

CITY COUNCIL AGENDA

City of Big Spring
Tuesday, March 13, 2012

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, March 13, 2012, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

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

Presentations & Public Hearings

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

Disposition of Minutes

3. Minutes of the Regular Meeting of February 28, 2012 4-6 Davis

Consent Items

4. Final Reading of an Ordinance Amending Chapter Nineteen of the City Code of Ordinances Entitled "Transportation," by Amending Article 6 Entitled, "Wreckers," in Order to Update Procedures for Permitting of Wrecker Companies to be on a Rotation List for Non-Consent Tows within the City and to Provide that the City May Contract with a Wrecker Company to Provide Wrecker Service for City Owned Vehicles as Well as to Provide Non-Consent Tows in Lieu of Using the Rotation List; Providing Safety Regulations Applicable to All Wrecker Companies Operating on City Streets and Providing for Minimum Insurance; Providing for Severability; Providing for Publication; and Providing an Effective Date 7-14 Sjogren
5. Acceptance of Convention and Visitors Bureau Committee Minutes for Regular Meetings of January 4, 2012 and February 8, 2012 15-18 Walker

Routine Business

6. Vouchers for 03/01/12 \$ 328,575.37 McDonald
Vouchers for 03/08/12 \$ 1,045,601.80

New Business

7. Discussion of the Use of Plastic Bags Fuqua
8. **First Reading of an Ordinance Amending Chapter Eighteen of the Code of Ordinances Entitled "Traffic," by Repealing and Replacing in its Entirety Article 5 Entitled, "Stopping, Standing and Parking," in Order to Prohibit Parking Over Water Meters and around Correctional Facilities and on the McMahan/Wrinkle Airport Taxiway and Runway** 19-32 Sjogren

First Reading of an Ordinance Amending Chapter Eighteen of the Code of Ordinances Entitled "Traffic," by Repealing and Replacing in its Entirety Article 5 Entitled, "Stopping, Standing and Parking," in Order to Prohibit Parking Over Water Meters and to Provide for Removal of Vehicles Obstructing Water Meters After 48 Hours Notice; To Prohibit Parking Around Correctional Facilities and on the McMahan/Wrinkle Airport Taxiway and Runway; and to Renumber and Reorganize Affected Sections of the Article; Providing for a Penalty of Up to \$200, Creating a Rebuttable Presumption that the Registered Owner of a Vehicle Found Parked in Violation of the Ordinance is the Person Who Committed the Violation; Authorizing the City Manager to Have Signs Posted Giving Notice of the Provisions of this Ordinance; Providing for Severability; Repealing Ordinances in Conflict Herewith Providing for Publication and Providing an Effective Date

9. **First Reading of an Ordinance of the City of Big Spring Amending Chapter Five Article 5 of the Big Spring Code of Ordinances entitled "Peddlers, Solicitors and Itinerant Merchants" to Allow License Applicants to Provide Forms of Financial Responsibility Other than Surety Bonds and to Provide that Vendors Operating on City Owned Property Must Indemnify the City from Claims Arising Out of Such Operation** 33-35 Sjogren

First Reading of an Ordinance Amending Chapter Five of the Code of Ordinances Entitled "Business and Occupations," by Amending Article 5 Entitled, "Peddlers, Solicitors and Itinerant Merchants," by Amending Section 5-125 Entitled "Proof of Financial

Responsibility and Indemnification Required” to Require Applicants for Licenses to Provide Evidence of Financial Responsibility in a Form and Amount Approved by the City Attorney and to Require that Licensees Operating on City Owned Property Must Indemnify the City, Its Agents and Employees from Any Claims Arising Out of Such Activities; Providing for Severability and Providing an Effective Date

10. Acceptance of Grant Received from U. S. Department of Transportation and Authorizing the Mayor Execute All Necessary Documents 36-39 Walker

City Manager’s Report

11. Revisions to Watering Schedule for Drought Stage III Fuqua

Council Input

12. Input Duncan

13. Adjourn

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on Friday, March 9, 2012 at 5:40 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 _____, 2012 at _____ a.m./p.m.

By: _____
City Secretary’s Office

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

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th, Big Spring, Texas, at 5:30 p.m., February 28, 2012, with the following members present:

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

(Councilmember McDonald was not present at this meeting.)

Same and constituting a quorum; and

TODD DARDEN	Assistant City Manager
LINDA SJOGREN	City Attorney
LONNIE SMITH	Police Chief
JIM LITTLE	Airport Director

PRESENTATIONS & PUBLIC HEARINGS

INVOCATION & PLEDGE OF ALLEGIANCE

Holston Banks, Shiloh House of Praise, gave the invocation and Mayor Duncan led the Pledge of Allegiance to the American and State Flags.

PRESENTATION OF “STAR EMPLOYEE AWARD”

Mayor Duncan and Todd Darden, Assistant City Manager, presented the “Star Employee Award” to Terri Telchik, Administrative Assistant for Public Works.

DISPOSITION OF MINUTES

MINUTES OF THE REGULAR MEETING OF FEBRUARY 14, 2012

Motion was made by Councilmember Carrigan, seconded by Councilmember Fernandez, with all members of the Council voting “aye” approving the minutes of the regular meeting of February 14, 2012.

CONSENT ITEMS

FINAL READING OF A RESOLUTION SUSPENDING THE MARCH 13, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., WEST TEXAS DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES

ACCEPTANCE OF MCMAHON-WRINKLE AIRPORT AND INDUSTRIAL PARK DEVELOPMENT BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF JANUARY 19, 2012

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Fernandez, with all members of the Council voting "aye" approving the above listed resolution and minutes.

ROUTINE BUSINESS

VOUCHERS

Councilmember Carrigan reviewed vouchers. Motion was made by Councilmember Carrigan, seconded by Councilmember Hansen, with all members of the Council voting "aye" approving vouchers in the amount of \$442,812.92 (02/16/12), and \$596,555.11 (02/23/12).

NEW BUSINESS

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

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving first reading of an ordinance amending Chapter Nineteen of the City Code of Ordinances entitled "Transportation," by amending Article 6

entitled, "Wreckers," in order to update procedures for permitting of wrecker companies to be on a rotation list for non-consent tows within the City and to provide that the City may contract with a wrecker company to provide wrecker service for city owned vehicles as well as to provide non-consent tows in lieu of using the rotation list; providing safety regulations applicable to all wrecker companies operating on city streets and providing for minimum insurance; providing for severability; providing for publication; and providing an effective date.

ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF JANUARY 17, 2012 AND SPECIAL MEETING OF FEBRUARY 13, 2012

Motion was made by Councilmember Ramirez, seconded by Councilmember Hansen, with all members of the Council voting "aye" accepting the Big Spring Economic Development Corporation Board of Directors minutes for regular meeting of January 17, 2012 and special meeting of February 13, 2012.

CITY MANAGER'S REPORT

Todd Darden, Assistant City Manager, announced that the City received notice from CRMWD on water conservation and that the staff would be discussing more water restrictions in the near future.

COUNCIL INPUT

Mayor Duncan announced that Carl Condray, Fire Marshall, had received a letter and a flag from Senator Landtroop for heroic acts within the City.

ADJOURN

Motion was made by Councilmember Ramirez, seconded by Councilmember Carrigan, with all members of the Council voting "aye" to adjourn at 5:40 p.m.

CITY OF BIG SPRING, TEXAS

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

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

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

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

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

TRANSPORTATION

Article 6. Wreckers.

Sec. 19-139. Definitions.

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

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

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

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

Sec. 19-140. Contracted Wrecker Service.

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

Sec. 19-141. Wrecker Selection Process.

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

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

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

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

Sec. 19-142. Wrecker Rotation List.

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

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

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

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

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

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

(D) Maximum Towing Fees Authorized.

1. Vehicles with GVWR under 10,001 lbs

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

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

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

3. Vehicles with GVWR over 26,001 lbs

Hook-up Fee	\$350.00
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4. Special Equipment

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

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

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

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

8. Private Property Tow Fee Schedule.

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

(E) Vehicle Storage Facility.

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

(F) Yards and Storage Areas.

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

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

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

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

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

SECTION 2. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

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

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

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

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

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

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

**Convention and Visitors Bureau Committee
Minutes from Wednesday, January 4, 2012
City Council Chambers**

Present: Gloria McDonald, Troy Tompkins, Jim Clements, Marcus Fernandez, Peggy Walker, Gary Fuqua, Debbie Wegman, Devoun Blount,
Absent: Jay Patel
Guests: Leslie Whitten, Jon Sparks, Mique Yarbar - Big Spring Lady Steers Softball;
Katie Grimes - Webb Reunion,

Gloria McDonald called the meeting to order at 4:00 p.m.

Jim Clements, President Elect of the Big Spring Chamber of Commerce was welcomed as a new member to the committee.

Approval of minutes

The minutes from the meeting of December 7, 2011 were reviewed. Motion was made by Peggy Walker to approve the minutes as written. Motion was seconded by Gary Fuqua and passed unanimously.

Discussion of Event Funding Requests

- a. Third Annual Tournament at the Crossroads: The funding request was presented by Mique Yarbar. This year's tournament has increased to 32 teams, and 29 teams have registered so far. This is very exciting but since the tournament is increasing there is a need for a fifth field to accommodate the growth of the tournament. All the supplies have been provided some manpower is needed to get the field together. Fencing is needed around the field. City Manager and committee member Gary Fuqua suggested that the group could contact a fencing company and request a bid. Mr. Fuqua also stated that the city would do whatever possible to try and get the field ready for the tournament. The tournament is also looking at increasing their entry fee for next year's tournament to help increase the revenue of the tournament. The committee agrees that this is a great event for the community. Motion was made by Peggy Walker to approve the funding request for \$11,025.00. Motion was seconded by Troy Tompkins and passed unanimously.

Discussion of Follow-up Reports

- a. 2011 Webb Reunion: The follow up report was presented by Katie Grimes. Mrs. Grimes thanked the CVB committee for supporting this event. This reunion was the best ever. There were attendees from other countries such as Denmark. This was the last reunion. Hangar 25 Museum will look at including the Webb Reunion attendees to their Silver Wings Ball. The reunion will refund the CVB committee \$7,913.32.

Financials

The Final report for the December 2011 was provided for review. Current Hotel Tax reports were also provided

CVB Coordinator Report

Debbie will be attending TACVB Mid Winter Conference Jan 16-19, 2012 in Laredo, TX. She has received a scholarship to cover the conference fees. She will be making a bid presentation bid to host the TACVB Mid Winter Conference in 2014 here in Big Spring at the Settles Hotel. There are four other cities competing for the bid.

Members Comments

Troy Tompkins ask if the Boy Scouts could be allowed to hold their annual awards event at the Dora Roberts Community Center at no charge. A formal request will need to be submitted to the committee for approval.

Meeting was adjourned at 4:40 p.m.



Gloria McDonald



Date

**Convention and Visitors Bureau Committee
Minutes from Wednesday, February 8, 2012
City Council Chambers**

Present: Gloria McDonald, Troy Tompkins, Debbie Wegman, Devoun Blount,
Jay Patel, Jim Clements, Peggy Walker, Gary Fuqua

Absent: Marcus Fernandez

Guests: Chanz Reed, Innerpole Disc Golf Association; Terry Wofford, Hang Gliders

Gloria McDonald called the meeting to order at 4:00 p.m.

Approval of minutes

The minutes from the meeting of January 4, 2012 were reviewed. Motion was made by Gary Fuqua to approve the minutes as written. Motion was seconded by Peggy Walker and passed unanimously.

Discussion of Event Funding Requests

- a. West Texas Disc Golf Champions Tournament. Mr. Chanz Reed presented the request to the committee. This year's tournament is expecting approximately 125 golfers. The tournament has also sparked interest with a pro disc golfer Jay Redding via the PDGA website. The association has added an additional 9 holes to the lake edition of the course. Committee member Gary Fuqua commented that the association has been very good at cleaning the park and plan to continue to grow the tournament. Motion was made by Troy Tompkins to approve the request. Motion was seconded by Gary Fuqua and passed unanimously.

Discussion of Follow-up Reports

- a. USGHA National Competition Mr. Terry Wofford presented the follow up report to the committee. The event was a great success. Next year's event will be moved to the week of July 22nd, which is approximately two weeks earlier. This event coincided with another major hang gliding event; so hopefully this will be bring more hang gliders to this year's event since the date has been moved up.
- b. Summer Outdoor Screening Series. Brandon Johnson was not available to attend the meeting. The follow up report was presented by Debbie Wegman. Big Spring Film Society offered three outdoor screening this season. The three screenings were very successful. There was even a group that traveled from Midland to attend one of the screenings. The film society is looking at only two screenings this year and will hopefully not require any CVB funds for these events.

Other

- a. Webb Reunion Reimbursement A copy of reimbursement check was provided in the amount of \$7,948.93.
- b. Keep Big Spring Beautiful. A request had been previously submitted and approved but the event date was changed to February 13, 2012
- c. Billboards. There has been discussion about changing the billboards at the Water Tower to a LED type sign. The research revealed that purchasing a LED billboard would be very expensive and the committee felt that this would not be a good time to spend funds in this manner. The committee discussed that changing the vinyl that is currently on the billboard.

Financials

The Financial report for January was provided for review. Current Hotel Tax reports were also provided.

CVB Coordinator Report

- a. TACVB Mid Winter Conference. Debbie Wegman attended the conference that was held in Laredo, Texas. Most of the expenses were covered by scholarship money provided by the TACVB. A bid was presented to host the 2014 Mid-winter conference in Big Spring at the Settles Hotel. The bid was not selected.
- b. Trout Stocking. The Comanche Trail Lake has currently been stocked with 4,000 trout an additional stocking with 2,384 will be added on February 15.
- c. Quanah Parker Arrow. Debbie encouraged the committee members who have not seen the arrow that was installed at Comanche Trail Park. There have been 27 arrows that have been planted in the Texas plains Trail region. This will definitely attract visitors to the Big Spring Area.
- d. Texas Plains Trail Annual Conference. The conference will be held in August at the Settles Hotel. There is a sponsorship opportunity for the conference. The committee agreed to sponsor \$1000.00.

Members Comments

There were no member comments at this time.

Meeting was adjourned at 4:30 p.m.



Gloria McDonald



Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER EIGHTEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "TRAFFIC," BY REPEALING AND REPLACING IN ITS ENTIRETY ARTICLE 5 ENTITLED, "STOPPING, STANDING AND PARKING," IN ORDER TO PROHIBIT PARKING OVER WATER METERS AND TO PROVIDE FOR REMOVAL OF VEHICLES OBSTRUCTING WATER METERS AFTER 48 HOURS NOTICE; TO PROHIBIT PARKING AROUND CORRECTIONAL FACILITIES AND ON THE MCMAHON/WRINKLE AIRPORT TAXIWAY AND RUNWAY; AND TO RENUMBER AND REORGANIZE AFFECTED SECTIONS OF THE ARTICLE; PROVIDING FOR A PENALTY OF UP TO \$200.00, CREATING A REBUTTABLE PRESUMPTION THAT THE REGISTERED OWNER OF A VEHICLE FOUND PARKED IN VIOLATION OF THIS ORDINANCE IS THE PERSON WHO COMMITTED THE VIOLATION; AUTHORIZING THE CITY MANAGER TO HAVE SIGNS POSTED GIVING NOTICE OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT HERewith PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Big Spring City Council finds it necessary for the public safety to restrict stopping, standing and parking of vehicles near correctional facilities and on the taxiway and runway at the McMahon/Wrinkle Airport; and

WHEREAS, the Big Spring City Council finds it necessary to restrict parking, standing and stopping of vehicles over city water meters;

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

SECTION 1. THAT Chapter 18, Article 5, of the Big Spring Code of Ordinances entitled "Stopping, Standing and Parking," is hereby repealed and replaced in its entirety with such Article to read as follows:

Sec. 18-128. Definitions.

1. In this Article, the terms described below shall be used and defined as follows:

- a. "Motor Vehicle" means a vehicle that is self propelled.
- b. "Operator" means a person in actual physical control of the vehicle.
- c. "Owner" means a person who has: (1) legal title to a motor vehicle (2) or the right to possess or control vehicle.
- d. "Front Yard" means an open, unoccupied space on a lot facing a street extending across the lot between the side lot lines and from the front of the main building to the front lot or street line. In corner lots the front yard shall be that yard where the main entrance of the principal structure is located.
- e. "Truck-tractor" means a motor vehicle designed or used primarily for pulling other vehicles and not constructed to carry a load other than a part of the weight of the vehicle being drawn.
- f. "Semitrailer" means a vehicle without motive power that is designed, or used with a motor vehicle, so that some of its weight and the weight of its load rest on or is carried by the motor vehicle.
- g. "Trailer" means a vehicle without motive power that is: (1) designed or used to carry property or passengers on its own structure exclusively; and (2) drawn by a motor vehicle.
- h. "Vehicle" means a mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on, or by which a person or property can be transported. The term includes a motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semitrailer but does not include manufactured housing as defined by the Texas Manufactured Housing Standards Act (Article 5221(f) Rev. Civ. Stat., Vernon's Texas Civil Statutes) or self propelled wheel chairs or mechanical devices while being used by handicapped individuals.
- i. "Authorized Emergency Vehicle" means: a fire department or police vehicle, a public or private ambulance operated by a person who has been issued a license by the Texas Department of Health; a municipal department or public service corporation emergency vehicle that has been designated by the City Council; a private vehicle of a volunteer firefighter or certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency.
- j. "Paved Surface" shall mean an area continuously surfaced by concrete, hot mix asphalt, brick or stone pavers or gravel.
- k. "Park" or "Parking" means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading property or passengers.

- l. "Stand" or "Standing" means to halt an occupied or unoccupied vehicle, other than temporarily while receiving property or passengers.
- m. "Stop" or "Stopping" means to halt an occupied or unoccupied vehicle.

Sec. 18-129. Unattended Vehicles.

It shall be unlawful for any person to park or to allow a motor vehicle to stand on any highway unattended without first setting the brakes thereon, setting the gear, if it has manual gears, turning the motor off; when standing upon a slope or grade, turning the wheels so such vehicle to the curb or side of the highway.

Sec. 18-130. Parking Prohibited in Specified Places.

No person shall stop, stand or park a vehicle, except in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk or walkway.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within fifteen (15) feet of a fire hydrant.
5. On a crosswalk.
6. Within twenty (20) feet of a crosswalk or intersection.
7. Within twenty (20) feet of the driveway entrance to any fire station.
8. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
9. On the roadway side of any vehicle stopped or parked at the edge of a curb or street. Upon any bridge, viaduct or elevated structure upon a highway.
10. Upon any bridge, viaduct or elevated structure upon a highway.
11. At any place where official signs or marking prohibit stopping, standing, parking.
12. In any alley, except for the purpose of and while actually engaged in loading or unloading.

13. In the area of the public parkway lying between the curb or grade line of any public street and the abutting sidewalk or private property line; provided however, parking shall be lawful in that portion of the public parkway used as part of a business parking lot approved and permitted by the director of public works after a determination that allowing parking in the portion of the parkway covered by said permit will not constitute a traffic hazard.
14. Within a one-hundred foot (100') radius of any state, federal or private correctional facility (i.e. place of incarceration for periods exceeding 6 months). This specifically includes but is not limited to the Geo Group of Prisons (Flightline, Airpark, Cedar Hill and Interstate Units) and the Federal Correctional Institute.
15. On any part of the taxiway or runway of the McMahon Wrinkle Airport except for authorized emergency vehicles.
16. In a manner blocking a City water meter more than twenty-four (24) hours after notice is affixed to the vehicle or actually received by the owner of the vehicle.

Sec. 18.131. Prohibited for Certain Purposes.

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

1. Displaying it for sale.
2. Washing, greasing, filling with gas or oil or repairing such vehicle, except repairs necessitated by an emergency.

Sec. 18-132. Stopping on Roadway.

No person shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of width of either lane of a roadway for free movement of the vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

Sec. 18-133. Stop Intersections.

The City Manager is hereby authorized to cause any street intersection to be designated and maintained as a stop intersection and to designate the streets upon which vehicles shall stop before entering such intersection, as directed by the City Council from time to time. Whenever any intersection has been so designated, the City Manager shall cause the same to be identified by the erection of signs indicating which vehicles approaching the intersection shall stop. When such signs are erected at the entrance to any intersection, every driver of a vehicle shall stop at every such sign or at a clearly marked stop line and ascertain that the way is clear before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

Sec. 18-134. Marking Spaces Where Parking Prohibited.

The City Manager is hereby authorized to cause parking spaces to be designated, maintained and marked off in and on such streets and parts thereof as may be authorized by the City Council from time to time and is also authorized to cause no-parking spaces to be designated, maintained and marked off in and on such streets and parts thereof as may be authorized by the City Council from time to time. The City Manager is further authorized to cause time limit parking areas to be designated, maintained and marked off in and on such part or parts of streets as may be authorized by the City Council from time to time. All spaces for parking vehicles shall be laid out either parallel with the street or at an angle, and shall be designated by painted lines showing clearly the manner in which a vehicle is to be parked.

The fact that a parking space, a no-parking area or a time parking area is designated by lines or markings painted on the surface of the street or by clearly visible signs indicating the area affected respectively shall be prima facie evidence that the City Manager was authorized by the City Council to designate the same at the place it is located and that it was determined by the City Council that the same should be designated according to the markings or signs, as the case may be, as they then exist.

In areas designated by the City Manager as time limit parking areas, parking may be limited to any period prescribed by the City Council, the same to be designated with clearly distinguishable markings or signs at both ends of such time limit area, indicating the time allowed for parking in such areas.

Any time limit on parking established under this section shall apply on such days and between such hours as are designated by the City Council.

Sec. 18-135. Parking in Prohibited Areas; Overtime Parking.

It shall be unlawful for any person to cause, allow, let, permit or suffer any vehicle registered in his name or owned or operated by him or in his possession under his control be or remain in any no-parking area designated according to the provisions of Section 18-134, or in a time limit parking area for a longer period of time than that designated by the markings on the street or by signs clearly visible.

Sec. 18-136. Parallel Parking.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic and with the curb-side wheels of the vehicle within eighteen (18) inches of the edge of the roadway, or curb where curb is provided, except upon those streets which have been marked or designated for angle parking to the curb, as indicated by such signs, and except as otherwise specifically provided in this article.

Sec. 18-137. Angle Parking.

Upon those streets where parking spaces are marked at an angle to the curb, vehicles shall be parked entirely within the spaces so marked and with the front thereof headed toward the curb. No truck, excluding pickup trucks of less than one ton, or any vehicle with a trailer attached will be permitted to park on those streets which are marked for angle parking, except as otherwise provided in this article for the purposes of loading or unloading.

Sec. 18-138. Vehicles Left Unattended on Public Property over Forty-Eight Hours.

It shall be unlawful for any person to leave unattended on any street, alley, or other public property in the city a vehicle for over a period of forty-eight (48) hours.

Sec. 18-139. Curb Loading Zones.

The City Manager, as authorized from time to time by the City Council, may designate the location of freight curb loading zones and the hours during which such zones are to be used for such purpose. When such designations are made, the City Manager shall place and maintain appropriate signs indicating such zones and the hours during which they are to be used for such purpose.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

Sec. 18-140. Bus Stops, Taxicab Stands, Etc.

The City Manager is hereby authorized to establish bus stops and taxicab stands and stands for other passenger, common carrier motor vehicles on such public streets, in such places and in such number as may be determined from time to time by the City Council to be of the greatest benefit and convenience to the public. Every such bus stop, taxicab stand or other stand shall be designated by appropriate signs. The designation of taxicab stands shall be subject to the provisions in Chapter 19 of this Code.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Sec. 18-141. Parking of Vehicles Used for Delivery of Animals.

No vehicle or truck used for the delivery of animals or livestock shall be parked in any residence or business district of the City, nor in any other district unless the vehicle or trailer is clean and free of waste materials from animals.

Sec. 18-142. Backing along Parade Route.

Vehicle used for the transportation of merchandise or materials may back to the curb to load or unload, if the vehicle is constructed so that it cannot be unloaded from the side from a position parallel with the curb. In no event shall such parking be allowed where it leaves less than ten (10) feet in either lane of a street.

Sec. 18-143. Parking along Parade Route.

The police officer in charge of traffic, under the supervision of the Chief of Police, is hereby authorized, whenever in his judgment it is necessary to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession, to erect temporary traffic signs to that effect. It shall be unlawful to park or leave unattended any vehicle in violation of such signs.

Sec. 18-144. Moving Vehicle or Another into Prohibited Area or Away from Curb.

No person shall move a vehicle not owned by such person into any area where parking, stopping or standing is prohibited or away from a curb such distance as is unlawful.

Sec. 18-145. Parking Prohibited In Residential Front Yards.

1. **Prohibition and Exceptions.**

No owner or operator of a vehicle may park a vehicle on any portion of the front yard of any lot zoned for residential purposes within the city unless such vehicle is parked upon a paved surface or designated unpaved parking area as defined in Part 3 of this section, except as follows:

- a. A person operating an authorized emergency vehicle; or
- b. A person properly displaying a valid Handicapped Parking Permit.

2. **Designated Parking Areas.**

Parking areas exist or may be designated in the front yard of a residential lot as follows:

- a. In areas of the city in which the streets have curbs and gutters the designated unpaved parking area in the front yard of each residential lot shall be the area perpendicular to the street between the curb cuts and extending to the garage or if there is not garage to the residence.

- b. If the curb cut is not twenty-two feet (22') wide, then the area shall be the area eleven feet either side of a line extending from the center of the curb cut and perpendicular to the street and extending to the garage or if there is no garage to the residence.
- c. If the area does not front either a garage or residence, the area shall be as described, but in no event may it extend further than seventy feet (70') into the lot from the center of the right of way.
- d. In areas of the City in which there are no curbs or gutters, the Owner of the property, as shown by the records of the Howard County Appraisal District may designate an area twenty-two feet (22') wide perpendicular to the street extending from the public right of way to the garage or if there is no garage the residence. If the area does not front either a garage or residence, that area may be designated as described but in no event may it extend further than seventy feet (70') into the lot from the center of the right of way. The designation shall be made in writing on forms supplied by the City and filed with the Permit and Inspections Department. A designation once made may not be amended until the first anniversary of the date of designation.
- e. Lots with curb and gutter but no curb cuts may be designated in the same manner as those areas without curb and gutter.

3. Presumption.

In instances in which the actual operator of the vehicle cannot be readily determined, the registered owner of any vehicle parked in violation of this ordinance shall be deemed to be prima facie responsible for the violation and subject to the penalty provided herein.

4. Enforcement.

In areas without curb and gutter, this ordinance shall only be enforced following ten (10) day notice to the owners or occupants of the residential lot. In the event the Code Enforcement Department becomes aware of a violation on a lot without a prior designation, they shall attach a notice to the offending vehicle and to the front door of the residence, if any, which shall state as follows:

WARNING

**VEHICLE LICENSE NO. _____ IS PARKED IN
AN
UNDESIGNATED PARKING AREA.**

Contact the City of Big Spring Code Enforcement Department, 501 Runnels Street, Big Spring, Texas 79720, within ten (10) calendar days to

designate an unpaved parking area. Continued parking of vehicles in this area will subject you to prosecution for illegal parking.

Code Officer

Dated: _____

Continued parking in an undesignated area following ten (10) calendar days notice shall subject the owner or operator of the vehicle to prosecution.

Sec. 18-146. Impoundment of Standing or Parked Vehicles.

1. Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage or parking lot designated or maintained by the police department or otherwise maintained by the City, under the circumstances hereinafter enumerated:
 - a. When a vehicle upon a roadway is disabled so as to constitute an obstruction to traffic and the person in charge of the vehicle is for any reason incapacitated to such an extent as to be unable to provide for its custody or removal.
 - b. When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic.
 - c. When any vehicle is left unattended upon a street and is parked illegally so as to constitute a definite obstruction to employees of the City engaged in cleaning the street upon which the vehicle is illegally parked and constitutes an obstruction to the progress of construction or repair work on any of the city's water or sewer lines.
 - d. When any vehicle is left unattended upon a street and is parked illegally so as to constitute an obstruction to employees of the City engaged in reading water utility meters more than 48 hours after notice is affixed to the vehicle or actually received by the owner of the vehicle.
 - e. When a vehicle is found parked, stopped or standing in violation of this Article.
 - f. If a nonresident of the City has failed on more than one occasion to comply with notice attached to an illegally parked vehicle owned by him, and warrants have been issued for his arrest but not served because of his absence, the police are authorized to impound his vehicle as provided in this section, when such vehicle is next found left unattended upon a street illegally parked.
2. Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is

stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

3. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state highway department. Such notice shall include a complete description of the vehicle, the date, time and place for which removed, the reason for such removal, and the name of the garage or place where the vehicle is stored.
4. In the event a vehicle is removed from a street under this section, the owner of same shall pay, in addition to the fine, if any, assessed against him, reasonable costs incurred in removing the vehicle from the street, and reasonable storage for the time and same is stored in a garage or parking lot.

Sec. 18-147. Parking of Trucks, Vehicles Transporting Hazardous Materials and Busses.

1. Definitions for the purposes of this section:
 - a. Truck. Any motor vehicle designed, maintained or used primarily for the transportation of property which has three or more axles and/or a gross vehicle weight of more than ten-thousand (10,000) pounds.
 - b. Vehicle transporting hazardous material. Any vehicle and appurtenances thereto used for the transportation of radioactive, hazardous, explosive or inflammable materials and substances and regulated by the U.S. Department of Transportation and/or the Texas Department of Public Safety as a vehicle used for the transportation of hazardous materials.
 - c. Bus. Any vehicle constructed, outfitted or intended for carrying or transporting ten or more passengers.
2. Parking Regulations:
 - a. No truck shall be parked on any street, alley, public thoroughfare; provided, however, that such vehicles may be parked at the point where pick-up or delivery of goods or property is made without undue delay. Further, no truck shall be parked in any area of the City zoned for residential habitations only.
 - i. Parking of Truck's Tractor in Backyards.

A truck's tractor may be parked in the backyard of the Tractor Operator in a residential zoned area only if the following requirements are satisfied:

1. Adequate and safe ingress and egress are available and/or provided for from a city street to the backyard, as approved by the Public Works Director.
 2. Application is approved by and renewed annually through the Building Official. The annual permit fee shall be Thirty Dollars (\$30.00).
 3. The tractor shall be parked, stored or screened in such a manner that it is not visible from any street; furthermore, if a structure is required it must meet all applicable codes.
- ii. No vehicle transporting hazardous materials shall be parked or stored on the streets, alleys, public thoroughfares or at any other point within the corporate limits of the city except upon premises owned or leased by the owner of such transporting vehicles; provided, however, that such vehicle may be parked at the point where the commodity is to be delivered and such delivery shall be made without undue delay. In no event shall such transporting vehicle be parked for the purpose of unloading or delivery for a longer period of time than one (1) hour, unless the express permission of the chief of the fire department is first obtained.
 - iii. No bus shall be parked on any street, alley or other public way in any area of the city zoned for residential habitations only; provided, however, that such vehicles may park for the immediate purpose of loading or unloading passengers.

3. Penalties:

Persons violating any provision or provisions of this section, if convicted of such violation in the municipal court of the City of Big Spring, may be fined five dollars (\$5.00). Each violation shall be considered a separate offense.

Sec. 18-148. Handicapped Parking.

The City Manager is hereby authorized to establish handicapped parking spaces within the public right of way when so directed by the City Council.

Sec.18-149. Specific Parking, Standing, Stopping and Street Closing Provisions.

- a. The City Manager is hereby directed to establish two (2) handicapped parallel parking spaces on the west side of Scurry Street between 5th and 6th Streets, more specifically in front of the Heritage Museum.
- b. No parking shall be allowed on the east side of Goliad Street from the south end of the Goliad School as delineated by proper signage between the hours of 7:30 a.m. to 9:00 a.m. and from 3:15 p.m. to 5:15 p.m.

- c. Benton Street Overpass Weight Limits. The vehicular weight limit for traversing the Benton Street Overpass is hereby set at 4,500 lbs. It shall be illegal for any owner-operator of a vehicle weighing more than 4,500 lbs. to enter upon or traverse over the Benton Street Overpass.
- d. Right Turn Only. West 18th Street at its intersection with South Lancaster is hereby designated as a “Right Turn Only” intersection. Further there shall be no parking allowed on the west side of South Lancaster, north from 18th Street to the first entrance drive to Canterbury South complex.
- e. Street Closing. Pursuant to the recommendation of the Airpark Advisory Board and the Traffic Commission; First Street on the Big Spring McMahan/Wrinkle Airport is permanently closed from Bell Street to Warehouse Drive.
- f. Birdwell Road over Beal’s Creek Weight Limit. The vehicular weight limit for traversing the Birdwell road over Beal’s Creek is hereby set at 21,000 lbs. It shall be illegal for any owner-operator of a vehicle weighing more than 21,000 lbs. to enter upon or traverse over the Birdwell road over Beal’s Creek.
- g. The following two (2) way stop intersections are established:
 - i. Colgate stopping for traffic on Dartmouth.
 - ii. Colgate stopping for traffic on Kentucky Way.
- h. The intersection of Father Delaney and North Aylesford is hereby established as a four (4) way stop intersection.
- i. No Parking in Front of High School between hours of 7:30 a.m. and 4:00 p.m.
 - i. No Parking shall be allowed from 7:30 a.m. to 4:00 p.m. on the north side of 11th Place from Goliad Street to State Street.
 - ii. No Parking shall be allowed from 7:30 a.m. to 4:00 p.m. on the south side of 11th Place from Austin Street to Owens Street.
- j. No Parking on East side of N. Scurry from NW 9th St. to NW 10th St.

No Parking shall be allowed from 3:00 p.m. to 4:00 p.m. on the east side of N. Scurry from NW 9th St. to NW 10th St. to provide for a bus loading zone.
- k. McMahan/Wrinkle Airport. Parking shall be prohibited on the taxiway and runway located at the McMahan/Wrinkle Airport.

Sec. 18-150. Notice May be Attached to Illegally Parked Vehicle.

Whenever any motor vehicle without driver or operator is found parked or stopped in violation of any of the restrictions imposed by this Article or other ordinance of the City, the officer finding such vehicle may take its registration number, and any other information displayed on the vehicle which may identify its user, and conspicuously affix to such vehicle a notice in writing, on a form provided by the City, for the driver or operator to answer to the charge against him, within ten (10) days after the issuance of the notice, at the corporation court of the City. All such notices shall be serially numbered.

Sec. 18-151. Penalty.

No owner or operator of any vehicle shall cause or permit a vehicle to stop, stand or be parked in violation of any of the provisions of this Article. Any person violating the provisions of this Article shall be guilty of a misdemeanor and upon conviction may be fined up to Two-Hundred Dollars (\$200.00). There shall be a rebuttable presumption that the registered owner of a vehicle is the person who stopped, stood or parked the vehicle at the time of the offense. Each day the violation occurs or continues shall constitute a separate offense.

SECTION 2. THAT the City Manager is authorized and directed to have no parking signs posted at any appropriate locations to provide notice of the provisions of this ordinance, but that the presence of such signs shall not be a prerequisite to prosecution for a violation of this ordinance.

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 such conflict.

SECTION 5. THAT the City Secretary is hereby ordered and directed to cause the descriptive caption, as well as the penalties for violation of this ordinance to be published as provided by law.

SECTION 6. THAT this ordinance shall take effect immediately after its publication 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 day of _____, **2012**, 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 day of _____, **2012** with all members present voting “aye” for passage of the same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER FIVE OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "BUSINESS AND OCCUPATIONS," BY AMENDING ARTICLE 5 ENTITLED, "PEDDLERS, SOLICITORS, AND ITINERANT MERCHANTS," BY AMENDING SECTION 5-125 TO BE ENTITLED "PROOF OF FINANCIAL RESPONSIBILITY AND INDEMNIFICATION REQUIRED" TO REQUIRE APPLICANTS FOR LICENSES TO PROVIDE EVIDENCE OF FINANCIAL RESPONSIBILITY IN A FORM AND AMOUNT APPROVED BY THE CITY ATTORNEY AND TO REQUIRE THAT LICENSEES OPERATING ON CITY OWNED PROPERTY MUST INDEMNIFY THE CITY, ITS AGENTS AND EMPLOYEES FROM ANY CLAIMS ARISING OUT OF SUCH ACTIVITIES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Big Spring finds it necessary to permit organizations to purchase one bond in the amount of at least five-thousand dollars (\$5,000.00), as approved by the City Attorney, to cover all vendors participating in an event; and

WHEREAS, in addition to the bond requirement, a sworn statement indemnifying the City, its agents and employees from any and all claims associated with any event being held on property owned by the City be required; and

WHEREAS, it is only necessary to charge one investigation fee per license;

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

SECTION 1. THAT Chapter 5, Article 5 of the Big Sprig Code of Ordinances entitled "Business and Occupations," is hereby amended by amending Sections 5-125 and 5-126 with such amended sections to read as follows:

Sec. 5-125. Proof of Financial Responsibility and Indemnification Required.

(A) **Financial Responsibility:** The application for the license required in Section 5-123 of this Article shall be accompanied by a bond or other evidence of financial responsibility in a form and amount approved by the City Attorney, but in no event less than the sum of five thousand dollars (\$5,000.00) in order to ensure the final delivery of goods, wares,

merchandise or services in accordance with the terms of any order obtained prior to delivery, and to ensure that such goods, wares or merchandise shall be free from defects in material and workmanship as of the time of the delivery or that may be discovered by such purchaser or customer within thirty (30) days after delivery. In the event that the applicant is an agent or employee of a person, firm or corporation engaging in any activity described in section 5-123 of this Article, through one or more agents or employees, said person firm or corporation in lieu of the applicant, shall provide the financial responsibility instrument as principal and shall be required to enter into only one such instrument which shall be made to cover the activities of all its agents or employees.

(B) Indemnification for Sales on City Owned Property: If an event in which goods, wares, merchandise or services are to be provided on city owned property or facilities, the applicant must also make a sworn statement backed by the financial responsibility instrument required in this section that the applicant will release, indemnify and defend the City, its agents and employees from any and all claims or causes of action of any nature whatsoever that may be caused by or arise out of the activities of the applicant in connection with the license.

Sec. 5-126. Processing Fee.

(A) Each application shall be accompanied with payment of a processing fee of fifty dollars (\$50.00). There shall also be charged a fee of seventy-five dollars (\$75.00) investigation of a sales location by the Police Department. An additional ten dollar (\$10.00) charge shall be charged for each agent in excess of two. These fees shall be applied to the expenses incurred in processing the application and in enforcing the ordinance of this chapter. No more than one investigation charge shall be made for any one location per term of a license.

(B) Persons offering for sale agricultural products grown or produced by them in this country shall not be required to pay the fees required by this Article, but the permit card required hereby shall be issued to such persons by the Chief of Police upon satisfactory proof that they have produced or grown the products to be peddled and the products have been approved by the Health Department.

SECTION 2. 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 3. THAT all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. THAT this ordinance shall take effect immediately upon its 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 day of _____, **2012**, 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 day of _____, **2012** with all members present voting “aye” for passage of the same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

Tami Davis

From: Peggy Walker
Sent: Friday, March 09, 2012 3:19 PM
To: Tami Davis
Subject: FW: Big Spring Rail System Grant Approval
Attachments: Big Spring Rail System Grant Approved.docx

From: Baxter Wellmon [<mailto:bwellmon@geminc.com>]
Sent: Monday, March 05, 2012 2:20 PM
To: 'Terry Wegman'
Cc: Peggy Walker; RBowes@thsrail.com; terickson@thsrail.com; dlee@thsrail.com; coschman@thsrail.com
Subject: Big Spring Rail System Grant Approval

Great News Team:

The Federal Railroad Administration approved our grant request for rail improvements. Great job by all and thank you for all your hard work to make this happen. Wonderful news for the City of Big Spring.

Please find the attached official Federal Announcement dated 3/2/2012. The City's contribution is set at \$33,270 (10% of total) and the Federal Grant is \$299,423.

Best Always,

Baxter

Transport Handling Specialists, Inc.
Big Spring Rail System, Inc.
1554 Paoli Pike, #179
West Chester, PA 19380
610-701-0629



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ANNOUNCES \$17 MILLION FOR RAIL LINE RELOCATION PROJECTS ACROSS THE
U.S.

U.S. TRANSPORTATION SECRETARY LAHOOD ANNOUNCES \$17 MILLION FOR RAIL LINE RELOCATION PROJECTS ACROSS THE U.S.



U.S. Department of Transportation
Office of Public Affairs
Washington, D.C.
www.dot.gov/affairs/briefing.htm
News

FRA 06-12
Friday, March 02, 2012
Contact: Kevin Thompson
Tel.: 202-493-6024

U.S. Transportation Secretary Ray LaHood today announced that twelve cities and states will share \$16.9 million to relocate, replace, and improve segments of railroad track under the Federal Railroad Administration (FRA)'s Rail Line Relocation and Improvement competitive grant program.

The FRA received more than \$67 million in state and local government requests for these funds, which will be used to enhance safety, livability, and economic development in American communities.

"The overwhelming number of applications we received for this program shows that state and local officials recognize the economic boost that comes with improving transportation infrastructure," said Secretary LaHood. "These investments will help advance President

Obama’s vision of an ‘America Built to Last’ by putting people back to work on transportation projects while creating livable communities and stimulating economic growth.”

FRA’s rail line relocation competitive grant program funds projects that reduce the adverse effects of rail infrastructure on safety, motor vehicle and pedestrian traffic, community quality of life, or economic development. Funding for these grants is made available through annual appropriations and requires a 10 percent contribution from the project sponsor. Rail line relocation dollars announced today will fund the following projects:

Massachusetts – Massachusetts DOT – Patriot Corridor Double-Stack Clearance Initiative – \$2,000,000 to complete preliminary engineering and environmental analysis for the removal of 19 obstructions in two tunnels and 17 roadway, railroad or pedestrian bridges that would prevent a double-stack train from operating along the Patriot Corridor between Mechanicville, New York, and Ayer, Massachusetts. A large component of the overall project involves raising the vertical clearance of the 4.75-mile Hoosac Tunnel in Florida, Massachusetts. Removing the vertical obstructions will improve freight operations and capacity by allowing double-stacked container trains to operate over the line.

Pennsylvania – County of Lycoming – Lycoming Valley Railroad Improvement – \$2,437,388 for construction improvements to track and related rail infrastructure in Lycoming County that suffered damage from Tropical Storm Lee in September 2011. The work will restore rail freight service to customers and eliminate costly re-routings.

South Carolina – South Carolina Department of Commerce – South Carolina Public Railways S-Curve Realignment – \$248,934 to relocate and realign an S-curve in North Charleston that has contributed to several derailments. The reduced curvature will also improve operating efficiency by alleviating restrictions on train speeds and enhancing line capacity.

Alabama – City of Sylacauga – Sylacauga Railroad Interchange Relocation – \$1,595,994 to relocate an interchange two miles west of downtown Sylacauga in order to alleviate traffic delays and congestion caused by blocked grade crossings at the town’s primary North-South thoroughfare and three other roadways. The construction of two new sidings will also increase freight capacity.

Florida – City of Ocala – Florida Northern Railroad Relocation and Railway Improvement – \$2,220,000 to relocate a rail line running along a city street to improve safety in an area with a history of motor vehicle-train collisions. The project will further improve safety and freight rail operations by replacing degraded track and upgrading advance warning systems at four highway-rail grade crossings.

Iowa – City of Sioux City – Southbridge Rail Yard – \$2,000,000 to construct a new rail yard in Sioux City to alleviate traffic congestion and safety issues caused by freight trains blocking grade crossings. The new rail yard will also enhance railroad switching operations and accommodate current and future freight demand.

Indiana – Indiana DOT – Daviess County-Elnora Siding – \$1,608,029 to construct a new

siding in Elnora to improve freight capacity and efficiency by eliminating a bottleneck that prevents northbound and southbound trains from passing each other. The project will also allow the Indiana Southern Railroad to relocate its switching and staging operations to the new siding.

Indiana – City of Indianapolis – Indianapolis Downtown Rail Relocation – \$896,949 to complete preliminary engineering and environmental analysis for the relocation of freight traffic from downtown Indianapolis to the nearby Indianapolis Belt Railroad. Ultimately, separating freight and passenger rail service will improve the safety and efficiency of current operations.

South Dakota – South Dakota DOT – Sioux Valley Railroad Relocation – \$1,803,801 to relocate a section of rail that runs along the side of a hill near the Big Sioux River at the South Dakota/Iowa border. This relocation will eliminate frequent service interruptions that are required to maintain the existing track.

Alaska – Alaska Railroad Corporation – MP 407 Curve Realignment – \$819,900 to realign a curve and stabilize the embankment at Mile Post 407 of the Alaska Railroad. This segment of track is located along a tributary of the Nenana River that has experienced numerous flood events, including flooding that resulted in a disaster declaration in 2008. The project will ensure the continuation of operations on the line.

California – City of West Sacramento – Port of West Sacramento Loop Track – \$960,567 to construct a loop track at the Port of West Sacramento, which will improve freight capacity and efficiency by enabling switching and storage operations to take place solely on Port property. The project will also significantly reduce the amount of time a major highway-rail grade crossing is blocked by freight traffic and provide for a more secure perimeter at the Port.

Texas – City of Big Spring – Rail Spur Rehabilitation – \$299,423 to rehabilitate approximately two miles of spur track that serves an industrial park in Big Spring. These improvements will allow freight rail services to be provided to additional local manufacturers and suppliers.