

CITY COUNCIL AGENDA

**City of Big Spring
Tuesday, April 9, 2013**

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, April 9, 2013, 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 March 26, 2013 | 4-8 | Davis |
|----|--|-----|-------|

Consent Items

- | | | | |
|----|--|-------|--------|
| 4. | Acceptance of McMahon-Wrinkle Airpark Development Board Minutes for Meeting of February 28, 2013 | 9-10 | Walker |
| 5. | Acceptance of Zoning Board of Adjustments and Appeals Minutes for Meeting of September 28, 2011 | 11-12 | Walker |

Other Business

- | | | | |
|----|---|----|--------|
| 6. | Final Reading of an Ordinance Amending the Zoning Ordinance by Changing the Zoning from Single Family-2 (SF-2) to Neighborhood Service (NS) for the Property Located North of the Connally and Wasson Intersection Described as Tract 6, Kennebeck Heights, Section 12, Block 33, T-1-S, T & P RR Co. Survey, Big Spring, Howard County, Texas; Providing a Severability Clause; Providing for Publication; and Providing an Effective Date | 13 | Darden |
|----|---|----|--------|

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|----|--|-------|--------|
| 7. | Final Reading of an Ordinance Providing for the Issuance of a Specific Use Permit Without Term to Reliable Self Storage, LLC for Construction and Operation of a Mini Storage Warehouse Facility Located North of the Connally and Wasson Intersection Described as Tract 6, Kennebeck Heights, Section 12, Block 33, T-1-S, T & P RR Co. Survey, Big Spring, Howard County, Texas; Providing for Severability; Providing for Publication | 14-16 | Darden |
| 8. | Final Reading of a Resolution Authorizing the City Manager or His Designee to Enter into an Interlocal Agreement with Howard County to Provide for Sharing of the Costs of Land Acquisition, Permitting, Operation, Ownership, Closure and Post Closure of a New Municipal Landfill; Requiring that such Agreement Distribute the Cost of the New Landfill at a Ratio of One Third for Howard County to Two Thirds for the City of Big Spring; and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 17 | Duncan |

Routine Business

- | | | | |
|----|---|--|----------|
| 9. | Vouchers for 03/28/13 \$ 251,152.96 | | |
| | Vouchers for 04/04/13 \$ 640,807.08 | | McDonald |

New Business

- | | | | |
|-----|--|-------|---------|
| 10. | Discussion of Acquisition, Permitting, Operating and Closing Costs of New Landfill and Possible Sharing of Costs with Howard County | | Duncan |
| 11. | First Reading of a Resolution Authorizing the Mayor to Execute Any Necessary Documents with the Texas Department of Transportation for a Grant Agreement for Certain Improvements at McMahan-Wrinkle Airport to Include Hangar Development | 18-19 | Little |
| 12. | First Reading of a Resolution Authorizing Continued Participation with the Steering Committee of Cities Served by Oncor; and Authorizing the Payment of 10 Cents per Capita to the Steering Committee to Fund Regulatory and Related Activities Related to Oncor Electric Delivery Company L.L.C. and Authorizing the Mayor or His Designee to Execute Any Necessary Documents | 20-21 | Walker |
| 13. | Approval of an Interlocal Agreement with Hall County, Texas for Use of an Authorized Access Terminal Providing Access to the Texas Law Enforcement Telecommunication Systems ("TLETS") and Authorizing the Mayor or His Designee to Execute Any Necessary Documents | 22-24 | Sjogren |

Interim City Manager's Report

14. Darden

Council Input

15. Input Duncan

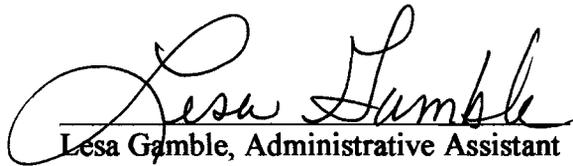
Executive Session

16. Quarterly Update – Adjourn into Executive Session in Accordance with Texas Government Code Section 551.071(1)(A) to Consult with the City Attorney Concerning Pending or Contemplated Litigation Duncan

17. Reconvene in Open Session and Take Any Necessary Action Duncan

18. Adjourn Duncan

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, April 5, 2013 at 5:00 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

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., March 26, 2013, with the following members present:

TOMMY DUNCAN	Mayor
CRAIG OLSON	Mayor Pro Tem
MARCUS FERNANDEZ	Councilmember
CARMEN HARBOUR	Councilmember
GLEN CARRIGAN	Councilmember
BOBBY MCDONALD	Councilmember
MARVIN BOYD	Councilmember

Same and constituting a quorum; and

TODD DARDEN	Interim City Manager
LINDA SJOGREN	City Attorney
PEGGY WALKER	Interim Asst. City Manager
JOHN MEDINA	Human Resources Director
LONNIE SMITH	Police Chief
CRAIG FERGUSON	Fire Chief
JIM LITTLE	Airpark Director
TIM GREEN	Municipal Court Judge

PRESENTATIONS & PUBLIC HEARINGS

INVOCATION & PLEDGE OF ALLEGIANCE

Bert Guzman, Family Faith Victory Center, gave the invocation and Mayor Duncan led the Pledge of Allegiance to the American and State Flags.

PUBLIC HEARING – CONSIDERATION AND DISCUSSION OF A ZONE CHANGE FROM SINGLE FAMILY – 1 (SF-1) TO LIGHT COMMERCIAL (LC) FOR THE PROPERTY LOCATED AT 1901 W. 16TH STREET DESCRIBED AS SECTION 1, BLOCK 33, T-1-S, T & P RR CO. SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS

This item was skipped. It will be taken back to Planning & Zoning Commission.

PUBLIC HEARING – CONSIDERATION AND DISCUSSION OF A ZONE CHANGE FROM SINGLE FAMILY – 2 (SF-2) TO NEIGHBORHOOD SERVICE (NS) FOR THE PROPERTY LOCATED NORTH OF THE CONNALLY AND WASSON INTERSECTION DESCRIBED AS TRACT 6, KENNEBECK HEIGHTS, SECTION

12, BLOCK 33, T-1-S, T & P RR CO. SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Carrigan, with all members of the Council voting “aye” to open the above listed public hearing. Todd Darden, Interim City Manager, explained that the Planning & Zoning Commission approved the zone change for the above location to be changed from Single Family-2 (SF-2) to Neighborhood Service (NS) in order to build storage units. After a brief discussion, motion was made by Mayor Pro Tem Olson, seconded by Councilmember Harbour, with all members of the Council voting “aye” to close the public hearing.

PUBLIC HEARING – CONSIDERATION AND DISCUSSION OF THE ISSUANCE OF A SPECIFIC USE PERMIT WITHOUT TERM TO RELIABLE SELF STORAGE, LLC FOR CONSTRUCTION AND OPERATION OF A MINI STORAGE WAREHOUSE FACILITY LOCATED NORTH OF THE CONNALLY AND WASSON INTERSECTION DESCRIBED AS TRACT 6, KENNEBECK HEIGHTS, SECTION 12, BLOCK 33, T-1-S, T & P RR CO. SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS

Motion was made by Councilmember Carrigan, seconded by Councilmember Fernandez, with all members of the Council voting “aye” to open the above listed public hearing. Todd Darden, Interim City Manager, explained the purpose of a specific use permit for a mini storage facility. After a brief discussion, motion was made by Councilmember McDonald, seconded by Councilmember Fernandez, with all members of the Council voting “aye” to close the public hearing.

DISPOSITION OF MINUTES

MINUTES OF THE REGULAR MEETING OF MARCH 12, 2013

Motion was made by Councilmember Boyd, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving minutes of the regular meeting of March 12, 2013.

CONSENT ITEMS

ACCEPTANCE OF CONVENTION AND VISITORS BUREAU COMMITTEE
MINUTES FOR MEETING OF FEBRUARY 6, 2013

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

BIDS

AWARD BID FOR (15) GOLF CARTS TO CLUB CAR GOLF CARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Harbour, seconded by Councilmember Boyd, with all members of the Council voting "aye" awarding the bid for (15) golf carts with (15) units to be traded in to Club Car Golf Cars and authorizing the City Manager or his designee to execute any necessary documents in the amount of \$45, 325.80.

ROUTINE BUSINESS

Councilmember Carrigan reviewed the vouchers. Motion was made by Councilmember Carrigan, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving vouchers in the amount of \$749,070.40 (03/14/13) and \$1,210,968.44 (03/21/13).

NEW BUSINESS

PRESENTATION AND APPROVAL OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDED SEPTEMBER 30, 2012

David Copeland with Bolinger, Segars, Gilbert & Moss, L.L.P. presented the annual financial report for year ended September 30, 2012. Motion was made by Councilmember Carrigan, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving the annual financial report for year ended September 30, 2012.

FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING FROM SINGLE FAMILY-1 (SF-1) TO LIGHT COMMERCIAL (LC) FOR THE PROPERTY LOCATED AT 1901 W. 16TH STREET DESCRIBED AS SECTION 1, BLOCK 33, T-1-S, T & P RR CO. SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

This item was skipped to be considered at a later date.

FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING FROM SINGLE FAMILY-2 (SF-2) TO NEIGHBORHOOD SERVICE (NS) FOR THE PROPERTY LOCATED NORTH OF THE CONNALLY AND WASSON INTERSECTION DESCRIBED AS TRACT 6, KENNEBECK HEIGHTS, SECTION 12, BLOCK 33, T-1-S, T & P RR CO. SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember McDonald, seconded by Mayor Pro Tem Olson, with Councilmembers Harbour, Carrigan, McDonald, Olson and Boyd voting “aye” approving first reading of an ordinance amending the zoning ordinance by changing the zoning from Single Family-2 (SF-2) to Neighborhood Service (NS) for the property located north of the Connally and Wasson Intersection described as Tract 6, Kennebeck Heights, Section 12, Block 33, T-1-S, T & P RR Co. Survey, Big Spring, Howard County, Texas; providing a severability clause; providing for publication; and providing an effective date. Councilmembers Fernandez and Duncan, being opposed, voting “nay” for passage of same. Motion passes five to two.

FIRST READING OF AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A SPECIFIC USE PERMIT WITHOUT TERM TO RELIABLE SELF STORAGE, LLC FOR CONSTRUCTION AND OPERATION OF A MINI STORAGE WAREHOUSE FACILITY LOCATED NORTH OF THE CONNALLY AND WASSON INTERSECTION DESCRIBED AS TRACT 6, KENNEBECK HEIGHTS, SECTION 12, BLOCK 33, T-1-S, T & P RR CO. SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION

Motion was made by Councilmember McDonald, seconded by Councilmember Harbour, with Councilmember Harbour, Carrigan, McDonald, Olson and Boyd voting “aye” approving first reading of an ordinance providing for the issuance of a Specific Use Permit without term to Reliable Self Storage, LLC for construction and operation of a mini storage warehouse facility located north of the Connally and Wasson intersection described as Tract 6, Kennebeck Heights, Section 12, Block 33, T-1-S, T & P RR Co. Survey, Big Spring, Howard County, Texas; providing for severability; providing for publication. Councilmembers Fernandez and Duncan, being opposed, voting “nay” for passage of same. Motion passes five to two.

FIRST READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HOWARD COUNTY TO PROVIDE FOR SHARING OF THE COSTS OF LAND ACQUISITION, PERMITTING, OPERATION, OWNERSHIP, CLOSURE AND POST CLOSURE OF A NEW MUNICIPAL LANDFILL; REQUIRING THAT SUCH AGREEMENT DISTRIBUTE THE COST OF THE NEW LANDFILL AT A RATIO OF ONE THIRD FOR HOWARD COUNTY TO TWO THIRDS FOR THE CITY OF BIG SPRING; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Mayor Duncuan explained that the City would like for the County to help with the costs of purchasing and operation of a new landfill due to the fact that the City and County residents both use the landfill. Jimmy Long, County Commissioner, felt like there should be another alternative because the County did not budget for this. After a lengthy discussion, motion was made by Councilmember Fernandez, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving first reading of a resolution authorizing the City Manager or his designee to enter into an Interlocal Agreement with Howard County to provide for sharing of the costs of land acquisition, permitting, operation, ownership, closure and post closure of a new municipal landfill; requiring that such agreement distribute the cost of the new landfill at a ratio of one third for Howard County to two thirds for the City of Big Spring; and authorizing the City Manager or his designee to execute any necessary documents.

Councilmember Harbour left the meeting during this discussion and did not vote before she left.

UPDATE ON ELECTRICAL CONTRACT

Peggy Walker, Interim Assistant City Manager/Finance Director, updated the Council that the City of Big Spring's current electric contract with TXU Energy expires on March 31, 2013, and that the bid was awarded to Priority Power Management representing MidAmerican Energy Company for a term of 57 months at a fixed price per kWh of 5.298¢.

ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF FEBRUARY 19, 2013

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving the Big Spring Economic Development Corporation Board of Directors minutes for regular meeting of February 19, 2013.

INTERIM CITY MANAGER'S REPORT

Todd Darden, Interim City Manager, announced that this was Police Chief Lonnie Smith's last council meeting before he retires on March 30. Chief Smith received a standing ovation from the council, staff and other attendees.

COUNCIL INPUT

All Councilmembers congratulated and wished Lonnie the best.

Mayor Duncan ask that the City staff and several officials from surrounding areas have a meeting to discuss the Cline Shale project.

ADJOURN

Motion was made by Councilmember Boyd, seconded by Councilmember Fernandez, with all members of the Council voting "aye" to adjourn at 7:30 p.m.

CITY OF BIG SPRING, TEXAS

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

City of Big Spring
Big Spring McMahon-Wrinkle Airport and Industrial Park
Development Board Meeting Minutes
February 28, 2013

The Big Spring Airport and Industrial Park Development Board met in Special Session at 5:30 p.m., Thursday, February 28, 2013 at the Airport Terminal conference room, 3200 Rickabaugh Drive, Big Spring, Texas. Marc Marchesseault called the meeting to order at 5:30 p.m. with the following members in attendance:

Paschal Odom, Vice-Chairman	Ned Crandall
Wayne Dawson, Safety Officer	Jan Hansen
Willie Rangel	Phillip Welch

Absent: Jim DeVille

Also in attendance: Jim Little, Airport Director Kelly Seales, Airport Director's Assistant
Orville Spradling, Pilot Rodney Patridge, A&P Mechanic

Item # 1

Call to Order

Paschal Odom called the meeting to order at 5:30 pm.

Item # 2

Review and approve minutes from January 24, 2013 meeting

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

Item # 3

Introduction of New Member

Paschal introduced Phillip Welch to the board. Mr. Welch was placed on the board by City Council after the resignation of Board Chairman, Marc Marchesseault. Mr. Welch is an active pilot and has served on the Airpark Board in previous years, including acting as Chairman during a portion of his tenure.

Item # 4

Election of Officers

Paschal opened the floor for nominations for the newly vacated Chairman position. Wayne Dawson nominated Phillip Welch for Chairman. Ned Crandall seconded the motion. Phillip Welch accepted the nomination. There were no other nominations for the position. Paschal called for a vote that Phillip Welch be appointed as Chairman with all members voting "aye" for appointment of Phillip Welch as Chairman of the Board. Paschal then turned the meeting over to Phillip.

Item # 5

Big Spring Economic Development Corporation Update

Terry Wegman was unavailable for an update due to scheduling conflicts.

Item # 6

THS Update

Jim stated that THS has been working on getting some grant funding for additional work, and has been getting deliveries, mostly from Noltex Truss and Ft Worth Pipe. They have done a substantial amount of work to the rail spur already and are gearing up for an increase in use.

Item # 7

Airport Terminal Apron Upgrade Project, Status

Jim stated that we have received the formal paperwork authorizing the project to go out for bids.

Item # 8

Airport Fuel Tank Farm Project, Status

The Fuel Farm project still on track and should have a self-serve capability built in with the current design still being worked.

Item # 9

Airport Directors Update

Jim gave an update on some of the recent and upcoming changes in City Administration, including retirements of Lonnie Smith, Terry Chamness, and Gary Fuqua. Jim made comment on the booming business at the airpark and the recent leasing activity. The board briefly discussed the need for an access road from the Truch Reliever Route into the airpark on the west side. Jim informed the board of recent problems in accommodating both new and existing airpark businesses with adequate utilities and infrastructure. Jim stated that there have been businesses that have made serious inquiries but ultimately decided not to lease property on the airpark due to the limited capabilities and lack of existing infrastructure. The board discussed the possibility of contracting out some of the work necessary to bring in such infrastructure. Jim gave a brief overview of his recent travel for the Howard County Day in Austin at the State Capitol on February 5th stating that it was very interesting and worthwhile. Jim mentioned the upcoming 2013 National Hang Gliding Competition which has been scheduled for August 4-10. Jim updated the board on upcoming travel to the TxDOT Aviation Conference in Austin on May 13-15th. For show and tell the board viewed articles in Texas Parks & Wildlife magazine showcasing a visit to Big Spring and another article in Texas Monthly showcasing the newly opened Hotel Settles.

Item # 10

Leased Building Issues

Jim updated the board regarding Freecom’s new endeavor. They have begun building exhaust chambers for oilfield gas drilling and production.

Item # 11

Airport Safety Committee Report

Wayne Dawson briefly discussed this evenings meeting as well as the FAA Safety Team (FAAST) designations that he and Rodney Patridge recently received through the FAA. This makes a total of three representatives for our facility. They will have access to WINGS credit eligible programs and should be able to make an impact on safety meeting attendance by having the credits available.

Item # 12

Annual Fly-In Event Planning

Kelly briefly discussed the possibilities for a fly-in date. The board agrees that June would be the best weather month and should generate a good turn-out. Kelly will contact other local airports in an effort to de-conflict with other area fly-in’s so that the board can approve a date at the March meeting and begin planning.

Item # 13

Other Events & Activities

No other events or activities at this time.

Item # 14

Board Member Updates

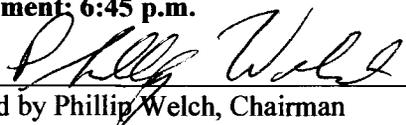
Ned Crandall made a motion that all cell phones be turned off during the Airpark Board Meetings. Wayne Dawson seconded the motion, with all members voting “aye” for approval of turning off cell phones during the meetings.

Item # 15

Next Meeting Date

March 21, 2013

Adjournment: 6:45 p.m.


Approved by Phillip Welch, Chairman

**THE CITY OF BIG SPRING
ZONING BOARD OF ADJUSTMENTS AND APPEALS
MINUTES OF SEPTEMBER 28, 2011**

**THE CITY OF BIG SPRING ZONING BOARD OF ADJUSTMENTS
AND APPEALS HELD A MEETING WEDNESDAY, SEPTEMBER
28, 2011 AT 5:30 PM IN THE CITY COUNCIL CHAMBERS,
LOCATED AT 307 E 4TH ST.**

THE FOLLOWING MEMBERS WERE PRESENT:

Burr Lea Settles
Steve Herron
Drew Mouton

MEMBERS ABSENT:

Libby Uribe
Kenneth Johnson

OTHERS PRESENT:

Kenny Davis-Chief Building Official
Leslie Whitten-Administrative Assistant
Tamara Rodriguez-Code Clerk
Danny Valle-Code Officer
Thomas Hodges-Code Officer
Terri Prater
Guy Prater
Skip Burcham
Aubrey Weaver, Jr.
Joseph Dawes

CALL TO ORDER:

Steve Herron called the meeting to order @ 5:30 PM.

APPROVAL OF MINUTES OF September 7, 2011:

Burr Lea Settles made motion to approve minutes, Drew Mouton 2nd motion.
All members present voted "Aye", none opposed. Motion carried.

Guy Prater, 2505 Broadway, is requesting a variance for a front yard setback for a fence. Mr. Davis stated that 8 letters were sent out, 1 no objection, 0 objections and no returned letters. Mr. Davis stated that the City of Big Spring doesn't object to the fence. Joseph Dawes spoke about the semi-rural view that this fence would hinder. Burr Lea Settles made motion to approve. Drew Mouton 2nd the motion.

COBS, 1406 Gregg St, is requesting a variance for an electronic sign.
Mr. Davis stated that 8 letters were sent out, 0 no objection, 0 objections and no returned letters.
Drew Mouton moved to deny the variance. Burr Lea Settles 2nd the motion.

OTHER BUSINESS:

It is discussed that the board members Zoning books are very outdated. Mrs. Whitten is going to make all the board members new Zoning books.

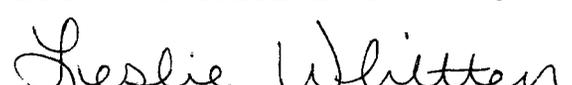
ADJOURNMENT:

Steve Herren made motion to adjourn. Burr Lea Settles 2nd motion.
All members present voted "Aye". None opposed. Meeting Adjourned.

CHAIRMAN'S SIGNATURE



ADMIN ASSISTANT SIGNATURE



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING FROM SINGLE FAMILY-2 (SF-2) TO NEIGHBORHOOD SERVICE (NS) FOR THE PROPERTY LOCATED NORTH OF THE CONNALLY AND WASSON INTERSECTION DESCRIBED AS TRACT 6, KENNEBECK HEIGHTS, SECTION 12, BLOCK 33, T-1-S, T & P RR CO SURVEY, BIG SPRING, HOWARD COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS DISCUSSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission held a public hearing on March 25, 2013 and gave its final approval and recommendation of this zone change from Single Family-2 (SF-2) to Neighborhood Service (NS);

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

SECTION 1. The zoning designation shall change from Single Family-2 (SF-2) to Neighborhood Service (NS) for property located North of the Connally and Wasson intersection described as Tract 6, Kennebeck Heights, Section 12, Block 33, T-1-S, T&P RR Co Survey, Howard County, Big Spring, Texas and such change is hereby approved by the Big Spring City Council as an amendment to the zoning ordinance.

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

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

SECTION 5. This ordinance shall take effect immediately from and after its publication and passage upon two readings 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 26th day of March, 2013, with Councilmembers Harbour, Carrigan, McDonald, Olson and Boyd voting "aye" for the passage. Councilmembers Fernandez and Duncan, being opposed, voted "nay". Motion passes five to two.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 9th day of April, 2013, with Councilmembers Harbour, Carrigan, McDonald, Olson and Boyd voting "aye" for the passage. Councilmembers Fernandez and Duncan, being opposed, voted "nay". Motion passes five to two.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, PROVIDING FOR THE ISSUANCE OF A SPECIFIC USE PERMIT WITHOUT TERM TO RELIABLE SELF STORAGE, LLC FOR CONSTRUCTION AND OPERATION OF A MINI STORAGE WAREHOUSE FACILITY LOCATED NORTH OF CONNALLY AND WASSON INTERSECTION DESCRIBED AS TRACT 6, KENNEBECK HEIGHTS, SECTION 12, BLOCK 33, T-1-S, BIG SPRING, HOWARD COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the City has received a request for a Specific Use Permit without term for a storage facility north of the Connally and Wasson intersection; and

WHEREAS, the Planning & Zoning Commission held a public hearing on Monday, March 25, 2013 as required by law and gave its final approval and recommendation that the City Council allow the Specific Use Permit for the Storage Facility to be located as specified subject to the restrictions set forth in Exhibit A; and

WHEREAS, proper notice of the Public Hearing was published and mailed to all parties that are required by law to be notified;

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

SECTION 1. A Specific Use Permit without term for construction and operation of a mini storage warehouse facility located north of the intersection of Connally and Wasson, more specifically described as Tract 6, Kennebeck Heights, Section 12, Block 33 1-S, Big Spring, Howard County, Texas is hereby approved and issued to Reliable Self Storage.

SECTION 2. The Specific Use Permit shall be subject to the site plan, architectural control elements, and other restrictions specified in Exhibit A attached hereto.

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

SECTION 4. This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring 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 first reading at a regular meeting of the City Council on the 26th day of March, 2013, with Councilmembers Harbour, Carrigan, McDonald, Olson and Boyd voting "aye" for the passage. Councilmembers Fernandez and Duncan, being opposed, voted "nay". Motion passes five to two.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 9th day of April, 2013, with Councilmembers Harbour, Carrigan, McDonald, Olson and Boyd voting "aye" for the passage. Councilmembers Fernandez and Duncan, being opposed, voted "nay". Motion passes five to two.

ATTEST:

Tommy Duncan, Mayor

Exhibit A Page 2

The approved Specific Use Permit issued to Reliable Self Storage, LLC to be located North of Connally and Wasson intersection described as Tract 6, Kennebeck Heights, Section 12, Block 33, T-1-S, T. & P. RR, Co. Survey, Howard County, Texas is subject to the following specific requirements:

Cut off lighting must be used to avoid interference with surrounding properties

Xeriscape landscaping is preferred

The front 70' of the property must comply with authorized uses for the Neighborhood Service zoning designation

Reliable Self Storage

SITE PLAN

Version 1 Lonnie Gillihan

Phase 4

- LEGEND**
- ☆ Fire Hydrant
 - ▽ Electrical Box
 - ⊙ # Denotes specific unit configuration. Refer to separate Building Details for unit configuration sizes.

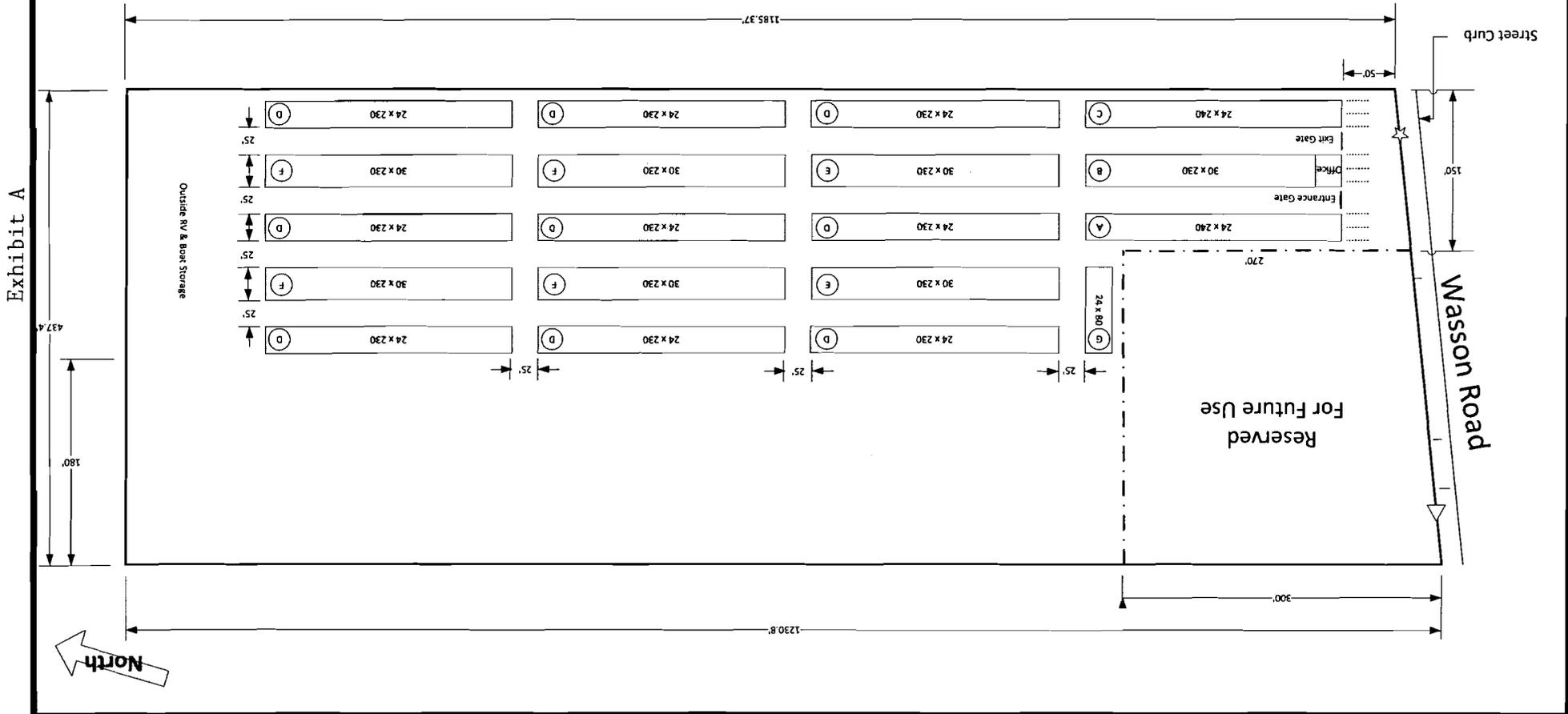


Exhibit A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, HOWARD COUNTY TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HOWARD COUNTY TO PROVIDE FOR SHARING OF THE COSTS OF LAND ACQUISITION, PERMITTING, OPERATION, OWNERSHIP, CLOSURE AND POST CLOSURE OF A NEW MUNICIPAL LANDFILL; REQUIRING THAT SUCH AGREEMENT DISTRIBUTE THE COSTS OF THE NEW LANDFILL AT A RATIO OF ONE THIRD FOR HOWARD COUNTY TO TWO THIRDS FOR THE CITY OF BIG SPRING; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

WHEREAS in order to protect the health and safety of the citizens of the City of Big Spring (the "City") and the surrounding area in Howard County (the "County"), it is necessary that a new landfill be established to provide for the needs of the area once the existing landfill has reached its full capacity; and

WHEREAS the City Council believes that it would be beneficial to the health and safety of the entire community for the new landfill to be available for the use of all citizens of the County, and to that end the City Council has determined that if the governing body of the County determines it wants to make the new landfill available for use by the citizens of the County that live outside the city limits of the City, then the County and the City should share the costs of the landfill in an equitable manner which it deems to be a ratio of one third for the County and two thirds for the City

NOW THEREFORE BE IT RESOLVED THAT:

- 1). The City Manager is hereby authorized to enter into and execute an Interlocal Agreement and any other necessary documents allowing the citizens of the County that live outside the city limits of the City to use the new landfill in the same manner as citizens of the City so long as such Interlocal Agreement provides for an equitable sharing of the costs of the new landfill, including but not limited to land acquisition, permitting, operating, ownership, closure and post closure, at the ratio of one third for the County to two thirds for the City.
- 2). This Resolution shall become effective immediately upon final passage in accordance with the City Charter of the City of Big Spring.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 26th day of March, 2013, with all members present voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 9th day of April, 2013, with all members present voting "aye" for the passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A GRANT AGREEMENT FOR CERTAIN IMPROVEMENTS AT MCMAHON-WRINKLE AIRPORT TO INCLUDE HANGAR DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring, Texas, hereinafter referred to as Sponsor, intends to make certain improvements to the Big Spring McMahon-Wrinkle Airport; and

WHEREAS, the general description of the project is for hangar development and specifically includes engineering and design of T-Hangars, constructing a 12-unit T-Hangar (300 x 50) constructing Hangar Access Taxiway for new T-Hangar, administration, mobilization, testing, Resident Project Representative and closeout of the project; and

WHEREAS, the Sponsor will construct said hangar development in a manner consistent with the Airport Layout Plan as approved by the State; and

WHEREAS, the Sponsor commits to maintaining airport minimum standards, rates and charges that are reasonable and nondiscriminatory; and

WHEREAS, the total project cost is estimated to be \$1,225,300 with \$600,000 identified for actual hangar construction; and

WHEREAS, the Sponsor has available and will provide at least 10% of the total project costs with local funds and understands that any additional costs above \$600,000 for the actual hangar construction cannot be matched in federal or state funds;

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

SECTION 1. THAT the Mayor is hereby authorized to execute on behalf of the Sponsor, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Big Spring McMahon-Wrinkle Airport; and

SECTION 2. It is officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

SECTION 3. THAT 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 9th day of April, 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 reading by the City Council of the City of Big Spring, Texas this **23rd** day of **April, 2013**, at a regular meeting of the City Council, with all members present voting “aye” for the passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY L.L.C.

WHEREAS, the City of Big Spring is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company L.L.C. (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee has historically intervened in Oncor (formerly known as TXU) rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs;

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

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Big Spring and protect the interests of the customers of Oncor Electric Delivery Company L.L.C. residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee ten cents (\$0.10) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to “Steering Committee of Cities Served by Oncor” shall be sent to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, P. O. Box 90231, Arlington, Texas 76004-3231.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 9th day of April, 2013, with all members present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 23rd day of April, 2013, with all members present voting “aye” for the passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

INTERLOCAL COOPERATION AGREEMENT

THIS INTERLOCAL COOPERATION AGREEMENT is made and entered into effective this _____ day of _____, 2013, by and between the COUNTY OF HALL (the "County" herein) and CITY OF BIG SPRING, BY AND THROUGH ITS POLICE DEPARTMENT (the "Entity" herein), political subdivisions of the State of Texas.

WITNESSETH:

WHEREAS, V.T.C.A., Government Code, Chapter 791, the Texas Interlocal Cooperation Act, provides that any one or more local governmental entities may contract with each other for the performance of governmental functions and for the joint use of facilities or services for police protection and for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the parties;

WHEREAS, the County, for purposes of performing functions of law enforcement through its Sheriff's Office, has an authorized access terminal providing access to the Texas Law Enforcement Telecommunications System ("TLETS");

WHEREAS, TLETS provides potentially valuable law enforcement-related data from intrastate and interstate sources to assist law enforcement in the investigation of crime;

WHEREAS, TLETS is administered by the Texas Department of Public Safety, who in turn grants specific access to TLETS through specifically defined terminals, one of which is held by the County through its Sheriff's Office;

WHEREAS, the Entity desires to access TLETS through the current authorized connection of the County to assist the Entity in the investigation of crime;

WHEREAS, the Entity's investigation of crime serves the purpose of providing police protection and promoting and protecting the health and welfare of local residents;

WHEREAS, the County, by its proximity, will benefit from improved criminal investigation by the nearby Entity; and

WHEREAS, the County desires to allow the Entity to access TLETS through the County's authorized connection for criminal justice purposes by the Entity, with the Entity bearing any additional costs related to the Entity gaining access to TLETS through the County.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the undersigned parties agree as follows:

I. Terms and Conditions

1. County agrees to allow Entity to access County's authorized TLETS connection for criminal justice purposes.
2. Entity agrees to bear any costs associated with Entity gaining access to and using County's TLETS connection.
3. Entity agrees that Entity's use of County's TLETS connection and information obtained therefrom shall at all times comply with all applicable local, state, and federal regulations.
4. Entity agrees that if County determines, in its sole and absolute discretion, that Entity's connection with County's TLETS connection has any negative effect on County's computer network, terminals, operations, or any administrative function of the County or the County's Sheriff's Office, then County may terminate this Agreement and remove Entity's connection to TLETS. In the event of such termination of this Agreement and the server connection, County shall bear no cost or liability to Entity and the indemnification of Section 2 of Article II shall remain in full force and effect.

II. Miscellaneous

1. The parties agree that in the event any provision of this Agreement is held by a court of competent jurisdiction to be in contradiction of any laws of the State or the United States, the parties will immediately rectify the offending portions of this Agreement. The remainder of the Agreement shall be in full force and effect.
2. The Entity will indemnify and hold harmless the County, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, and attorney's fees, arising out of a willful or negligent act or omission of the Entity, its officers, agents, servants and employees under this Agreement; provided, however, that this indemnity shall not apply to any claims, demands, damages, costs, expenses and attorneys' fees arising out of this Agreement based upon any willful or negligent act or omission of the County, its officer, agents, servants and employees.
3. Any financial obligations of the parties under this agreement shall be payable from current revenues available to the respective paying party.
4. This Agreement constitutes the entire agreement between the parties hereto, and supersedes all of their oral and written negotiations, agreements and understandings of every kind. The parties understand, agree and declare that no promise, warranty, statement or representation of any kind whatsoever, which is not expressly stated in this Agreement, has been made by any party hereto or its officers, employees or other agents to induce execution of this Agreement. This Agreement cannot be modified, or any of

the terms hereof waived, except by an instrument in writing, referring specifically to this Agreement, executed by the parties.

5. The laws of the State of Texas shall govern the validity, enforcement and interpretation of this Agreement. The obligations of the parties are performable and venue for any legal action arising out of this Agreement shall lie in Hall County, Texas.
6. This Agreement shall be binding upon and inure to the benefit of the County and the Entity and their respective representatives, successors and assigns. Except as expressly provided herein, nothing in this Agreement is intended to confer on any person, other than the parties hereto and their respective heirs, personal representatives, successors and assigns, any rights or remedies under or by reason of this Agreement.
7. In addition to the acts recited in this Agreement to be performed by any party, the parties agree to perform, or cause to be performed, any and all such further acts as may be reasonably necessary to consummate the acts or transactions contemplated hereby.
8. The effective date of this Agreement shall be the date of the last of the parties to approve and ratify this Agreement. The Agreement shall automatically renew annually, unless either of the parties submits written notice 30 days prior to termination of the Agreement.

COUNTY OF HALL, TEXAS

Approved and entered into on the ____ day of _____, 2013.

ATTEST:

CITY OF BIG SPRING BY AND THROUGH ITS POLICE DEPARTMENT

Approved and entered into on the ____ day of _____, 2013.

Signature

ATTEST:
