



## CITY COUNCIL AGENDA

**Tuesday, October 11, 2016**

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, October 11, 2016, at 5:30 p.m. in the City Council Chambers located at 307 East 4<sup>th</sup> 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 City 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 below 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 Pastor Ken McMean of College Baptist 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.

### Disposition of Minutes

4. Approval of the Minutes of the Regular Meeting of September 27, 2016 6-14 Davis

## Consent Items

5. Final Reading of an Ordinance Amending Chapter 16 of the Code of Ordinances Entitled "Public Utilities," Article 3 Entitled "Utility Service Charges," Section 16-61 Entitled "Water Tampering Fees" by Adding a Fee for Unauthorized Removal or Damage to Miscellaneous Structures; Providing for Severability; Providing for Publication; and Providing an Effective Date. 15-16 Moore
6. Final Reading of an Ordinance Granting to Oncor Electric Delivery Company LLC, its Successors and Assigns, an Electric Power Franchise to use the Present and Future Streets, Alleys, Highways, Public Utility Easements, Public Ways and Public Property of the City of Big Spring, Texas; Providing for Compensation Therefore; Providing for Written Acceptance of this Franchise; Providing for the Repeal of all Existing Franchise Ordinances to Oncor Electric Delivery Company LLC, its Predecessors and Assigns; and Providing for an Effective Date 17-22 Moore
7. Final Reading of an Ordinance Amending Chapter 1 of the Big Spring Code of Ordinances Entitled "Administration," Section 1-38 Entitled "Application for Zone Change" by Renaming the Section to "Application for Zone Change, Planned Development, and Specific Use Permit," Removing the \$100 Refund for Failed Applications, and Relocating the Applicable Fees to Appendix A; Providing for Severability; and Providing an Effective Date. 23-24 Johnson
8. Final Reading of an Ordinance Amending Chapter 17 of the Big Spring Code of Ordinances Entitled "Streets and Sidewalks," Section 17-23 Entitled "Abandoning and Vacating City Streets, Alleys or Easements; Administrative Charges Assessed" and Section 17-50 Entitled "Renaming Streets," by Amending Subsection (f) and Adding a New Subsection (g) in Order to Clarify and Relocate the Applicable Fees to Appendix A; Providing for Severability; and Providing an Effective Date 25-26 Johnson
9. Final Reading of an Ordinance Amending the Subdivision Regulations Ordinance of the City of Big Spring by Repealing Appendices I, II, and III in Their Entirety; Providing for Severability; Providing for Publication; and Providing an Effective Date. 27 Johnson
10. Final Reading of an Ordinance Amending Appendix A of the Big Spring Code of Ordinances Entitled "Fee Schedule" by Adding a New Section 1.500 Entitled "Abandoning and Vacating City Streets, Alleys, and Easements," to Establish a Flat Fee of \$350.00; Section 1.600 Entitled "Street Renaming" to Retain the Previously Established Fee; Section 1.700 Entitled "Subdivision Plats," to Establish a Flat Fee of \$500.00; Section 1.800 Entitled "Zone Change, Planned Development, and Specific Use Permit Fees" to Increase the Fee for Zone Change to \$400.00, Increase the Fee for Planned Development to \$500.00, and Increase the Fee for a Specific 28-29 Johnson

Use Permit to \$325.00; and Adding these New Sections in Order to Relocate the Said Fees from Various Sections of the Code to Appendix A; Providing for Severability; Providing for Publication; and Providing an Effective Date.

- |     |   |       |        |
|-----|---|-------|--------|
| 11. | Acceptance of the Big Spring McMahon-Wrinkle Airpark Development Board Minutes for the Meeting of August 18, 2016.  | 30-31 | Darden |
| 12. | Acceptance of the Howard County Appraisal District Board of Directors Board Minutes for the Meetings of June 8, 2016, July 26, 2016, August 9, 2016, August 10, 2016, August 17, 2016 and August 24, 2016 | 32-40 | Darden |

**Other Business**

- |     |  |       |          |
|-----|--|-------|----------|
| 13. | Discussion of an Ordinance Amending Chapter 5 of the Big Spring Code of Ordinances Entitled “Business and Occupations,” by Repealing and Replacing Article 5 Entitled “Peddlers, Solicitors, and Itinerate Vendors,” with a New Article 5 Entitled “Itinerate Licensing”; Establishing Regulations Applicable to Itinerate Merchants, Peddlers, Solicitors, Mobile Food Vendors, and Fixed Location Food Vendors; Providing for Hours of Operation; Providing a Fee Exemption for Local Itinerate Merchants, Mobile Food Vendors and Fixed Location Food Vendors that have Established Permanent Residency in Big Spring and/or Howard County; Reorganizing the Article for Clarification; Restructuring and Relocating the Applicable Fees to Appendix A; Providing a Penalty of Not Less Than \$50.00 or More Than \$200.00; Providing for Severability; Providing for Publication; and Providing an Effective Date. | 41-50 | Williams |
| 14. | Discussion of an Ordinance Amending Appendix A of the Big Spring Code of Ordinances Entitled “Fee Schedule” by Adding a New Section 1.900 Entitled “Itinerate Licensing” to Establish Fees Applicable to Itinerate Merchants, Peddlers, Solicitors, Roadway Food Vendors, and Fixed Location Food Vendors; and Adding this New Section in Order to Relocate the Said Fees from Chapter 5, Article 5 of the Code to Appendix A; Providing for Severability; Providing for Publication; and Providing an Effective Date.   | 51-52 | Williams |

**Routine Business**

- |     |                       |    |            |          |
|-----|-----------------------|----|------------|----------|
| 15. | Vouchers for 08/25/16 | \$ | 126,468.80 | Harbour  |
|     | Vouchers for 09/01/16 | \$ | 878,820.85 |          |
|     | Vouchers for 09/08/16 | \$ | 438,761.21 |          |
| 16. | Vouchers for 09/29/16 | \$ | 636,855.88 | Waggoner |
|     | Vouchers for 10/06/16 | \$ | 340,221.98 |          |

## New Business

- |  |       |             |
|--|-------|-------------|
| 17. Presentation of Annual Delinquent Tax Report for July, 2015 Through June, 2016 and Any Action in Connection to Same  |       | Drew Mouton |
| 18. First Reading of an Ordinance Amending Ordinance Number 034-2016 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2016 and Ending September 30, 2017 by Increasing the General Fund Budget by Accepting an Invenenergy Grant to be Used for Education and Training; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date. | 53-54 | Ferguson    |
| 19. Approval of a Contract with the Heritage Museum for Historical Preservation and Restoration Projects and Authorizing the Mayor to Execute Any Necessary Documents  | 55-56 | Darden      |
| 20. Approval of an Agreement between the City of Big Spring and Heritage Museum for General Operation of the Potton House and Authorizing the City Manager to Negotiate the Entry Fees and Execute Any Necessary Documents   | 57-59 | Darden      |
| 21. Approval of a Contract with Big Spring Victim Services and Authorizing the Mayor to Execute Any Necessary Documents  | 60-61 | Darden      |

## City Manager's Report

- |                              |  |        |
|------------------------------|--|--------|
| 22. Items of Public Interest |  | Darden |
|------------------------------|--|--------|

## Council Input

- |           |  |          |
|-----------|--|----------|
| 23. Input |  | 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, October 7, 2016 at 5.00 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](http://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 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

September \_\_, 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. 4<sup>th</sup>, Big Spring, Texas, at 5:30 p.m., September 27, 2016, with the following members present:

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

(Councilmember Harbour 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
DON MOORE	Finance Director/City Secretary
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
JOHNNY WOMACK	Public Works Director
JIM LITTLE	Airpark Director
TIM GREEN	Municipal Court Judge
DEBBIE WEGMAN	Community Services Director

## **INVOCATION & PLEDGE OF ALLEGIANCE**

Pastor Lloyd Wells, Spring Creek Fellowship, gave the invocation and Mayor McLellan led the Pledge of Allegiance to the American and Texas Flags.

## **PUBLIC HEARINGS**

**PUBLIC HEARING – AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS ORDINANCE OF THE CITY OF BIG SPRING BY REPEALING APPENDICES I, II AND III.**

Motion was made by Councilmember Waggoner, seconded by Councilmember Myers, with all members of the Council voting “aye” to open the above captioned public hearing. No comments or questions from the Council or citizens. Motion was made by

Councilmember Waggoner, seconded by Mayor Pro Tem DePauw, 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 SEPTEMBER 13, 2016**

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

## **CONSENT ITEMS**

**FINAL READING OF AN ORDINANCE GRANTING A PARTIAL RESIDENCE HOMESTEAD EXEMPTION FOR THE TAX YEAR 2016; AND GRANTING A PARTIAL RESIDENCE HOMESTEAD EXEMPTION TO ANY INDIVIDUAL WHO IS DISABLED OR AGE 65 OR OLDER**

**FINAL READING OF AN ORDINANCE PROVIDING FOR AN ADDITIONAL TWENTY PERCENT (20%) PENALTY TO DEFRAID COSTS OF COLLECTING DELINQUENT TAXES THAT REMAIN DELINQUENT ON JULY 1 OF THE YEAR IN WHICH THEY BECOME DELINQUENT, AND PROVIDING FOR PUBLICATION**

**FINAL READING OF AN ORDINANCE ESTABLISHING THE FIRE DEPARTMENT PAY SCALE FOR FISCAL YEAR 2016-17 IN ACCORDANCE WITH CHAPTER 143 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**FINAL READING OF AN ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES ENTITLED “ADMINISTRATION,” ARTICLE 1, ENTITLED “IN GENERAL,” SECTION 1-25 ENTITLED “ADOPTION OF CIVIL SERVICE FOR FIREFIGHTERS AND CIVIL SERVICE POSITIONS,” SUBSECTION 3 BY ELIMINATING A LIEUTENANT POSITION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**FINAL READING OF A RESOLUTION INVITING THE UNITED STATES ARMY SPECIAL OPERATION COMMAND (USASOC) TO CONDUCT MILITARY TRAINING IN BIG SPRING, HOWARD COUNTY, TEXAS FROM MARCH 5, 2017 THROUGH JUNE 1, 2017; AND PROVIDING AN EFFECTIVE DATE**

**FINAL READING OF AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DIRECT THE PLACEMENT OF TRAFFIC CONTROL SIGNS AT VARIOUS UNCONTROLLED INTERSECTIONS DESCRIBED IN EXHIBIT “A”; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 18, OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC," SECTION 18-149 ENTITLED "SPECIFIC PARKING, STANDING, STOPPING AND STREET CLOSING PROVISIONS" BY ADDING A NEW SUBSECTION (O) ENTITLED "VEHICLE PARKING ON 18<sup>TH</sup> STREET FROM GOLIAD 95 FEET FROM INTERSECTION PROHIBITED BETWEEN 7:00 AM TO 5:00 PM" IN ORDER TO PROHIBIT VEHICLE PARKING; AUTHORIZING THE CITY MANAGER TO DIRECT PLACEMENT OF THE APPROPRIATE SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES ENTITLED "PUBLIC UTILITIES," ARTICLE 3 ENTITLED "UTILITY SERVICE CHARGES" BY AMENDING SECTION 16-70 ENTITLED "CHARGES FOR WATER RATES," SUBSECTION (B) TO ADJUST WATER RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Benavides, seconded by Councilmember Myers, with all members of the Council voting "aye" approving the second and final readings of the above captioned ordinances and resolution.

#### **OTHER BUSINESS**

FIRST READING OF AN ORDINANCE APPROVING AND ADOPTING THE CITY OF BIG SPRING'S ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017

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

FIRST READING OF AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF BIG SPRING FOR THE TAX YEAR 2016 AND DIRECTING THE ASSESSMENT AND COLLENTION THEREOF

Motion was made by Councilmember Waggoner, seconded by Councilmember Benavides, with all members of the Council voting "aye" approving the second and final motion that the property tax rate be increased by the adoption of a tax rate of 0.7900 per \$100 valuation, which is effectively an 8.34% increase in the tax rate.

#### **ROUTINE BUSINESS**

Councilmember Harbour was not present to review the vouchers. The vouchers for 08/25/16, 09/01/16 and 09/08/16 were skipped until the next Council meeting.

Councilmember Myers reviewed the vouchers in the amount of \$765,112.72 (09/15/16) and \$359,215.16 (09/22/16). Motion was made by Councilmember Myers, seconded by Councilmember Marquez, with all members of the Council voting “aye” approving the above listed vouchers.

## **BIDS**

### **CONSIDERATION OF ANNUAL BIDS AS FOLLOWS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

**ALUMINUM SULFATE** – Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Myers, with all members of the Council voting “aye” awarding the bid for aluminum sulfate to Chameleon Industries in the amount of \$136,925.00.

**ANHYDROUS AMMONIA** – Motion was made by Councilmember Myers, seconded by Councilmember Benavides, with all members of the Council voting “aye” awarding the bid for anhydrous ammonia to DPC Industries in the amount of \$45,600.00.

**LIQUID CHLORINE** – Motion was made by Councilmember Benavides, seconded by Councilmember Waggoner, with Councilmembers Marquez, McLellan, Waggoner and Benavides voting “aye” awarding the bid for liquid chlorine to DPC Industries in the amount of \$101,770.00. Councilmembers Myers and DePauw, being opposed, voting “nay” for passage of same. Motion passes four to two.

**POLYMER** – Motion was made by Councilmember Waggoner, seconded by Councilmember Benavides, with Councilmembers Marquez, Myers, McLellan, Waggoner and Benavides voting “aye” awarding the bid for polymer to Polydyne, Inc. in the amount of \$28,680.00. Mayor Pro Tem DePauw, being opposed, voting “nay” for passage of same. Motion passes five to one.

**SULFUR DIOXIDE** – Motion was made by Councilmember Benavides, seconded by Councilmember Waggoner, with all members of the Council voting “aye” awarding the bid for sulfur dioxide to DPC Industries in the amount of \$28,800.00.

**FLEET FUELING SERVICES** – Motion was made by Councilmember Waggoner, seconded by Councilmember Marquez, with Councilmember Marquez, Myers, McLellan, Waggoner and Benavides voting “aye” awarding the bid for fleet fueling services to Kent Companies in the amount of \$.12 over rack for unleaded and diesel. Mayor Pro Tem DePauw, being opposed, voting “nay” for passage of same. Motion passes five to one.

**DRCC JANITORIAL SERVICES** – Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Waggoner, with all members of the Council voting “aye” awarding the bid for DRCC janitorial services to Blue Line Commercial Cleaning in the amount of \$15,000.00.

**DOWNTOWN CITY OFFICES JANITORIAL SERVICES** – Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Benavides, with all members of the Council voting “aye” awarding the bid for downtown city offices janitorial services to Manny’s Janitorial Service in the amount of \$43,180.80.

**UNIFORMS** – Motion was made by Councilmember Waggoner, seconded by Councilmember Benavides, with all members of the Council voting “aye” to reject all bids and stay with G&K Services based on the facts that we are currently in the first year of a two-year contract through BuyBoard.

**NEW BUSINESS**

**PRESENTATION AND APPROVAL OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION’S ANNUAL BUDGET FOR FISCAL YEAR 2016-17**

Terry Wegman, Executive Director, presented the Big Spring Economic Development Corporation’s annual budget for fiscal year 2016-17. Motion was made by Councilmember Marquez, seconded by Mayor Pro Tem DePauw, with all members of the Council voting “aye” approving the above captioned budget.

**APPOINTMENT OF MUNICIPAL COURT JUDGE**

Mayor McLellan appointed Judge Tim Green as the Municipal Court Judge.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES ENTITLED “PUBLIC UTILITIES,” ARTICLE 3 ENTITLED “UTILITY SERVICE CHARGES,” SECTION 16-61 ENTITLED “WATER TAMPERING FEES” BY ADDING A FEE FOR UNAUTHORIZED REMOVAL OR DAMAGE TO MISCELLANEOUS STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

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

**FIRST READING OF AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF BIG SPRING, TEXAS; PROVIDING FOR COMPENSATION THEREFORE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS AND ASSIGNS; AND PROVIDING FOR AN EFFECTIVE DATE**

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 1 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED “ADMINISTRATION,” SECTION 1-38 ENTITLED “APPLICATION FOR ZONE CHANGE” BY RENAMING THE SECTION TO “APPLICATION FOR ZONE CHANGE, PLANNED DEVELOPMENT, AND SPECIFIC USE PERMIT,” REMOVING THE \$100 REFUND FOR FAILED APPLICATIONS, AND RELOCATING THE APPLICABLE FEES TO APPENDIX A; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED “BUSINESS AND OCCUPATIONS,” BY REPEALING AND REPLACING ARTICLE 5 ENTITLED “PEDDLERS, SOLICITORS, AND ITINERATE VENDORS,” WITH A NEW ARTICLE 5 ENTITLED “ITINERATE LICENSING”; ESTABLISHING REGULATIONS APPLICABLE TO ITINERATE MERCHANTS, PEDDLERS, SOLICITORS, MOBILE FOOD VENDORS, AND FIXED LOCATION FOOD VENDORS; PROVIDING FOR HOURS OF OPERATION; PROVIDING A FEE EXEMPTION FOR LOCAL ITINERATE MERCHANTS, MOBILE FOOD VENDORS AND FIXED LOCATION FOOD VENDORS THAT HAVE ESTABLISHED PERMANENT RESIDENCY IN BIG SPRING AND/OR HOWARD COUNTY; REORGANIZING THE ARTICLE FOR CLARIFICATION; RESTRUCTURING AND RELOCATING THE APPLICABLE FEES TO APPENDIX A; PROVIDING A PENALTY OF NOT LESS THAN \$50.00 OR MORE THAN \$200.00; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Waggoner, seconded by Councilmember Myers, with all members of the Council voting “aye” approving the above captioned ordinance with one change regarding the fees.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 17 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED “STREETS AND SIDEWALKS,” SECTION 17-23 ENTITLED “ABANDONING AND VACATING CITY STREETS, ALLEYS OR EASEMENTS; ADMINISTRATIVE CHARGES ASSESSED” AND SECTION 17-50 ENTITLED “RENAMING STREETS,” BY AMENDING SUBSECTION (f) AND ADDING A NEW SUBSECTION (g) IN ORDER TO CLARIFY AND RELOCATE THE APPLICABLE FEES TO APPENDIX A; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS ORDINANCE OF THE CITY OF BIG SPRING BY REPEALING APPENDICES I, II AND III IN THEIR ENTIRITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING APPENDIX A OF THE BIG SPRING CODE OF ORDINANCES ENTITLED “FEE SCHEDULE” BY ADDING A NEW SECTION 1.500 ENITITLED “ABANDONING AND VACATING CITY STREETS, ALLEYS, AND EASEMENTS,” TO ESTABLISH A FLAT FEE OF \$350.00; SECTION 1.600 ENTITLED “STREET RENAMING” TO RETAIN THE PREVIOUSLY ESTABLISHED FEE; SECTION 1.700 ENTITLED “SUBDIVISION PLATS,” TO ESTABLISH A FLAT FEE OF \$500.00; SECTION 1.800 ENTITLED “ZONE CHANGE, PLANNED DEVELOPMENT, AND SPECIFIC USE PERMIT FEES” TO INCREASE THE FEE FOR ZONE CHANGE TO \$400.00, INCREASE THE FEE FOR PLANNED DEVELOPMENT TO \$500.00, AND INCREASE THE FEE FOR A SPECIFIC USE PERMIT TO \$325.00; AND SECTION 1.900 ENTITLED “ITINERATE LICENSING’ TO ESTABLISH FEES APPLICABLE TO ITINERATE MERCHANTS, PEDDLERS, SOLICITORS, MOBILE FOOD VENDORS, AND FIXED LOCATION FOOD VENDORS; AND ADDING THESE NEW SECTIONS IN ORDER TO RELOCATE THE SAID FEES FROM VARIOUS SECTIONS OF THE CODE TO APPENDIX A; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION HELD ON AUGUST 16, 2016

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

APPROVAL OF THE CITY MANAGER’S APPOINTMENT OF ADRIAL SALDIVAR TO CIVIL SERVICE COMMISSION

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

LISTING OF BOARDS AND COMMITTEES WITH EXPIRING TERMS OR VACANCIES

#### **MCMAHON/WRINKLE AIRPARK DEVELOPMENT BOARD**

Motion was made by Councilmember Myers, seconded by Mayor Pro Tem DePauw, with all members of the Council voting “aye” reappointing W. Paschal Odom and appointing Alan E. Abel, M.D. to the McMahon/Wrinkle Airpark Development Board.

#### **BOARD OF ADJUSTMENTS AND APPEALS**

Motion was made by Councilmember Waggoner, seconded by Councilmember Benavides, with all members of the Council voting “aye” reappointing Dale Coates, Tommy Corwin and Richard Wright to the Board of Adjustments and Appeals.

#### **CONVENTION & VISITORS BUREAU BOARD**

Motion was made by Councilmember Benavides, seconded by Mayor Pro Tem DePauw, with all members of the Council voting “aye” reappointing Jacob Cerda to the Convention & Visitors Bureau Board.

#### **PLANNING & ZONING COMMISSION**

Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Myers, with all members of the Council voting “aye” reappointing Aubrey Weaver, Jr. and Dale Avant to the Planning & Zoning Commission.

#### **ZONING BOARD OF ADJUSTMENTS**

Motion was made by Councilmember Myers, seconded by Mayor Pro Tem DePauw, with all members of the Council voting “aye” reappointing Carrie Rodman to the Zoning Board of Adjustments.

#### **BIG SPRING ECONOMIC DEVELOPMENT CORPORATION**

Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Benavides, with all members of the Council voting “aye” reappointing Nadine Reyes and appointing Jeffrey Ward to the Big Spring Economic Development Corporation.

#### **ANIMAL RESCUE AND ADOPTION COMMITTEE – STAGGERED TERMS – (2) 2017, (2) 2018 & (1) 2019**

Appointments were made to the Animal Rescue and Adoption Committee by paper ballots as follows:

Alison Herm and David Ferguson with terms ending in 2017, Betty Kelley and Kristen Partee with terms ending in 2018, and Melanie Gambrell with a term ending in 2019.

**CITY MANAGER’S REPORT**

Todd Darden invited the Council to a retirement party for Jim Clements who is retiring from Oncor Electric.

**COUNCIL INPUT**

Mayor McLellan thanked everyone that signed up to be on one of the boards.

Councilmember Waggoner thanked the Council and Mayor for their direction in moving the city forward with continuing infrastructure.

**EXECUTIVE SESSION**

ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SECTION 551.071 TO CONSULT WITH THE CITY ATTORNEY REGARDING AN AIRPARK LEASE WITH DESERT TANKS, LLC AT 7:20 P.M.

RECONVENE IN OPEN SESSION AND TAKE ANY NECESSARY ACTION AT 7:45 P.M.

Motion was made by Councilmember Waggoner, seconded by Councilmember Benavides, with all members of the Council voting “aye” authorizing the City Attorney and City Manager to negotiate and execute a settlement agreement with Desert Tanks, LLC.

**ADJOURN**

Mayor McLellan adjourned the meeting at 7:46 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 16 OF THE CODE OF ORDINANCES ENTITLED "PUBLIC UTILITIES," ARTICLE 3 ENTITLED "UTILITY SERVICE CHARGES," SECTION 16-61 ENTITLED "WATER TAMPERING FEES" BY ADDING A FEE FOR UNAUTHORIZED REMOVAL OR DAMAGE TO MISCELLANEOUS STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, adding a fee for unauthorized removal or damage to miscellaneous structures, such as meter box lids or barrier concrete in a meter box, will discourage tampering and assist in the operation of the water utilities department; and

**WHEREAS**, the City Council finds these fees will help offset costs related to replacing the stolen or damaged structures;

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

**SECTION 1.** Chapter 16 entitled "Public Utilities," Article 3 entitled "Utility Service Charges" Section 16-61 entitled "Water Tampering Fees" is hereby amended to read in its entirety as follows:

**Sec. 16-61. Water Tampering Fees.**

The following fees must be paid by the account holder before water service can be restored when tampering with City equipment is discovered. These fees are in addition to any applicable criminal penalties that may be assessed upon conviction for tampering with or destroying City property or theft of services. Fees for tampering with City utility equipment shall be as follows:

Broken Valves (Curb Stops)	¾"	\$200.00
	1"	\$250.00
	2"	\$300.00
Installation of Locking Device		\$150.00
Broken Pad Locks		\$100.00
Jumper Found		\$300.00
Stolen Meter		\$600.00
Removing an Antenna from Meter		\$100.00

Stolen or Damaged Registers	\$250.00
Removed but Undamaged Registers	\$100.00
Miscellaneous Structures – Damage or Removal (meter box lids, barrier concrete from meter boxes, etc.)	\$ 60.00

**Sec. 16-62 through 16-69. Reserved.**

**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.** The City Secretary is hereby directed to cause the caption and the fees associated with this ordinance to be published as provided by law.

**SECTION 5.** This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the **28<sup>th</sup>** day of **July, 2015**, with all members present voting “aye” for passage of same.

**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Council on the **11<sup>th</sup>** day of **August, 2015**, with all members present voting “aye” for passage of same.

\_\_\_\_\_  
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, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF BIG SPRING, TEXAS; PROVIDING FOR COMPENSATION THEREFORE; PROVIDING A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS PREDECESSORS, AND ASSIGNS; AND PROVIDING FOR AN EFFECTIVE DATE**

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

**SECTION 1.** GRANT OF AUTHORITY: That there is hereby granted to Oncor Electric Delivery Company LLC, its successors and assigns (herein called "Company"), the right, privilege and franchise to construct, extend, maintain and operate in, along, under and across the present and future streets, alleys, highways, public utility easements, public ways and other public property (Public Rights-of-Way) of the City of Big Spring, Texas (herein called "City") electric power lines, with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires, transmission lines, telephone and communication lines, and other structures for its own use), (herein called "Facilities") for the purpose of delivering electricity to the City, the inhabitants thereof, and persons, firms and corporations beyond the corporate limits thereof, for the term set out in Section 7.

**SECTION 2.** Poles, towers and other structures shall be so erected as not to unreasonably interfere with traffic over streets, alleys and highways.

**SECTION 3.** The City reserves the right to lay, and permit to be laid, storm, sewer, gas, water, wastewater and other pipe lines, cables, and conduits, or other improvements and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, or under Public Rights-of-Way occupied by Company. The City also reserves the right to change in any manner any curb, sidewalk, highway, alley, public way, street, utility lines, storm sewers, drainage basins, drainage ditches, and the like. Upon request by City, Company shall relocate its facilities at the expense of the City except as otherwise required by Section 37.101(c) of the Texas Public Utility Regulatory Act (PURA), which statutory provision currently states, the governing body of a municipality may require an electric utility to relocate the utility's facility at the utility's expense to permit the widening or straightening of a street. City and Company further agree that widening and straightening of a street includes the addition of any acceleration, deceleration, center or side turn lanes, and sidewalks (meaning sidewalks done in conjunction with widening or straightening of a street), provided that the City shall provide Company with at least thirty (30) days' notice and shall specify a new location for such

facilities along the Public Rights-of-Way of the street. Company shall, except in cases of emergency conditions or work incidental in nature, obtain a permit, if required by City ordinance, prior to performing work in the Public Rights-of-Way, except in no instance shall Company be required to pay fees or bonds related to its use of the Public Rights-of-Way, despite the City's enactment of any ordinance providing the contrary. Company shall construct its facilities in conformance with the applicable provisions of the National Electrical Safety Code.

If the City requires the Company to adapt or conform its Facilities, or in any manner to alter, relocate, or change its Facilities to enable any other corporation or person to use, or use with greater convenience, said street, alley, highway, or public way, the Company shall not be bound to make such changes until such other corporation or person shall have undertaken, with good and sufficient bond, to reimburse the Company for any costs, loss, or expense which will be caused by, or arises out of such change, alteration, or relocation of Company's Facilities.

If City abandons any Public Rights-of-Way in which Company has facilities, such abandonment shall be conditioned on Company's right to maintain its use of the former Public Rights-of-Way and on the obligation of the party to whom the Public Rights-of-Way is abandoned to reimburse Company for all removal or relocation expenses if Company agrees to the removal or relocation of its facilities following abandonment of the Public Rights-of-Way. If the party to whom the Public Rights-of-Way is abandoned requests the Company to remove or relocate its facilities and Company agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Rights-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

#### **SECTION 4.**

- A. In consideration of the granting of this Franchise, Company shall, at its sole cost and expense, indemnify and hold the City, and its past and present officers, agents and employees harmless against any and all liability arising from suits, actions or claims regarding injury or death to any person or persons, or damages to any property arising out of or occasioned by the intentional and/or negligent acts or omissions of Company or any of its officers, agents, or employees in connection with Company's construction, maintenance and operation of Company's system in the City Public Rights-of-Way, including any court costs, reasonable expenses and reasonable defenses thereof.
  
- B. This indemnity shall only apply to the extent that the loss, damage or injury is attributable to the negligence or wrongful act or omission of the Company or its officers, agents or employees, and does not apply to the extent such loss, damage or injury is attributable to the negligence or wrongful act or omission of the City or the City's officers, agents, or employees or any other person or entity. This provision is not intended to create a cause of action or liability for the benefit of third parties but is solely for the benefit of Company and the City.
  
- C. In the event of joint and concurrent negligence or fault of both Company and the City,

responsibility and indemnity, if any, shall be apportioned comparatively between the City and Company in accordance with the laws of the state of Texas without, however, waiving any governmental immunity available to the City under Texas law and without waiving any of the defenses of the parties under Texas law. Further, in the event of joint and concurrent negligence or fault of both Company and the City, responsibility for all costs of defense shall be apportioned between the City and Company based upon the comparative fault of each.

- D. In fulfilling its obligation to defend and indemnify City, Company shall have the right to select defense counsel, subject to City's approval, which will not be unreasonably withheld. Company shall retain defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this franchise. If Company fails to retain counsel within such time period, City shall have the right to retain defense counsel on its own behalf, and Company shall be liable for all reasonable defense costs incurred by City, except as otherwise provided in section 4.B and 4.C.

**SECTION 5.** This franchise is not exclusive, and nothing herein contained shall be construed so as to prevent the City from granting other like or similar rights, privileges and franchises to any other person, firm, or corporation. Any Franchise granted by the City to any other person, firm, or corporation shall not unreasonably interfere with this Franchise.

**SECTION 6.** In consideration of the grant of said right, privilege and franchise by the City and as full payment for the right, privilege and franchise of using and occupying the said Public Rights-of-Way, and in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements, Company shall pay to the City the following:

- A. A final quarterly payment will be made on or before December 15, 2016 for the basis period of July 1, 2016 through September 30, 2016 and the privilege period of July 1, 2017 through September 30, 2017 in accordance with the provisions in the previous franchise.
- B. As authorized by Section 33.008(b) of PURA, the original franchise fee factor calculated for the City in 2002 was 0.002670 (the "Base Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries for determining franchise payments going forward.

Due to a 2006 agreement between Company and City the franchise fee factor was increased to a franchise fee factor of 0.002804 (the "Current Factor"), multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries on a quarterly basis.

However, consistent with the 2006 agreement, should the Public Utility Commission of Texas at

any time disallow Company's recovery through rates of the higher franchise payments made under the Current Factor as compared to the Base Factor, then the franchise fee factor shall immediately revert to the Base Factor of 0.002670 and all future payments, irrespective of the time period that is covered by the payment, will be made using the Base Factor.

Company shall make quarterly payments as follows:

<u>Payment Due Date</u>	<u>Basis Period</u>	<u>Privilege Period</u> <u>(Following Year)</u>
March 15	Oct. 1 – Dec. 31	Oct. 1 – Dec. 31
June 15	Jan. 1 – Mar. 31	Jan. 1 – Mar. 31
September 15	Apr. 1 – Jun. 30	Apr. 1 – Jun. 30
December 15	Jul.1 – Sept. 30	Jul.1 – Sept. 30

1. The first payment hereunder shall be due and payable on or before March 15, 2017 and will cover the basis period of October 1, 2016 through December 31, 2016 and privilege period of October 1, 2017 through December 31, 2017. The final payment under this franchise is due on or before December 15, 2036 and covers the basis period of July 1, 2036 through September 30, 2036 and the privilege period of July 1, 2037 through September 30, 2037; and
  2. After the final payment date of December 15, 2036, Company may continue to make additional quarterly payments in accordance with the above schedule. City acknowledges that such continued payments will correspond to privilege periods that extend beyond the term of this Franchise and that such continued payments will be recognized in any subsequent franchise as full payment for the relevant quarterly periods.
- C. A sum equal to four percent (4%) of gross revenues received by Company from services identified as DD1 through DD24 in Section 6.1.2 "Discretionary Service Charges," in Oncor's Tariff for Retail Delivery Service (Tariff), effective 1/1/2002, that are for the account and benefit of an end-use retail electric consumer. Company will, upon request by City, provide a cross reference to Discretionary Service Charge numbering changes that are contained in Company's current approved Tariff.
1. The franchise fee amounts based on "Discretionary Service Charges" shall be calculated on an annual calendar year basis, i.e. from January through December 31 of each calendar year.
  2. The franchise fee amounts that are due based on "Discretionary Service Charges" shall be paid at least once annually on or before April 30 each year based on the total "Discretionary Service Charges", as set out in Section 6C, received during the

preceding calendar year. The initial Discretionary Service Charge franchise fee amount will be paid on or before April, 30 2017 and will be based on the calendar year January 1 through December 31, 2016. The final Discretionary Service Charge franchise fee amount will be paid on or before April 30, 2038 and will be based on the calendar months of January 1 through September 30, 2037.

3. Company may file a tariff or tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges.
4. City agrees (i) to the extent the City acts as regulatory authority, to adopt and approve that portion of any tariff which provides for 100% recovery of the franchise fee on Discretionary Service Charges; (ii) in the event the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of the franchise fees on such Discretionary Service Charges is an issue, the City will take an affirmative position supporting the 100% recovery of such franchise fees by Company and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Company.
5. City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Company.
6. In the event of a regulatory disallowance of the recovery of the franchise fees on the Discretionary Service Charges, Company will not be required to continue payment of such franchise fees.

**SECTION 7.** This Ordinance shall become effective upon Company's written acceptance hereof, said written acceptance to be filed by Company with the City within sixty (60) days after final passage and approval hereof. The right, privilege and franchise granted hereby shall expire on September 30, 2037; provided that, unless written notice of cancelation is given by either party hereto to the other not less than sixty (60) days before the expiration of this franchise agreement, it shall be automatically renewed for an additional period of six (6) months from such expiration date and shall be automatically renewed thereafter for like periods until canceled by written notice given not less than sixty (60) days before the expiration of any such renewal period.

**SECTION 8.** This Ordinance shall supersede any and all other franchises granted by the City to Company, its predecessors and assigns.

**SECTION 9.** The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any portion of this Ordinance is declared illegal or unconstitutional by the valid final non-appealable judgment or decree of any court of competent jurisdiction, such illegality or unconstitutionality shall not affect the legality and enforceability of any of the remaining portions of this Ordinance.

**SECTION 10.** In order to accept this franchise, Company must file with the City Secretary its

written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the **27<sup>th</sup>** day of **September, 2016** with all members of the Council voting “aye” for passage of the same.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the **11<sup>th</sup>** day of **October, 2016** with all members of the Council voting “aye” for passage of the same.

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Larry McLellan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

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

**AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER 1 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "ADMINISTRATION," SECTION 1-38 ENTITLED "APPLICATION FOR ZONE CHANGE" BY RENAMING THE SECTION TO "APPLICATION FOR ZONE CHANGE, PLANNED DEVELOPMENT, AND SPECIFIC USE PERMIT," REMOVING THE \$100 REFUND FOR FAILED APPLICATIONS; AND RELOCATING THE APPLICABLE FEES TO APPENDIX A; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City staff recommends removing the refund because for matters pertaining to Zone Changes and Specific Use Permits, the Planning and Zoning Commission is a recommending board and not a decision making body, therefore, the ordinance must be drafted for presentation to the Council; and

**WHEREAS**, the City Council finds that relocating fees to a central location in the Code will promote transparency and streamline services;

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

**SECTION 1.** Chapter 1 of the Big Spring Code of Ordinances entitled "Administration," Section 1-38 entitled "Application for Zone Change" is hereby amended to read in its entirety as follows:

**Sec. 1-38. Application for Zone Change, Planned Development, and Specific Use Permit.**

A fee, as set forth in Appendix A, shall be paid upon making an application for a Zone Change, Planned Development, or Specific Use Permit to cover the costs of notification, publication, and document preparation. Applications for Zone Change, Planned Development, or Specific Use Permits shall be directed to the City Planner for presentation to the Planning and Zoning Commission. The Planning and Zoning Commission shall not be authorized to consider any application for Zone Change, Planned Development, or Specific Use Permit until such fee is paid.

**SECTION 2.** Should any section, paragraph, sentence, clause, phrase or word of these ordinance amendments 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.** These ordinance amendments shall take effect immediately from and after publication and passage upon two readings in accordance with the provision 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 **27<sup>th</sup>** day of **September, 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 **11<sup>th</sup>** day of **October, 2016** with all members present voting “aye” for the same.

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Larry McLellan, Mayor

ATTEST:

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Tami Davis, Asst. City Secretary

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

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER 17 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS," SECTION 17-23 ENTITLED "ABANDONING AND VACATING CITY STREETS, ALLEYS OR EASEMENTS; ADMINISTRATIVE CHARGES ASSESSED" AND SECTION 17-50 ENTITLED "RENAMING STREETS," BY AMENDING SUBSECTION (f) AND ADDING A NEW SUBSECTION (g) IN ORDER TO CLARIFY AND RELOCATE THE APPLICABLE FEES TO APPENDIX A; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that relocating fees to a central location in the Code will promote transparency and streamline services;

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

**SECTION 1.** Chapter 17 of the City of Big Spring Code of Ordinances entitled "Streets and Sidewalks," Section 17-23 entitled "Abandoning and Vacating Streets, Alleys, or Easements; Administrative Charges Assessed" is hereby amended to read in its entirety as follows:

**Sec. 17-23. Abandoning and vacating city streets, alleys and easements; administrative charges assessed.**

There is hereby assessed an administrative charge, set forth in Appendix A of this Code, for abandoning and vacating city streets, alleys, or easements.

**SECTION 2.** Chapter 17 of the City of Big Spring Code of Ordinances entitled "Streets and Sidewalks," Section 17-50 entitled "Renaming Streets," is hereby amended by amending Subsection (f) and adding a new Subsection (g) to read in their entirety as follows:

- (f) a non-refundable application fee, as set forth in Appendix A of this Code, shall be paid to cover the administrative cost of review, postage, advertisement, and filing expenses; and
- (g) an additional fee, also set forth in Appendix A of this Code, shall be assessed for each street sign and property address sign affected by an approved street name change to cover the costs associated with fabricating new signs and notifying of all effected County, State, and Federal agencies of the street name change.

**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.** This ordinance shall take effect immediately after passage in accordance with the provision 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 **27<sup>th</sup>** day of **September, 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 **11<sup>th</sup>** day of **October, 2016** with all members present voting “aye” for the same.

ATTEST:

\_\_\_\_\_  
Larry McLellan, Mayor

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

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

**AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING THE SUBDIVISION REGULATIONS ORDINANCE OF THE CITY OF BIG SPRING BY REPEALING APPENDICES I, II, AND III IN THEIR ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, notice of a public hearing for the City Council Meeting on September 27, 2016 at 5:30 p.m. was published in a newspaper of general circulation in the City of Big Spring in accordance with the requirements of Section 12(C);

**WHEREAS**, City staff recommends repealing Appendices I, II, and III because they include outdated forms;

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

**SECTION 1.** The Subdivision Regulations of the City of Big Spring are hereby amended by repealing Appendices I, II, and III in their entirety.

**SECTION 2.** Should any section, paragraph, sentence, clause, phrase or word of these ordinance amendments 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.** These ordinance amendments shall take effect immediately from and after publication and passage upon two readings in accordance with the provision 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 27<sup>th</sup> day of September, 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 11<sup>th</sup> day of October, 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 APPENDIX A OF THE BIG SPRING CODE OF ORDINANCES ENTITLED “FEE SCHEDULE” BY ADDING A NEW SECTION 1.500 ENTITLED “ABANDONING AND VACATING CITY STREETS, ALLEYS, AND EASEMENTS,” TO ESTABLISH A FLAT FEE OF \$350.00; SECTION 1.600 ENTITLED “STREET RENAMING” TO RETAIN THE PREVIOUSLY ESTABLISHED FEE; SECTION 1.700 ENTITLED “SUBDIVISION PLATS,” TO ESTABLISH A FLAT FEE OF \$500.00; AND SECTION 1.800 ENTITLED “ZONE CHANGE, PLANNED DEVELOPMENT, AND SPECIFIC USE PERMIT FEES” TO INCREASE THE FEE FOR ZONE CHANGE TO \$400.00, INCREASE THE FEE FOR PLANNED DEVELOPMENT TO \$500.00, AND INCREASE THE FEE FOR A SPECIFIC USE PERMIT TO \$325.00; AND ADDING THESE NEW SECTIONS IN ORDER TO RELOCATE THE SAID FEES FROM VARIOUS SECTIONS OF THE CODE TO APPENDIX A; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds that relocating fees to a central location in the Code will promote transparency and streamline services; and

**WHEREAS**, the City Council finds that consolidating, increasing, or retaining these various fees is necessary to offset costs of providing services;

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

**SECTION 1.** Appendix A of the Big Spring Code of Ordinances is hereby amended by adding a new Section 1.500 entitled “Abandoning and Vacating City Streets, Alleys, and Easements,” Section 1.600 entitled “Street Renaming,” Section 1.700 entitled “Subdivision Plats,” and Section 1.800 entitled “Zone Change, Planned Development, and Specific Use Permit Fees,” to read in their entirety as follows:

**Sec. 1.500. Abandoning and Vacating City Streets, Alleys, and Easements.**

Administrative Charge	\$ 350.00
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**Sec. 1.600. Street Renaming.**

(a) Non-refundable Application Fee	\$ 250.00
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(b) Street and/or Address Sign Fee (per property requiring address change)	\$ 25.00
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**Sec. 1.700. Subdivision Plats.**

- |                               |   |
|-------------------------------|---|
| (a) Subdivision Plat Fee      | \$ 500.00                               |
| (b) Subdivision Recording Fee | Howard County filing fee,<br>as amended |

**Sec. 1.800. Zone Change, Planned Development, and Specific Use Permit Fees.**

- |                         |           |
|-------------------------|-----------|
| (a) Zone Change         | \$ 400.00 |
| (b) Planned Development | \$ 500.00 |
| (c) Specific Use Permit | \$ 325.00 |

**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.** The City Secretary is hereby directed to cause the caption and the fees associated with this ordinance to be published as provided by law.

**SECTION 5.** This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the **27<sup>th</sup>** day of **September, 2016**, with all members present voting “aye” for passage of same.

**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Council on the **11<sup>th</sup>** day of **October, 2016**, with all members present voting “aye” for passage of same.

\_\_\_\_\_  
Larry McLellan, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, Assistant City Secretary

**City of Big Spring**  
**Big Spring McMahon-Wrinkle Airport and Industrial Park**  
**Development Board Meeting Minutes**  
**August 18, 2016**

The Big Spring Airport and Industrial Park Development Board met in Regular Session at 5:30 p.m., on Thursday, August 18, 2016 at the Airport Terminal conference room, 3200 Rickabaugh Drive, Big Spring, Texas. Phillip Welch called the meeting to order at 5:30 p.m. with the following members in attendance:

Phillip Welch                      Terry Hansen                      Paschal Odom                      Wayne Dawson

Also in attendance:              Jim Little

Absent:              Willie Rangel                      Ned Crandall                      Andriana Olvera

**Item # 1**

**Call to Order**

Phillip Welch called the meeting to order at 5:30 p.m.

**Item # 2**

**Review and approve minutes from July 21, 2016 meeting**

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

**Item # 3**

**Big Spring Economic Development Corporation Update**

Terry Hansen updated the board on the current rail status on the Airpark. The track issue has been resolved and the rail has been completed all the way to Perimeter Road.

**Item # 4**

**Rail Yard Development Activity**

No update other than was discussed in the EDC Update

**Item # 5**

**Airport Storm Damage, April 16, 2016**

Jim updated the board on the current storm damage status. It is making slow progress but the City is working with the adjusters and lawyers to get a better adjustment. Numerous air conditioning units were damaged and many roofs need to be replaced.

**Item # 6**

**Airport Security**

Jim and Airport maintenance are in the process of purchasing cameras to be installed around the Airpark.

**Item # 7**

**Airport Director Update**

A hiring freeze is still in place. The Airpark is short two positions. Jim updated the board on the current oil revenues. Four different wells are coming under the Airport that we will start receiving revenues for. Jim also updated the board on the current ordinance revision that has now been completed. Jim discussed the joint seal situation on Runway 17/35 and says the issue is still trying to be resolved. The runway will be closed for 4 days while repairs are being made. Jim is also looking into a new weather monitoring system for the terminal. There was also some discussion between the board and Jim regarding the current GEO situation. GEO is planning to close some of their facilities when their contract is up in the spring of 2017.

**Item # 8**

**Reliever Route/Airport Access Road**

A contract has been signed by Martha May and is now at the title office. The contract for Ken Haas is being worked.

**Item # 9**

**Interstate 27**

No update at this time.

**Item # 10**

**Leased Building Issues**

Jim discussed in the Airport Storm Damage Update.

**Item # 11**

**Airport Safety Committee Report**

Pilot Safety Meeting will be scheduled for September.

**Item # 12**

**Other Events and Activities**

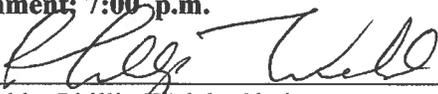
11<sup>th</sup> Annual Prairie Dog Fly-In will be October 8, 2016.

**Item # 13**

**Next Meeting Date**

September 22, 2016

Adjournment: 7:00 p.m.

  
\_\_\_\_\_  
Approved by Phillip Welch, Chairman

9-22-16  
\_\_\_\_\_  
Date

**THE MINUTES OF MEETING OF THE  
BOARD OF DIRECTORS  
HOWARD COUNTY APPRAISAL DISTRICT**

**JUNE 8, 2016**

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The Board of Directors of the Howard County Appraisal District (HCAD) met for their regular meeting on June 8, 2016 at 5:15 P.M. Directors present were Donnie Baker, Tim Blackshear, Jimmy Miller and Mark Barr. Ronny Babcock and Lisa Reyna represented the HCAD. Tiffany Fernandez represented the Tax Office.

Mr. Baker called the meeting to order at 5:15 P.M.

No one was registered for comments.

Mark Barr motioned to approve the minutes of May 18, 2016 as printed. Tim Blackshear seconded the motion. Motion carried 4 to 0.

Jimmy Miller motioned to approve the bills as printed. Motion was seconded by Tim Blackshear. Motion carried 4 to 0.

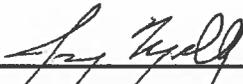
Tim Blackshear motioned to approve the Financial Reports as printed for May, 2016. Motion was seconded by Jimmy Miller. Motion carried 4 to 0.

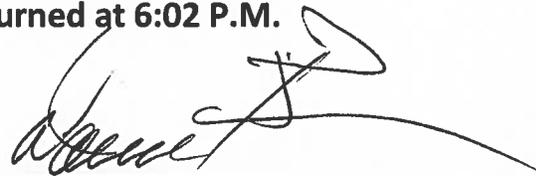
The chief appraiser presented documents the Texas State Library and Archives Commission recommended. The form Designating Records Management Officer (RMO) was approved by Mark Barr and seconded by Jimmy Miller. Motion carried 4 to 0.

**Jimmy Miller motioned and seconded by Mark Barr to approve the 2017 Budget Workshop as presented. Motion carried 4 to 0.**

**The chief appraiser discussed the number of protests still on hand.**

**With no other business to discuss, the meeting adjourned at 6:02 P.M.**

  
\_\_\_\_\_  
**Jimmy Miller, Secretary**

  
\_\_\_\_\_  
**Donnie Baker, Chairman**

**THE MINUTES OF SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
HOWARD COUNTY APPRAISAL DISTRICT**

**JULY 26, 2016**

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The Board of Directors of the Howard County Appraisal District (HCAD) met for their Special Meeting on July 26, 2016 at 5:15 P.M. Directors present were Donnie Baker, Jimmy Miller, Danny Howard and Mark Barr. Tiffany Fernandez represented the Tax Office.

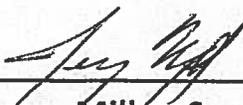
Mr. Baker called the meeting to order at 5:15 P.M.

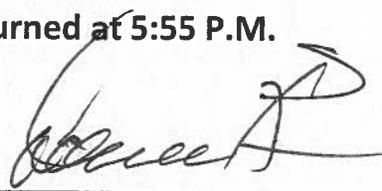
No one was registered for comments.

The board went into Executive Session at 5:20 PM to review applications received for Chief Appraiser position.

The board reconvened in Open Session at 5:50 P.M. No action was taken.

With no other business to discuss, the meeting adjourned at 5:55 P.M.

  
\_\_\_\_\_  
Jimmy Miller, Secretary

  
\_\_\_\_\_  
Donnie Baker, Chairman

**THE MINUTES OF SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
HOWARD COUNTY APPRAISAL DISTRICT**

**AUGUST 9, 2016**

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The Board of Directors of the Howard County Appraisal District (HCAD) met for their Special Meeting on August 9, 2016 at 5:15 P.M. Directors present were Donnie Baker, Jimmy Miller, Danny Howard and Mark Barr. Tiffany Fernandez represented the Tax Office.

Mr. Baker called the meeting to order at 5:15 P.M.

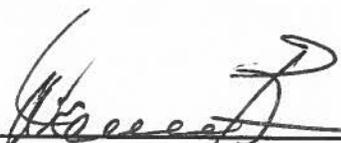
No one was registered for comments.

The board went into Executive Session at 5:35 PM to interview an applicant for Chief Appraiser position.

The board reconvened in Open Session at 6:21 P.M. No action was taken.

With no other business to discuss, the meeting adjourned at 6:26 P.M.

  
\_\_\_\_\_  
Jimmy Miller, Secretary

  
\_\_\_\_\_  
Donnie Baker, Chairman

**THE MINUTES OF MEETING OF THE  
BOARD OF DIRECTORS  
HOWARD COUNTY APPRAISAL DISTRICT**

August 10, 2016

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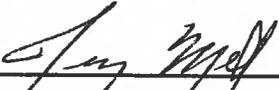
The Board of Directors of the Howard County Appraisal District (HCAD) met for their regular meeting on August 10, 2016 at 5:15 P.M. Directors present were Donnie Baker, Jimmy Miller, Danny Howard and Mark Barr. Ronny Babcock and Lisa Reyna represented the HCAD. Tiffany Fernandez represented the Tax Office.

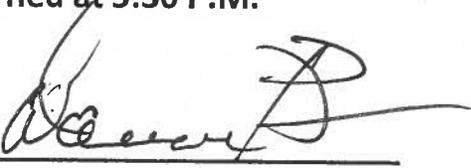
Mr. Baker called the meeting to order at 5:15 P.M.

No one was registered for comments.

The board reviewed the 2017 Howard CAD Operating Budget. Mark Barr motioned and seconded by Jimmy Miller to approve changes on the 2017 Budget set printed. Motion carried 4 to 0.

With no other business to discuss, the meeting adjourned at 5:30 P.M.

  
\_\_\_\_\_  
Jimmy Miller, Secretary

  
\_\_\_\_\_  
Donnie Baker, Chairman

**THE MINUTES OF MEETING OF THE  
BOARD OF DIRECTORS  
HOWARD COUNTY APPRAISAL DISTRICT**

**AUGUST 10, 2016**

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The Board of Directors of the Howard County Appraisal District (HCAD) met for their regular meeting on August 10, 2016 at 5:30 P.M. Directors present were Donnie Baker, Jimmy Miller, Danny Howard and Mark Barr. Ronny Babcock and Lisa Reyna represented the HCAD. Tiffany Fernandez represented the Tax Office.

Mr. Baker called the meeting to order at 5:31 P.M.

No one was registered for comments.

Jimmy Miller motioned to approve the minutes of June 8, 2016 as printed. Mark Barr seconded the motion. Motion carried 4 to 0.

The minutes for July 26, 2016 were tabled.

Danny Howard motioned to approve the bills as printed. Motion was seconded by Jimmy Miller. Motion carried 4 to 0.

Jimmy Miller motioned to approve the Financial Reports as printed for June and July, 2016. Motion was seconded by Danny Howard. Motion carried 4 to 0.

The travel expenses were presented for approval. Mark Barr motioned to approve the travel expenses as printed. Danny Howard seconded the motion. Motion 4 to 0.

**After reviewing the 2017 Budget, Mark Barr motioned to approve the 2017 Operating Budget as presented. Jimmy Miller seconded the motion. Motion carried 4 to 0.**

**The Audit Summary was tabled.**

**The resolution to return 2015 excess funds was tabled.**

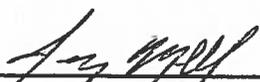
**The Contract with Pritchard & Abbott concerning Agricultural Use Services for tax years 2017 & 2018 was tabled.**

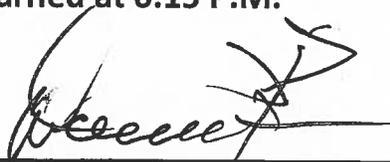
**No action was needed to authorize the Chief Appraiser to seek Bank Bids. It had already been discussed in prior meetings.**

**The chief appraiser notified the board that James McFarland's term was about to expire on December, 2016. They discussed seeking new appraisal review board member for 2017 tax year.**

**The board discussed nominations to the Board of Trustees for Texas Municipal League. No one was interested at this time.**

**With no other business to discuss, the meeting adjourned at 6:15 P.M.**

  
\_\_\_\_\_  
**Jimmy Miller, Secretary**

  
\_\_\_\_\_  
**Donnie Baker, Chairman**

**THE MINUTES OF SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
HOWARD COUNTY APPRAISAL DISTRICT**

**AUGUST 17, 2016**

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The Board of Directors of the Howard County Appraisal District (HCAD) met for their Special Meeting on August 17, 2016 at 4:00 P.M. Directors present were Donnie Baker, Tim Blackshear, Jimmy Miller, Danny Howard and Mark Barr. Tiffany Fernandez represented the Tax Office.

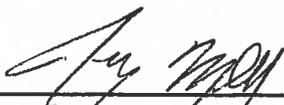
Mr. Baker called the meeting to order at 4:00 P.M.

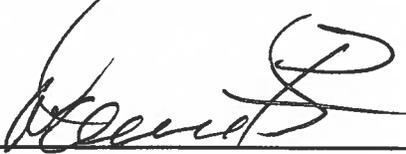
No one was registered for comments.

The board went into Executive Session at 4:04 PM to interview applicants for Chief Appraiser position.

The board reconvened in Open Session at 6:40 P.M. No action was taken.

With no other business to discuss, the meeting adjourned at 6:42 P.M.

  
\_\_\_\_\_  
Jimmy Miller, Secretary

  
\_\_\_\_\_  
Donnie Baker, Chairman

**THE MINUTES OF SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
HOWARD COUNTY APPRAISAL DISTRICT**

**AUGUST 24, 2016**

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The Board of Directors of the Howard County Appraisal District (HCAD) met for their Special Meeting on August 24, 2016 at 4:00 P.M. Directors present were Donnie Baker, Tim Blackshear, Jimmy Miller, Danny Howard and Mark Barr. Tiffany Fernandez represented the Tax Office.

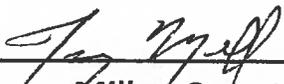
Mr. Baker called the meeting to order at 4:00 P.M.

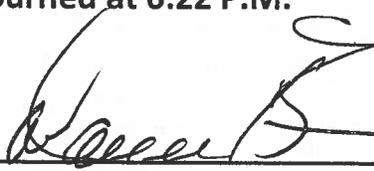
No one was registered for comments.

The board went into Executive Session at 4:15 PM to interview applicants for Chief Appraiser position.

The board reconvened in Open Session at 6:21 P.M. No action was taken.

With no other business to discuss, the meeting adjourned at 6:22 P.M.

  
\_\_\_\_\_  
Jimmy Miller, Secretary

  
\_\_\_\_\_  
Donnie Baker, Chairman

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

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER 5 OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "BUSINESS AND OCCUPATIONS," BY REPEALING AND REPLACING ARTICLE 5 ENTITLED "PEDDLERS, SOLICITORS, AND ITINERATE VENDORS," WITH A NEW ARTICLE 5 ENTITLED "ITINERATE LICENSING"; ESTABLISHING REGULATIONS APPLICABLE TO ITINERATE MERCHANTS, PEDDLERS, SOLICITORS, ROADWAY FOOD VENDORS, AND FIXED LOCATION FOOD VENDORS; PROVIDING FOR HOURS OF OPERATION; PROVIDING A FEE EXEMPTION FOR LOCAL ITINERATE MERCHANTS, ROADWAY FOOD VENDORS, AND FIXED LOCATION FOOD VENDORS THAT HAVE ESTABLISHED PERMANENT RESIDENCY IN BIG SPRING AND/OR HOWARD COUNTY; REORGANIZING THE ARTICLE FOR CLARIFICATION; RESTRUCTURING AND RELOCATING THE APPLICABLE FEES TO APPENDIX A; PROVIDING A PENALTY OF NOT LESS THAN \$50.00 OR MORE THAN \$200.00; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that amending these regulations will benefit the citizens of Big Spring and improve the local economy;

WHEREAS, the City Council finds that relocating fees to a central location in the Code will promote transparency and streamline services;

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

**SECTION 1.** Chapter 5 of the City of Big Code of Ordinances entitled "Business and Occupations," Article 5 entitled "Peddlers, Solicitors, and Itinerate Merchants," is hereby repealed and replaced with a new Article 5 entitled "Itinerate Licensing" and shall be read in its entirety as follows:

**Article 5. Itinerate Licensing**

**Division 1. In General**

**Sec. 5-110. Definitions.**

The following words, terms, and phrases, shall have the meaning ascribed to them when used in this Article, except when the context clearly indicates otherwise.

- (A) Itinerate Merchant. Any person, or his/her agent, employee, servant, or representative, who sells or offers for sale merchandise or services, other than food or drink:
  1. from a tent, vehicle, or place which is not a permanent building or structure, for any period of time; or
  2. from a permanent building or structure for a period which is forty-five (45) days or less;
- (B) Peddler. Any person who travels from house to house or place to place selling, or offering for sale, merchandise or services which may be immediately or subsequently delivered or performed;
- (C) Solicitor. Any person taking orders for future delivery, intangible services, or for subscriptions, from house to house, from place to place, on the streets, or in any public place, which orders are not taken at one established location or private premises;
- (D) Roadway Food Vendor. Any person that offers food or drink for sale from a roadway from a motor vehicle that makes intermittent stops between sales on city streets (i.e. ice cream truck);
- (E) Fixed Location Food Vendor. Any person that offers food or drink for sale from a fixed location, either in a parked motor vehicle or temporary structure.

**Sec. 5-111. License Required.**

It shall be unlawful for any person, or for any person, firm, or corporation to engage in business as a(n) itinerate merchant, peddler, solicitor, roadway food vendor, or fixed location food vendor without having first obtained a license therefore from the Chief of Police.

**Sec. 5-112. Activities Exempted.**

The following activities shall be exempt from the licensing requirements of this Article:

- (A) The agent or representative of a jobber or wholesaler calling on customers on a regularly established route;
- (B) Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stocks have been acquired from merchants of the city regularly licensed and engaged in business, provided, however, no such stocks of merchandise shall be augmented by new goods;

- (C) Persons living in Big Spring who hold “garage sales,” which consist of sale of used domestic merchandise for two (2) days or less duration, no more than twice (2) times per year;
- (D) Art exhibits where participating artists sell their original works and which do not contain any sales of artwork purchased elsewhere and held for resale, providing said art exhibits are sponsored by a local responsible organization;
- (E) The sale of agricultural products grown by the seller in this county that have conformed to the requirements provided in Section 5-117(B)(3) of this Article;
- (F) Peddlers selling to or soliciting orders from retail business houses only;
- (G) Peddlers going to a house or place at the express invitation of the owner or occupant of such house or place;
- (H) Persons engaged in a business or activity of which the State or Federal government has exclusive authority to regulate;
- (I) Persons distributing or selling newspapers, pamphlets, handbills, or other written or printed matter sold or distributed for the purpose of disseminating news, information, or religious materials;
- (J) Governmental entities;
- (K) Persons or transactions associated with solicitations of bona-fide non-profit charitable organization;
- (L) Persons or transactions associated with bona-fide trade shows, exhibits, expositions, or conventions, where all purchases, sales, or exchanges are made in connection with, and within the confines of the trade show, exhibit, exposition, or convention site;
- (M) Persons or transactions associated with fairs, rodeos, festivals, or other events sponsored by civic or community organizations, schools, churches, the Chamber of Commerce, or local government entity.

**Sec. 5-113. Penalty.**

Any person, firm, or corporation violating any provision of this Article shall be fined not less than Fifty Dollars (\$50.00) or more than Two Hundred Dollars (\$200.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Division 2.    Licensure**

**Sec. 5-114.    Application for Licensure.**

(A) Applicants, and each agent of the primary applicant, shall make a sworn application to the Chief of Police upon forms furnished by the Police Department of the City. Each application shall give the following information:

1. Full name and all information contained on driver's license of the applicant and each agent or employee working under the permit;
2. Permanent home address and present local address of the applicant;
3. Name and home office address of applicant's employer;
4. If the applicant owns or uses a motor vehicle in connection with his/her business, a description of such motor vehicle and the license number of same;
5. A brief description of the merchandise or services to be sold;
6. A statement as to whether or not the applicant has been convicted of any felony and the disposition of same;
7. A site plan to be drawn by the applicant, not to scale, which need only show the location to be used by the applicant or his/or her designee and to be made the basis of the permit. The applicant shall submit an additional site plan for each location to be occupied during the term of a permit;
8. Proposed duration of temporary sales operation;
9. Written permission of the owner of the land or building where the sales are to take place (itinerate merchant and fixed location food vendor only);
10. A copy of the applicant's Texas limited sales and use tax permit; and
11. A description of the proposed parking spaces to be used and the proposed manner to dispose of trash/litter.

(B) Roadway Food Vendors and Fixed Location Food Vendors. In addition to the requirements listed above, each Roadway Food Vendor or Fixed Location Food Vendor shall obtain a food permit issued by the Fire Marshall certifying compliance with the Texas Food Establishment Rules.

**Sec. 5-115. Proof of Financial Responsibility and Indemnification Required.**

- (A) **Financial Responsibility.** The application for the license required under this Article shall be accompanied by a bond or other evidence of financial responsibility in a form and amount approved by the City Attorney, but in no event less than the sum of Five Thousand Dollars (\$5,000.00) in order to ensure the final delivery of goods, wares, merchandise, or services in accordance with the terms of any order obtained prior to delivery; and to ensure that such goods, wares, or merchandise shall be free from defects in material and workmanship as of the time of the delivery or that may be discovered by such purchaser or customer within thirty (30) days after delivery. In the event that the applicant is an agent or employee of a person, firm, or corporation engaging in any activity described in Section 5-111 of this Article, through one or more agents or employees, said person, firm, or corporation, in lieu of the applicant, shall provide the financial responsibility instrument as principal and shall be required to enter into only one such instrument which shall be made to cover the activities of all its agents or employees.
- (B) **Indemnification for Sales on City-Owned Property.** If an event in which goods, wares, merchandise, or services are to be sold on city-owned property or facilities, the applicant must also make a sworn statement backed by the financial responsibility instrument required in this Section that the applicant will release, indemnify, and defend the City, its agents, and employees from any and all claims or causes of action of any nature whatsoever that may be caused by or arise out of the activities of the applicant in connection with the license.

**Sec. 5-116. Additional Requirements for Roadway Food Vendors.**

- (A) The special provisions set for this Section shall apply to Roadway Food Vendors and shall be in addition to other provisions found elsewhere in city code. A Roadway Food Vendor shall:
1. Vend only when the motor vehicle is lawfully stopped;
  2. Vend only from the side of the motor vehicle that is positioned away from moving traffic and as near as possible to the curb or side of the street;
  3. Shall not vend to a person standing in a roadway;
  4. Shall not stop on the left side of a one-way street to vend;
  5. Shall not stop in a congested area where vending might impede or inconvenience the public;
  6. Shall not back up, do a U-turn, or reverse a motor vehicle for the purpose of vending;

7. Shall not vend on a street adjacent to a public school;
8. Shall activate the special flashing lights required Section 5-116(C)(4) whenever stopped on the street for the purposes of vending;
9. Shall not activate the required flashing lights if not stopped on the street for the purpose of vending;
10. Shall extend the required stop signal arm required by Section 5-116(C)(6) whenever stopped on the street for the purpose of vending;
11. Shall not extend the required stop signal arm when the motor vehicle is in motion nor at any time the motor vehicle is stopped for a purpose other than vending;
12. Shall not stop a motor vehicle for the purposes of vending within one hundred feet (100') of a street intersection;
13. Shall not be in operation, doing business, or going from place to place after sunset or before 9:00 a.m. or after 8:00 p.m.

(B) Conclusive Police Judgment. For the purposes of this Section, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced or a stop is for a temporary or stationary period of time.

(C) Operator and Vehicle Requirements. An operator shall comply with the following requirements:

1. The operator shall comply with all permitting requirements as a peddler or Food Service Establishment unless modified or amended by the provisions of this Section;
2. No permit shall be issued to an operator unless a certificate is furnished to the Chief of Police establishing that the operator is insured for the following amounts:
  - i. public liability insurance in the amount of not less than three hundred thousand dollars (\$300,000) for injuries, including those resulting in death, resulting from any one (1) occurrence and on account of any one (1) accident; and
  - ii. property damage insurance in the amount of not less than twenty-five thousand dollars (\$25,000) for damages on account of any one (1) accident or occurrence.

3. The insurance certificates shall contain an agreement signed by the insurance company that, prior to modification, cancellation, or termination of the subject policy, written notice shall be sent to the City by said insurance company;
4. Install on the motor vehicle, signal lamps mounted at the same level and as high and widely spaced as practicable. These lamps shall be five (5) to seven (7) inches in diameter and shall display two (2) alternately flashing yellow lights on the motor vehicle and all lights shall be visible at five hundred feet (500') in normal sunlight upon a straight level street;
5. Must display on the rear and front door of the motor vehicle a sign with a white background and red letters, in uniform block letters that are three to five inches in height (3"-5"), a warning that shall read: "WARNING: WATCH FOR CHILDREN NEAR THIS VEHICLE AND STOP BEFORE PASSING WHEN ARM IS EXTENDED";
6. Shall install on each motor vehicle to be used for vending, an octagonal stop signal arm that is eighteen inches (18") by eighteen inches (18") that can be extended horizontally from the left side of the motor vehicle that duplicates the design of a standard octagonal stop sign as set forth in the State Manual of Uniform Traffic-Control Devices. This arm shall be red and white in color and contain two (2) alternately flashing lights three (3) to five (5) inches in diameter at the top and bottom thereof, visible at three hundred feet (300') to the front and rear in normal sunlight upon a straight level street. The color of the two (2) lights facing the front shall be red, and the two (2) lights facing the rear shall be red. The bottom of the signal arm shall be forty-two inches (42") above the street.

(D) Duty of Other Drivers. The duty of a driver meeting or overtaking a Roadway Food Vendor stopped on the street, shall stop no less than twenty-five (25') from the front or rear of said Roadway Food Vendor when the flashing lights and stop signal arm described herein are in use. After stopping, the driver may proceed past such Roadway Food Vendor at a reasonable and prudent speed not to exceed fifteen miles per hour (15 mph) and shall yield the right-of-way to any pedestrian crossing the roadway to or from the Roadway Food Vendor. The driver of a vehicle on a street with separate roadways separated by a divider of any form, need not stop upon meeting or passing a Roadway Food Vendor on the parallel roadway.

(E) Inspection of Motor Vehicle Required. A Roadway Food Vendor shall not use any motor vehicle for vending purposes that has not first been inspected by the Police Department and found to be in compliance with the requirements of this Section.

(F) Denial or Revocation of License. A license provided for in this Article shall be denied or revoked upon the failure of a motor vehicle used by a Roadway Food

Vendor to pass an inspection conducted by the Police Department certifying that the motor vehicle is in compliance with all provisions of this Section.

**Sec. 5-117. Processing Fee.**

- (A) Processing Fees. Each application for licensure shall be accompanied by payment of the processing fee provided for in Appendix A. These fees shall be applied to the expenses incurred in processing the application and enforcing the regulations of this Article.
- (B) Exemptions. The following shall be exempt from the processing fees required in this Section, but are nonetheless required to comply with the requirements of licensure:
1. Itinerate Merchants, Roadway Food Vendors, and Fixed Location Food Vendors that are owned and operated by full-time residents of Big Spring or Howard County;
  2. Itinerate Merchants, Roadway Food Vendors, and Fixed Location Food Vendors that are operated solely by bona-fide non-profit organization; and
  3. Persons offering for sale agricultural products grown or produced by them in this county shall not be required to pay the fees required by this Section, but must provide satisfactory proof that they have produced or grown the products to be peddled and the products have been approved by the Health Department.

**Sec. 5-118. Denial or Revocation of Permit; Issuance; Contents.**

- (A) Each application shall be referred to the Chief of Police for investigation and approval of the proposed sales area with regard to City zoning ordinances. The Chief of Police shall also investigate with regards to the other requirements of this Article. Any application for licensure may be denied or such license may be revoked for any of the following reasons:
1. Any misrepresentation or false statement contained in the application for licensure;
  2. A violation of any of the provisions of this Article;
  3. Conviction of any crime involving moral turpitude;
  4. Conviction of any crime constituting a breach of the peace, or a violation of any city ordinance or state law, or when the incident constituting the basis of such crime occurred during the course of business conducted under licensure;

5. Proposed operation would not comply with federal or state law or city ordinance, including zoning restrictions and Texas Food Service Establishment Rules;
6. Failure to provide parking spaces, which need not be paved, sufficient in number to accommodate the number of automobiles reasonably expected to be parked at any one time, taking into consideration the type, size, and quantity of merchandise to be offered for sale, in addition to those parking spaces required under the zoning ordinance for existing businesses;
7. Blocking access to city streets or driveways;
8. Failure to provide adequate trash containers for the proposed use; and
9. Failure to report and/or remit sales tax collected for the City of Big Spring to the State Comptroller.

(B) Upon denial or revocation of a license under this Article, the Chief of Police shall notify the applicant or licensee, in writing, of the reason for such denial or revocation. The applicant or licensee shall have a right to appeal to the City Council upon the denial or revocation of a license. After an applicant for a license under this Article has complied with the provisions and requirements herein and upon payment of the fees prescribed in Appendix A, the Chief of Police shall issue the applicant a license certifying compliance. Such license, when issued, shall be signed by the Chief of Police and shall be dated as of the date of its issuance. Any license not signed and dated or a license issued in violation of this Article shall be void.

**Sec. 5-119. Display of License Required.**

Every license issued under the authority of this Article shall be displayed upon the request of any City Official, customer, police officer, or the owner or occupant upon whose property the licensee is using for business purposes.

**Sec. 5-120. Hours of Operation.**

It shall be unlawful for any person to peddle or solicit any goods, wares, merchandise or services between the hours of 6:00 p.m. and 9:00 a.m. Monday through Saturday and at any time on Sunday. Roadway Food Vendors shall conform to the hours of operation provided for in Section 5-116(A)(13) of this Article. Itinerate Vendors and Fixed Location Food Vendors shall be authorized to operate at any hour on any day of the week.

**Sec. 5-121. Expiration.**

Each license issued under the authority of this Article shall be valid from the date of issuance until expiration or revocation. Itinerate Merchants, Peddlers, and Solicitors Permits shall be valid for a period not to exceed ten (10) days. Roadway Food Vendor and Fixed Location Food Vendor Permits shall be valid for a period not to exceed six (6) months.

**Sec. 5-122 through 5-150. Reserved.**

**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.** The City Secretary is hereby directed to cause the caption and the fees associated with this ordinance to be published as provided by law.

**SECTION 5.** This ordinance shall take effect immediately after passage and upon publication in accordance with the provision 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 **25<sup>th</sup>** day of **October, 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 **8<sup>th</sup>** day of **November, 2016** with all members present voting “aye” for the same.

ATTEST:

\_\_\_\_\_  
Larry McLellan, Mayor

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

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

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING APPENDIX A OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "FEE SCHEDULE" BY ADDING A NEW SECTION 1.900 ENTITLED "ITINERATE LICENSING" TO ESTABLISH FEES APPLICABLE TO ITINERATE MERCHANTS, PEDDERS, SOLICITORS, ROADWAY FOOD VENDORS, AND FIXED LOCATION FOOD VENDORS; AND ADDING THIS NEW SECTION IN ORDER TO RELOCATE THE SAID FEES FROM CHAPTER 5, ARTICLE 5 OF THE CODE TO APPENDIX A; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that relocating fees to a central location in the Code will promote transparency and streamline services;

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

**SECTION 1.** Appendix A of the Big Spring Code of Ordinances is hereby amended by adding a new Section 1.900 entitled "Itinerate Licensing" to read in its entirety as follows:

**Sec. 1.900. Itinerate Licensing.**

(a) Itinerate Merchants License:

Local Merchants No Charge/6-month permit

Out of town Merchants \$ 50.00/10 days

(b) Peddler License

\$ 50.00/10-day period; and  
\$ 10.00/each agent in excess  
of two (2)

(c) Solicitor

\$ 50.00/10-day period; and  
\$ 10.00/each agent in excess  
of two (2)

(d) Roadway Food Vendor:

Local Vendor No Charge/6-month permit

Out of town Vendor \$ 50.00/6-month period

(e) Fixed Location Food Vendor

Local Vendor

No Charge/6-month permit

Out of town Vendor

\$ 50.00/6-month period

**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.** The City Secretary is hereby directed to cause the caption and the fees associated with this ordinance to be published as provided by law.

**SECTION 5.** This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the **25<sup>th</sup>** day of **October, 2016**, with all members present voting “aye” for passage of same.

**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Council on the **8<sup>th</sup>** day of **November, 2016**, with all members present voting “aye” for passage of same.

\_\_\_\_\_  
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 ORDINANCE NUMBER 034-2016 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 BY INCREASING THE GENERAL FUND BUDGET BY ACCEPTING AN INVENERGY GRANT TO BE USED FOR EDUCATION AND TRAINING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS** the City Council adopted the annual 2016-17 budget for the City of Big Spring, Texas on September 27, 2016; and

**WHEREAS** by accepting an Invenergy Grant to be used for additional education and training which were not included in such budget.

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

**SECTION 1. Enacted.**

The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017 is hereby increased by the amount of \$4,000.00 from the revenue account number 002-4260 to the expense account number 002-012-210-5555 for the purpose of additional education and training within the Fire Department.

**SECTION 2. Continuing effect.**

The remaining portions of Ordinance Number 034-2016 shall remain in full force and effect.

**SECTION 3. Repeal.**

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

**SECTION 4. Publication.**

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

**SECTION 5. Effective Date.**

This ordinance shall be in full 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 11<sup>th</sup> day of **October, 2016** with all members of the Council voting “aye” for the passage of same.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the 23<sup>rd</sup> day of **October, 2016** with all members of the Council voting “aye” for the passage of same.

CITY OF BIG SPRING

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Larry McLellan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

**CONTRACT  
FOR  
HISTORICAL PRESERVATION  
AND RESTORATION PROJECTS**

This Contract for Historical Preservation and Restoration Projects is made and entered into by and between the CITY OF BIG SPRING, hereinafter referred to as "City," and the HERITAGE MUSEUM OF BIG SPRING, hereinafter referred to as "Museum" for and in consideration of the mutual terms, conditions and covenants contained herein.

1. Funding and Funding Purposes. City agrees to provide funding to Museum solely for the purpose of preserving and restoring projects of historical interest in the City of Big Spring, Texas, which purpose shall be liberally construed but consistent with Texas Tax Code Section 351.001. A permitted use of such funding includes, but is not limited to, the administrative costs of operating the museum. The Museum agrees to use such funds for such purposes.

2. Term. This Contract commences on October 1, 2016 and terminates on September 30, 2018, unless terminated sooner as provided herein.

3. Funding Level. Out of collected hotel/motel taxes, City shall distribute to Museum the following:

The sum of \$12,000 in October, 2016;  
The sum of \$12,000 in April, 2017;  
The sum of \$12,000 in October, 2017; and  
The sum of \$12,000 in April, 2018,

to be used for the purposes specified in paragraph 1 above.

4. Budget, Financial Reporting and Recordkeeping. In consideration of said funding, Museum agrees to prepare and present an annual budget showing projected revenues and expenses, which shall be approved by the City Council of the City of Big Spring prior to execution or renewal of this contract, and regular financial reports showing the relationship of actual expenses to the authorized expenses in the approved budget. Financial reporting and recordkeeping shall be in forms satisfactory to the City's Finance Director. The sufficiency of such reports shall be determined by the City Council. All such records shall be available for inspection by elected City officials or City management or agents at any time during the normal office hours of the Museum.

5. Audit. An audit of the funds and activities of any program for which said funding is provided may be made upon the request of the City Council at any time, at the City Council's expense. In such event, it is agreed that the auditors performing said audit shall have access to and the right to examine all records and accounts as may be reasonably necessary to conduct and complete its audit. In the event the Museum conducts an audit, a copy of the audit report will be delivered to the City Manager.

6. Amendments. The parties agree that this Contract may be amended by a duly authorized resolution or ordinance of the City; provided, however, should said amendment be onerous or burdensome upon the Museum, the Museum shall be able by resolution to terminate this Contract upon 30 days written notice and shall then return all funds and property held pursuant hereto to the City, thereby releasing the Museum from the terms hereof.

7. Termination. The City reserves the right upon 60 days written notice, to terminate this Contract when the terms hereof are violated or when the City Council deems it is in the best interest of the public to do so. Upon termination of this Contract for any reason, any remaining funds and any equipment derived under this Contract, shall belong to and be delivered to the City. This provision shall not prevent the City and the Museum from agreeing to use any such funds for the continuation of the underlying program in the event the parties enter into another subsequent contract. In the event there is a fund deficit at the time of the termination of this Contract, the City shall not be liable for said deficit; and the Museum shall indemnify the City as to any claims against the City arising from or due to any such deficit.

8. Independent Contractor. It is expressly understood and agreed that Museum shall be considered an independent contractor in performing its activities and programs and using the funds furnished under this Contract. Accordingly, the officers, employees, and the property of the Museum shall not be considered, for any purpose, to be the officers, employees or property of the City; and the Museum shall indemnify the City from any and all claims by officers and employees of the Museum or by other persons based upon the premises that any officer, employee or property of the Museum is an officer, employee or property of the City because of this Contract.

9. Compliance with Laws. The Museum agrees that as to all of its programs and activities, it will fully comply with all federal, state and city laws, including but not limited to the civil rights laws prohibiting discrimination against any person on the basis of race, national origin, sex or because the person is handicapped.

Executed on the \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF BIG SPRING

By: \_\_\_\_\_  
Larry McLellan, Mayor

ATTEST:

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

HERITAGE MUSEUM OF BIG SPRING

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

**AGREEMENT  
FOR  
ADMINISTRATION AND OPERATION OF  
POTTON HOUSE**

This Agreement for Administration and Operation of Potton House is made and entered into by and between the CITY OF BIG SPRING, hereinafter referred to as "City," and the HERITAGE MUSEUM OF BIG SPRING, hereinafter referred to as "Museum," for and in consideration of the mutual terms, conditions and covenants contained herein.

1. Purpose. The City owns the historic home in Big Spring, Texas commonly known as the "Potton House," and desires to enter into an agreement for the Museum to be primarily responsible for the administration and general operation of the Potton House for a period of time, and Museum agrees to do so, taking responsibility for advertising the facility, maintaining hours of operation for the public to view the house, and collecting gate proceeds and fees for use of the facility.

2. Term. This Agreement commences on October 1, 2016 and terminates on September 30, 2018, unless terminated sooner as provided herein.

3. City Funding, Utilities and Repairs. The City will provide funding to the Museum as follows:

The sum of \$4,000 in October, 2016;  
The sum of \$4,000 in April, 2017;  
The sum of \$4,000 in October, 2017; and  
The sum of \$4,000 in April, 2018,

to be used for the purposes specified in paragraph 1 above. The City also agrees to be responsible for payment of utilities provided to the Potton House and for insuring said house and its contents against loss. Any expenditure in excess of \$500.00 for maintenance or repair shall be considered a major repair. The Museum shall pay the first \$500.00 of any such repair, and the City will pay all expenditures above that amount. No major repairs will be made without the prior written consent of the City Manager.

4. Donations and Reporting. The parties agree that the City and Howard County Historical Commission will not accept donations during the term of this Agreement and will instead refer all offers of such donations to the Museum. Such donations will be received by the Museum Curator and Accessions Committee, and any accepted donations of historical property shall be subject to the same ownership responsibilities as those historical items presently in the possession of Museum. Museum will prepare an inventory of any monies or properties donated for the benefit of Potton House as such monies or properties are received by Museum and shall provide City with a copy of such inventory monthly.

5. Entry Fees.

6. Financial Reporting and Recordkeeping. In consideration of said funding, Museum agrees to prepare and present an annual budget showing projected revenues and expenses, which shall be approved by the City Council of the City of Big Spring prior to execution or renewal of this contract, and regular financial reports showing the relationship of actual expenses to the authorized expenses in the approved budget. Financial reporting and recordkeeping shall be in forms satisfactory to the City's Finance Director. The sufficiency of such reports shall be

determined by the City Council. All such records shall be available for inspection by elected City officials or City management or agents at any time during the normal office hours of the Museum.

7. Audit. An audit of the funds and activities of any program for which said funding is provided may be made upon the request of the City Council at any time, at the City Council's expense. In such event, it is agreed that the auditors performing said audit shall have access to and the right to examine all records and accounts as may be reasonably necessary to conduct and complete its audit. In the event the Museum conducts an audit, a copy of the audit report will be delivered to the City Manager.

8. Amendments. The parties agree that this Contract may be amended by a duly authorized resolution or ordinance of the City; provided, however, should said amendment be onerous or burdensome upon the Museum, the Museum shall be able by resolution to terminate this Contract upon 30 days written notice and shall then return all funds and property held pursuant hereto to the City, thereby releasing the Museum from the terms hereof.

9. Termination. The City reserves the right upon 60 days written notice, to terminate this Contract when the terms hereof are violated or when the City Council deems it is in the best interest of the public to do so. Upon termination of this Contract for any reason, any remaining funds and any property derived under this Contract, shall belong to and be delivered to the City. This provision shall not prevent the City and the Museum from agreeing to use any such funds for the continuation of the underlying program in the event the parties enter into another subsequent contract. In the event there is a fund deficit at the time of the termination of this Contract, the City shall not be liable for said deficit; and the Museum shall indemnify the City as to any claims against the City arising from or due to any such deficit.

10. Independent Contractor. It is expressly understood and agreed that Museum shall be considered an independent contractor in performing its activities and programs and using the funds furnished under this Contract. Accordingly, the officers, employees, and the property of the Museum shall not be considered, for any purpose, to be the officers, employees or property of the City; and the Museum shall indemnify the City from any and all claims by officers and employees of the Museum or by other persons based upon the premises that any officer, employee or property of the Museum is an officer, employee or property of the City because of this Contract.

11. Compliance with Laws. The Museum agrees that as to all of its programs and activities, it will fully comply with all federal, state and city laws, including but not limited to the civil rights laws prohibiting discrimination against any person on the basis of race, national origin, sex or because the person is handicapped.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF BIG SPRING

By: \_\_\_\_\_  
Todd Darden, City Manager

ATTEST:

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

HERITAGE MUSEUM OF BIG SPRING

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

**CONTRACT  
FOR  
BIG SPRING VICTIM SERVICES**

This Contract for Big Spring Victim Services is made and entered into by and between the CITY OF BIG SPRING, hereinafter referred to as "City," and BIG SPRING VICTIM SERVICES, hereinafter referred to as "BSVS" for and in consideration of the mutual terms, conditions and covenants contained herein.

1. Funding and Funding Purposes. City agrees to provide funding to BSVS solely for the purpose of providing for rape crisis counseling and victim services within the city limits of Big Spring, Texas. Such services shall sometimes be referred to as "Program" in this Contract.

2. Term. This Contract commences on October 1, 2016 and terminates on September 30, 2018, unless terminated sooner as provided herein.

3. Funding Level. The City shall provide the following funding:

The sum of \$17,500 in October, 2016; and  
The sum of \$17,500 in October, 2017,

to be used for the purposes specified in paragraph 1 above. BSVS agrees to expend said funds accordingly.

4. Budget, Financial Reporting and Recordkeeping. In consideration of said funding, BSVS agrees to prepare and present an annual budget showing projected revenues and expenses, which shall be approved by the City Council of the City of Big Spring prior to execution or renewal of this contract, and regular financial reports showing the relationship of actual expenses to the authorized expenses in the approved budget. Financial reporting and recordkeeping shall be in forms satisfactory to the City's Finance Director. The sufficiency of such reports shall be determined by the City Council. All such records shall be available for inspection by elected City officials or City management or agents at any time during the normal office hours of the BSVS.

5. Audit. An audit of the funds and activities of any program for which said funding is provided may be made upon the request of the City Council at any time, at the City Council's expense. In such event, it is agreed that the auditors performing said audit shall have access to and the right to examine all records and accounts as may be reasonably necessary to conduct and complete its audit. In the event the BSVS conducts an audit, a copy of the audit report will be delivered to the City Manager.

6. Amendments. The parties agree that this Contract may be amended by a duly authorized resolution or ordinance of the City; provided, however, should said amendment be onerous or burdensome upon the BSVS, the BSVS shall be able by resolution to terminate this Contract upon 30 days written notice and shall then return all funds and property held pursuant hereto to the City, thereby releasing the BSVS from the terms hereof.

7. Termination. The City reserves the right upon 60 days written notice, to terminate this Contract when the terms hereof are violated or when the City Council deems it is in the best interest of the public to do so. Upon termination of this Contract for any reason, any remaining funds and any equipment derived under this Contract, shall belong to and be delivered to the

City. This provision shall not prevent the City and the BSVS from agreeing to use any such funds for the continuation of the underlying program in the event the parties enter into another subsequent contract. In the event there is a fund deficit at the time of the termination of this Contract, the City shall not be liable for said deficit; and the BSVS shall indemnify the City as to any claims against the City arising from or due to any such deficit.

8. Independent Contractor. It is expressly understood and agreed that BSVS shall be considered an independent contractor in performing its activities and programs and using the funds furnished under this Contract. Accordingly, the officers, employees, and the property of the BSVS shall not be considered, for any purpose, to be the officers, employees or property of the City; and the BSVS shall indemnify the City from any and all claims by officers and employees of the BSVS or by other persons based upon the premises that any officer, employee or property of the BSVS is an officer, employee or property of the City because of this Contract.

9. Compliance with Laws. The BSVS agrees that as to all of its programs and activities, it will fully comply with all federal, state and city laws, including but not limited to the civil rights laws prohibiting discrimination against any person on the basis of race, national origin, sex or because the person is handicapped.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF BIG SPRING

By: \_\_\_\_\_  
Larry McLellan, Mayor

ATTEST:

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

BIG SPRING VICTIM SERVICES

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary