

# CITY COUNCIL AGENDA

**City of Big Spring  
Tuesday, April 10, 2012**

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, April 10, 2012, at 5:30 p.m. in the City Council Chambers located at 307 East 4<sup>th</sup> Street, Big Spring, Texas.

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

## **Presentations & Public Hearings**

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

## **Disposition of Minutes**

2. Minutes of the Regular Meeting of March 27, 2012 4-9      Davis

## **Consent Items**

3. Final Reading of an Ordinance Declaring the Unopposed Candidates in the May 12, 2012 General Election for City Council Member, District 2 and for City Council Member, District 6 as Elected to Office; Canceling the General Election for City Council Position for City Council Member, District 2 and for City Council Member, District 6; Providing an Effective Date 10-12      Walker
4. Final Reading of an Ordinance Authorizing and Directing the City Manager to Designate the Placement of a Stop Sign on Kenney Street Yielding to Circle Street Creating a Stop Controlled Intersection; Providing for Severability; Providing for a Penalty in Accordance with State Law; Providing for Publication and Providing an Effective Date 13      Darden
5. Final Reading of an Ordinance Authorizing and Directing the City Manager to Designate the Placement of Stop Signs on West 2<sup>nd</sup> Street Yielding to Brown Street Creating a Two Way Stop Intersection; Providing for Severability; Providing for a Penalty in Accordance with State Law; Providing for Publication and Providing an Effective Date 14      Darden

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|----|--|-------|--------|
| 6. | Final Reading of an Ordinance Providing for the Issuance of a Specific Use Permit to Big Spring Storage Zone for Construction and Operation of a Storage Facility on 1.9 Acres Located on Goliad Between 22 <sup>nd</sup> and 23 <sup>rd</sup> Streets Described as Lots 1-12, Block 41, Amended College Heights Addition; Providing for Severability; and Providing for Publication | 15-16 | Darden |
|----|--|-------|--------|

**Routine Business**

- |    |  |  |        |
|----|--|--|--------|
| 7. | Vouchers for 03/29/12 \$ 338,634.13<br>Vouchers for 04/05/12 \$ 854,313.32 |  | Hansen |
|----|--|--|--------|

**New Business**

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|----|--|-------|---------|
| 8. | 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 5-122 in Order to Exempt from the Definition of Itinerant Vendor for Licensing Purposes Persons Associated with Bonafide Trade Shows, Exhibits, Expositions or Conventions, Organized Community Events and Charitable Solicitations; Providing for Severability and Providing an Effective Date | 17-19 | Sjogren |
| 9. | Consideration of Amending the Raw Water Agreement Between the City of Big Spring and Alon U.S.A. and Authorizing the Mayor to Execute Any Necessary Documents  |       | Walker  |

**City Manager’s Report**

- |     |  |  |       |
|-----|--|--|-------|
| 10. | Public Hearing on April 24, 2012 for 4A/4B Project   |  | Fuqua |
| 11. | Two Colorado River Municipal Water District Board of Director's terms expire on May 31, 2012 |  | Fuqua |

**Council Input**

- |     |       |  |        |
|-----|-------|--|--------|
| 12. | Input |  | Duncan |
|-----|-------|--|--------|

**Executive Session**

- |     |   |  |        |
|-----|---|--|--------|
| 13. | Quarterly Update – Adjourn into Executive Session in Accordance with Section 551.071(1) to Consult with the City Attorney Concerning Pending or Contemplated Litigation |  | Duncan |
|-----|---|--|--------|

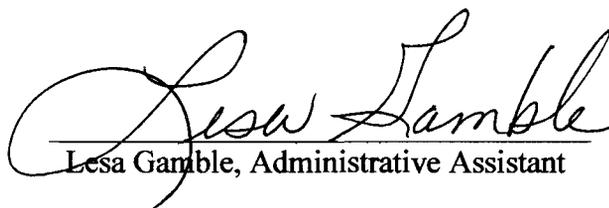
14. Reconvene in Open Session and Take Any Necessary Action

Duncan

15. 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 Thursday, April 5, 2012 at 2:00 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

April \_\_\_\_\_, 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. 4<sup>th</sup>, Big Spring, Texas, at 5:30 p.m., March 27, 2012, with the following members present:

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

Same and constituting a quorum; and

GARY FUQUA	City Manager
TODD DARDEN	Assistant City Manager
LINDA SJOGREN	City Attorney
PEGGY WALKER	Finance Director/City Secretary
JOHN MEDINA	Human Resources Director
LONNIE SMITH	Police Chief
RICH GROVE	Interim Fire Chief

## **PRESENTATIONS & PUBLIC HEARINGS**

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

Pastor Robert Rivera, Templo Central de Alabanza, gave the invocation and Mayor Duncan led the Pledge of Allegiance to the American and State Flags.

### **PUBLIC HEARING – SPECIFIC USE PERMIT FOR 1.9 ACRES ON GOLIAD STREET BETWEEN 22<sup>ND</sup> AND 23<sup>RD</sup> STREETS**

Motion was made by Councilmember Hansen, seconded by Councilmember McDonald, with all members of the Council voting “aye” to open a public hearing on a Specific Use Permit for 1.9 acres on Goliad Street between 22<sup>nd</sup> and 23<sup>rd</sup> Streets. Todd Darden, Assistant City Manager, explained that the Planning and Zoning Committee recommendation was to allow a Specific Use Permit for the above mentioned location in order to build storage units. After a few questions from Council and no public comment, motion was made by Councilmember Carrigan, seconded by Councilmember Ramirez, with all members of the Council voting “aye” to close the public hearing.

**DISPOSITION OF MINUTES**

**MINUTES OF THE REGULAR MEETING OF MARCH 13, 2012**

Motion was made by Councilmember Carrigan, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” approving the minutes of the regular meeting of March 13, 2012.

**CONSENT ITEMS**

**FINAL 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**

After a brief discussion with some concerns over revising more of Chapter 5, Article 5 of the Big Spring City Code, Council decided to approve this ordinance as written and bring back another revision at a later date. Motion was made by Councilmember McDonald, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving the final reading of the above listed ordinance.

**FINAL 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 MCMAHON/WRINKLE AIRPORT TAXIWAY AND RUNWAY**

**ACCEPTANCE OF MCMAHON-WRINKLE AIRPORT DEVELOPMENT BOARD MINUTES FOR REGULAR MEETING OF FEBRUARY 16, 2012**

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

**ROUTINE BUSINESS**

**VOUCHERS**

Mayor Pro Tem Olson reviewed vouchers. Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Hansen, with all members of the Council voting “aye” approving vouchers in the amount of \$380,841.54 (03/15/12) and \$1,152,395.30 (03/22/12).

## **NEW BUSINESS**

### **PRESENTATION AND ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION'S ANNUAL AUDIT FOR YEAR ENDED SEPTEMBER 30, 2011**

Mark Morgan, Certified Public Accountant, presented the Big Spring Economic Development Corporation's annual audit for year ended September 30, 2011. Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Ramirez, with all members of the Council voting "aye" accepting the Big Spring Economic Development Corporation's annual audit for year ended September 30, 2011.

### **PRESENTATION AND APPROVAL OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDED SEPTEMBER 30, 2011**

David Copeland, Bolinger, Segars, Gilbert & Moss, L.L.P., presented the annual financial report for year ended September 30, 2011. Motion was made by Councilmember Hansen, seconded by Mayor Pro Tem Olson, with all members of the Council voting "aye" approving the comprehensive annual financial report for year ended September 30, 2011.

### **APPROVAL OF 2012-13 PROPOSED BUDGET FOR HOWARD COUNTY TAX ASSESSOR/COLLECTOR**

Motion was made by Councilmember Carrigan, seconded by Mayor Pro Tem Olson, with all members of the Council voting "aye" approving the 2012-13 proposed budget for Howard County Tax Assessor/Collector.

### **FIRST READING OF AN ORDINANCE DECLARING THE UNOPPOSED CANDIDATES IN THE MAY 12, 2012 GENERAL ELECTION FOR CITY COUNCIL MEMBER, DISTRICT 2 AND FOR CITY COUNCIL MEMBER, DISTRICT 6 AS ELECTED TO OFFICE; CANCELING THE GENERAL ELECTION FOR CITY COUNCIL POSITIONS FOR CITY COUNCIL MEMBER, DISTRICT 2 AND FOR CITY COUNCIL MEMBER, DISTRICT 6; PROVIDING AN EFFECTIVE DATE**

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Hansen, with all members of the Council voting "aye" approving first reading of an ordinance declaring the unopposed candidates in the May 12, 2012 General Election for City Council Member, District 2 and for City Council Member, District 6 as elected to office; canceling the General Election for City Council Positions for City Council Member, District 2 and for City Council Member, District 6; providing an effective date.

### **FIRST READING OF AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DESIGNATE THE PLACEMENT OF A STOP SIGN ON KENNEY STREET YIELDING TO CIRCLE STREET CREATING A STOP CONTROLLED INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE**

Motion was made by Councilmember Hansen, seconded by Councilmember McDonald, with all members of the Council voting “aye” approving first reading of an ordinance authorizing and directing the City Manager to designate the placement of a stop sign on Kenney Street Yielding to Circle Street creating a stop controlled intersection; providing for severability; providing for a penalty in accordance with State Law; providing for publication and providing an effective date.

FIRST READING OF AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DESIGNATE THE PLACEMENT OF STOP SIGNS ON WEST 2<sup>ND</sup> STREET YIELDING TO BROWN STREET CREATING A TWO WAY STOP INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember McDonald, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” approving first reading of an ordinance authorizing and directing the City Manager to designate the placement of stop signs on West 2<sup>nd</sup> Street yielding to Brown Street creating a two way stop intersection; providing for severability; providing for a penalty in accordance with State Law; providing for publication and providing an effective date.

FIRST READING OF AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A SPECIFIC USE PERMIT TO BIG SPRING STORAGE ZONE FOR CONSTRUCTION AND OPERATION OF A STORAGE FACILITY ON 1.9 ACRES LOCATED ON GOLIAD BETWEEN 22<sup>ND</sup> AND 23<sup>RD</sup> STREETS DESCRIBED AS LOTS 1-12, BLOCK 41, AMENDED COLLEGE HEIGHTS ADDITION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION

Motion was made by Councilmember McDonald, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” approving first reading of an ordinance providing for the issuance of a Specific Use Permit to Big Spring Storage Zone for construction and operation of a storage facility on 1.9 acres located on Goliad between 22<sup>nd</sup> and 23<sup>rd</sup> Streets described as Lots 1-12, Block 41, amended College Heights Addition; providing for severability; and providing for publication.

NOTIFICATION OF REVISIONS TO WATERING SCHEDULE FOR STAGE III TO ACCOMMODATE RESTRICTIONS AS MANDATED BY COLORADO RIVER MUNICIPAL WATER DISTRICT

Gary Fuqua, City Manager, explained that Colorado River Municipal Water District has mandated an additional decrease in water consumption. Therefore, the City is requesting citizens to restrict outdoor watering to once a week. The schedule is as follows:

- Residential customers whose address ends in an odd number will be allowed to water in accordance with the Drought Contingency Plan for a two (2) hour period on Tuesdays between 6:00 p.m. and 10 p.m.

- Residential customers whose address ends in an even number will be allowed to water in accordance with the Drought Contingency Plan for a two (2) hour period on Thursdays between 6:00 p.m. and 10 p.m.
- Commercial establishments will be allowed to water in accordance with the Drought Contingency Plan for a two (2) hour period on Wednesdays between 6:00 a.m. and 10 a.m.

Motion was made by Councilmember Fernandez, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” approving the City Manager’s new watering schedule listed above.

**APPROVAL OF AN AGREEMENT WITH BOLINGER, SEGARS, GILBERT & MOSS, L.L.P. FOR AUDIT SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Fernandez, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving an agreement with Bolinger, Segars, Gilbert & Moss, L.L.P. for audit services and authorizing the Mayor to execute any necessary documents.

**APPROVAL OF AN INTERLOCAL AGREEMENT WITH OTHER LOCAL GOVERNMENTAL ENTITIES FOR JOINT BIDDING AND ENGINEERING MANAGEMENT OF THE 2012 SEAL COAT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember McDonald, seconded by Councilmember Ramirez, with all members of the Council voting “aye” approving an interlocal agreement with other local governmental entities for joint bidding and engineering management of the 2012 Seal Coat Project and authorizing the Mayor to execute any necessary documents.

**APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR THE 2012 SEAL COAT PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Hansen, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving a Professional Services Agreement with Parkhill, Smith & Cooper, Inc., for the 2012 Seal Coat Project and authorizing the City Manager or his designee to execute any necessary documents.

**ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF FEBRUARY 21, 2012**

Motion was made by Councilmember Fernandez, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” accepting the Big Spring Economic Development Corporation Board of Directors minutes for regular meeting of February 21, 2012.

## **CITY MANAGER'S REPORT**

Gary Fuqua, City Manager, announced that there will be a public hearing on April 24, 2012 at 5:30 p.m. in the Council Chambers for the 4A/4B Project scheduled to be on the May 12, 2012 ballot.

## **COUNCIL INPUT**

Mayor Duncan announced that Silvia Miranmontes was hiring youths for summer jobs, and Karen Fulton is starting a Big Brother/Big Sister Program.

Councilmember Ramirez asked that something be done about the ruts on 3<sup>rd</sup> and 4<sup>th</sup> Street due to the contracting work being done on the water lines.

Councilmember Hansen asked that citizens obey the new watering schedule and thanked the staff for getting the city auditorium ready for the upcoming concert.

Mayor Pro Tem Olson thanked Peggy Walker and staff for a good audit report.

Councilmember McDonald also thanked the staff for work done on the city auditorium.

## **ADJOURN**

Motion was made by Councilmember McDonald, seconded by Mayor Pro Tem Olson, with all members of the Council voting "aye" to adjourn at 7:00 p.m.

CITY OF BIG SPRING, TEXAS

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Tommy Duncan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, DECLARING THE UNOPPOSED CANDIDATES IN THE MAY 12, 2012 GENERAL ELECTION FOR CITY COUNCIL MEMBER, DISTRICT 2 AND FOR CITY COUNCIL MEMBER, DISTRICT 6 AS ELECTED TO OFFICE; CANCELING THE GENERAL ELECTION FOR CITY COUNCIL POSITION FOR CITY COUNCIL MEMBER, DISTRICT 2 AND FOR CITY COUNCIL MEMBER, DISTRICT 6; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the general election was called for May 12, 2012, for the purpose of electing City Council Members for Districts 2, 4 and 6; and

WHEREAS, the City Secretary has provided certification (Exhibit A) to the City Council that City Council Positions for Districts 2 and 6 are unopposed for election to office;

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

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

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

SECTION 1. That the following candidates, who are unopposed in the May 12, 2012 general election, are declared elected to office, and shall be issued certificates of election in the same manner as provided for a candidate elected at an election.

City Council District 2	Carmen Moreno Harbour
City Council District 6	Marvin Boyd

SECTION 2. That the May 12, 2012 general election is canceled for City Council Districts 2 and 6 and a copy of this ordinance shall be posted on election day at the polling place that would have been used in the election.

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

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Big Spring on the 27<sup>th</sup> day of March, 2012, with all members present voting "aye" for passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council of the City of Big Spring on the 10<sup>th</sup> day of April, 2012, with all members present voting “aye” for passage of same.

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Tommy Duncan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

CERTIFICATION OF UNOPPOSED CANDIDATES

To: Tommy Duncan, Mayor and City Council Members

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates for election to office for the general election scheduled to be held on May 12, 2012, are unopposed.

List offices and names of candidates:

**Offices**

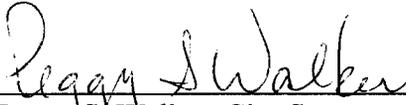
**Candidates**

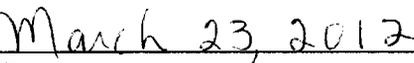
City Council Member, District 2

Carmen Moreno Harbour

City Council Member, District 6

Marvin Boyd

  
\_\_\_\_\_  
Peggy S. Walker, City Secretary

  
\_\_\_\_\_  
Date

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

**AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO DESIGNATE THE PLACEMENT OF A STOP SIGN ON KENNEY STREET YIELDING TO CIRCLE STREET CREATING A STOP CONTROLLED INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the intersection at Circle and Kenney Street is currently a yield controlled intersection and due to traffic history the Big Spring Police Department and Public Works Department have recommended changing it to a controlled stop intersection; and

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

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

**SECTION 1.** The City Council hereby approves creation of a stop controlled intersection with Kenney Street yielding to Circle Street.

**SECTION 2.** Proper signage shall be placed and maintained by officials of the City at the above intersection.

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

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

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

**SECTION 5.** This ordinance shall take effect immediately from and after its passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring, and upon publication as required by law.

**PASSED AND APPROVED** on first reading of a regular meeting of the City Council on the 27<sup>th</sup> day of March, 2012, 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 10<sup>th</sup> day of April, 2012, with all members present voting "aye" for the passage of same.

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

ATTEST:

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

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

**AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO DESIGNATE THE PLACEMENT OF STOP SIGNS ON WEST 2<sup>nd</sup> STREET YIELDING TO BROWN STREET CREATING A TWO WAY STOP INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the intersection at Brown and W. 2<sup>nd</sup> Street is currently an uncontrolled intersection and due to traffic history the Big Spring Police Department and Public Works Department have recommended changing it to a two-way controlled stop intersection; and

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

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

**SECTION 1.** The City Council hereby approves creation of a two-way stop controlled intersection with 2<sup>nd</sup> Street yielding to Brown Street.

**SECTION 2.** Proper signage shall be placed and maintained by officials of the City at the above intersection.

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

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

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

**SECTION 5.** This ordinance shall take effect immediately from and after its passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring, and upon publication as required by law.

**PASSED AND APPROVED** on first reading of a regular meeting of the City Council on the 27<sup>th</sup> day of March, 2012, 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 10<sup>th</sup> day of April, 2012, with all members present voting "aye" for the passage of same.

\_\_\_\_\_  
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 TO BIG SPRING STORAGE ZONE FOR CONSTRUCTION AND OPERATION OF A STORAGE FACILITY ON 1.9 ACRES LOCATED ON GOLIAD BETWEEN 22<sup>ND</sup> AND 23<sup>RD</sup> STREET DESCRIBED AS LOTS 1-12, BLOCK 41, AMENDED COLLEGE HEIGHTS ADDITION, 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 for a Storage Facility on 1.9 acres located on Goliad between 22<sup>nd</sup> & 23<sup>rd</sup> Street; and

**WHEREAS**, the Planning & Zoning Commission held a public hearing on Thursday, March 22, 2012 as required by law and voted unanimously to recommend that the City Council allow the Specific Use Permit for the Storage Facility on Goliad between 22<sup>nd</sup> and 23<sup>rd</sup> Street with certain conditions; and

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

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

**SECTION 1.** A Specific Use Permit for the use of a Storage Facility located Goliad between 22<sup>nd</sup> and 23<sup>rd</sup> Street, more specifically described as Lots 1-12, Block 41, Amended College Heights Addition, Big Spring, Howard County Texas is hereby approved with the following conditions: submission and acceptance of a landscape plan with preference given to xerandscape plans, submission of plan with cut off lighting to inhibit intrusive lighting to surrounding residential areas, and site plan that accommodates the prescribed requirement for unobstructed visibility for all intersections within the setback requirements.

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

**SECTION 3.** This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring and it is accordingly so ordained.

**SECTION 4.** 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 27<sup>th</sup> day of March, 2012 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 10<sup>th</sup> day of April, 2012 with all members present voting "aye" for the passage of same.

**ATTEST:**

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

\_\_\_\_\_  
Tami Davis, Asst. 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 5-122 IN ORDER TO EXEMPT FROM THE DEFINITION OF ITINERANT VENDOR FOR LICENSING PURPOSES PERSONS ASSOCIATED WITH BONAFIDE TRADE SHOWS, EXHIBITS, EXPOSITIONS OR CONVENTIONS, ORGANIZED COMMUNITY EVENTS AND CHARITABLE SOLICITATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Big Spring finds it to be in the best interest of economic development and tourism in the City to exempt from the definition of Itinerant Vendor or Peddler for licensing purposes, persons associated with trade shows, exhibits, exhibitions or conventions, organized community events, or charitable solicitations;

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

**SECTION 1.** Chapter 5, Article 5 of the Big Sprig Code of Ordinances entitled "Business and Occupations," is hereby amended by amending Section 5-122 entitled "Definitions" by adding a new Subsection E and adding certain exceptions with such subsection to read in its entirety as follows:

**Sec. 5-122. Definitions.** . . .

(E) **Exemptions.** The definition of itinerant vendor or peddler shall not include the following as regards permit requirements under this Article:

- (1) Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stocks have been acquired from merchants of the city regularly licensed and engaged in business, provided, however, no such stocks of merchandise shall be augmented by new goods;
- (2) Persons living in Big Spring who hold "garage sales," which consist of sale of used domestic merchandise for two (2) days or less duration, no more than twice a year;

- (3) Art exhibits where participating artists sell their original works and which do not contain any sales of artwork purchased elsewhere and held for resale, providing said art exhibits are sponsored by a local responsible organization;
- (4) The sale of agricultural products grown by the seller in this county;
- (5) Peddlers selling to or soliciting orders from retail business houses only;
- (6) Peddlers going to a house or place at the express invitation of the owner or occupant of such house or place;
- (7) Persons engaged in a business or activity which the State or Federal government has exclusive authority to regulate;
- (8) Persons distributing or selling newspapers, pamphlets, handbills or other written or printed matter sold or distributed for the purpose of disseminating news, information or religious materials;
- (9) Governmental entities;
- (10) Persons or transactions associated with solicitations of a bona-fide non-profit charitable organization;
- (11) Persons or transactions associated with bona-fide trade shows, exhibits, expositions or conventions, where all purchases, sales or exchanges are made in connection with, and within the confines of, the trade show, exhibit, exposition or convention site;
- (12) Persons or transactions associated with fairs, rodeos, festivals or other events sponsored by civic or community organizations, schools, churches, the Chamber of Commerce or a local governmental entity.

**SECTION 2. Severability.** 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. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 4. Effective Date.** 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.

**SECTION 5. Emergency.** The passage of this ordinance constitutes an emergency and an imperative public necessity that the Charter rule requiring that City ordinances must be read at

two separate meetings of the City Council be suspended and said rule is hereby suspended, and this resolution shall be effective beginning April 10, 2012.

PASSED AND APPROVED on emergency reading at a regular meeting of the City Council on the 10th day of April, 2012, with all members voting “aye” for the passage of same.

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Tommy Duncan, Mayor

ATTEST:

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Tami Davis, Assistant City Secretary