



CITY COUNCIL AGENDA

Tuesday, April 26, 2016

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, April 26, 2016, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

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

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

Thank You!

The City of Big Spring Council reserves the right to consider business out of the posted order, and at any time during the meeting, reserves the right to adjourn into executive session on any of the above posted agenda items which are not listed as executive session items and which qualify to be discussed in closed session under Chapter 551 or the Texas Government Code.

Open Session

1. Call to Order McLellan
2. Invocation by Kevin Knudson of Go Life Church McLellan
3. Pledge of Allegiance to the United States Flag and to the Texas State Flag McLellan

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

Public Hearing Comments – The Council will take public input on public hearing items **prior** to any Action. Each member of the public should make remarks **from the podium** and **begin by stating his/her name**. Citizens will be limited to **three minutes**, unless waived by the Mayor for **all** speakers. No individual will be allowed to speak more than once, until every citizen wishing to comment has done so.

Announcements & Public Hearings

4. **Public Hearing** – Z16_01, A REZONE OF THE PORTER ADDITION, LOTS 1-3, BLOCK 4, BIG SPRING, HOWARD COUNTY, TEXAS FROM TWO-FAMILY (2F) TO LIGHT COMMERCIAL (LC) Johnston

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| 5. | <p>Public Hearing - AMENDING ARTICLE 2 OF THE CITY OF BIG SPRING ZONING ORDINANCE, SECTION 2-1 ENTITLED “DEFINITIONS,” BY ADDING A NEW SUBSECTION 93a TO DEFINE “PLAZA”; AMENDING ARTICLE 6 ENTITLED “DISTRICT REGULATIONS,” SECTION 6-6 ENTITLED “DISTRICTS AND PERMITTED” BY AMENDING SUBSECTION (A)(2) UNDER THE HEADING “CA-CENTRAL AREA DISTRICT” TO INCLUDE “PLAZA,” AS A PERMITTED USE; AND DIRECTING THAT APPENDIX B, SUBSECTION B BE AMENDED TO REFLECT SAID AMENDMENTS</p> | Johnston |
| 6. | <p>Public Hearing – AMENDING VARIOUS SECTIONS OF CHAPTER 15 OF THE CODE OF ORDINANCES ENTITLED “SUBDIVISION REGULATIONS OF THE CITY OF BIG SPRING,” AUTHORIZING THE PLANNING AND ZONING COMMISSION TO ACT AS A FINAL DECISION-MAKING BODY FOR SUBDIVISION REQUESTS AND VARIANCES, EXCEPT THAT THE CITY COUNCIL SHALL REMAIN THE FINAL DECISION-MAKING BODY FOR THE APPEALS PROCESS; ELIMINATING THE SKETCH PLAT REQUIREMENTS AND ASSOCIATED FEES; REQUIRING A “CERTIFICATION OF HOWARD COUNTY CLERK” SIGNATURE BLOCK ON FINAL PLATS; AND PROVIDING CLARIFICATION OF PLAN SUBMITTAL REQUIREMENTS</p> | Johnston |
| 7. | <p>Public Hearing - AMENDING THE CITY OF BIG SPRING ZONING ORDINANCE ARTICLE 6, ENTITLED “DISTRICT REGULATIONS” BY ADDING A NEW SECTION 6-7, ENTITLED “FENCES,” TO ESTABLISH PROCEDURES AND STANDARDS FOR SEPARATION BETWEEN ZONING USES AND DISTRICTS FOR NEW DEVELOPMENT; AND ADDING A NEW SECTION 6-8, ENTITLED “VISUAL CLEARANCE ON CORNER LOTS,” TO ALLOW IMPROVED VISIBILITY AND SAFETY AT INTERSECTIONS; AND AMENDING ARTICLE 7, ENTITLED “SPECIAL APPLICATIONS,” BY ADDING A NEW SECTION, 7-4, ENTITLED “ADMINISTRATIVE ADJUSTMENTS,” TO AUTHORIZE THE BUILDING OFFICIAL TO DETERMINE UP TO TEN (10%) PERCENT VARIANCE IN NUMERICAL STANDARDS SET FORTH IN ARTICLE 6 AND UNDER CERTAIN CIRCUMSTANCES, AND ALLOWING A ONE-TIME ONLY NINETY (90) DAY DELAY IN THE PROVISION OF ALL-WEATHER SURFACE FOR OFF-STREET PARKING SPACES</p> | Johnston |

Disposition of Minutes

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| 8. | <p>Approval of the Minutes of the Regular Meeting of April 12, 2016</p> | 7-11 | Davis |
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Consent Items

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| 9. | Final Reading of an Ordinance Amending Chapter Seventeen of the Big Spring Code of Ordinances by Adding a New Section 17-66 Entitled “Renaming Royal Coast Lane to Holland Grace” and Authorizing and Directing the City Manager to Take all Necessary Action to Change the Street “Royal Coast Lane,” Located Approximately 175 Feet Northeast of the Intersection of Scott Drive and Glenwick Cove, to “Holland Grace”; Providing for Severability, Providing for Publication; and Providing an Effective Date. | 12-13 | Johnston |
| 10. | Final Reading of a Resolution Providing for Health Insurance for Retirees Eligible to Retire Under the Texas Municipal Retirement System or the Big Spring Fireman’s Relief and Retirement Plan and Their Dependents So Long As The Retiree is Eligible; Providing For Annual Premium Adjustments; Providing For Payment to be Borne by Retirees; Providing An Effective Date; and Providing For Repeal Of Inconsistent Resolutions and Ordinances | 14-15 | Medina |
| 11. | Final Reading of a Resolution Authorizing the Mayor to Negotiate and Execute Community Services Contracts and Other Necessary Documents with the Texas Department of Aging and Disability Services for the Senior Center | 16 | Wegman |
| 12. | Final Reading of an Ordinance Amending Ordinance Number 043-2015 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016 to Decrease the Motel Tax Fund Budget for the Purpose of Over Estimating Motel Tax Revenue; Providing for Severability; Providing for Publication; and Providing an Effective Date | 17 | Wegman |
| 13. | Final Reading of an Ordinance Amending Ordinance Number 043-2015 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016 by Increasing the General Fund Budget for the Purpose of Purchasing a Police Vehicle; Providing for Severability; Providing for Publication; and Providing an Effective Date | 18-19 | Medina |
| 14. | Acceptance of the Zoning Board of Adjustments and Appeals Board Minutes for the Meeting of November 18, 2015 | 20-21 | Edwards |
| 15. | Acceptance of the Planning and Zoning Commission Board Minutes for the Meetings of January 19, 2016 and March 01, 2016 | 22-23 | Edwards |

Bids

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| 16. | Permission to Advertise for Bids for Purchasing Cards | 24 | Moore |
| 17. | Award Bid for One (1) Replacement Police Patrol Car | 25 | Medina |

Routine Business

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| 18. | Vouchers for 04/14/16 | \$ 1,103,165.57 | Benavides |
| | Vouchers for 04/11/16 | \$ 306,601.10 | |

New Business

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| 19. | First Reading of an Ordinance Amending Number 043-2015 Which Adopted the Annual Budget for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016 by Increasing the Landfill Fund Budget for the Purpose of Purchasing a Loader; Providing for Severability; Providing for Publication; and Providing an Effective Date | 26 | Medina |
| 20. | First Reading of an Ordinance Amending Various Sections of Chapter 15 of the Code of Ordinances Entitled "Subdivision Regulations of the City of Big Spring," Authorizing the Planning and Zoning Commission to Act as a Final Decision-Making Body for Subdivision Requests and Variances, Except that the City Council shall Remain the Final Decision-Making Body for the Appeals Process; Eliminating the Sketch Plat Requirements and Associated Fees; Requiring a "Certification of Howard County Clerk" Signature Block on Final Plats; and Providing Clarification of Plan Submittal Requirements; Providing for Severability; and Providing an Effective Date | 27-35 | Johnston |
| 21. | First Reading of an Ordinance Amending Article 2 of the City of Big Spring Zoning Ordinance, Section 2-1 Entitled "Definitions," by Adding a New Subsection 93a to Define "Plaza"; Amending Article 6 Entitled "District Regulations," Section 6-6 Entitled "Districts and Permitted" by Amending Subsection (A)(2) Under the Heading "CA-Central Area District" to Include "Plaza," as a Permitted Use; and Directing that Appendix B, Subsection B be Amended to Reflect the Amendments herein Provided; Providing for Severability; and Providing an Effective Date | 36-37 | Johnston |
| 22. | First Reading of an Ordinance Amending the City of Big Spring Zoning Ordinance Article 6, Entitled "District Regulations" by Adding a New Section 6-7, Entitled "Fences," to Establish Procedures and Standards for Separation Between Zoning Uses and Districts for New Development; and Adding a New Section 6-8, Entitled "Visual Clearance on Corner Lots," to Allow Improved Visibility and Safety at Intersections; and Amending Article 7, Entitled "Special Applications," by Adding a New Section, 7-4, Entitled "Administrative Adjustments," to Authorize the Building Official to | 38-43 | Johnston |

Determine up to Ten (10%) Percent Variance in Numerical Standards Set Forth in Article 6 and Under Certain Circumstances, and Allowing a One-Time Only Ninety (90) Day Delay in the Provision of All-Weather Surface for Off-Street Parking Spaces, Providing for Severability; and Providing an Effective Date

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| 23. | First Reading of an Ordinance Approving Z16-01, a Rezone of the Porter Addition, Lots 1-3, Block 4, Big Spring, Howard County, Texas from Two-Family (2F) to Light Commercial (LC); Providing for Severability; and Providing an Effective Date | 44 | Johnston |
| 24. | First Reading of an Ordinance Amending Chapter Six of the Code of Ordinances Entitled “Cemeteries, Parks and Recreation” by Amending Article 4 Entitled “Parks and Recreation,” Division 3 Entitled “City Park Pavilion Areas,” Section 6-90 Entitled “Reservations, Hours of Use and Rental Fees,” Subsections (B) and (C) to Remove Heart of the City Pavilion from the List of Rentable Pavilions in City Parks; Repealing Section 201 Regarding Fees and Deposits in its Entirety; and Adding a New Article 13 Entitled “Heart of the City Plaza” to Provide Regulations Concerning Heart of the City Plaza Rentals and Consumption of Alcohol on the Premises; Providing for Severability; and Providing an Effective Date | 45-50 | Wegman |
| 25. | First Reading of an Ordinance Amending Chapter Two of the Code of Ordinances Entitled “Alcoholic Beverages” by Adding a New Section 2-12 Entitled “Temporary Alcohol Permit” Requiring a Temporary Alcohol Permit for Public Events in Which Alcohol is Sold or Distributed for Consumption within the City; Establishing a Permit Fee of One-Hundred-Fifty Dollars (\$150.00); Requiring Security for Events in which Alcohol is Sold or Distributed; and Providing a Penalty of Not Less Than Two-Hundred Dollars (\$200.00); Providing Severability; Providing for Publication; and Providing an Effective Date | 51-52 | Williams |
| 26. | Consideration and Permission to Apply for the Bureau of Justice Assistance (BJA) Grant and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | | Williams |

City Manager’s Report

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| 27. | Items of Public Interest | | Darden |
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Council Input

28. Input McLellan

Executive Session

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

30. Reconvene in Open Session and Take Any Necessary Action McLellan

31. Adjourn McLellan

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas. Given by order of the City Council and Posted on Friday, April 22, 2016 at 5:30 p.m. in accordance with Title 5, Texas Government Code, Chapter 551.

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.



Tami L. Davis, Assistant City Secretary

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 TAMI DAVIS AT 264-2513. 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 __, 2016 at _____ a.m./p.m. By: _____

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., April 12, 2016, with the following members present:

LARRY MCLELLAN	Mayor
JUSTIN MYERS	Mayor Pro Tem
CARMEN HARBOUR	Councilmember
STEVE WAGGONER	Councilmember
RAUL BENAVIDES	Councilmember
JIM DEPAUW	Councilmember

(Councilmember Marquez was not present at this meeting.)

Same and constituting a quorum; and

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

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor John McCullough, Berea Baptist Church, gave the invocation and Mayor McLellan led the Pledge of Allegiance to the American and Texas Flags.

ANNOUNCEMENTS & PUBLIC HEARINGS

PUBLIC HEARING – NAME CHANGE OF STREET ROYAL COAST LANE TO HOLLAND GRACE, LOCATED APPROXIMATELY 175 FEET NORTHEAST OF INTERSECTION OF SCOTT DRIVE AND GLENWICK COVE ON THE NORTH SIDE OF SCOTT DRIVE, EXTENDING NORTH

Motion was made by Mayor Pro Tem Myers, seconded by Councilmember Harbour, with all members of the Council voting “aye” to open the above captioned public hearing. There were no comments from the citizens or the council. Motion was made by

Councilmember Harbour, seconded by Mayor Pro Tem Myers, with all members of the Council voting “aye” to close the above captioned public hearing.

DISPOSITION OF MINUTES

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 22, 2016

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

CONSENT ITEMS

FINAL READING OF AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER NINETEEN OF THE BIG SPRING CODE OF ORDINANCES, BY AMENDING ARTICLE 5, ENTITLED “VEHICLES FOR HIRE,” BY RENAMING SECTION 19-104 ENTITLED “TERMINATION OF PERMIT” TO “PERMIT FEES; TERMINATION” AND AMENDING THE SECTION TO INCLUDE AN INITIAL PERMIT FEE OF TWO-HUNDRED FIFTY DOLLARS; RAISING THE PERMIT/RENEWAL FEE TO ONE-HUNDRED FIFTY DOLLARS; AND PROVIDING A PERMIT/RE-INSTATEMENT FEE OF THREE-HUNDRED DOLLARS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

ACCEPTANCE OF THE BIG SPRING MCMAHON-WRINKLE AIRPORT AND INDUSTRIAL PARK DEVELOPMENT BOARD MEETING MINUTES FOR THE MEETING OF FEBRUARY 18, 2016

ACCEPTANCE OF THE HOWARD COUNTY APPRAISAL DISTRICT’S BOARD OF DIRECTORS MEETING MINUTES FOR THE MEETING OF FEBRUARY 10, 2016

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

ROUTINE BUSINESS

Councilmember Waggoner reviewed the vouchers in the amount of \$444,675.59 (3/24/16), \$796,653.74 (3/31/16) and \$661,244.85 (4/07/16). Motion was made by Councilmember Waggoner, seconded by Mayor Pro Tem Myers, with all members of the Council voting “aye” approving the above listed vouchers.

NEW BUSINESS

PRESENTATION AND ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION’S ANNUAL AUDIT FOR YEAR ENDED SEPTEMBER 30, 2015

Dale Newberry, Certified Public Accountant, presented the Big Spring Economic Development Corporation's Annual Audit. Motion was made by Councilmember DePauw, seconded by Councilmember Waggoner, with all members of the Council voting "aye" approving the above captioned audit.

PRESENTATION AND APPROVAL OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDED SEPTEMBER 30, 2015

David Copeland with Bolinger, Segars, Gilbert & Moss, L.L.P. presented the annual financial report for year ended September 30, 2015. Motion was made by Councilmember DePauw, seconded by Councilmember Waggoner, with all members of the Council voting "aye" approving the above captioned audit.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER SEVENTEEN OF THE BIG SPRING CODE OF ORDINANCES BY ADDING A NEW SECTION 17-66 ENTITLED "RENAMING ROYAL COAST LANE TO HOLLAND GRACE" AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO CHANGE THE STREET "ROYAL COAST LANE," LOCATED APPROXIMATELY 175 FEET NORTHEAST OF THE INTERSECTION OF SCOTT DRIVE AND GLENWICK COVE, TO "HOLLAND GRACE"; PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Myers, seconded by Councilmember DePauw, with all members of the Council voting "aye" approving the above captioned ordinance.

FIRST READING OF A RESOLUTION PROVIDING FOR HEALTH INSURANCE FOR RETIREES ELIGIBLE TO RETIRE UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM OR THE BIG SPRING FIREMAN'S RELIEF AND RETIREMENT PLAN AND THEIR DEPENDENTS SO LONG AS THE RETIREE IS ELIGIBLE; PROVIDING FOR ANNUAL PREMIUM ADJUSTMENTS; PROVIDING FOR PAYMENT TO BE BORNE BY RETIREES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL OF INCONSISTENT RESOLUTIONS AND ORDINANCES

Motion was made by Councilmember Benavides, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving the above captioned resolution.

FIRST READING OF A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE COMMUNITY SERVICES CONTRACTS AND OTHER NECESSARY DOCUMENTS WITH THE TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES FOR THE SENIOR CENTER

Motion was made by Mayor Pro Tem Myers, seconded by Councilmember Waggoner, with all members of the Council voting "aye" approving the above captioned resolution.

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 043-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 TO DECREASE THE MOTEL TAX FUND BUDGET FOR THE PURPOSE OF OVER ESTIMATING MOTEL TAX REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 043-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING A POLICE VEHICLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

CONSIDERATION AND AUTHORIZATION TO NEGOTIATE AN AGREEMENT WITH THE YMCA FOR LIFEGUARDS AT THE RUSS MCEWEN AQUATIC CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS

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

BOARD OF ADJUSTMENT AND APPEALS

Motion was made by Councilmember DePauw, seconded by Mayor Pro Tem Myers, with all members of the Council voting “aye” appointing Matthew Evans to the Board of Adjustment and Appeals.

CITY MANAGER’S REPORT

Todd Darden expressed his condolences to the family of Pat Deanda, a former Councilmember.

COUNCIL INPUT

Mayor McLellan recognized Ace Little and read a proclamation honoring him for his 34 year career in sports announcing. Mayor McLellan also thanked Union Pacific for their donation to Keep Big Spring Beautiful and to the Spring Restoration Project.

ADJOURN

Mayor McLellan adjourned the meeting at 6:40 p.m.

CITY OF BIG SPRING, TEXAS

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER SEVENTEEN OF THE BIG SPRING CODE OF ORDINANCES BY ADDING A NEW SECTION 17-66 ENTITLED “RENAMING ROYAL COAST LANE TO HOLLAND GRACE” AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO CHANGE THE STREET “ROYAL COAST LANE,” LOCATED APPROXIMATELY 175 FEET NORTHEAST OF THE INTERSECTION OF SCOTT DRIVE AND GLENWICK COVE, TO “HOLLAND GRACE”; PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring received an application and petition requesting a permanent street name change for Royal Coast Lane to Holland Grace;

WHEREAS, the petition was signed by more than seventy-five percent of the abutting property owners as required by Chapter 17, Section 17-50(2) of the Big Spring Code of Ordinances;

WHEREAS, a public hearing was held on Tuesday, April 5, 2015 of which there were no objections; and

WHEREAS, on April 5, 2016 the Planning and Zoning Commission unanimously voted to recommend that the City Council approve this street name change;

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

SECTION 1. The Code of Ordinances, Chapter 17 is hereby amended to add a new Section 17-66 entitled “Renaming Royal Coast Lane to Holland Grace” to read in its entirety as follows:

Sec. 17-66. The street known as Royal Coast Lane, located approximately 175 feet northeast of the intersection of Scott Drive and Glenwick Cove shall hereinafter be named and known as Holland Grace.

SECTION 2. The City Manager is authorized and directed to take all necessary action to revise the official street name map, and notify abutting property owners, all effected County, State and Federal agencies of the effective date of the new name for the street.

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

SECTION 5. The City Secretary is hereby ordered and directed to cause the descriptive caption of this ordinance to be published as provided by law.

SECTION 6. 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 12th day of April, 2016, 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 26th day of April, 2016 with all members present voting “aye” for passage of the same.

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, PROVIDING FOR HEALTH INSURANCE FOR RETIREES WHO ARE ELIGIBLE TO RETIRE UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM OR THE BIG SPRING FIREMAN'S RELIEF AND RETIREMENT PLAN AND THEIR DEPENDENTS SO LONG AS THE RETIREE IS ELIGIBLE; PROVIDING FOR ANNUAL PREMIUM ADJUSTMENTS; PROVIDING FOR PAYMENT TO BE BORNE BY RETIREES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF INCONSISTENT RESOLUTIONS AND ORDINANCES

WHEREAS, the City is currently offering health benefits coverage through the City of Big Spring self-funded benefit plan administered by Texas Municipal League Multistate Intergovernmental Employee Benefits Pool pursuant to an interlocal agreement;

WHEREAS, the City desires to provide health benefits coverage to its retirees who are eligible to retire as defined under the Texas Municipal Retirement System or the Big Spring Fireman's Relief and Retirement Plan along with eligible dependents, with the cost for such coverage to be borne by the individual retiree;

WHEREAS, the City desires to select a plan of benefits for its retirees to be provided by the Texas Municipal League Multistate Intergovernmental Employee Benefit Pool; and

WHEREAS, providing retiree coverage under the Texas Municipal League Multistate Intergovernmental Employee Benefit Pool Interlocal Agreement is in the best interest of the City, its retirees, and the public generally;

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

SECTION 1. The foregoing recitals are incorporated into this Resolution as findings of fact.

SECTION 2. The City hereby elects to provide health benefits coverage to its retirees and eligible dependents, as defined in the above recitals, through Texas Municipal League Multistate Intergovernmental Employee Benefit Pool Interlocal Agreement.

SECTION 3. The City hereby adopts the following benefit plans to be provided to its retirees through the Texas Municipal League Group Benefits Risk Pool:

the same medical plan offered to active employees.

SECTION 4. The City hereby authorizes the provision of retiree medical coverage at a contribution rate to be evaluated on an annual basis, adjusting premiums based on a funding ratio.

SECTION 5. The City recognizes and intends to grandfather current retirees and their dependents, except as to Section 4 of this Resolution. To qualify for medical coverage, individuals retiring after the effective date of this resolution must enroll for this coverage within thirty (30) days of retirement. Dependents of a retiree, except those grandfathered, will be eligible for coverage under the City’s plan only so long as the City of Big Spring retiree is eligible.

SECTION 6. This Resolution may be repealed or modified at any time but will remain in effect for any employee retiring while it is in effect.

SECTION 7. All existing City resolutions or ordinances in conflict with this Resolution are repealed to the extent of the conflict.

SECTION 8. This Ordinance shall be effective immediately after its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **12th** day of **April, 2016**, with all City Council members voting “age” for passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **26th** day of **April, 2016**, with all City Council members voting “age” for passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

Governing Authority Resolution Business Organization

COUNTRY, TERRITORY or NATION OF United States

STATE or PROVINCE OF Texas

COUNTY OF Howard

On the ___ day of ___, year ___, the Governing Authority of City of Big Spring a Business Organization, at a meeting held in the City of Big Spring, Howard County or Parish, and in the State or Province of Texas, with a quorum of the Governing Authority present, it was duly moved and seconded that the following resolution be adopted:

BE IT RESOLVED that the Governing Authority of the above Business Organization does hereby authorize

Mayor, Larry McLellan

and his/her/their successors to negotiate, on terms and conditions that he/she/they may deem advisable, a contract or contracts with the Texas Department of Aging and Disability Services (DADS), and to execute the contract or contracts on behalf of the Business Organization, and further we do hereby give him/her the power and authority to do all things necessary to implement, maintain, amend, renew or request closure of the contract. Although the authority of the successors is binding on this Organization, it is acknowledged that this Organization must specifically authorize another party by name in a resolution within 30 days of the change in authorization, or when specifically required by DADS, whichever is sooner.

The above resolution was passed in accordance with the Governing Documents of this Organization and the laws of the jurisdiction in which this Organization was formed. The terms "Governing Authority," "Business Organization" and "Governing Documents" are used as defined in the Texas Business Organizations Code.

This Organization is a (check one) [] General Partnership [] Corporation [] Limited Liability Company [] Limited Partnership [] Limited Liability Partnership [] Association [x] Other (specify) Texas Local Government Code

I certify that the above and foregoing constitute a true and correct copy of a part of the minutes of a meeting of the Governing Authority of City of Big Spring held on the ___ day of ___, year ___.

Signature Larry McLellan, Mayor Printed Name and Title

Subscribed and sworn to (or affirmed) before me on this ___ day of ___, year ___.

Signature - Notary Public Printed Name of Notary and Jurisdiction

My commission expires _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 043-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 TO DECREASE THE MOTEL TAX FUND BUDGET FOR THE PURPOSE OF OVER ESTIMATING MOTEL TAX REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the annual 2015-16 budget for the City of Big Spring, Texas on September 21, 2015; and

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

SECTION 1. The Motel Tax revenue fund (110-4031) of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016 is hereby decreased from \$1,600,000 to \$1,200,000 for the purpose of over estimating motel tax revenue and decreasing the miscellaneous structure expense fund (110-560-6226-01) from \$1,440,000 to \$1,040,000.

SECTION 2. The remaining portions of Ordinance Number 043-2015 shall remain in full force and effect.

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

SECTION 4. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 5. This ordinance shall be in force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **12th** day of **April, 2016** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **26th** day of **April, 2016** with all members of the Council voting “aye” for the passage of same.

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 043-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING A POLICE VEHICLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the annual 2015-16 budget for the City of Big Spring, Texas on September 21, 2015; and

WHEREAS, funding for the replacement of a totaled police vehicle was not included in such budget.

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016 is hereby increased by the amount of \$12,600 into the revenue account (002-4905) received from TML Insurance and the amount of \$24,000 into the expense account (002-011-220-6401) from the existing fund balance.

SECTION 2. The remaining portions of Ordinance Number 043-2015 shall remain in full force and effect.

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

SECTION 4. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 5. This ordinance shall be in force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **12th** day of **April, 2016** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 26th day of April, 2016 with all members of the Council voting “aye” for the passage of same.

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

**THE CITY OF BIG SPRING
ZONING BOARD OF ADJUSTMENTS AND APPEALS
MINUTES OF NOVEMBER 18, 2015**

THE CITY OF BIG SPRING ZONING BOARD OF ADJUSTMENTS AND APPEALS HELD A MEETING WEDNESDAY, NOVEMBER 18, 2015 AT 5:30 PM IN THE CITY COUNCIL CHAMBERS, LOCATED AT 307 E 4TH ST.

THE FOLLOWING MEMBERS WERE PRESENT:

Steve Herron
Carrie Rodman
Libby Uribe

MEMBERS ABSENT:

Drew Mouton

STAFF PRESENT:

Leslie Whitten-Administrative Assistant
Thomas Hodges-Code Enforcement Superintendent
Kay Pilgrim-Planning Administrative Assistant

OTHERS PRESENT:

Nicholas Puentes
Jillian Pinney
Megan Roffers
Chris Mason

CALL TO ORDER:

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

APPROVAL OF MINUTES OF August 13, 2015:

Carrie Rodman made motion to approve minutes, Libby Uribe 2nd motion.
All members present voted "Aye", none opposed. Motion carried.

Megan Roffers, LT 7 BK 2 of Whippoorwill Hill Addition, Located at 1409 E. 19th St. is requesting a variance for two main structures on the property. Mr. Hodges stated that 14 letters were sent out, 1 no objection, 0 objections and 0 returned letters. Mr. Hodges stated that the City doesn't have any issues with the proposal.
Libby Uribe made motion to approve. Carrie Rodman 2nd the motion.

All members present voted "Aye", none opposed. Motion carried.

Nicholas Puentes, LT 2 BK 2 of Western Hills Addition, Located at 2801 Navajo Dr., is requesting a variance to encroach his front yard setback (building line) for a carport. Mr. Hodges stated that 14 letters were sent out, 4 no objections, 0 objections and 0 returned letters. Mr. Hodges stated that the City doesn't have any issues with the proposal.

Libby Uribe made motion to approve. Carrie Rodman 2nd the motion.

All members present voted "Aye", none opposed. Motion carried.

Bob Parks, NE/corner BK 10 of Douglass Addition, Located at 1915, 1917, 1919 & 1921 Wasson Rd. is requesting a variance for the minimum lot width and side yard setbacks for the properties. These variance requests include a thirty (30') foot lot width variance from the allowable forty (40') feet minimum, and a five (5') foot side yard setback variance from the minimum allowable ten (10') foot setback in the zoning district NS. Mr. Hodges stated that 7 letters were sent out, 0 no objections, 0 objections and 1 returned letter.

Mr. Hodges stated that the City doesn't have any issues with the proposal.

Carrie Rodman made motion to approve. Libby Uribe 2nd the motion.

All members present voted "Aye", none opposed. Motion carried.

Bob Parks, N/150 NW/corner of BK 11 of Douglass Addition, Located at 1907, 1909, 1911 & 1913 Wasson Rd. is requesting a variance for the minimum lot width and side yard setbacks for the properties. These variance requests include a thirty (30') foot lot width variance from the allowable forty (40') feet minimum, and a five (5') foot side yard setback variance from the minimum allowable ten (10') foot setback in the zoning district NS. Mr. Hodges stated that 7 letters were sent out, 0 no objections, 0 objections and 1 returned letter.

Mr. Hodges stated that the City doesn't have any issues with the proposal.

Carrie Rodman made motion to approve. Libby Uribe 2nd the motion.

All members present voted "Aye", none opposed. Motion carried.

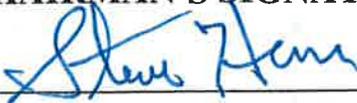
OTHER BUSINESS:

ADJOURNMENT:

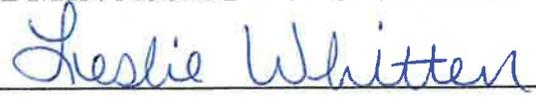
Steve Herron made motion to adjourn. Carrie Rodman 2nd motion.

All members present voted "Aye". None opposed. Meeting Adjourned.

CHAIRMAN'S SIGNATURE



ADMIN ASSISTANT SIGNATURE



Terry McDaniel, Chairperson, called the Planning and Zoning Commission Meeting to order at 5:32 P.M. on Tuesday, January 19, 2016 in the City Council Chambers, 307 East 4th, Big Spring, TX 79720.

Committee members in attendance: Terry McDaniel
Lupe Dominguez
Kevan Schooler
Aubrey Weaver Jr.

Also in attendance: Roxanne Johnston, City Planner
Kay Callison, Administrative Secretary

ITEM I

Consideration for the approval of minutes for December 15, 2015, Planning & Zoning meeting.

Weaver made motion to approve minutes, seconded by Dominguez with all members present voting “aye” to approve minutes. Motion passed.

ITEM II

Discussion and consideration of approval of an Ordinance amending Chapter 5, entitled “Business and Occupations”, Article 6, Entitled “Regulation of Oil and Gas Production” Sections 5-151 Through 5-197 and Sections 198 through 5-120, entitled “reserved”, of the Big Spring City Code and adding a new second entitled “Oil and Gas Well Permits Issued On or After (Date TBD), 2016” within the Corporate City Limits and extending one thousand feet into the City’s Extraterritorial Jurisdiction.

Discussion was held between commission and staff regarding the reach of the ordinance and the extent to which the city can recoup damages done to and expenses incurred by the city due to drilling within the city limits.

The commission discussed whether the ordinance could extend two miles from the city limits, rather than one-thousand feet into the ETJ. Further discussion was held regarding the required bond/insurance cap being too low to cover damage to streets or a potential citizen evacuation, with the suggestion that each cap be changed to the maximum we can request. Staff advised that they would look into these items.

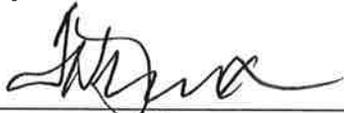
Schooler suggested a correction for Section c. Insurance, Subsection d. Environmental Pollution Liability Coverage of the draft to be changed from saying “one thousand...dollars” to “one million...dollars” and from “ten thousand...dollars” to “ten million...dollars”.

A motion was made by Schooler and seconded by Dominguez to table the discussion for verbiage and additional research and to revisit the document in about six weeks, with all members present voting “aye” for the same.

ITEM III

Adjournment

A motion was made by Schooler and seconded by Dominguez to adjourn the meeting, with all members present voting “aye” for the same.



Terry McDaniel, Chairperson

4-5-2016

Date

Terry McDaniel, Chairperson, called the Planning and Zoning Commission Meeting to order at 5:30 P.M. on Tuesday, March 01, 2016 in the City Council Chambers, 307 East 4th, Big Spring, TX 79720.

Committee members in attendance:	Terry McDaniel Dale Avant Aubrey Weaver Jr.	Kevan Schooler Lupe Dominguez Junior Yanez
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Also in attendance:	Roxanne Johnston, City Planner Kay Callison, Administrative Secretary	Johnny Womack, Public Works Director
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ITEM I

Consideration for the approval of minutes for January 19, 2016, Planning & Zoning meeting.

Schooler made motion to approve minutes, seconded by Dominguez with all members present voting “aye” for the same. Motion passed.

ITEM II

Discussion and consideration of approval of the Planning Department Fee Schedule.

Staff made the suggestion to change the Recording fee from “\$72.00” to “Current County Recording Fee”.

Schooler made motion to approve the fee schedule with the suggested amendment to the recording fee, seconded by Dominguez with all members present voting “aye” for the same. Motion passed.

ITEM III

Discussion and consideration of approval of the 2030 Comprehensive Plan.

Weaver expressed concern regarding the prohibiting of neon signs.

Board and staff discussed that the plan is a guideline for the future of the city and that any future amendments to the Zoning Ordinance would still be reviewed by the Planning and Zoning Board and City Council prior to approval.

A motion was made by Avant and seconded by Schooler to approved the 2030 Comprehensive Plan, with all members present voting “aye” for the same.

ITEM IV

Adjournment

A motion was made by Schooler and seconded by Dominguez to adjourn the meeting, with all members present voting “aye” for the same.



Terry McDaniel, Chairperson

4-5-2016

Date



TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DON MOORE, FINANCE DIRECTOR

SUBJECT: REQUEST FOR PERMISSION TO ADVERTISE FOR BIDS FOR PURCHASING CARDS

DATE: APRIL 19, 2016

This is a request for permission to advertise for bids for purchasing cards to be used within various departments.

Please contact me if you have any questions or concerns.



Purchasing and Material Control Memorandum

To: Honorable Mayor, City Council, City Manager
From: Paul Sotelo, Purchasing Agent
Date: April 26, 2016
Subject: Request for Bid Award for One (1) Replacement Police Patrol Car

On March 15, 2016, the City of Big Spring received a bid from Grapevine Dodge through the Buyboard Purchasing Cooperative to replace a damaged Police Cruiser:

One (1) 2015 Dodge Charger Pursuit Car \$23,746.00

Recommendation: The staff recommends that the bid be awarded to Grapevine Dodge for the amount of \$23,746.00

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 043-2015 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016 BY INCREASING THE LANDFILL FUND BUDGET FOR THE PURPOSE OF PURCHASING A LOADER; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the annual 2015-16 budget for the City of Big Spring, Texas on September 21, 2015; and

WHEREAS, funding for the replacement of a Landfill Loader that was totaled in a fire and was not included in such budget.

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

SECTION 1. The Landfill Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2015 and ending September 30, 2016 is hereby increased by the amount of \$39,000 into the revenue account (440-4905) received from TML Insurance and the amount of \$146,012.26 into the expense account (440-025-350-6404) from the existing fund balance.

SECTION 2. The remaining portions of Ordinance Number 043-2015 shall remain in full force and effect.

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

SECTION 4. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 5. This ordinance shall be in force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **26th** day of **April, 2016** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **10th** day of **May, 2016** with all members of the Council voting “aye” for the passage of same.

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING VARIOUS SECTIONS OF CHAPTER 15 OF THE CODE OF ORDINANCES ENTITLED “SUBDIVISION REGULATIONS OF THE CITY OF BIG SPRING,” AUTHORIZING THE PLANNING AND ZONING COMMISSION TO ACT AS A FINAL DECISION-MAKING BODY FOR SUBDIVISION REQUESTS AND VARIANCES, EXCEPT THAT THE CITY COUNCIL SHALL REMAIN THE FINAL DECISION-MAKING BODY FOR THE APPEALS PROCESS; ELIMINATING THE SKETCH PLAT REQUIREMENTS AND ASSOCIATED FEES; REQUIRING A “CERTIFICATION OF HOWARD COUNTY CLERK” SIGNATURE BLOCK ON FINAL PLATS; AND PROVIDING CLARIFICATION OF PLAN SUBMITTAL REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the intended purpose of the following revisions is to streamline the subdivision process; and

WHEREAS, following a public hearing on June 16, 2015, the Planning and Zoning Commission gave its unanimous approval of the following amendments to the City of Big Spring Subdivision Regulations Ordinance;

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

SECTION 1. Chapter 15 of the Big Spring Code of Ordinances entitled “Subdivision Regulations of the City of Big Spring,” Article I entitled “General Provisions,” Section 5 entitled “Variances” is hereby amended to read in its entirety as follows:

ARTICLE I GENERAL PROVISIONS

...

SECTION 5 VARIANCES

- A. *Findings Required.* The Commission may, following written request by an applicant, approve a variance from the provision of these regulations when, in the Commission’s opinion, undue hardship will result from requiring strict adherence therewith. Economic hardship alone shall not be deemed to constitute undue hardship. In making its decision, the Commission’s considerations shall include the general purpose and intent of these regulations, the nature of the proposed use of the land involved, and existing uses in the vicinity. No variance shall be allowed unless the Commission finds that:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of his land;
 2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 3. The variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 4. The variance will not prevent the orderly use or development of other land in the area in accordance with the provisions of these regulations.
- B. Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting(s) at which such variance is granted.
- C. Variances may be granted only when in harmony with the general purpose and intent of this Chapter and the City’s Comprehensive Plan so that the public health, safety and welfare may be secured and substantial justice served.

SECTION 2. Chapter 15 of the Big Spring Code of Ordinances entitled “Subdivision Regulations of the City of Big Spring,” Article III entitled “Platting Procedure,” Section 1 entitled “General Application – Sketch Plan,” is hereby renamed to read “General Application.” Subsections “A” through “C” of the amended section title are also hereby amended and shall read in their entirety as follows:

ARTICLE III PLATTING PROCEDURE

SECTION 1 GENERAL APPLICATION

- A. No plat shall be approved for recording until it has been processed through the preliminary plat and final plat stages as provided herein, unless otherwise permitted.
- B. Following receipt of a preliminary plat or final plat application, the City shall determine if the submittal is complete and is therefore officially filed. After it has been officially filed, it may then be considered for review by the staff and Commission.
- C. An accurate notation of the recommendations of the staff or actions taken by the Commission shall be entered into the records and made available to the subdivider.

...

SECTION 3. Chapter 15 of the Big Spring Code of Ordinances entitled “Subdivision Regulations of the City of Big Spring,” Article III entitled “Platting Procedure,” Section 2 entitled “Fees;” Section 3 entitled “General Provisions;” Section 10 entitled “General

Application – Preliminary Plat,” Subsection “A”; Section 12 entitled “Procedures,” “Preliminary Plat Submittal,” Subsection “D”; Section 20 entitled “Certifications,” amended to add “CERTIFICATION OF HOWARD COUNTY CLERK”; Section 22 entitled “Dedication of Instrument Contents,” Subsection “C”; Section 24 entitled “Review and Processing – Final Plat,” Subsections “B” and “C”; Section 25 entitled “Special Plats,” Subsections “B” and “C”; and Section 26 entitled “Alternative Plat Approval Procedures,” Subsection “A” are hereby amended to read in their entirety as follows:

ARTICLE III PLATTING PROCEDURE

SECTION 2 FEES

Fees, as approved by the City Council, shall be collected by the Office of the Director of Finance at the time of the filing of a preliminary plat, or final plat with the City for processing and approval. No action by the Commission shall be valid until the fees have been paid. A receipt must be obtained from the proper officer specifying that the fees provided for herein have been paid prior to the submission of any plat to the Commission. The receipt shall be attached to the formal request for plat review and processing. No filing fee shall be refunded because of preliminary or final plat disapproval.

SECTION 3 GENERAL PROVISIONS

- A. In the event that either or both of the following conditions occur during the processing of a subdivision plat, the Commission may require resubmittal of the plat.
- i. Significant Change or Changes in Proposal. When a proposal has undergone a significant change or changes during the process of plat review that make it desirable or necessary to review how it will be more compatible with the Comprehensive Plan and associated plans for community development.
 - ii. Extended Delays in Processing by Developer. When the developer does not continue through with the plat review process and there are delays beyond those permitted below:

Maximum Permitted Delay

Preliminary Plat Approval to Final Plat Submittal	Twelve (12) Months
Final Plat Approval to Plat Recording	120 days

- B. A final plat must be resubmitted to the governing body for re-approval if it has not been recorded within one-hundred and twenty (120) days of approval by the Public Works Director or Commission.

- C. Filing Requirements:

Requests for processing shall be filed with the Director of Public Works. Such filing shall include:

- i. A completed and signed request form;
- ii. A copy of the filing fee receipt issued by the Director of Finance; and
- i. Copies of proposals (narrative and maps) in the number required below, including a .dwg, .dxf or .dgn (CAD file), or GIS Shapefile of the proposal sent in an electronic format to the Public Works Director or his designee:

<u>Stage of Review of Plat Proposal</u>	<u>Information in Narrative Form</u>	<u>Number of Plat Maps</u>
Preliminary Plat	6	6
Final Plat	6	6

After approval of the final plat, two (2) Mylar, or other reproducible original print, and three (3) copies shall be furnished to the Director of Public Works complete with all necessary signatures.

...

SECTION 10 GENERAL REQUIREMENTS – PRELIMINARY PLAT

- A. The subdivider shall cause a preliminary plat to be prepared in accordance with this Chapter unless the Short Form or Administrative procedure outline in Sections 25 and 26 of this Article are permitted. If a preliminary plat is required, it shall be approved by the Commission before an application for final plat approval is submitted to the Director of Public Works.

...

SECTION 12 PROCEDURES

Preliminary Plat Submittal

...

- D. Should a preliminary plat be denied following its review by the Commission, the applicant shall have thirty (30) days from the date of the denial to appeal to the City Council, pursuant to Article I, SEC. 11.

...

SECTION 20 CERTIFICATIONS

...

CERTIFICATION OF HOWARD COUNTY CLERK

Approved for recording this ____ day of _____, 20 ____, at _____ o' clock (AM or PM).

County Clerk of Howard County, Texas

SECTION 22 DEDICATION OF INSTRUMENT CONTENTS

...

- C. When the developer and/or owner files the final plat and the dedication deed covering the dedicated lands with the city, he shall also file a money order or cashier's check payable to the County Clerk to cover the recording of same. After the final plat and dedication deed are approved by the Commission and the certificate of approval is signed as hereinafter specified, the City shall cause said final plat and dedication deed to be recorded in the Plat Records of the County Clerk.

...

SECTION 24 REVIEW AND PROCESSING OF FINAL PLAT

...

- B. After the Commission has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this Chapter, it shall enter an order approving the plat. The Commission shall consider all proposals with respect to the dedication of right-of-way for public use, the construction of utilities, streets, drainage and other improvements and when satisfied with the final plat proposal, shall authorize the execution of agreements for the same to ratify the final plat.
- C. *Processing- examples.*
 - i. Residential replats require notification and a public hearing in accordance with Sec 212.0065 of the Texas Local Government Code.

- ii. Non residential and residential replats, involving four (4) or fewer lots and as referenced in Article III, Sec. 25 Subsection B and C, may be approved by the Public Works Director who may elect to forward the plat to the Commission for approval.

SECTION 25 SPECIAL PLATS

...

B. Minor Plats

- i. *General.* A plat of a subdivision involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or dedication of additional right-of-way or public easement and involves no public improvements. Such plats are not subject to preliminary plat review.
- ii. *Form and content.* Final minor plats will be required to be in conformance with final plat procedures.

C. Replats

- i. *General.* A revision of a previously platted subdivision that involves vacating the prior subdivision and resubdivides the property that usually changes the number of lots in accordance with the Texas Local Government Code Ch. 212. A replat shall follow the same procedures as are required for an original plat and shall comply with Texas Local Government Code Ch. 212, including requirements for public hearings and notifications.
- ii. *Form and content.* The current configuration shall depict all of the information as required for final plats.

...

SECTION 26 ALTERNATIVE PLAT APPROVAL PROCEDURES

- A. Short Form Procedure. The procedure provided herein may be followed for approval of a subdivision when the land proposed to be subdivided or resubdivided meets the following conditions:
 - i. Adequate existing streets, alleys, and easements exist. No additional right-of way or easement is needed to meet the requirements of this Chapter;
 - ii. The perimeter of the land being subdivided has been surveyed and marked on the ground;
 - iii. No additional drainage improvements are needed;

iv. Utilities, adequate to serve the subdivision, are in place to serve each lot or arrangements to provide such facilities have been made; and

v. The proposed subdivision is not inconsistent with existing zoning.

All required City fees shall be paid, although alternative approval procedures may be authorized.

The final plat may be submitted for consideration by the Commission without prior approval of a preliminary plat. All other requirements for final plat shall be met.

...

SECTION 4. The Big Spring Subdivision Ordinance, Chapter 15, Article III entitled “Platting Procedures,” Sections 6 through 9 are hereby deleted in their entirety as follows:

SECTION 6 (DELETED IN ITS ENTIRETY)

SECTION 7 (DELETED IN ITS ENTIRETY)

SECTION 8 (DELETED IN ITS ENTIRETY)

SECTION 9 (DELETED IN ITS ENTIRETY)

SECTION 5. The Big Spring Subdivision Ordinance, Chapter 15, Article IV entitled “Standards, Specifications, and Other Provisions,” Section 1 entitled “General Requirements”; Section 2 entitled “Streets,” Subsection “A” and “F”; and Section 12 entitled “Miscellaneous Provisions,” Subsection “B” are hereby amended to read in their entirety as follows:

ARTICLE IV STANDARDS, SPECIFICATIONS, AND OTHER PROVISIONS

SECTION 1 GENERAL REQUIREMENTS

No preliminary or final plat shall be approved by the Commission and no completed improvements shall be accepted by the City unless they conform to the following standards and specifications.

- i. *Conformity with Comprehensive Plan.* The subdivision shall be consistent with the adopted Comprehensive Plan of the City of Big Spring and the parts thereof as amended from time to time.
- ii. *Provision for future subdivisions.* If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.

- iii. *Prohibition of reserve strips and flag lots.* No subdivision or addition showing reserve strips of land controlling the access to public ways or adjoining properties will be approved either in whole or in part. No plats containing flag lots shall be approved.
- iv. *Inspection of Construction Work.* All construction work such as street grading, street paving, storm sewers or water mains performed by the owner, developer, or contractor, shall be subject to inspection during construction by the proper authorities of the City and shall be constructed in accordance with City Construction Standards for Subdivisions.

SECTION 2 STREETS

- A. *Access conditions.* All platted lots shall have safe and reliable access to the public street system for daily use and emergency purposes. Except for lots that are provided access from a cul-de-sac street, all subdivisions shall have two means of access. Where development is proposed in phase or constraints of the land prevent the provision of a second means of access, the Commission may accept a temporary street connection or other means of access to satisfy this requirement. Other than this condition, subdivisions shall conform to the minimum street standards contained below.

...

- F. *Curvilinear Streets.*

- i. Curvilinear streets shall be allowed and shall meet the following standards:

<u>Operating Speed of Street</u>	<u>Minimum Curve Radius</u>
1. 20 MPH or less	200 feet
2. 30 MPH	375 feet
3. 35 MPH	550 feet
4. 40 MPH	725 feet
5. 50 MPH or less	1,190 feet

- ii. The Commission may approve local residential streets with a smaller radius than required above in special circumstances consistent with the use of the street. In the case of such the developer shall pay the additional cost of installing water and sewer lines caused by a smaller radius.

...

SECTION 12 MISCELLANEOUS PROVISIONS

...

B. *Obligation by City for Maintenance of Improvements.* Final approval of any plat shall not be deemed an acceptance of the proposed dedication and shall not impose any duty upon the City concerning the maintenance or improvement of such dedicated parts until the proper authorities of the City shall have made actual appropriation for the same by entry, use or improvement.

...

SECTION 14 RESPONSIBILITY FOR INSTALLATION OF PUBLIC IMPROVEMENTS

Except when waived or deferred by the Commission, all subdivision development improvements conforming to adopted city standards shall be provided by the developer for any subdivision, or portion thereof, within the City and its extraterritorial jurisdiction as outlined in this Article. Said improvements shall be guaranteed in accordance with SEC. 13 above. All required public improvement plans shall be prepared by or under the supervision of a professional engineer registered in the State of Texas. Plans submitted for review by the City shall be dated and shall bear the responsible engineer's name, serial number, and the designation of "engineer," "professional engineer," or "P.E." and an appropriate stamp or statement that the submitted documents are for preliminary review and are not intended for construction. Final plans acceptable to the City shall bear the seal and signature of the engineer and the date signed on all sheets of the plans. Copies of said plans shall be submitted in accordance with Article III for review by the Director of Public Works, who shall return his comments within a period of ten (10) working days.

SECTION 6. 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 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8. This ordinance shall take effect following its passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **26th** day of **April, 2016**, with all members voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **10th** day of **May, 2016**, with all members voting "aye" for the passage of same.

ATTEST:

Larry McLellan, Mayor

Tami Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING ARTICLE 2 OF THE CITY OF BIG SPRING ZONING ORDINANCE, SECTION 2-1 ENTITLED “DEFINITIONS,” BY ADDING A NEW SUBSECTION 93a TO DEFINE “PLAZA”; AMENDING ARTICLE 6 ENTITLED “DISTRICT REGULATIONS,” SECTION 6-6 ENTITLED “DISTRICTS AND PERMITTED” BY AMENDING SUBSECTION (A)(2) UNDER THE HEADING “CA-CENTRAL AREA DISTRICT” TO INCLUDE “PLAZA,” AS A PERMITTED USE; AND DIRECTING THAT APPENDIX B, SUBSECTION B BE AMENDED TO REFLECT THE AMENDMENTS HEREIN PROVIDED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on April 5, 2016 in which the public was invited to comment on proposed amendments to the Zoning Ordinance, including a new definition of “plaza” and designating a plaza as an authorized use in CA, Central Area District, and

WHEREAS, The Planning and Zoning Commission gave its unanimous approval of the proposed amendments to the City of Big Spring Zoning Ordinance on April 5, 2016;

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

SECTION 1. The City of Big Spring Zoning Ordinance, Article 2, Section 2-1 entitled “Definitions” is hereby amended by adding a new Subsection 93a. to define “Plaza” and shall read in its entirety as follows:

93.a PLAZA – A public or privately owned open area adjacent to a building and accessible at the level of the sidewalk it adjoins, unobstructed to the sky except for seating and other permitted amenities, and that occupies no smaller area than two-thousand square feet (2,000 ft²).

SECTION 2. The City of Big Spring Zoning Ordinance, Article 6, Section 6-6 entitled “District Regulations,” Subsection (A)(2) under the heading “CA, CENTRAL AREA DISTRICT” is hereby amended to add “plaza” as a permitted use and shall read in its entirety as follows:

CA, Central Area District

- (A) *Use.* A building or premise shall be used only for the following uses:
- (2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (without outside runs or pens), antique shop, auto repair (minor), auto parts sales (new), bakery (retail or wholesale), building material sales, cafeteria, carwash, clothing manufacturer or light compounding or fabrication, custom personal service, dry cleaning, florist, fraternal organization,

lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial – autos only), parking lot (commercial – autos and trucks), pawn shop, pharmacy, places of entertainment or eating and serving alcoholic beverages, **plaza**, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premise consumption, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other), wireless communication tower.

SECTION 3. The City of Big Spring City Council hereby directs APPENDIX B – DISTRICT USE REGULATIONS of the Big Spring Zoning Ordinance to be amended to reflect the amendments herein described.

SECTION 4. Should any section, paragraph, sentence, clause, phrase or word of this ordinance amendment be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. This ordinance shall take effect following its passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 26th day of April, 2016, 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 10th day of May, 2016, with all members present voting “aye” for the same

Larry McLellan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING THE CITY OF BIG SPRING ZONING ORDINANCE ARTICLE 6, ENTITLED "DISTRICT REGULATIONS" BY ADDING A NEW SECTION 6-7, ENTITLED "FENCES," TO ESTABLISH PROCEDURES AND STANDARDS FOR SEPARATION BETWEEN ZONING USES AND DISTRICTS FOR NEW DEVELOPMENT; AND ADDING A NEW SECTION 6-8, ENTITLED "VISUAL CLEARANCE ON CORNER LOTS," TO ALLOW IMPROVED VISIBILITY AND SAFETY AT INTERSECTIONS; AND AMENDING ARTICLE 7, ENTITLED "SPECIAL APPLICATIONS," BY ADDING A NEW SECTION, 7-4, ENTITLED "ADMINISTRATIVE ADJUSTMENTS," TO AUTHORIZE THE BUILDING OFFICIAL TO DETERMINE UP TO TEN (10%) PERCENT VARIANCE IN NUMERICAL STANDARDS SET FORTH IN ARTICLE 6 AND UNDER CERTAIN CIRCUMSTANCES, AND ALLOWING A ONE-TIME ONLY NINETY (90) DAY DELAY IN THE PROVISION OF ALL-WEATHER SURFACE FOR OFF-STREET PARKING SPACES, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on June 16, 2015 in which the public was invited to comment on these proposed amendments to the Zoning Ordinance, and

WHEREAS, The Planning and Zoning Commission gave its unanimous approval to recommend adoption of the following amendments to the City of Big Spring Zoning Ordinance on June 16, 2015;

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

SECTION 1. The City of Big Spring Zoning Ordinance, Article 6, Section 6-7 entitled "District Regulations" is hereby amended to read in its entirety as follows:

SECTION 6-7. Fences

(A) Required Privacy Fences

- (1) A privacy fence shall be required for all new building construction where the side or rear lot line of a nonresidential use is adjacent to either of the following:
 - a. A nonresidential district boundary other than an A Zoning District; or
 - b. An existing residential use.
- (2) This requirement shall not apply when an equivalent fence already exists;

- (3) Properties immediately across a body of water, transportation, drainage or utility right-of-way, street or alley shall be considered adjacent if the intervening body of water, transportation, drainage or utility right-of-way, street or alley, is less than eighty feet (80 ft.) wide.

(B) Height Standards for New Privacy Fences

- (1) All new privacy fences shall meet the visual clearance requirements of Section 6-8, below.
- (2) For separation between new non-residential and residential uses in areas which requires a privacy fence, the Building Official shall determine height and placement of a fence of additional height to minimize the impact of possible nuisances.
- (3) Maximum Fence Height in Residential Districts.
 - (a) No portion of any new privacy fence or enclosure in any residential district, excluding the A District, shall exceed a height of eight feet (8 ft.), unless it is determined by the Building Official that the existing topography requires a fence in excess of eight feet (8 ft.). *(Example: where a property is situated below a property located on a substantially higher elevation).*
 - (b) A substantially open fence with a ratio of solid portion to open portion equal to or less than one (1) (solid) to four (4) (open) may be constructed up to a height of ten feet (10 ft.).

(4) Maximum Height in Required Front Yards

- (a) Any new fence or enclosure extending into a required front yard shall not exceed a height of three feet (3 ft.) unless it is a substantially open in nature.
- (b) *Exceptions:* The following are exempt from the requirements in (a) above:
 - (1) New construction of fences in the O, NS, R, LC, HC, CA, LI and HI Districts (non-residential use only);
 - (2) Fences for screening of Mobile/Manufactured Home Parks in SF-3 and GR; and
 - (3) Fencing that serves to screen property in any District for which a Special Permit for Campground/RV Park has been approved and is actively in use.
- (c) In the A Zoning District, a substantially open fence with a ratio of solid portion to open portion equal to or less than one (1) (solid) to four (4) (open) may be constructed up to a height of six feet (6 ft.).

SECTION 2. The City of Big Spring Zoning Ordinance, Article 6, Section 6-8 entitled “District Regulations” is hereby amended to read in its entirety as follows:

SECTION 6-8 Visual Clearance on Corner Lots

Except for freestanding signs with appropriate visual clearance below the display area which include official traffic control devices or approved public utilities, and with exception to corner lots in the Central Area (CA) District, any new fence, structure, sign, single trees with single trunks trimmed so that no vegetation on the tree hangs lower than eight feet (8 ft.) above the street elevation or landscaping on a corner lot and situated within thirty feet (30 ft.) of the intersection of the two street property lines, shrubbery, fencing, trees other than those herein described, shall not exceed a height of two and one-half feet (2.5 ft.) above the street elevation located on a corner lot at a street intersection. For this purpose, the restricted area for visual clearance shall be considered a triangle rather than an area bounded by an arc. This triangle shall be formed by the corner formed by the intersection of the back of curb lines or an imaginary extension of said lines (or if there is no curb, the corner where the back of curb lines would intersect if there were a curb) nearest the street intersection and the point on each said back of curb line which is thirty feet (30 ft.) from said corner as shown on Appendix D #14, provided however, this subsection (2) shall not apply.

SECTION 3. The City of Big Spring Zoning Ordinance, Article 7, Section 7-4 entitled “Special Applications” is hereby amended to read in its entirety as follows:

SECTION 7-4 ADMINISTRATIVE ADJUSTMENTS

- (A) *Purpose.* Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be (1) compatible with surrounding land uses; (2) in keeping with the public interest, and (3) consistent with the purposes of this Zoning Ordinance.
- (B) *Administrative Adjustments Allowed.* The Building Official shall have the authority to grant only the following administrative adjustments:
 - (1) Allow an increase in the floor area of a residential accessory building above fifty percent (50%) of the total square footage of the principal structure, or above one-hundred percent (100%) of the total square footage of the principal structure on lots in Agriculture (A) Zoning Districts, as long as the increase does not exceed ten percent (10%) above the applicable maximum.
 - (2) Allow a delay in the provision of all-weather surface for off-street parking spaces required under the terms of this Zoning Ordinance, for a period of time up not to exceed ninety (90) days, and provided that only one (1) such delay shall be allowed.

- (3) Authorize a variance of up to ten percent (10%) from the numerical standard set forth in Article 6.

EXAMPLE: Minimum front yard requirement of twenty feet (20 ft.) may be varied by up to ten percent (10%) to a minimum of eighteen feet (18 ft.).

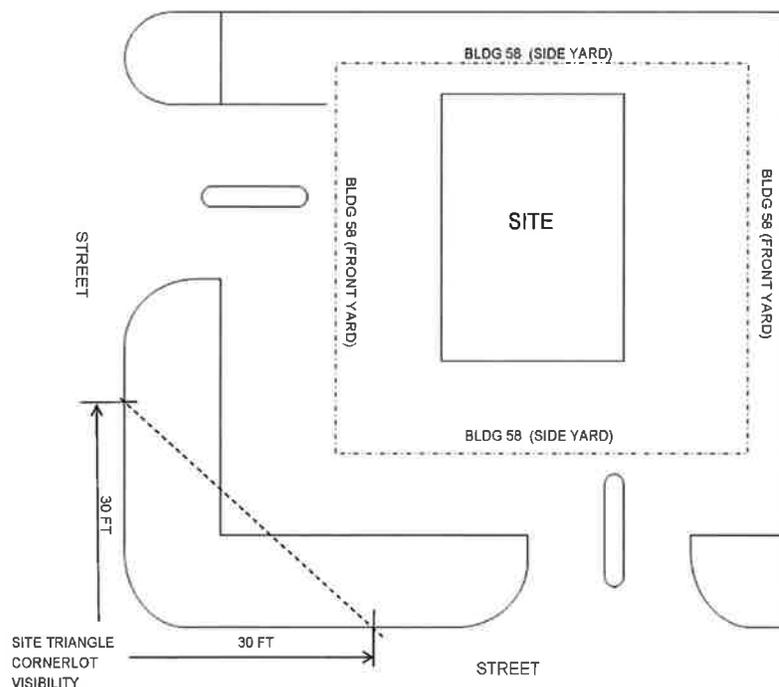
- (C) *Submission of Application.* A complete application of an Administrative Adjustment shall be submitted to the Building Official, along with the appropriate application fee.
- (D) *Action by the Building Official.* After determining that the application is complete, the Building Official shall review the application and approve, approve with conditions, or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.
- (E) *Administrative Adjustment Criteria.* To approve an application for an Administrative Adjustment, the Building Official shall make an affirmative finding that the following criteria are met:

The Administrative Adjustment will:

- (1) ensure the same general level of land use compatibility as the otherwise applicable standards;
 - (2) not material and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other environmental considerations;
 - (3) not adversely affect value of nearby property in any material way; and
 - (4) be generally consistent with the purposes and intent of this Zoning Ordinance.
- (F) *Appeals.* Appeal of an Administrative Adjustment to the Zoning Board of Adjustment shall be made within thirty (30) days of the mailing of the Building Official's decision in accordance with Section 5-2.
- (G) *Conditions.* The Building Official may impose such conditions on approval of an Administrative Adjustment as are necessary to accomplish the purpose of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighboring properties, and to ensure compatibility of the site with its surroundings. These conditions may include but are not limited to limitations on the size, bulk and location of buildings; provisions for landscaping, buffering and screening; limitations on sources of buildings; provisions on sources of artificial lighting; and requirements for adequate vehicle ingress and egress.
- (H) *Effect of Administrative Adjustment*

- (1) Administrative approval of an adjustment shall authorize only the particular allowance, variation or exception which is specifically approved by the Building Official. Administrative approval of such an adjustment runs with the land with exception to Article 7, Section 7-4(B)(2).
- (2) Unless otherwise specified in the Building Official's approval of an administrative adjustment, an application to commence construction of improvements that are the subject of the approved adjustment must be applied for and approved within twelve (12) months from the date of the Building Official's written acknowledgement of approval; otherwise, the Administrative Adjustment shall automatically become null and void. Upon written request, two extensions of the twelve (12) month period may be granted by the Building Official, if he/she determines that conditions of the site and immediately surrounding area are substantially unchanged. These permitted time frames do not change with successive owners of the subject property.

APPENDIX D #14



APPENDIX D #14

SECTION 4. 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 5. Any ordinance that conflicts with this ordinance is hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **26th** day of **April, 2016**, with all members voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **10th** day of **May, 2016**, with all members voting "aye" for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, APPROVING Z16_01, A REZONE OF THE PORTER ADDITION, LOTS 1-3, BLOCK 4, BIG SPRING, HOWARD COUNTY, TEXAS FROM TWO-FAMILY (2F) TO LIGHT COMMERCIAL (LC); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission held a public hearing on April 5, 2016 and gave its final approval and recommendation of this zone change from Two-Family (2F) to Light Commercial (LC);

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 Two-Family (2F) to Light Commercial (LC) for the properties located at 500, 502 & 504 S. Benton Street, also known as Lots 1-3 in Block 4 of the Porter Addition, Howard County, Big Spring, Texas and such change is hereby approved by the Big Spring City Council.

SECTION 2. The City of Big Spring Zoning Map shall be amended to reflect the zoning designation of the above described properties as Light Commercial (LC).

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

SECTION 5. This Ordinance shall take effect immediately from and after 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 **April, 2016**, 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 **10th** day of **May, 2016**, with all members present voting “aye” for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS, AND RECREATION" BY AMENDING ARTICLE 4 ENTITLED "PARKS AND RECREATION," DIVISION 3 ENTITLED "CITY PARK PAVILLION AREAS," SECTION 6-90 ENTITLED "RESERVATIONS, HOURS OF USE AND RENTAL FEES," SUBSECTIONS (B) AND (C) TO REMOVE HEART OF THE CITY PAVILLION FROM THE LIST OF RENTABLE PAVILIONS IN CITY PARKS; REPEALING SECTION 201 REGARDING FEES AND DEPOSITS IN ITS ENTIRETY; AND ADDING A NEW ARTICLE 13 ENTITLED "HEART OF THE CITY PLAZA" TO PROVIDE REGULATIONS CONCERNING HEART OF THE CITY PLAZA RENTALS AND CONSUMPTION OF ALCOHOL ON THE PREMISES; AND; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be in the public interest to regulate the usage of the Heart of the City Plaza and its fees and rules for the downtown festivals that are to be held in City of Big Spring; and

WHEREAS, the City Council finds it to be in the public interest to regulate the public sales and consumption of alcohol for downtown festivals to promote safety;

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

SECTION 1. The City of Big Spring Code of Ordinances Chapter 6, Article 4, Division 3, Section 6-90 entitled "Reservation, Hours of Use and Rental Fees," Subsections (B) and (C) shall hereby be amended to read in their entirety as follows:

Division 3. City Park Pavilion Areas

Sec. 6-90. Reservations, Hours of Use and Rental Fees.

...

(B) **Hours of Use.** The rental of any pavilion located within the Comanche Trail Park or Bert Andries Park will begin at 8:00 a.m. and end at 10:00 p.m. on the day of such rental unless the City Manager or his designee extends the park closing hours pursuant to Section 6-70(C) of this Chapter.

(C) **Rental Fees.** The following fees are for an entire day's rental. No partial day rentals will be allowed.

1. Old Settlers Pavilion \$25.00

2. Belaski Pavilion	\$25.00
3. Haynes Pavilion	\$25.00
4. Mi Familia Pavilion	\$25.00

...

SECTION 2. The City of Big Spring Code of Ordinances Chapter 6 entitled “Cemeteries, Parks, and Recreation,” Article 12 entitled “Fees and Deposits; Exemptions,” Section 201 entitled “Fees and Deposits; Exemptions” is hereby repealed in its entirety.

Sec. 201. Fees and Deposits; Exemptions.

Repealed in its entirety.

SECTION 3. The City of Big Spring Code of Ordinances Chapter 6 entitled “Cemeteries, Parks, and Recreation” is hereby amended to add a new Article 13 entitled “Heart of the City Plaza” and shall read in its entirety as follows:

Article 13. Heart of the City Plaza

Sec. 202. Hours of Operation.

Heart of the City Plaza is available for rent from 8:00 a.m. to midnight on the day of rental.

Sec. 203. Rental Fees.

The rental fee for the Plaza shall be Fifty Dollars (\$50.00) per day. An additional one-time per use, refundable cleaning deposit of Fifty Dollars (\$50.00) shall be assessed at the time of rental and due prior to use of the facility. Following the use of the facility, all necessary cleaning or repair expenses shall be paid and the balance refunded.

Sec. 204. Alcohol Permit

- (A) **Approved Areas.** The sale, distribution, delivering and/or consumption of alcoholic beverages shall be allowed at Heart of the City Plaza in conjunction with an approved alcohol permit, or as authorized by the Chief of Police for downtown festivals/events.
- (B) **Applications.** The application for reservations where the sale, distribution, delivery and/or consumption of alcohol is planned must be:
 - 1. Submitted not later than fourteen (14) days prior to the date of the event;
 - 2. Made in the form prescribed by the City Manager;

3. Accompanied by proof of approval by the Texas Alcoholic Beverage Commission for the sale, service or delivery of alcoholic beverages for the activity;
4. Accompanied by proof that the applicant does not owe any delinquent taxes to the City of Big Spring or Howard County; and
5. Accompanied by payment for all applicable fees for the location as well as an additional non-refundable temporary alcohol permit fee in the amount of One-Hundred Fifty Dollars (\$150.00) per day.

(C) Conditions. The following conditions apply:

1. Specific date(s) and times that the reservation is valid shall be set forth in writing and shall not exceed three (3) consecutive days;
2. Evidence of approval from the Texas Alcoholic Beverage Commission to sell, serve and/or deliver alcoholic beverages for the activity shall be kept at the location during the entire event;
3. The dispensing of alcoholic beverages must be from a bulk delivery service using biodegradable paper cups or aluminum cans. No glass containers or bottles will be allowed;
4. Sale, distribution, or delivery of alcoholic beverages must stop no later than one (1) hour before the scheduled end of the event;
5. The Chief of Police will determine whether security is required for the authorized sale, distribution, or consumption of alcohol on the premises. The permit holder is responsible for all costs associated with procuring security personnel.
6. If the sale, distribution, and/or consumption of alcohol in the Heart of the City Plaza is associated with rental of the premises, no alcoholic beverages may be carried in or out of the specific location authorized in the reservation except by those persons authorized by Texas Alcoholic Beverage Commission to sell, serve or deliver alcoholic beverages for the event, while in the course and scope of such purpose; and
7. Exception: If the Heart of the City Plaza is included inside the designated boundary of a festival or event that has been permitted by the Texas Alcohol and Beverage Commission for the sale, distribution, and/consumption of alcohol and approved by the Chief of Police, alcohol may be carried and consumed on the premises at Heart of the City Plaza. In this instance, a City

Alcohol Permits is only required if alcohol is sold or distributed on the premises of Heart of the City Plaza.

Sec. 205. Release of City from Liability for Injury or Damages.

Each rental pursuant to the provisions of this article shall be conditioned that, by the request of such rental, the renter thereof releases the city fully and completely from any and all injuries or damages that might be sustained by the renter thereof or any other individuals participating in an event held at the Heart of the City Plaza or the area surrounding the Plaza. Any use of the premises shall constitute acceptance of this release.

SECTION 4. 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 5. Any ordinance that conflicts with this ordinance is hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **26th** day of **April, 2016**, with all members voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **10th** day of **May, 2016**, with all members voting "aye" for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary



FACILITY RENTAL AGREEMENT

This Facility Rental Agreement (the "Agreement") is made and entered into on this the _____ day of _____, 20____ by and between the City of Big Spring (Owner) and

Renter:

_____	_____
Name	Address
_____	_____
Phone Number	City/State/Zip

collectively known as the "Parties." The Parties hereby agree as follows:

The City of Big Spring hereby rents to the Renter _____ ("the Premises") beginning on _____ the _____ of _____, 20____ at _____ .m. and commencing on _____ the _____ of _____, 20____ at _____ .m. for a total rental cost of \$_____.

A Deposit of \$_____ was provided to the City of Big Spring at the time the facility was reserved. This deposit is held to ensure payment for cleaning or repairs of damages caused by negligence, carelessness, accident, or abuse of the premises, equipment, grounds, and/or parking lot which may result from the use of the Facility by the Renter or any person allowed into the facility by Renter whether through Renter's action or inaction. In the event repairs and/or cleaning costs exceed the amount of the deposit, Renter shall be responsible for the payment of any excess.

All Rental fees are due no later than seven (7) days prior to the scheduled event.

If a alcohol permit, food permit, insurance certificate, security/dance permit, is required for the facility in conjunction with the rental, a copy of the appropriate associated documents are required to be submitted to the Facilities Coordinator upon final payment of rental fees.

By executing the Facility Use Guidelines, the renter agrees to indemnify and hold harmless the City of Big Spring from any and all liability, civil, administrative or otherwise, whether through tort, contract or any other form of claim which may result from or be related to the use of the Center by renter. In the event suit is filed as a result of renter's activities, renter agrees to provide, at renter's sole expense, a defense to such suit through legal counsel acceptable to the City of Big

Spring. In the event a judgment is entered finding that the suit or claim was partially the fault of the City of Big Spring, then this indemnity and any resulting payments shall be reduced by the percentage that the fault of the City of Big Spring bears to the total liability. The City of Big Spring shall only be required to comply with this section to the extent allowed by law.

I HAVE CAREFULLY READ AND UNDERSTOOD THE FOREGOING PARAGRAPHS. I HEREBY ACCEPT THE CONDITIONS OF THIS AGREEMENT ACCORDING TO ITS TERMS.

Renter Signature

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER TWO OF THE CODE OF ORDINANCES ENTITLED “ALCOHOLIC BEVERAGES” BY ADDING A NEW SECTION 2-12 ENTITLED “TEMPORARY ALCOHOL PERMIT” REQUIRING A TEMPORARY ALCOHOL PERMIT FOR PUBLIC EVENTS IN WHICH ALCOHOL IS SOLD OR DISTRIBUTED FOR CONSUMPTION WITHIN THE CITY; ESTABLISHING A PERMIT FEE OF ONE-HUNDRED-FIFTY DOLLARS (\$150.00); REQUIRING SECURITY FOR EVENTS IN WHICH ALCOHOL IS SOLD OR DISTRIBUTED; AND PROVIDING A PENALTY OF NOT LESS THAN TWO-HUNDRED DOLLARS (\$200.00); PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds it in the best interest of the citizens of Big Spring to provide regulations for the sale, distribution, or consumption of alcohol at public events;

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

SECTION 1. The Big Spring Code of Ordinances, Chapter 2 entitled “Alcoholic Beverages” is hereby amended by adding a new Section 2-12 entitled “Temporary Alcohol Permit” to read in its entirety as follows:

Sec. 2-12. Temporary Alcohol Permit.

- (A) **Permit Required.** It shall be unlawful for any person to sell or distribute alcohol for public consumption at any public event, whereby tickets are sold or a set entrance fee is prescribed, within the City without first obtaining a Temporary Alcohol Permit.
- (B) **Application.** Applications for Temporary Alcohol Permits shall be submitted to the Office of Community Services at least fourteen (14) calendar days prior to the event. Applicants shall provide a copy of an approved alcohol license/permit issued by the Texas Alcoholic Beverage Commission.
- (C) **Permit Fee:** The permit fee shall be One-Hundred-Fifty Dollars (\$150.00).
- (D) **Security:** The Chief of Police will determine whether security is required for the authorized sale, distribution, or consumption of alcohol. The permit holder is responsible for all costs associated with procuring security personnel.
- (E) **Penalty.** Any person or entity violating the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than Two-Hundred Dollars (\$200.00).

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

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

SECTION 4. 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 required by law.

SECTION 5. This ordinance shall take effect following its passage and 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 26th day of April, 2016, 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 10th day of May, 2016, with all members present voting “aye” for the same

Larry McLellan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary