoking area. The proprietor or person in charge shall locate the designated smoking area so that nonsmokers shall not have to travel through the smoking area to get to the cashier, a restroom, or nonsmoking area. A proprietor or person in charge shall file a petition with the police department demonstrating proof of the percentage of the allowable area designated as a smoking area; the petition shall be filed not later than ninety (90) days after the effective date of this Article, and annually thereafter. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

Sec. 13-183-1. Vendor Assisted Sales Required; Self-Service Merchandising Prohibited.

- (A) Except as provided by Subsection (b), a retailer or other person may not:
 - 1) Offer tobacco products for sale in a manner that permits a customer direct access to the tobacco products;
 - 2) Offer for sale or display for sale tobacco products by means of self-service merchandise; or
 - 3) Install or maintain an open display unit containing tobacco products.
- (B) It is a defense to prosecution under Subsection (a) if:
 - 1) A facility or business is not open to persons younger than eighteen (18) years of age at any time;
 - 2) A facility or business is a premises for which a person holds a package store permit issued under the Alcoholic Beverage Code; or
 - 3) An open display unit is located in an area that is inaccessible to customers.

Sec. 13-184. Smoking in places of employment.

All employers who operate a place of employment are encouraged to develop, implement, and maintain a written policy that accommodates the wishes of employees by designating smoking and nonsmoking areas under the same requirements as public areas.

- (A) Smoking is prohibited in all enclosed facilities within a place of employment within the City of Big Spring, except for designated smoking areas, if such an area is provided to employees, and except as otherwise allowed by this Article.
- (B) If an area that is normally used for employee purposes such as eating or drinking or any other privilege normally available to employees is selected as the “designated

smoking area,” then an area offering the same services and privileges that is smoke-free shall be made available to nonsmoking employees.

- (C) Any employer may declare the entire place of employment a nonsmoking workplace.
- (D) Any area designated for smoking by an employer shall meet the requirement of a designated smoking area, and the other provisions of this Article.

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

SECTION 4. This ordinance shall take effect following its passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

SECTION 5. 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 6. 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 first reading at a regular meeting of the City Council on the 10th day of **March, 2015**, with all members 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 24th day of **March, 2015**, with all members voting "aye" for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

UTILITY EASEMENT AND RIGHT OF WAY

Date: March 2, 2015

Grantor: **Plains Cotton Cooperative Association**

Grantor's Address:

Grantee: The City of Big Spring, Texas

Grantee's Address: 310 Nolan St., Big Spring, Texas 79720

Property: That property indicated in Exhibit A and described below.

Consideration: The sum of TEN and no/100 dollars (\$10.00) and other good and valuable consideration

Grantor, **Plains Cotton Cooperative Association** acting by and through its duly authorized officer, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, **the City of Big Spring**, a Texas home-rule municipal corporation, the receipt of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto Grantee, the said **City of Big Spring**, its successors and assigns, an easement and right-of way for underground water and/or sewer lines along with other necessary or desired utilities, electric supply and communication facilities, cables, supporting structures, and any and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

EASEMENT A

Metes and bounds description of a 20' wide utility easement being 10' on each side of the following described centerline, said easement being across a 6.671 acre tract to Star Dodge, as recorded in official public records of Howard County, Texas, Volume 1430, Page 532. This said 6.671 acre tract being out of a called 47.05 acre tract as deeded to the Plains Cotton Cooperative Association in Volume 1125, Page 369, as recorded in the official public records of Howard

County, Texas, with all lands being out of the T & P RR Survey Lands, Abstract #621, in the City of Big Spring, Texas.

BEGINNING at a point (N:6791466.91, E:1042882.58) in the North boundary line of the 6.671 acre tract, being on the South right-of-way of the South access road of Interstate 20. From this point, the Northwest corner of the 6.671 acres and of the 47.05 acre tract bears S. 77°21'06" W. at 10.00';

THENCE S. 14°01'30" E. running parallel and 10.00' East of the West line of the 6.670 acre tract for a distance of 552.96" to a point (N:6790930.43, E: 1043016.59) in the South boundary line of the 6.671 acre tract. From this point the Southwest corner of this 6.671 acre tract bears S. 76°25'53" W. at 10.00'. This point marks the end of the easement across this 6.671 acres.

All bearings and distances are GRID NAD 83, Texas North Central Zone 4202, based upon OPUS SOLUTION. Combined Grid Scale Factor is 0.9998.

Grantor recognizes that the general course of said utilities or facilities, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of, and with the right to construct, lay, maintain, replace, remove, reconstruct, abandon in place, change the size and capacity of, and the right to relocate the facilities in the same relative direction and position.

Together with full right of ingress and egress along, upon, in and under said easement and right of way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, lay, maintain, operate, repair, remove, replace, reconstruct, abandon in place and change the size and capacity of said utilities and facilities; the right to relocate said utilities and facilities in the same relative direction and position; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said utilities or facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said utilities or facilities and their

appurtenances and the right to trim or remove trees or shrubbery within, but not limited to said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said utilities or facilities or to remove possible hazards thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement areas as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right of way unto the said Grantee, its successors and assigns, until all of said utilities and facilities shall be abandoned, and in that event said easement and right of way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's successors or assigns and legal representatives, to warrant and forever defend the above described easement and right of way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this the ____ day of _____, 2015.

Grantor: Plains Cotton Cooperative Association

By: _____

Printed Name and Title

ATTEST:

_____, County Clerk

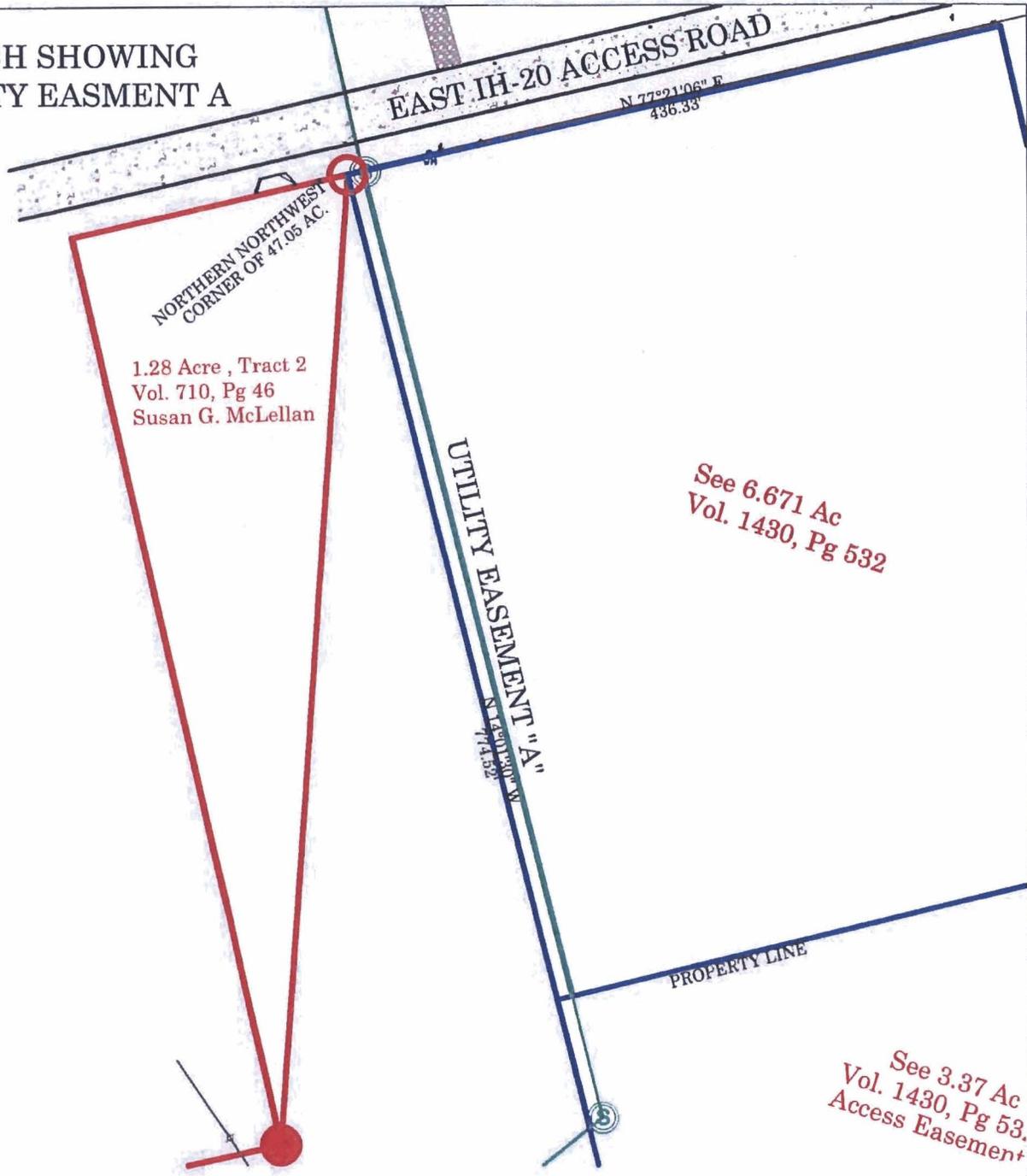
STATE OF TEXAS)
)
COUNTY OF HOWARD)

BEFORE ME, the undersigned authority, on this day personally appeared _____, as the _____ of **Plains Cotton Cooperative Association**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and that he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2015.

Notary Public, State of Texas

SKETCH SHOWING
UTILITY EASMENT A



1.28 Acre , Tract 2
Vol. 710, Pg 46
Susan G. McLellan

See 6.671 Ac
Vol. 1430, Pg 532

See 3.37 Ac
Vol. 1430, Pg 53,
Access Easement

SEE ATTACHED METES AND BOUNDS
NOTE: BEARINGS AND DISTANCES ARE
GRID NAD 83 TXNC 4202 FROM

SHEPPARD SURVEYING CO. INC. 1013 ENERGY DRIVE. ABILENE TX, 79602	
VOICE 325-695-8277 TELS. FIRM # 100277-00 FAX 325-695-3299	
SCALE: 1"=100'	
MAXEY SHEPPARD R.P.L.S. 3667	COMBINED GRID SCALE FACTOR = 0.999979
STATE PLANE COORDINATES TXNC ZONE 4202	GEOID MODEL: CONUS99
PAGE 1 OF 1	© COPYRIGHT 2015 SHEPPARD SURVEYING CO. INC. ALL RIGHTS RESERVED
GPS FILE NAME: XXXX XXXX	DATE: 01/22/2015
COORDINATE FILE NAME: PSC SEWER TOPO	REVISION DATE: 02/19/2015
FIELD:	DWN. BY: M.L.S.
DRAWING FILE NAME: Easement A	WORK ORDER # 15-2133



SHEPPARD
SURVEYING



UTILITY EASEMENT AND RIGHT OF WAY

Date: March 2, 2015

Grantor: Plains Cotton Cooperative Association

Grantor's Address:

Grantee: The City of Big Spring, Texas

Grantee's Address: 310 Nolan St., Big Spring, Texas 79720

Property: That property indicated in Exhibit A and described below.

Consideration: The sum of TEN and no/100 dollars (\$10.00) and other good and valuable consideration

Grantor, **Plains Cotton Cooperative Association** acting by and through its duly authorized officer, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, **the City of Big Spring**, a Texas home-rule municipal corporation, the receipt of which is hereby acknowledged, has granted and conveyed, and by these presents does grant and convey unto Grantee, the said **City of Big Spring**, its successors and assigns, an easement and right-of way for underground water and/or sewer lines along with other necessary or desired utilities, electric supply and communication facilities, cables, supporting structures, and any and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

EASEMENT B

Metes and Bounds description of a 20' wide utility easement being 10' on each side of the following described centerline, said easement being across the remainder of a called 47.05 acre tract as deeded to the Plains Cotton Cooperative Association in Volume 1125, Page 369, as recorded in the Official Public Records of Howard County, Texas, with all lands being out of the T & P RR Survey Lands, Abstract #621, in the City of Big Spring, Texas.

BEGINNING at a point (N: 6790930.43, E: 1043016.59) in the South boundary line of a 6.671 acre tract conveyed to Star Dodge in Volume 1430, Page 532, Official Public Records of Howard County, Texas. From this point the Southwest corner of the 6.671 acre tract bears S. 76°25'53" W. at 10.00'. The Southwest corner of said 6.671 acre tract bears 553.12' S. 14°01'30" E. from the Northwest corner of the aforesaid 47.05 acre tract;

THENCE S. 14°01'30" E. for a distance of 80.34' to a point for a change in direction of this easement. From this point, a manhole is proposed to be placed with the center of said manhole N. 75°58'30" E. at 1.37';

THENCE S. 51°09'21" W. at 11.02' pass the proposed lease line for property to be occupied by Star Dodge (called tract two of said Volume 1430, Page 532). Continue course for a total distance of 339.10' to a point (N: 6790639.80, E: 1042771.95) in the West boundary line of the called 47.05 acre tract, being also the East right of way of an abandoned railroad tract. From this point, the Southerly Northwest corner of the called 47.05 acre tract bears N. 36°40'28" W. at 195.43'. This point being the end of this easement across this aforesaid 47.05 acres.

All bearings and distances are GRID NAD 83, Texas North Central Zone 4202, based upon OPUS Solution. Combined Grid Scale Factor is 0.9998.

Grantor recognizes that the general course of said utilities or facilities, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of, and with the right to construct, lay, maintain, replace, remove, reconstruct, abandon in place, change the size and capacity of, and the right to relocate the facilities in the same relative direction and position.

Together with full right of ingress and egress along, upon, in and under said easement and right of way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, lay, maintain, operate, repair, remove, replace, reconstruct, abandon in place and change the size and capacity of said utilities and facilities; the right to relocate said utilities and facilities in the same relative direction and position; the right to lease wire space for the purpose of permitting

others to string or lay wire or cable along said utilities or facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said utilities or facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said utilities or facilities or to remove possible hazards thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement areas as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee’s use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right of way unto the said Grantee, its successors and assigns, until all of said utilities and facilities shall be abandoned, and in that event said easement and right of way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor’s successors or assigns and legal representatives, to warrant and forever defend the above described easement and right of way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed this the ____ day of _____, 2015.

Grantor: Plains Cotton Cooperative Association

By: _____

Printed Name and Title

ATTEST:

_____, County Clerk

STATE OF TEXAS)
)
COUNTY OF HOWARD)

BEFORE ME, the undersigned authority, on this day personally appeared _____, as the _____ of **Plains Cotton Cooperative Association**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and that he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2015.

Notary Public, State of Texas

**City of Big Spring
Investment Report
Quarter Ending December 31, 2014**

	<u>Market Value</u> <u>9/30/14</u>	<u>Quarterly</u> <u>Interest</u> <u>Income</u>	<u>Net Additions/</u> <u>Decreases</u>	<u>Market Value</u> <u>12/31/14</u>
<u>TexPool Funds</u>				
Utility Escrow	\$ -	\$ -	\$ -	\$ -
Airpark	496,687.61	40.52		496,728.13
Landfill Closure	2,254,102.24	184.18	-	2,254,286.42
Operating Account	1,731,325.93	141.50	-	1,731,467.43
Cemetery	351,074.58	28.72	-	351,103.30
Health Insurance	-	-	-	-
Total TexPool	\$ 4,833,190.36	\$ 394.92	\$ -	\$ 4,833,585.28
<u>TexSTAR Funds</u>				
Certificates of Obligation	\$ -	\$ -	\$ -	\$ -
Certificates of Obligation 2012	\$ 3,816,418.56	\$ 408.47	\$ -	\$ 3,816,827.03
Total TexSTAR	\$ 3,816,418.56	\$ 408.47	\$ -	\$ 3,816,827.03
Total Funds in Pools	\$ 8,649,608.92	\$ 803.39	\$ -	\$ 8,650,412.31

**City of Big Spring
Investment Report
Quarter Ending December 31, 2014**

	<u>Value 9/30/14</u>	<u>Quarterly Interest Income</u>	<u>Net Additions/ Decreases</u>	<u>Value 12/31/14</u>
Western Bank-				
3/31/2015	\$ 101,616.18	\$ 114.04	\$ -	\$ 101,730.22
Total Western Bank	\$ 101,616.18	\$ 114.04	\$ -	\$ 101,730.22
Lone Star State Bank				
Maturity 3/31/15	\$ 101,310.13	\$ 188.91	\$ -	\$ 101,499.04
Maturity 9/30/15	132,293.60	164.62	-	132,458.22
Total Lone Star Bank	\$ 233,603.73	\$ 353.53	\$ -	\$ 233,957.26
BBVA Compass				
Money Market - 2521127867	\$ 9,523,696.62	\$ 4,856.06	\$ -	\$ 9,528,552.68
Total BBVA Compass	\$ 9,523,696.62	\$	-	\$ 9,528,552.68
Total Investments	\$ 18,508,525.45	\$ 1,270.96	\$ -	\$ 18,514,652.47
BBVA Compass				
Operating Account Balance				\$ 3,558,901.85

**City of Big Spring
Monthly Interest Rates
Quarter Ending December 31, 2014**

	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Average</u>
TexPool Funds	0.0285%	0.0308%	0.0430%	0.0349%
TexSTAR Funds	0.0385%	0.0387%	0.0501%	0.0434%
Western Bank 6 month CD				0.4500%
Lone Star State Bank 6 month CD				0.7479%
12 month CD				0.4991%
BBVA Compass Money Market				0.2050%

Prepared by: _____
Donald Moore - Finance Director

Todd Darden - City Manager