CITY OF
Big Spring

CITY COUNCIL AGENDA

Tuesday, June 9, 2015

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, June 9, 2015, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

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

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

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

Thank You!

1.	Invocation & Pledge of Allegiance to the United States Flag and to the Texas State Flag **"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."**		McLellan

Announcements & Public Hearings

2.	**Announcement** –		McLellan

Disposition of Minutes

3.	Approval of the Minutes of the Regular Meetings of May 12, 2015 and May 26, 2015	5-14	Davis

Consent Items

4.	Final Reading of an Ordinance Amending Chapter Eighteen of the Big Spring Code of Ordinances Entitled "Traffic," by Amending Article 3 Entitled "Operation of Vehicles Generally" by Adding New Sections 18-86 Through18-89 Authorizing Police Officers to Impound Vehicles Operating in Violation of a City or State Traffic	15-17	Williams

Law that are Found Not to be Insured, Establishing Fees Associated with the Impoundment of Such Vehicles, Providing Certain Exceptions to the Established Fees, and Declaring it Unlawful to Remove a Vehicle from the Impound Lot Without Payment of Established Fees or Prior Authorization; Providing for Severability; Providing for Publication; and Providing an Effective Date

5.	Final Reading of an Ordinance Amending Chapter Thirteen of the Code of Ordinances Entitled "Health, Safety and Nuisances," by Adding a New Section 13-185 Entitled "Miscellaneous Smoking Regulations and Permitting" to Establish Regulations for Signs and Requiring a Permit; Providing for Severability; Providing for Publication; and Providing an Effective Date	18-19	Darden
6.	Final Reading of an Ordinance Amending Chapter Seven of the Code of Ordinances Entitled "Finance," Section 7-14 Entitled "Convention and Visitors Bureau Board," Subsection (A) Entitled, "Composition of the Board" by Replacing the Chamber of Commerce Board of Directors President Elect With Any Member of the Chamber of Commerce Board of Directors as Appointed by Members of the Chamber Board; Amending Subsection (B) Entitled "Terms of Office" Establishing a Three Year Term for the Chamber of Commerce Board Member; Amending Subsection (E) Entitled "Staff Liaison" to Reflect that the Community Services Director, Formally Known as the Convention and Visitors Bureau Coordinator, is Appointed as Staff Liaison and Secretary of the Board; Providing for Severability; and Providing an Effective Date	20-21	Wegman

Routine Business

7.	Vouchers for 05/28/15 $ 709,784.58 Vouchers for 06/04/15 $ 238,613.25		Waggoner

New Business

8.	Emergency 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	22	Wegman
9.	First Reading of an Ordinance Amending Ordinance Number 048-2014 Which Adopted the Annual Budget for the Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015 to Transfer Funds from the Cemetery Fund to the Street Department Fund for the Purchase of a Water Trailer for Street Maintenance; Providing for Publication; Providing an Effective Date	23-24	Womack

10.	Consideration and Approval of an Easement and Right of Way Granted to Suddenlink Communications at McMahon-Wrinkle Airport and Industrial Park for Underground and Aboveground Communications Cables and Supporting Structures and Authorizing the City Manager or His Designee to Execute Any Necessary Documents	25-27	Little

City Manager's Report

11.	Standing Report	Darden

Council Input

12.	Input	McLellan

Executive Session

13.	Adjourn into Executive Session in Accordance with Texas Government Code Section 551.071(1) (A) to Consult with the City Attorney Concerning Pending or Contemplated Litigation and Claims	McLellan
14.	Executive Session in Accordance with Texas Government Code Section 551.072 to Deliberate the Purchase, Exchange, Lease or Value of Real Property	McLellan
15	Reconvene in Open Session and Take Any Necessary Action	McLellan
16.	Adjourn	McLellan

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on Friday, June 5, 2015 at 4:30 p.m. In addition, this agenda and supporting documents are posted on the City of Big Spring's website, **www.mybigspring.com** in accordance with legal requirements.

Lesa Gamble

Lesa Gamble, Assistant to the City Manager

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATIONS OR HEARING-IMPAIRED PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT LESA GAMBLE AT 264-2401. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 48 HOURS IN ADVANCE OF THE MEETING TIME.

Agenda Removal Notice - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

June _____, 2015 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., May 12, 2015, with the following members present:

LARRY McLELLAN	Mayor
RAUL MARQUEZ	Councilmember
CARMEN HARBOUR	Councilmember
JUSTIN MYERS	Councilmember
BOBBY McDONALD	Councilmember (Outgoing)
STEVE WAGGONER	Councilmember (Incoming)
MARVIN BOYD	Councilmember (Outgoing)
JIM DEPAUW	Councilmember (Incoming)

(Mayor Pro Tem Benavides 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
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire 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

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

ANNOUNCEMENTS & PUBLIC HEARINGS

ANNOUNCEMENT – PROCLAMATION "NATIONAL NURSES WEEK"

Mayor McLellan read a proclamation for "National Nurses Week" for the week of May 3 through May 9, 2015.

DISPOSITION OF MINUTES

APPROVAL OF MINUTES OF THE REGULAR MEETING OF APRIL 28, 2015

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

NEW BUSINESS

EMERGENCY READING OF AN ORDINANCE CONVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION WHICH WAS HELD ON THE 9TH DAY OF MAY, 2015, FOR THE PURPOSE OF ELECTING COUNCILMEMBER DISTRICT TWO

Mayor McLellan and the Councilmembers reviewed the canvass returns for which the results were as follows: City Councilmember District Two – Carmen Moreno Harbour with 54 votes and Thomas R. Padilla with 31 votes.

Motion was made by Councilmember McDonald, seconded by Councilmember Myers with all members of the Council voting "aye" approving an emergency reading of an ordinance canvassing the above captioned results and declaring Carmen Moreno Harbour as City Councilmember District Two.

RECOGNITION OF OUTGOING COUNCILMEMBERS

Mayor McLellan and Todd Darden, City Manger thanked Councilmember McDonald and Councilmember Boyd for serving on the City Council and presented them with a plaque.

ADMINISTER OATH OF OFFICE TO DULY ELECTED COUNCILMEMBERS

Judge Tim Green, Municipal Court Judge, administered the oath of office to duly elected Carmen M. Harbour, Steve Waggoner and Jim Depauw and presented them with a certificate of election as Councilmembers.

CONSENT ITEMS

FINAL READING OF AN ORDINANCE AMENDING CHAPTER THREE OF THE CODE OF ORDINANCES ENTITLED "ANIMALS," ARTICLE 3 ENTITLED "MISCELLANEOUS REGULATIONS" BY ADDING A NEW SECTION 3-13-1 ENTITLED "ANIMALS AND COMMUNITY EVENTS" PROHIBITING ANIMALS AT THE AMPHITHEATER DURING COMMUNITY EVENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS AND RECREATION," BY AMENDING ARTICLE 11, ENTITLED "RUSS MCEWEN AQUATIC CENTER," SECTION

6-194 ENTITLED "PRIVATE GROUP RENTALS" TO REDUCE THE FULL FACILITY RENTAL, WITH A TWO HOUR MINIMUM, FROM $500.00 PER HOUR TO $200.00 PER HOUR AND TO REDUCE THE REQUIRED DEPOSIT FROM $500.00 TO $200.00; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 048-2014 WHICH ADOPTED THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 TO INCREASE THE AIRPARK FUND BUDGET FOR THE PURPOSE OF PROVIDING A 50/50 TxDOT MATCH OVERRUN OF THE COSTS ASSOCIATED WITH NEW T-HANGARS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE APPROVING A FINAL PLAT ON AN APPROXIMATELY 18-049 ACRE TRACT LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF DONLEY STREET AND 20TH STREET, MORE SPECIFICALLY, THIS PROPERTY OCCUPIES APPROXIMATELY 18.049 ACRES OUT OF THE SOUTH HALF OF SECTION 5, BLOCK 32, T-1-S, T&P RR. CO. SURVEY, HOWARD COUNTY, TEXAS, IN SOUTH CENTRAL BIG SPRING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ON BEHALF OF SAID CITY, ALL NECESSARY DOCUMENTS TO VACATE AND ABANDON THE ALLEY LOCATED IN BLOCK 37 OF THE BAUER ADDITION, BIG SPRING, HOWARD COUNTY, TEXAS, SAVE AND EXCEPT A 20' PUBLIC UTILITY EASEMENT

ACCEPTANCE OF THE MCMAHON-WRINKLE AIRPORT AND INDUSTRIAL PARK DEVELOPMENT BOARD MEETING MINUTES FOR THE MEETING OF MARCH 19, 2015

Motion was made by Councilmember Myers, seconded by Councilmember DePauw, with all members of the Council voting "aye" approving the above listed resolution, ordinances and minutes.

ROUTINE BUSINESS

Councilmember Harbour reviewed the vouchers in the amount of $1,201,656.59 (04/30/15) and $1,309,644.29 (05/07/15). Motion was made by Councilmember Harbour, seconded by Councilmember Marquez, with all members of the Council voting "aye" approving the above listed vouchers.

NEW BUSINESS

FIRST READING OF AN ORDINANCE AMENDING CHAPTER TWO OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "ALCOHOLIC BEVERAGES" BY AMENDING SECTION 2-7 ENTITLED "POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN CITY PARKS; EXCEPTIONS," SUBPART (B) TO INCLUDE EVENTS HOSTED AT THE MI FAMILIA PAVILION AT BERT ANDRIES PARK IN THE EXCEPTIONS WHICH PERMIT THE POSSESSION AND CONSUMPTION OF ALCOHOL IN CITY PARKS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER SIX OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS AND RECREATION," BY AMENDING ARTICLE 4, DIVISION 4 ENTITLED "MISCELLANEOUS REGULATION," SECTION 6-107 TO AUTHORIZE THE SALE, SERVICE, OR CONSUMPTION OF ALCOHOL AT THE MI FAMILIA PAVILION AT BERT ANDRIES PARK, TO ESTABLISH ALCOHOL PERMIT FEES AND USE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER THIRTEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "HEALTH, SAFETY AND NUISANCES," ARTICLE 5 ENTITLED "FOOD AND FOOD ESTABLISHMENTS" SECTION 13-104 ENTITLED "PERMIT FEES," SUBPART (D) ENITLTED "TEMPORARY FOOD ESTABLISHMENTS" TO PROVIDE FOR A 14-DAY MULTIPLE EVENT PERMIT AND ESTABLISHING A PERMIT FEE OF $75.00; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

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

CONSIDERATION AND APPROVAL OF AN INDUSTRIAL PARK LEASE WITH TANK SAFETY GAUGE, INC. AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

CITY MANAGER'S APPOINTMENT TO CIVIL SERVICE COMMISSION

Todd Darden, City Manager, appointed Kinsey Hansen to the Civil Service Commission. Motion was made by Councilmember DePauw, seconded by Councilmember Myers, with all members of the Council voting "aye" approving the City Manager's appointment.

APPROVAL OF INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2015

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

CITY MANAGER'S REPORT

Mr. Darden congratulated the new Councilmembers.

COUNCIL INPUT

All Councilmembers congratulated the new Councilmembers and are looking forward to working with them.

ADJOURN

Mayor McLellan adjourned the meeting at 6:20 p.m.

CITY OF BIG SPRING, TEXAS

_____

Larry McLellan, Mayor

ATTEST:

_____

Tami L. Davis, Assistant City Secretary

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., May 26, 2015, with the following members present:

LARRY McLELLAN	Mayor
RAUL BENAVIDES	Mayor Pro Tem
RAUL MARQUEZ	Councilmember
CARMEN HARBOUR	Councilmember
STEVE WAGGONER	Councilmember
JIM DEPAUW	Councilmember

(Councilmember Myers 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
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire 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

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

ANNOUNCEMENTS & PUBLIC HEARINGS

ANNOUNCEMENT – PERMIAN BASIN LAW ENFORCEMENT ACADEMY GRADUATES

Mayor McLellan recognized Blake Grantham, Wesley Davis and Dustin Thomas who graduated from the Permian Basin Law Enforcement Academy and were sworn in as police officers on May 12, 2015.

DISPOSITION OF MINUTES

There were no minutes at this time.

CONSENT ITEMS

FINAL READING OF AN ORDINANCE AMENDING CHAPTER TWO OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "ALCOHOLIC BEVERAGES" BY AMENDING SECTION 2-7 ENTITLED "POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN CITY PARKS; EXCEPTIONS," SUBPART (B) TO INCLUDE EVENTS HOSTED AT THE MI FAMILIA PAVILION AT BERT ANDRIES PARK IN THE EXCEPTIONS WHICH PERMIT THE POSSESSION AND CONSUMPTION OF ALCOHOL IN CITY PARKS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER SIX OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS AND RECREATION," BY AMENDING ARTICLE 4, DIVISION 4 ENTITLED "MISCELLANEOUS REGULATION," SECTION 6-107 TO AUTHORIZE THE SALE, SERVICE, OR CONSUMPTION OF ALCOHOL AT THE MI FAMILIA PAVILION AT BERT ANDRIES PARK, TO ESTABLISH ALCOHOL PERMIT FEES AND USE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER THIRTEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "HEALTH, SAFETY AND NUISANCES," ARTICLE 5 ENTITLED "FOOD AND FOOD ESTABLISHMENTS" SECTION 13-104 ENTITLED "PERMIT FEES," SUBPART (D) ENITLTED "TEMPORARY FOOD ESTABLISHMENTS" TO PROVIDE FOR A 14-DAY MULTIPLE EVENT PERMIT AND ESTABLISHING A PERMIT FEE OF $75.00; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Marquez, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving the above listed ordinances.

ROUTINE BUSINESS

Councilmember DePauw reviewed the vouchers for Councilmember Myers in the amount of $917,791.48 (05/14/15) and $384,120.27 (05/21/15). Motion was made by Councilmember DePauw, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving the above listed vouchers.

NEW BUSINESS

ELECTION OF MAYOR PRO TEM

Nominations for Mayor Pro Tem were Raul Benavides, Justin Myers and Carmen Harbour. Councilmember Myers was elected Mayor Pro Tem by paper ballot votes of five to one.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER EIGHTEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "TRAFFIC," BY AMENDING ARTICLE 3 ENTITLED "OPERATION OF VEHICLES GENERALLY" BY ADDING NEW SECTION 18-86 THROUGH 18-89 AUTHORIZING POLICE OFFICERS TO IMPOUND VEHICLES OPERATING IN VIOLATION OF A CITY OR STATE TRAFFIC LAW THAT ARE FOUND NOT TO BE INSURED, ESTABLISHING FEES ASSOCIATED WITH THE IMPOUNDMENT OF SUCH VEHICLES, PROVIDING CERTAIN EXCEPTIONS TO THE ESTABLISHED FEES, AND DECLARING IT UNLAWFUL TO REMOVE A VEHICLE FROM THE IMPOUND LOT WITHOUT PAYMENT OF ESTABLISHED FEES OR PRIOR AUTHORIZATION; 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.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER THIRTEEN OF THE CODE OF ORDINANCES ENTITLED "HEALTH SAFETY AND NUISANCES," BY ADDING A NEW SECTION 13-185 ENTITLED "MISCELLANEOUS SMOKING REGULATIONS AND PERMITTING" TO ESTABLISH REGULATIONS FOR SIGNS AND REQUIRING A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER SEVEN OF THE CODE OF ORDINANCES ENTITLED "FINANCE," SECTION 7-14 ENTITLED "CONVENTION AND VISITORS BUREAU BOARD," SUBSECTION (A) ENTITLED, "COMPOSITION OF THE BOARD" BY REPLACING THE CHAMBER OF COMMERCE BOARD OF DIRECTORS PRESIDENT ELECT WITH ANY MEMBER OF THE CHAMBER OF COMMERCE BOARD OF DIRECTORS AS APPOINTED BY MEMBERS OF THE CHAMBER BOARD; AMENDING SUBSECTION (B) ENTITLED "TERMS OF OFFICE" ESTABLISHING A THREE YEAR TERM FOR THE CHAMBER OF COMMERCE BOARD MEMBER; AMENDING SUBSECTION (E) ENTITLED "STAFF LIASION" TO REFLECT THAT THE COMMUNITY SERVICES DIRECTOR, FORMALLY KNOWN AS THE CONVENTION AND VISITORS BUREAU COORDINATOR, IS APPOINTED AS STAFF LIAISON AND SECRETARY OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

CONSIDERATION AND APPROVAL OF A PETITION BY JERRY WORTHY, TO ANNEX INTO THE BIG SPRING CITY LIMITS 3113 SOUTH HIGHWAY 87, A TWO ACRE TRACT LOCATED APPROXIMATELY 675 FEET NORTHEAST OF THE INTERSECTION OF VILLAGE STREET AND US HIGHWAY 87; MORE SPECIFICALLY BEING ONE ACRE OUT OF SECTION 7, BLOCK 32, IS OF TRACT 1170, AND BEING ONE ACRE OUT OF SECTION 7, BLOCK 32, IS OF TRACT 171 OF THE T&P RR. CO. SURVEY, HOWARD COUNTY, TEXAS

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

CONSIDERATION AND APPROVAL OF AN AGREEMENT WITH PARSLEY ROOFING INC. DBA AMERICAN ROOFING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

APPROVAL AND ACCEPTANCE OF THE MINUTES OF THE REGULAR MEETING OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION HELD ON APRIL 21, 2015

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

APPOINTMENTS TO THE COLORADO RIVER MUNICIPAL WATER DISTRICT BOARD

Jim Weaver and Ray Kennedy were appointed to the Colorado River Municipal Water District Board by paper ballots.

APPOINTMENTS OF TWO COUNCILMEMBERS TO THE CONVENTION AND VISITORS BOARD

Nominations to the Convention and Visitors Board were Raul Marquez, Steve Waggoner and Jim DePauw. Raul Marquez and Jim DePauw were appointed to the Convention and Visitors Board by paper ballots.

CITY MANAGER'S REPORT

Mr. Darden announced that the annual Splash In is scheduled for Saturday, May 30, 2015 at 1:00 p.m.

COUNCIL INPUT

Mayor McLellan announced that the aquatic center looks for nice for the Splash In and reminded citizens about the new rate for private rentals. He also announced that the next Summer's on the Green held at the Settles Hotel will be June 13, 2015.

Councilmember Depauw reminded citizens that this was the last week of school and to watch out for kids.

ADJOURN

Mayor McLellan adjourned the meeting at 6:23 p.m.

CITY OF BIG SPRING, TEXAS

_____

Larry McLellan, Mayor

ATTEST:

_____

Tami L. Davis, Assistant City Secretary

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER EIGHTEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "TRAFFIC," BY AMENDING ARTICLE 3 ENTITILED "OPERATION OF VEHICLES GENERALLY" BY ADDING NEW SECTIONS 18-86 THROUGH 18-89 AUTHORIZING POLICE OFFICERS TO IMPOUND VEHICLES OPERATING IN VIOLATION OF A CITY OR STATE TRAFFIC LAW THAT ARE FOUND NOT TO BE INSURED, ESTABLISHING FEES ASSOCIATED WITH THE IMPOUNDMENT OF SUCH VEHICLES, PROVIDING CERTAIN EXCEPTIONS TO THE ESTABLISHED FEES, AND DECLARING IT UNLAWFUL TO REMOVE A VEHICLE FROM THE IMPOUND LOT WITHOUT PAYMENT OF ESTABLISHED FEES OR PRIOR AUTHORIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Police Department of the City of Big Spring established a departmental policy regarding the Towing and Impounding of Vehicles without Proof of Financial Responsibility (the "Vehicle Impound Policy") which was approved by the City Council pursuant to Resolution No. 38-2006 on June 27, 2006, and which established administrative and impound fees relating to such towed and impounded vehicles;

WHEREAS, the City Council approved an increase in the established administrative fees charged by the City on May 27, 2008 pursuant to Ordinance No. 23-2008; and

WHEREAS, the City Council finds it in the best interest of the public to authorize police officers to impound vehicles stopped for an alleged violation of a city or state traffic law without proof of financial responsibility;

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 Ordinances, Chapter 18 entitled "Traffic," Article 3 entitled "Operation of Vehicles Generally," is hereby amended by adding new Sections 18-86 through 18-89 which shall read in their entirety as follows:

Sec. 18-86. Lack of Financial Responsibility; Impound Authorization.

A police officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the Chief of Police when:

(A) the vehicle or other property is involved in an accident and the vehicle or property owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or

(B) The vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.

Sec. 18-87. Impoundment and Redemption Fees.

A vehicle or other property removed or towed under authorization of this Chapter and/or pursuant to the Vehicle Impound Policy must be kept at the place designated by the Chief of Police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of the costs associated with towing, notification, impoundment and storage. The Chief of Police shall charge fees for the impoundment and storage of vehicles or other property at the city impound lot as follows:

(A) The driver or owner of any vehicle or property towed or removed pursuant to this Chapter shall be assessed an administrative fee of One-Hundred Fifty Dollars ($150.00) prior to the release of the vehicle or property to cover the cost to the Police Department for towing the vehicle and any administrative costs; and

(B) The driver or owner of the vehicle shall be required to pay, prior to the release of the vehicle or other property, a storage charge of Twenty Dollars ($20.00) per day for each day, or part of a day, that the vehicle or property impounded.

Sec. 18-88. Exception to Impound and Administrative Fees.

The Chief of Police or a designated representative may release a vehicle or other property without payment of administrative or storage fees if subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the person did not commit a criminal offense.

Sec. 18-89. Unauthorized Control of Impounded Vehicle or Property.

A person commits an offense if he/she removes, or attempts to remove, a vehicle or other property from city impoundment lot without first paying the storage and administrative fees that have accrued as a result of authorized impoundment.

SECTION 2. The departmental policy regarding the Towing and Impounding of Vehicles without Proof of Financial Responsibility (the "Vehicle Impound Policy") shall be updated to reflect the amendment herein.

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 the conflict.

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

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 **May, 2015,** with all members present voting "aye" for passage of the same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **9th** day of **June, 2015,** with all members present voting "aye" for passage of the 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 THIRTEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "HEALTH SAFETY AND NUISANCES," BY ADDING A NEW SECTION 13-185 ENTITLED "MISCELLANEOUS SMOKING REGULATIONS AND PERMITTING" TO ESTABLISH REGULATIONS FOR SIGNS AND REQUIRING A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

SECTION 1: The City of Big Spring Code of Ordinances Chapter 13 entitled "Health, Safety and Nuisances," Article 9 entitled "City Smoking Ordinance," is hereby amended to add a new Section 13-185 entitled "Miscellaneous Regulations and Permitting" to read in its entirety as follows:

Sec. 13-185. Miscellaneous Regulations and Permitting.

(A) Signs: Every public place where this Article prohibits smoking shall have posted at every public and employee entrance a conspicuous sign clearly stating that smoking is prohibited.

(B) Smoking Paraphernalia: All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager or other person having control of such area.

(C) Permit: New or existing smoke-free restaurants, places of employment, or other places of employment or public places where it is not otherwise prohibited to designate a smoking area, may apply for a permit upon compliance with other smoking requirements of this Article regarding designation of a smoking area. All permits shall be renewed annually.

(D) Permit Fee: The fee shall be Fifty Dollars ($50.00).

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

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

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

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

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **26th** day of **May, 2015**, with all members voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **9th** day of **June, 2015**, with all members voting "aye" for the passage of same.

_____
Larry McLellan, Mayor

ATTEST:

_____
Tami Davis, Asst. City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER SEVEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "FINANCE," SECTION 7-14 ENTITLED "CONVENTION AND VISITORS BUREAU BOARD," SUBSECTION (A) ENTITLED, "COMPOSITION OF THE BOARD" BY REPLACING THE CHAMBER OF COMMERCE BOARD OF DIRECTORS PRESIDENT ELECT WITH ANY MEMBER OF THE CHAMBER OF COMMERCE BOARD OF DIRECTORS AS APPOINTED BY MEMBERS OF THE CHAMBER BOARD; AMENDING SUBSECTION (B) ENTITLED "TERMS OF OFFICE" ESTABLISHING A THREE YEAR TERM FOR THE CHAMBER OF COMMERCE BOARD MEMBER; AMENDING SUBSECTION (E) ENTITLED "STAFF LIAISON" TO REFLECT THAT THE COMMUNITY SERVICES DIRECTOR, FORMALLY KNOWN AS THE CONVENTION AND VISITORS BUREAU COORDINATOR, IS APPOINTED AS STAFF LIAISON AND SECRETARY OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Big Spring finds it is in the best interest of the efficient operation of the Convention and Visitors Bureau to allow any member of the Chamber of Commerce Board of Directors to serve on the Convention and Visitors Bureau Board;

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 7 entitled "Finance" Section 7-14 entitled "Convention and Visitors Bureau Board" Subsection (A) entitled "Composition of the Board," Subsection (B) entitled "Terms of Office," and Subsection (E) entitled "Staff Liaison" are hereby amended with such subsections to read in their entirety as follows:

Sec. 7-14. Convention and Visitors Bureau Board.

(A) Composition of the Board

The Convention and Visitors Bureau Board shall be composed of the following:

1. Two City Council members, each of whom shall be appointed by a majority vote of the City Council;

2. A member of the Chamber of Commerce Board of Directors who shall be appointed by members of the Chamber Board;

3. Three at-large members appointed by majority vote of the City Council;

4. One at-large member from the local hotel industry appointed by majority vote of the City Council; and

5. The City Manager and Director of Finance of the City of Big Spring who shall serve in an advisory capacity as ex-officio, non-voting members of the Board.

(B) Terms of Office

Councilmembers shall be subject to reappointment following their re-election to their respective council seats. The at-large members shall serve a term of three (3) years. The representative of the Chamber of Commerce Board of Directors shall serve a term of three (3) years coinciding with his/her term on the Chamber of Commerce Board of Directors. All members are subject to removal by the City Council at the will of the Council.

. . . .

(E) Staff Liaison

The Community Services Director, as staff liaison to the Convention and Visitors Bureau Board, shall act as Secretary of the Board and shall be responsible for keeping the minutes and other official records of the Board.

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

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

SECTION 4. This ordinance shall take effect 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 **May, 2015,** with all members present voting "aye" for passage of the same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **9th** day of **June, 2015,** with all members present voting "aye" for passage of the same.

ATTEST:

Larry McLellan, Mayor

Tami Davis, Asst. City Secretary

Governing Authority Resolution
Business Organization

COUNTRY, TERRITORY or NATION OF United States

STATE or PROVINCE OF Texas

COUNTY OF Howard

On the 9th day of June, year 2015, 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
- ☒ 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 9th day of June, year 2015.

Signature

Larry McLellan, Mayor
Printed Name and Title

Subscribed and sworn to (or affirmed) before me on this 9th day of June, year 2015

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 048-2014 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 TO TRANSFER FUNDS FROM THE CEMETERY FUND TO THE STREET DEPARTMENT FUND FOR THE PURCHASE OF A WATER TRAILER FOR STREET MAINTENANCE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, funding budgeted for new equipment for the cemetery is insufficient, the previously allocated funds are better utilized for the purchase of a water trailer to assist in street maintenance;

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

SECTION 1. The Street Department Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015 is hereby increased by the amount of $20,000 for the purpose of purchasing a new water trailer to assist in street maintenance. These funds will be transfered from the Cemetery Fund Budget (625-028-920-6401) to the Street Department Fund Budget (002-022-320-6311).

SECTION 2. The remaining portions of Ordinance Number 048-2014 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 **9th** day of **June, 2015** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **23rd** day of **June, 2015** with all members of the Council voting "aye" for the passage of same.

_____
Larry McLellan, Mayor

ATTEST:

_____
Tami L. Davis, Assistant City Secretary

EASMENT AND RIGHT OF WAY

STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HOWARD §

That **The City of Big Spring,** a Texas municipal corporation, acting herein and through its duly authorized representative, hereinafter called "Grantor," whether one or more, for and in consideration of Ten Dollars ($10.00) and other valuable consideration to Grantor in hand paid by **Suddenlink Communications,** a _____, *[type of entity]*, whose address is _____ *[business address]*, herein referred to as "Grantee," has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for above-ground and underground communications cables, consisting of wires and cables, supporting structures, surface mount equipment, conduits and all necessary or desirable appurtenances over, under, through, across, and upon Grantor's land, which is described as follows:

See Exhibit "A," attached hereto and incorporated by reference the same is fully copied and set forth at length.[1]

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities within the same easement; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard hereto. Grantor shall not make changes in grade, elevation or contour of the land

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

or impound water within the easement area as described above without prior written consent of Grantee.

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

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

EXECUTED this _____ day of _____, 2015.

CITY OF BIG SPRING

_____

Todd Darden, City Manager

STATE OF TEXAS §
§
COUNTY OF HOWARD §

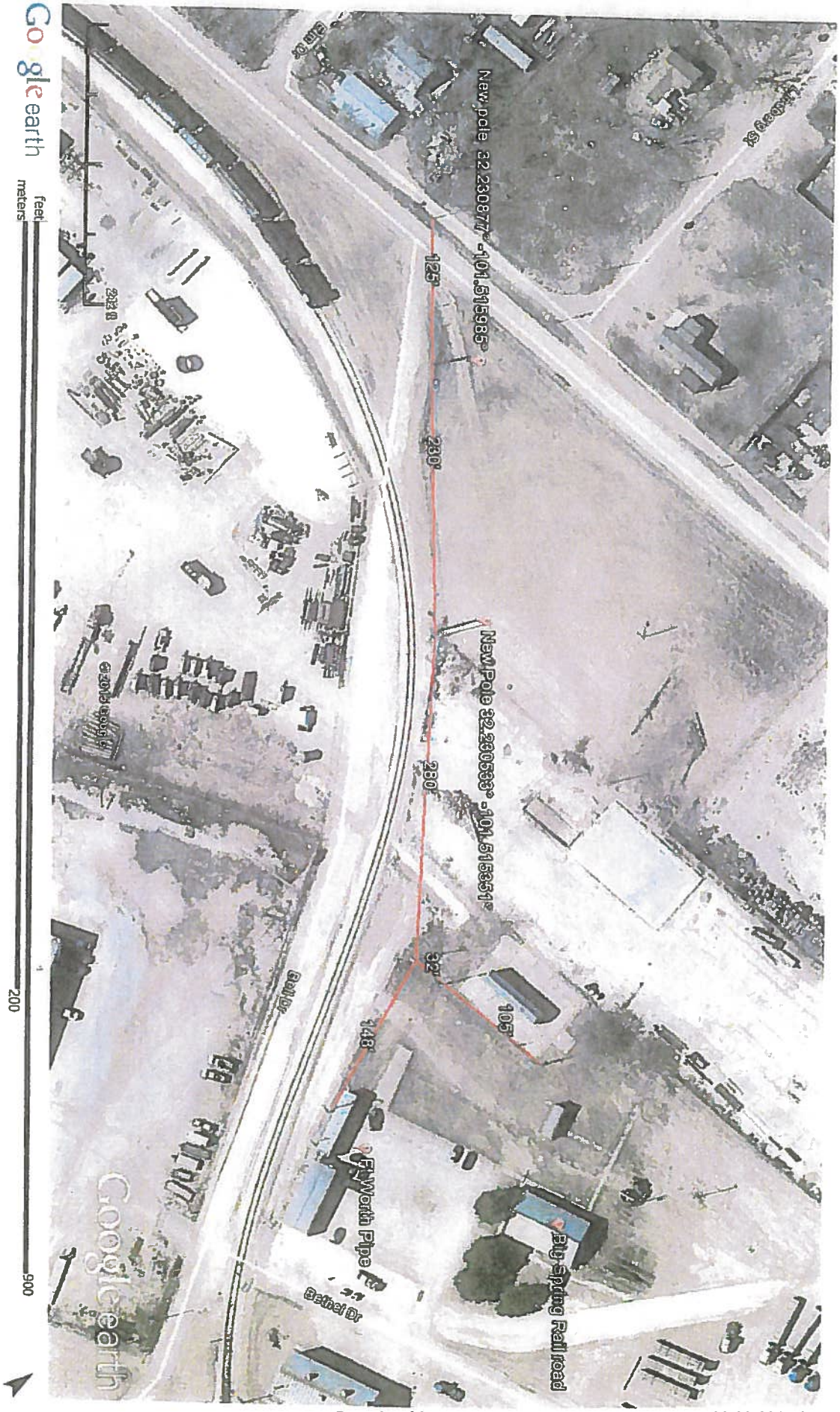
BEFORE ME the undersigned authority, on this day personally appeared _____, as the City Manager of THE CITY OF BIG SPRING, TEXAS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and that he is authorized to do so.

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

_____

Notary Public in and for the State of Texas

Exhibit "A"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Big Spring Railroad
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