

CITY COUNCIL AGENDA

City of Big Spring
Tuesday, October 25, 2011

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, October 25, 2011, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

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

Presentations & Public Hearings

1. Invocation & Pledge of Allegiance to the United States Flag and to the Texas State Flag Duncan
2. Presentation of "Doing Your Part Award" Duncan
3. Presentation of "Department of Defense Patriotic Employer Award" Duncan/Fernandez
4. Public Hearing – Taxation of Tangible Personal Property in Transit Which Would Otherwise be Exempt Pursuant to Texas Tax Code Walker

Disposition of Minutes

5. Minutes of the Regular Meeting of September 27, 2011 4-11 Davis

Consent Items

6. Final Reading of a Resolution Designating a Nominee for the Position of Director on the Board of Directors of the Howard County Joint Tax Appraisal District for the Years of 2012 and 2013 12 Walker
7. Acceptance of Zoning Board of Adjustments and Appeals Minutes for Meeting of September 7, 2011 13-15 Walker
8. Acceptance of Convention and Visitors Bureau Committee Minutes for Meeting of September 7, 2011 16-17 Walker
9. Acceptance of the Howard County Appraisal District Board of Directors Minutes for Meetings of September 14, 2011 and September 19, 2011 18-19 Walker

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|-----|--|-------|--------|
| 10. | Approval of Late Homestead Exemption Refunds for the Month of September 2011 | 20-21 | Walker |
|-----|--|-------|--------|

Routine Business

- | | | | |
|-----|--|--|----------|
| 11. | Vouchers for 09/29/11 \$ 232,627.32
Vouchers for 10/06/11 \$ 533,176.84 | | Ramirez |
| 12. | Vouchers for 10/13/11 \$ 629,517.97
Vouchers for 10/20/11 \$ 1,227,451.06 | | Carrigan |

New Business

- | | | | |
|-----|---|-------|---------|
| 13. | First Reading of an Ordinance Declaring Intent to Tax Tangible Personal Property in Transit Which Would Otherwise be Exempt Pursuant to Texas Tax Code | 22 | Walker |
| 14. | First Reading of a Resolution Declaring the Official Intent of the City to be Reimbursed for Certain Capital Expenditures from Proceeds of a Lease Purchase Agreement and Establishing an Effective Date | 23-24 | Walker |
| 15. | First Reading of an Ordinance Amending Chapter 1 of the Code of Ordinances, by Amending Article 1 Section 1-25 Entitled "Adoption of Civil Service for Firefighters and Civil Service Positions Designated" by Amending Paragraph Three to Decrease the Number of Deputy Chief Positions from Eight to Five by Attrition and to Increase the Number of Lieutenant Positions for Each Deputy Chief Position so Abolished; Providing a Severability Clause; Providing for Repeal of Conflicting Ordinances; and Providing an Effective Date | 25-27 | Medina |
| 16. | Discussion and Consideration to Approve Final Plat Along with Approval to Vacate and Abandon an Easement and Authorizing the Mayor to Execute Any Necessary Documents | 28 | Darden |
| 17. | Approval of a Second Amendment to an Industrial Park Lease Agreement with John Crane Production Solutions and Authorizing the Mayor to Execute Any Necessary Documents | 29-37 | Sjogren |
| 18. | Acceptance of Big Spring Economic Development Corporation Board of Directors Minutes for Regular Meeting of September 20, 2011 | 38-40 | Fuqua |
| 19. | Approval of Investment Report for the Quarter Ending September 30, 2011 | 41-42 | Walker |

City Manager's Report

- 20.

Council Input

21. Input Duncan
22. Adjourn Duncan

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on Friday, October 21, 2011 at 4:00 p.m. In addition this agenda and supporting documents are posted on the City of Big Spring's website, www.mybigspring.com in accordance with legal requirements.



Lesa Gamble, Administrative Assistant

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

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

October _____, 2011 at _____ a.m./p.m.

By: _____
City Secretary's Office

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th, Big Spring, Texas, at 5:30 p.m., September 27, 2011, with the following members present:

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

Same and constituting a quorum; and

GARY FUQUA	City Manager
LINDA SJOGREN	City Attorney
PEGGY WALKER	Finance Director/City Secretary
JOHN MEDINA	Human Resources Director
LONNIE SMITH	Police Chief
RICH GROVE	Deputy Fire Chief
TIM GREEN	Municipal Court Judge
JIM LITTLE	Airport Director

PRESENTATIONS & PUBLIC HEARINGS

INVOCATION & PLEDGE OF ALLEGIANCE

Holston Banks, Shiloh House of Praise, gave the invocation and Mayor Duncan led the Pledge of Allegiance to the American and State Flags.

PUBLIC HEARING – COUNCIL DISCUSSION & EVALUATION OF PROPOSAL #1, #2, #3 AND #4, AND PUBLIC COMMENT CONCERNING REDISTRICTING OF POLITICAL BOUNDARIES

Motion was made by Councilmember Hansen, seconded by Councilmember Carrigan, with all members of the Council voting “aye” to open the public hearing to discuss and evaluate proposals #1, #2, #3 and #4, and to receive public comment concerning redistricting of political boundaries.

After a presentation by Bob Bass and a brief discussion, motion was made by Councilmember McDonald, seconded by Councilmember Ramirez, with all members of the Council voting “aye” to close the public hearing.

DISPOSITION OF MINUTES

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 13, 2011

Motion was made by Councilmember Carrigan, seconded by Councilmember Fernandez, with all members of the Council voting "aye" approving the regular minutes of September 13, 2011.

CONSENT ITEMS

FINAL READING OF AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE YEAR 2011 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS AND RECREATION," ARTICLE 4, DIVISION 3 ENTITLED "CITY PARK PAVILION AREAS" BY PROVIDING FOR RESERVATIONS, HOURS OF USE AND RENTAL FEES FOR PARK PAVILIONS AND ARTICLE 4, DIVISION 4 BY PROVIDING ADDITIONAL REQUIREMENTS FOR PARK RESERVATIONS FOR EVENTS INVOLVING SALES, SERVICE AND CONSUMPTION OF ALCOHOL

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS, AND RECREATION," IN ORDER TO UPDATE THE NAMES OF VARIOUS CITY PARKS AND TO PROVIDE FOR ALLOWING THE CITY MANAGER TO EXTEND THE OPERATING HOURS OF CITY PARKS FOR CERTAIN EVENTS

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ALCOHOLIC BEVERAGES," BY RENAMING THE PROVISIONS INVOLVING CITY PARKS AND REPEALING THE PARK RESERVATION REQUIREMENTS FOR EVENTS INVOLVING ALCOHOL USE IN ORDER TO RELOCATE SUCH PROVISIONS TO THE PARKS AND RECREATION SECTION OF CHAPTER 6 OF THE CITY CODE

ACCEPTANCE OF THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MINUTES FOR MEETING OF NOVEMBER 17, 2010

ACCEPTANCE OF MCMAHON-WRINKLE AIRPARK DEVELOPMENT BOARD MINUTES FOR MEETING OF AUGUST 18, 2011

ACCEPTANCE OF CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES FOR MEETING OF AUGUST 3, 2011
ACCEPTANCE OF HOWARD COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS MINUTES FOR MEETING OF AUGUST 10, 2011

Motion was made by Councilmember McDonald, seconded by Councilmember Hansen, with all members of the Council voting "aye" approving the second and final reading of the above listed ordinances and approving of the above listed minutes.

OTHER BUSINESS

FINAL READING OF AN ORDINANCE APPROVING AND ADOPTING THE CITY OF BIG SPRING'S ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012

Motion was made by Councilmember McDonald, seconded by Councilmember Hansen, with Councilmembers Ramirez, Carrigan, Duncan, McDonald, Olson and Hansen voting "aye" approving the second and final reading of an ordinance approving and adopting the City of Big Spring's annual budget for the fiscal year beginning October 1, 2011 and ending September 30, 2012. Councilmember Fernandez, being opposed, voting "nay" for passage of same. Motion passes six to one.

FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 16, ARTICLE 3 ENTITLED "UTILITY SERVICE CHARGES" BY AMENDING SECTION 16-70 ENTITLED "CHARGES FOR WATER RATES," ESTABLISHING CHARGES FOR WATER SERVICES FOR 2011-12; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Carrigan, with Councilmembers Carrigan, Duncan, McDonald, Olson, and Hansen voting "aye" approving the second and final reading of an ordinance amending the Code of Ordinances by amending Chapter 16, Article 3 entitled "Utility Service Charges" by amending Section 16-70 entitled "Charges for Water Rates," establishing charges for water services for 2011-12; providing for severability clause; providing for publication and providing an effective date. Councilmembers Fernandez and Ramirez, being opposed, voting "nay" for passage of same. Motion passes five to two.

FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 7 ENTITLED "COMANCHE TRAIL GOLF COURSE" BY AMENDING FEES; REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Fernandez, with Councilmembers Fernandez, Carrigan, Duncan, McDonald, Olson and Hansen voting "aye" approving second and final reading of an ordinance amending the Code of Ordinances by amending Chapter 6, Article 7 entitled "Comanche Trail Golf Course" by amending fees; repealing ordinances in conflict with this ordinance; providing for

severability; providing for publication and providing an effective date. Councilmember Ramirez, being opposed, voting “nay” for passage of same. Motion passes six to one.

ROUTINE BUSINESS

VOUCHERS

Councilmember Fernandez reviewed vouchers. Motion was made by Councilmember Fernandez, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” approving vouchers in the amount of \$1,011,211.95 (9/15/11) and \$643,773.58 (9/22/11).

BIDS

AWARD ANNUAL BIDS AS FOLLOWS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Hansen, seconded by Councilmember McDonald, with all members of the Council voting “aye” awarding annual bids and authorizing the City Manager or his designee to execute any necessary documents as follows:

Awarding Aluminum Sulfate (Alum) to General Chemical, Corp. in the amount of \$126,500.00.

Awarding Anhydrous Ammonia to Airgas in the amount of \$39,200.00.

Awarding Liquid Chlorine to DPC Industries, Inc. in the amount of \$96,035.00.

Awarding Polymer to Polydyne, Inc. in the amount of \$35,400.00.

Awarding Sulfur Dioxide to DPC Industries, Inc. in the amount of \$25,950.00.

Awarding Sodium Hydroxide to Hydro-Plus, Inc. in the amount of \$185,000.00.

Awarding Fleet Fuel Services to Parks Fuels Inc. in the amount of \$.08 over rack for unleaded and \$.08 over rack for diesel.

Awarding Lube and Oil Change Services to Avis Lube Center in the amount of \$35.69 for 5 qt. capacity vehicles, \$39.51 for 6 qt. capacity vehicles, and \$3.82 for additional quarts of oil.

Awarding Radio Tower Maintenance to Petro Communications in the amount of \$3,000.00.

Awarding Uniforms to Unifirst Holdings Corp. in the amount of \$11,969.95.

Awarding Janitorial Services for Dora Roberts Community Center to Diaz Janitorial Service in the amount of \$5,400.00.

AWARD BID FOR GENERAL LIABILITY, PROPERTY AND WORKERS' COMPENSATION INSURANCE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS

Motion was made by Councilmember McDonald, seconded by Councilmember Hansen, with all members of the Council voting "aye" awarding bid for general liability, property and workers' compensation insurance to Texas Municipal League and authorizing the City Manager or his designee to execute all necessary documents.

NEW BUSINESS

APPROVAL OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION'S ANNUAL BUDGET FOR 2011-12

Terry Wegman presented some changes the Big Spring Economic Development Corporation Board agreed to make as Council requested for their annual budget for 2011-12.

After a brief discussion, Mayor Duncan asked for additional changes to be made to the Big Spring Economic Development Corporation's annual budget for 2011-12 as follows:

- 1) Postage machine rental be discontinued, with EDC using the postage machine at City Hall.
- 2) Total office category being maintained at current year's level of \$7,500.
- 3) Total Contractual Services category being maintained at current year's level of \$36,600.
- 4) Total Promotion category being maintained at current year's level of \$22,000.
- 5) Total budget expenses approved amounted to \$3,697,300.
- 6) Council acknowledged that budget amendments could be brought to Council for approval, as needed.

Motion was made by Councilmember McDonald, seconded by Mayor Pro Tem Olson, with all members of the Council voting "aye" approving the Big Spring Economic Development Corporation's current proposed annual budget for 2011-12 with the above listed changes.

EMERGENCY READING OF A RESOLUTION APPROVING AND ADOPTING NEW DISTRICT BOUNDARIES FOR THE ELECTION OF CITY COUNCIL MEMBERS

Motion was made by Councilmember McDonald, seconded by Councilmember Ramirez, with all members of the Council voting "aye" approving an emergency reading of a resolution approving and adopting Plan #4 as the new district boundaries for the election of City Council Members.

APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BIG SPRING AND HOWARD COUNTY FOR CONSTRUCTION AND OPERATION OF A LAW

ENFORCEMENT CENTER AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Hansen, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving an interlocal agreement between the City of Big Spring and Howard County for construction and operation of a Law Enforcement Center and authorizing the Mayor to execute any necessary documents.

APPROVAL OF AN AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR CONSULTANT SERVICES FOR THE WEST CELL FINAL CAP MODIFICATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember McDonald, with all members of the Council voting “aye” approving an agreement with Parkhill, Smith & Cooper, Inc. for consultant services for the West Cell Final Cap Modification and authorizing the City Manager to execute any necessary documents.

APPROVAL OF AN AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. FOR CONSULTANT SERVICES FOR NEW LANDFILL FACILITY PHASE I PERMITTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember McDonald, with all members of the Council voting “aye” approving an agreement with Parkhill, Smith & Cooper, Inc. for consultant services for new Landfill Facility Phase I Permitting and authorizing the City Manager to execute any necessary documents.

APPROVAL OF A PERFORMANCE AGREEMENT BETWEEN BIG SPRING ECONOMIC DEVELOPMENT CORPORATION AND CERAM-KOTE

Motion was made by Councilmember McDonald, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving a performance agreement between Big Spring Economic Development Corporation and Ceram-Kote.

FIRST READING OF A RESOLUTION DESIGNATING A NOMINEE FOR THE POSITION OF DIRECTOR ON THE BOARD OF DIRECTORS OF THE HOWARD COUNTY JOINT TAX APPRAISAL DISTRICT FOR THE YEARS OF 2012 AND 2013

Motion was made by Councilmember Carrigan, seconded by Councilmember Ramirez, with all members of the Council voting “aye” approving first reading of a resolution designating a nominee, Tim Blackshear, for the position of director on the Board of Directors of the Howard County Joint Tax Appraisal District for the years of 2012 and 2013.

ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF AUGUST 16, 2011

Motion was made by Councilmember McDonald, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” accepting the Big Spring Economic Development Corporation Board of Directors minutes for regular meeting of August 16, 2011.

APPOINTMENTS TO MCMAHON/WRINKLE AIRPARK DEVELOPMENT BOARD

Marc Marchessault and Will Rangel, Jr. were appointed to the McMahon/Wrinkle Airpark Development Board by paper ballot votes from the City Council.

APPOINTMENTS TO BIG SPRING HISTORIC PRESERVATION COMMISSION

Motion was made by Councilmember Carrigan, seconded by Councilmember McDonald, with all members of the Council voting “aye” appointing Linda Sjogren, Leslie Elrod and Terry Hansen to re-serve on the Big Spring Historic Preservation Commission.

APPOINTMENTS TO BOARD OF ADJUSTMENTS & APPEALS

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Hansen, with all members of the Council voting “aye” appointing Phil Furqueron and Walter Brumley, Jr. to re-serve on the Board of Adjustments & Appeals.

APPOINTMENTS TO PLANNING & ZONING COMMISSION

Terry McDaniel and Kevan Schooler were appointed to the Planning & Zoning Commission by paper ballot votes from the City Council.

APPOINTMENTS TO ZONING BOARD OF ADJUSTMENTS

Motion was made by Councilmember McDonald, seconded by Councilmember Carrigan, with all members of the Council voting “aye” appointing Drew Mouton and Libby Uribe to re-serve on the Zoning Board of Adjustments.

APPOINTMENTS TO BIG SPRING ECONOMIC DEVELOPMENT CORPORATION

Scott Mackenzie and Jim DePauw were appointed to the Big Spring Economic Development Corporation Board by paper ballot votes from the City Council.

CITY MANAGER’S REPORT

Gary Fuqua, City Manager, announced that the annual TML Conference is the second week in October. City Council agreed to cancel the October 11th Council meeting due to staff and Council members going to the conference.

COUNCIL INPUT

No Council input at this time.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION UNDER THE PROVISIONS OF TITLE 5, TEXAS GOVERNMENT CODE SECTION 551.074 TO EVALUATE THE CITY MANAGER AND CITY ATTORNEY AT 8:00 P.M.

RECONVENE INTO REGULAR SESSION TO TAKE ANY NECESSARY ACTION AT 8:20 P.M.

No action taken.

ADJOURN

Motion was made by Councilmember Carrigan, seconded by Councilmember McDonald, with all members of the Council voting "aye" to adjourn at 8:21 p.m.

CITY OF BIG SPRING, TEXAS

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, DESIGNATING TIM BLACKSHEAR AS NOMINEE FOR THE POSITION OF DIRECTOR ON THE BOARD OF DIRECTORS OF THE HOWARD COUNTY JOINT TAX APPRAISAL DISTRICT FOR THE YEARS OF 2012 AND 2013

WHEREAS, the State Property Tax Code requires that the board of directors of an appraisal district serve a two year term; and

WHEREAS, the term of the current Board of Directors will expire on December 31, 2011; and

WHEREAS, each taxing unit that is entitled to vote may nominate candidates for each position to be filled; and

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

That Tim Blackshear be and is hereby selected as nominee for the position of Director on the Board of Directors for the Howard County Joint Tax Appraisal District for the years 2012 and 2013.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 27th day of September, 2011, 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 25th day of October, 2011, with all members present voting "aye" for passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

**THE CITY OF BIG SPRING
ZONING BOARD OF ADJUSTMENTS AND APPEALS
MINUTES OF SEPTEMBER 7, 2011**

THE CITY OF BIG SPRING ZONING BOARD OF ADJUSTMENTS AND APPEALS HELD A MEETING WEDNESDAY, SEPTEMBER 7, 2011 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, LOCATED AT 307 E 4TH ST.

THE FOLLOWING MEMBERS WERE PRESENT:

Burr Lea Settles
Steve Herron
Libby Uribe
Kenneth Johnson

MEMBERS ABSENT:

Drew Mouton

OTHERS PRESENT:

Chad Averette-Code Enforcement Supervisor
Leslie Whitten-Administrative Assistant
Tamara Rodriguez-Code Clerk
Danny Valle-Code Officer
Thomas Hodges-Code Officer
Terena Rustman
Joyce Crooker
Wanda Archer
Charles Archer
Terri Prater
Guy Prater
?
Skip Burcham
Ann Sanders
Bob Parks
Aubrey Weaver, Jr.
Angela Parks

CALL TO ORDER:

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

APPROVAL OF MINUTES OF November 17, 2010:

Burr Lea Settles made motion to approve minutes, Kenneth Johnson 2nd motion.



All members present voted “Aye”, none opposed. Motion carried.

B J Kilpatrick, 704 W. 17th St, is requesting a variance for a side yard setback for a carport. Mr. Averette stated that 21 letters were sent out, 1 no objections, 1 objection and no returned letters.

Mrs. Whitten advised the board that Mr. Kilpatrick passed away a couple of weeks ago & his wife wasn't in any kind of shape to speak at the meeting. She had advised Mrs. Whitten that she wasn't sure if she was even still interested in building the carport. Mr. Averette stated that the City of Big Spring doesn't agree with setting the carport there because you are setting the standard for other carports in the area. Burr Lea Settles made motion to deny. Kenneth Johnson 2nd the motion.

All members present voted “Aye”, none opposed. Motion carried.

Guy Prater, 2505 Broadway, is requesting a variance for a front yard setback for a carport. Mr. Averette stated that 7 letters were sent out, 2 no objection, 0 objections and no returned letters. Mr. Averette stated that the City of Big Spring doesn't object to the carport due to the fact that it is a dead end street & no “set” building line in the area. Ken Johnson made motion to approve. Libby Uribe 2nd the motion.

All members present voted “Aye”, none opposed. Motion carried.

BSISD, 707 E. 11th Pl, is requesting a variance for a front yard setback for a sign. Mr. Averette stated that 27 letters were sent out, 1 no objection, 1 objection and no returned letters. Mr. Averette stated that the City of Big Spring does object to the sign because the sign is too close to the street and it is a traffic distraction. He states that it would be best if the sign were moved back closer to the correct setback.

Burr Lea Settles made motion to approve. Kenneth Johnson 2nd the motion.

All members present voted “Aye”, none opposed. Motion carried.

COBS, 1406 Gregg St, is requesting a variance for an electronic sign.

Mr. Averette stated that 8 letters were sent out, 0 no objection, 0 objections and no returned letters.

Kenneth Johnson abstained from voting on this property so the variance has to be tabled to a later meeting.

Bob Parks, 2903 Parkway, is requesting a variance for a front yard setback for an entry way into his property.

Mr. Averette stated that 22 letters were sent out, 5 no objections, 3 objections and no returned letters.

Mr. Averette stated that the City of Big Spring feels like if it were brought down to 3 feet then it would probably be better.

Libby Uribe made motion to approve. Burr Lea Settles 2nd the motion with the stipulation to comply, Mr. Parks needs to bring it down to 3 feet w/in the 15 foot setback.

All members present voted “Aye”, none opposed. Motion carried.

Jason Rustman, 3200 Wasson, is requesting a variance for a front yard setback for a fence.

Mr. Averette stated that 48 letters were sent out, 3 no objections, 0 objections and no returned letters.

Burr Lea Settles made motion to approve. Libby Uribe 2nd the motion.

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

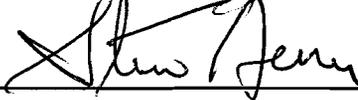
OTHER BUSINESS:

ADJOURNMENT:

Steve Herren made motion to adjourn. Kenneth Johnson 2nd motion.

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

CHAIRMAN'S SIGNATURE



ADMIN ASSISTANT SIGNATURE



**Convention and Visitors Bureau Committee
Minutes from Wednesday, September 7, 2011
City Council Chambers**

Present: Gloria McDonald, Troy Tompkins, Jay Patel, Jan Foresyth, Debbie Wegman, Devoun Blount
Absent: Peggy Walker, Gary Fuqua
Guests:

Gloria McDonald called the meeting to order at 4:00 p.m.

Approval of minutes

The minutes from the meeting of August 3, 2011 were reviewed. Motion was made by Jan Foresyth to approve the minutes as written. Motion was seconded by Troy Tompkins and passed unanimously.

Discussion of Follow-up Reports

- a. West Texas Disc Golf Champion's Tournament: The follow up report was presented by Debbie Wegman. The disc golf tournament had a total of 93 competitors, which is the most the tournament has ever had. There was not a host hotel but approximately 40-50 rooms were booked for this event. Approximately 78 out of the 93 participants were from out of town. This year's CVB contribution was substantially less. The funds are used to purchase trophies and t-shirts for the participants.
- b. 3rd Annual Harold Davis West Texas Charity Shoot Out: The follow up report was presented by Debbie Wegman. Mr. Roy Green was not available due to the fires near the Austin area. The committee expressed concern that this event each year has requested more and more money. The members feel that Mr. Green needs to raise more money to increase revenue. There were also some questions that the committee had about on the pre tournament promotion. Debbie Wegman would address those concerns with Mr. Green.

Other

- a. Discussion of Signage of North 87(outside of Lamesa) The committee is interested in obtaining information on land where a sign can be placed to advertise Big Spring. Mrs. Jan Foresyth suggested Bobby McDonald, a former realtor. The committee was in agreement. A motion was made by Jan Foresyth to have bobby McDonald to research the possibility of securing property to place signage advertising Big Spring and bring the information back to the committee. Motion was seconded by Marcus Fernandez and passed unanimously.
- b. Discussion of and approval of changes to DRCC Facility Use Guidelines & License: Debbie Wegman presented to the committee an addition to the contract to include the rental of the white chair covers and table skirts that were

recently purchased. There will be a fee of \$1 per chair cover plus any applicable cleaning charges. The table skirts will be \$10 each for rental. A motion was made by Troy Tompkins to approve the changes. Motion was seconded by Marcus Fernandez and passed unanimously.

CVB Coordinator Report

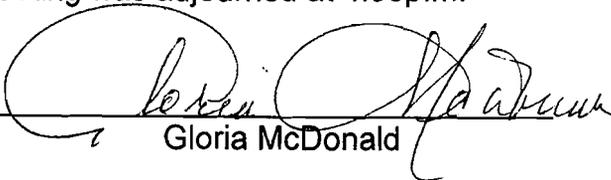
- a. Comanche Warrior Triathlon will take place this Saturday. New signs that can be placed along the bike path and run path to give recognition to sponsors were purchased.
- b. Texas Plains Trail Region conference in Post, Texas was very successful. The purpose of the region is to help promote rural tourism. They are currently working on a project named the Quanah Parker Trail which is going to highlight the path of the Comanche Indians. Giant arrows can be applied for by qualified communities and are mounted at a location chosen by the community. Debbie Wegman is planning to submit the paperwork and have one placed at the historic spring. She is also working with the Hotel Settles group on a bid to have next year's conference at the Settles Hotel.

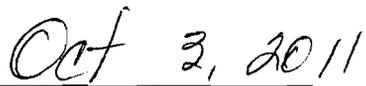
Members Comments

Troy Tompkins wants to make the committee aware that he has recently noticed that our entrance, specifically the north entrance have been neglected. The weeds have over taken the landscape and there is grass growing out of the sidewalks. We have let our entrances get rundown and we need to get those fix.

Next meeting is scheduled for Wednesday, October 5, 2011

Meeting was adjourned at 4:50p.m.


Gloria McDonald


Date

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

SEPTEMBER 14, 2011

The Board of Directors of the Howard County Appraisal District (HCAD) met for their called Meeting on September 14, 2011 at 5:15 pm. Directors present were Donnie Baker, Donnie Reid, Dale Humphreys and Tim Blackshear. Brett McKibben and Shane Schaffner represented the HCAD. Legal council present was Drew Mouton.

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

No one was registered for public comments.

The minutes for August 10, 2011, were reviewed and approved on a motion from Donnie Reid with a second from Dale Humphreys. Motion carried 4 to 0.

The bills were inspected and reviewed. Dale Humphreys made a motion to approve the bills, Donnie Reid seconded the motion. Motion carried 4 to 0.

The financial reports were reviewed and approved on a motion from Tim Blackshear, with a second from Dale Humphreys. Motion carried 4 to 0.

The travel expense were reviewed and approved on a motion from Tim Blackshear with a second from Donnie Reid. Motion carried 4 to 0

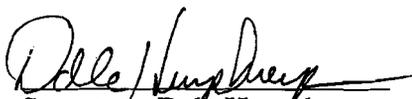
Chairman Baker stated that the Board would retire into Executive Session with the Districts' attorney, to discuss anticipated litigation with Alon and to review the resumes received for Chief Appraiser. The time was 5:30 pm.

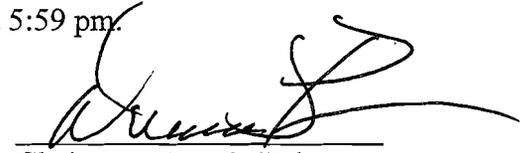
At 5:50 pm the Board reconvened to open session. No action was taken.

A motion was made by Dale Humphreys allowing the Chief Appraiser to negotiate and execute a contract with a new financial auditor. Tim Blackshear seconded the motion. Motion carried 4 to 0.

Conducting a November Financial Audit was tabled.

With no other business to discuss the meeting adjourned at 5:59 pm.


Secretary, Dale Humphreys


Chairman, Donnie Baker

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

SEPTEMBER 19, 2011

The Board of Directors of the Howard County Appraisal District (HCAD) met for their called Meeting on September 19, 2011 at 5:15 pm. Directors present were Donnie Baker, Donnie Reid, Dale Humphreys and Kathy Sayles. Brett McKibben represented the HCAD. Also present was Ronnie Babcock, applicant for the Chief appraiser position and Kevin Telchik from Stephens & Stephens & Telchik, P.C.

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

No one was registered for public comments.

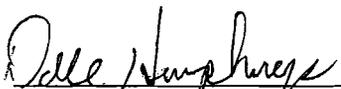
The minutes for September 14, 2011, were reviewed and approved on a motion from Dale Humphreys with a second from Donnie Reid. Motion carried 4 to 0.

Chairman Baker stated that the Board would retire into Executive Session with the Districts' attorney, to interview Ronnie Babcock. The time was 5:33 pm.

At 6:40 pm the Board reconvened to open session. No action was taken.

A motion was made by Kathy Sayles to retain Kevin Telchik from Stephens & Stephens & Telchik, P.C., as the new financial auditor. Dale Humphreys seconded the motion. Motion carried 4 to 0.

With no other business to discuss the meeting adjourned at 6:41 pm.


Secretary, Dale Humphreys


Chairman, Donnie Baker

REFUNDS FOR THE MONTH OF SEPTEMBER 2011								
NAME & ADDRESS:	CO	COLL	BS CITY	COA CITY	FOR CITY	PBUWCD	TOTAL	YEAR
WM H BAIN JR 306 CIRCLE BIG SPRING TX 79720 OVER 65	62.69	34.27	49.98				146.94	2010
RONALD & SHARON DODSON PO BOX 217 COAHOMA TX 79511 HS & OVER 65	96.33	52.67		47.11			196.11	2010
KENNETH & PATRICIA EUBANKS 1000 RICHIE RD BIG SPRING TX 79720 OVER 65	62.69	34.28					96.97	2010
ROGER L HODNETT 13000 N FM 1205 COAHOMA TX 79511-2324 OVER 65	62.69	34.28				1.61	98.58	2010
BILLY J & DELMA KILPATRICK 1401 ROBIN BIG SPRING TX 79720 OVER 65	57.88	31.65	49.97				139.50	2010
JAMES & DONNA MAYBERRY 901 RUNNELS BIG SPRING TX 79720 HS & DISABILITY	26.12	14.28	75.95				116.35	2010
NANCY T MICHAELIS 1416 SYCAMORE BIG SPRING TX 79720 OVER 65	62.69	34.27	49.98				146.94	2010
JOHN L NEWMAN 218 TEXAS RD BIG SPRING TX 79720 HS & OVER 65	30.64	16.75					47.39	2010
TERRY & JANET SIMS 4 CRAIGMONT CT BIG SPRING TX 79720 OVER 65	62.69	34.27	49.97				146.93	2010
GREGOIRI TELLO 601 E 13TH ST BIG SPRING TX 79720 OVER 65	62.69	34.27					96.96	2010
PRAJEDES TORRES JR 3706 CAROLINE ST BIG SPRING TX 79720 OVER 65	62.69	34.28	49.97				146.94	2010
NELDA WATTS PO BOX 49 COAHOMA TX 79511-0049	6.92	3.78		5.98			16.68	2010

TOTAL	656.72	359.05	325.82	53.09	0.00	1.61	1,396.29
current	656.72	359.05	325.82	53.09	0.00	1.61	1,396.29
delinquent	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	656.72	359.05	325.82	53.09	0.00	1.61	1,396.29
current m&o		246.99					
current i&s		112.06					
delinquent m&o		0.00					
delinquent i&s		0.00					
PLEASE SIGN AND RETURN							
HOWARD COUNTY							
HOWARD COLLEGE							
BIG SPRING CITY							
COAHOMA CITY							
PERMIAN BASIN UWCD							

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, DECLARING ITS INTENT TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253

WHEREAS, the 82nd Texas Legislature in Special Session, enacted Senate Bill 1, to take effect on September 1, 2011, which would require a taxing unit to take action, in the required manner, after October 1, 2011, to provide for the taxation of goods-in-transit; and

WHEREAS, Texas Tax Code §11.253(j-1) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the continued taxation of such goods-in-transit; and

WHEREAS, the City Council of the City of Big Spring, having conducted a public hearing as required by Section 1-n (d), Article VIII, Texas Constitution, and Texas Tax Code §11.253(j-1) is of the opinion that it is in the best interests of the City to continue to tax such goods-in-transit;

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

THAT the goods-in-transit, as defined Texas Tax Code Section 11.253 (a)(2), as amended by Senate Bill 1, enacted by the 82nd Texas Legislature in Special Session, shall remain subject to taxation by the City of Big Spring, Texas.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 25th day of October, 2011, with all members of the Council 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 8th day of November, 2011, with all members of the Council present voting “aye” for passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, DECLARING THE OFFICIAL INTENT OF THE CITY OF BIG SPRING (LESSEE) TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FROM PROCEEDS OF A LEASE PURCHASE AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Lessee intends to build, construct or purchase vehicles and equipment or renovate certain facilities as more particularly described below (the Project);

WHEREAS, Lessee expects to pay certain capital expenditures in connection with the Project prior to its receipt of Lease Proceeds for such expenditures;

WHEREAS, Lessee reasonably expects it will make expenditures with respect to the Project in an amount not reasonably expected to exceed \$983,057 for which the Lessee may (or expects to) enter into a Lease Purchase Agreement with a Leasing Corporation; and

WHEREAS, Treasury Department and Internal Revenue Service Regulations do not allow the proceeds of a tax exempt borrowing to be spent on working capital;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Big Spring, Texas, as follows:

Section 1. The City Council of the City of Big Spring finds and determines that the foregoing recitals are true and correct.

Section 2. This resolution is adopted by the City Council of the City of Big Spring solely for the purpose of establishing compliance with the requirements of Section 1.150.2 Treasury Regulations. This resolution does not bind the Lessee to make any expenditures, incur any indebtedness, or proceed with the Project.

Section 3. The City Council expects the Lessee will pay certain capital expenditures in connection with the Project prior to the receipt of lease proceeds from the Project.

Section 4. The City Council of the Lessee hereby declares the Lessee's official intent to use proceeds of a Lease Agreement to reimburse itself for future project expenditures.

Section 5. Description of Project: Police Vehicles and Associated Equipment (8); Fire Department Vehicle (1); Pavement Saw (1); Dump Truck (1); Sanitation Truck (2); Zero Turn Mower (1); Ambulance (1).

Section 6. That this resolution shall take effect immediately from and after its passage upon two readings in accordance with the provisions of the Charter of the City of Big Spring.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 25th day of October, 2011, with all members of the Council voting “aye” for passage of the same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 8th day of November, 2011, with all members of the Council voting “aye” for passage of the same.

Tommy Duncan, 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 1 OF THE CODE OF ORDINANCES OF THE CITY OF BIG SPRING, BY AMENDING ARTICLE 1 SECTION 1-25 ENTITLED "ADOPTION OF CIVIL SERVICE FOR FIREFIGHTERS AND CIVIL SERVICE POSITIONS DESIGNATED" BY AMENDING PARAGRAPH THREE TO DECREASE THE NUMBER OF DEPUTY CHIEF POSITIONS FROM EIGHT TO FIVE BY ATTRITION AND TO INCREASE THE NUMBER OF LIEUTENANT POSITIONS FOR EACH DEPUTY CHIEF POSITION SO ABOLISHED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the best interest of the City to adjust the number of Deputy Chief and Lieutenant positions within the Fire Department; and

WHEREAS, the City Council finds that the most efficient means of achieving such adjustment is by abolishing one Deputy Chief position each time a vacancy occurs in such position and adding one Lieutenant position for each Deputy Chief position so abolished until the number of positions listed in Section (3)(c) below is reached;

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

Section 1. THAT, Chapter 1 of the Code of Ordinances of the City of Big Spring is hereby amended by amending Article 1, Section 1-25, entitled "Adoption of Civil Service for Firefighters and Civil Service Positions Designated" by amending paragraph three in order to change the number of authorized positions in the Deputy Chief and Lieutenant classifications, which section as amended shall read in its entirety as follows:

Sec. 1-25. Adoption of Civil Service for Firefighters' and Civil Service Positions Designated.

- (1) Firefighters' Civil Service under Chapter 143 of the Local Government code, V.T.C.A. is hereby put into effect by the City of Big Spring, Texas, as of October 1st, 1985.
- (2) All Employees are hereby granted the same vacation and sick leave benefits granted to firefighters under Chapter 143 of the Local Government Code, V.T.C.A., and the City of Big Spring Personnel Policies and Procedures are hereby amended to reflect these benefits.
- (3) Classification of all firefighters and the number of authorized positions in each classification shall be as follows:
 - (a) Upon the 1st occurrence of a vacancy in the Deputy Chief classification after November 8, 2011, the number of authorized positions in each classification shall be as follows:

Classification	Number of Authorized Positions
*Fire Chief	1
**Deputy Chief	7
Lieutenant	14
Driver	15
Firefighter	25
Total	62

- (b) Upon the 2nd occurrence of a vacancy in the Deputy Chief classification after November 8, 2011, the number of authorized positions in each classification shall be as follows:

Classification	Number of Authorized Positions
*Fire Chief	1
**Deputy Chief	6
Lieutenant	15
Driver	15
Firefighter	25
Total	62

- (c) Upon the occurrence of the 3rd vacancy in the Deputy Chief classification after November 8, 2011, the number of authorized positions in each classification shall be as follows:

Classification	Number of Authorized Positions
*Fire Chief	1
**Deputy Chief	5
Lieutenant	16
Driver	15
Firefighter	25
Total	62

*Non Civil Service

**One Deputy Chief Position will be appointed

- (4) The City of Big Spring, Texas, Fire Chief is hereby authorized to appoint one person to the classification immediately below Fire Chief who shall serve at his pleasure.

Section 2. THAT, 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. THAT, all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. THAT, this ordinance shall be in full force and effect beginning November 8, 2011.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 25th day of October, 2011, with all members of the Council voting “aye for passage of the same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 8th day of November, 2011, with all members voting “aye” for the passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary



**CITY OF BIG SPRING
PUBLIC WORKS
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL
MR. GARY FUQUA, CITY MANAGER

FROM: TODD DARDEN, ASSISTANT CITY MANAGER

SUBJECT: DISCUSSION AND CONSIDERATION TO APPROVE FINAL PLAT ALONG WITH APPROVAL TO VACATE AND ABANDON AN EASEMENT AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS.

DATE: OCTOBER 21, 2011

We are requesting your consideration to approve the final plat for property located in the West part of Section 7, Block 32, Township 1 South, T&P R Survey, Big Spring Howard County, Texas to be designated as Coronado Gardens, Lots 1-5, an addition to the City of Big Spring, Howard County, Texas.

We are also requesting your consideration to vacate and abandon all recorded or prescriptive easements located within Lots 1-5 of Coronado Gardens, an addition to the City of Big Spring, Howard County, Texas.

**SECOND AMENDMENT TO INDUSTRIAL PARK
LEASE AGREEMENT BETWEEN THE CITY OF BIG SPRING
AND JOHN CRANE PRODUCTION SOLUTIONS**

THIS SECOND AMENDMENT TO INDUSTRIAL PARK LEASE AGREEMENT (the "Amendment") is made and entered into effective as of the 1st day of July, 2011, by and between the CITY OF BIG SPRING ("Lessor"), and JOHN CRANE PRODUCTION SOLUTIONS, INC., a Texas corporation and successor in interest to Fiberflex Products, Inc. a Texas corporation referred to collectively hereinafter as ("Lessee").

WHEREAS, Lessor and Lessee are parties to that certain Lease Agreement dated July 1, 1981 (the "Original Lease"), which was amended by the Big Spring Airpark – Fiberflex Lease Amendment dated April 1, 1992 which amended the July 1, 1981 master lease by suspending for one year until March 31, 1993 a consumer price index based rental adjustment clause (the "First Amended Lease"), (collectively herein, the "Amended Lease"), whereby Lessor leased to Lessee, and Lessee leased from Lessor, the Premises, described as Tract 1, being 6.18 acres; and

WHEREAS, the Parties acknowledge that a consumer price index adjustment that was suspended and scheduled to resume in March of 1993 was not reinstated, and further acknowledge that neither party has sufficient valid documentation to ascertain the correct rent with any certainty; and

WHEREAS, Lessee constructed two buildings on Tract 1, a 6,250 square foot office building known as Building No. 615A and a 48,200 square foot warehouse facility known as Building 615C that in accordance with the Original Lease reverted to the ownership of Lessor on July 1, 1996, however, Lessor has not previously charged Lessee additional rent on such buildings; and

WHEREAS, the Federal Aviation Administration, City and Airpark regulations require that the City receive fair market value for non-aeronautical property at the Airpark; and

WHEREAS, Lessee desires to construct an 18,000 square foot addition to Building 615C and requests abatement of the rent for a period of time sufficient to recoup the costs of such construction; and

WHEREAS, the Parties agree that it may be necessary to install a Fire Safety Sprinkler System in Building 615C; and

WHEREAS, Lessee desires to lease an additional piece of land that is directly south of Buildings 615D and E at the Airpark;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee hereby agree to amend the Amended Lease as follows:

1. **Incorporation of Recitals.** The above recitals are true and correct and are incorporated herein as if set forth in full.

2. **General Provisions.** All defined terms in this Amendment shall have the same meaning as in the Lease, unless otherwise noted. Except as amended and modified by this Amendment, all of the terms, covenants, conditions and agreements of the Lease shall remain in full force and effect. In the event of any conflict between the provisions of the Amended Lease and the provisions of this Amendment, this Amendment shall control.

3. **Acknowledgement of Inaccuracies in Past Rent and Release of All Claims.** The Parties hereby mutually agree that the rent that should have been charged and paid on Tract 1 prior to this Amendment is difficult to ascertain with any certainty due to lapse of time and incomplete documentation. The Parties each hereby agree that all rent for Tract 1 is deemed paid up and current as of September 30, 2011 and do hereby release and forever hold harmless the other party from any and all claims for unpaid rent or overpayment of rent. The Parties specifically agree that from October 1, 2011 forward the rental provisions set forth in Section 4 below shall supersede any prior rental provisions.

4. **Definition of Land.** As of the effective date of this Amendment, the definition of "Land" is hereby amended to add that tract of land that is approximately ½ acre of fenced and gated land directly south of Building 615 D and E and depicted on Exhibit "A" which is attached hereto and incorporated herein by reference.

5. **Rent.** The rent payable by Lessee to Lessor for the Leased Property is amended as follows:

a. **First Year Rent** For and in consideration of Lessee's expansion of operations at the Airpark that enhance the economic development of the community and other good and valuable consideration, Lessor agrees to reduce the rent for the first year of this Amended Agreement beginning on October 1, 2011 and ending on September 30, 2012 as follows:

<u>Property Description</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
Building # 615A, 3604 Bethel 6,250 sq.ft. office space @ \$1.50/sq.ft./yr	\$ 9,375.00	\$ 781.25
Building # 615C, 3604 Bethel 48,200 sq. ft. @ \$.60/sq.ft./yr	\$28,920.00	\$2,410.00
6.18 acres of land @ \$100.00/month	\$ 7,416.00	\$ 618.00
½ acre of fenced and gated land	\$ 960.00	\$ 80.00
Total	\$46,671.00	\$3,889.25

b. **Base Rent** On October 1, 2012, the following base rent for the Leased Property

shall take effect:

<u>Property Description</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
Building # 615A, 3604 Bethel 6,250 sq.ft. office space @ \$3.00/sq.ft./yr	\$18,750.00	\$1,562.50
Building # 615C, 3604 Bethel 48,200 sq. ft. @ \$1.20/sq.ft./yr	\$57,840.00	\$4,820.00
6.18 acres of land @ \$100.00/month	\$ 7,416.00	\$ 618.00
½ acre of fenced and gated land	\$ 960.00	\$ 80.00
Total	\$84,966.00	\$7,080.50

c. **CPI Rental Increases** On each anniversary of the Amended Lease beginning on October 1, 2013 the rent payable by Lessee to Lessor for the coming year shall be adjusted by multiplying the rent amount for the previous year by a fraction, the numerator of which shall be the average of the Consumer Price Index for All Items, U.S. City Average (1982-84=100), published by the Bureau of Labor Statistics of the United States Department of Labor (the "Index"), for the six months prior to the most recent twelve month period and the denominator of which shall be the average of the Index for the six months prior to the last applicable twelve month period, provided, however, that in no event will rent increase by more than three percent (3%) over the rent for the previous year. Lessor shall provide Lessee with written notice of the increased annual rent (together with a statement of how such increase was calculated) within ten (10) days after the adjustment date as specified above. Failure to provide Lessee with such written notice will not result in any penalties or interest charges to either party.

6. **Addition to Building 615C and Abatement of Rent.** Lessee intends to construct an approximate 18,000 square foot addition to Building 615C. Such addition shall be warehouse space and applicable rent at this time would be \$1.20 per square foot. However, Lessor agrees to abate the increase in rent applicable to such addition for a term of ten years from issuance of a certificate of occupancy for such addition in order for Lessee to amortize the costs of construction. Upon the expiration of such period, Lessor shall begin charging additional rent to Lessee at the same square footage rate (including any CPI increases that have accrued) then in effect for the remainder of building 615C. The Parties acknowledge and agree that ownership of the buildings will immediately vest in Lessor pursuant to Section 5.02 of the Original Lease. Lessee will provide plans, drawings and specifications for such addition to Lessor at least twenty days prior to beginning any construction or renovation.

7. **Installation of Fire Safety Sprinkler System.** The Parties acknowledge that Building 615C was constructed by Lessee's predecessor in interest without a fire safety suppression and sprinkler system. If under current fire and building codes it is deemed necessary for a warehouse or production facility of that size to have such a system, Lessee agrees to install at its own cost a

fire safety sprinkler system in Building 615C (including coverage for the addition to such building referenced herein) of adequate type and size to meet code requirements for the facility.

8. Insurance. For the duration of the Lease, Lessee shall reimburse Lessor for the cost of fire and extended coverage on the buildings and improvements at the rate of \$.15 (fifteen cents) per square foot annually. Lessee shall pay for such premiums annually in advance on October 1 of each year. Lessor will prorate the first year premiums and invoice Lessee for the prorated amount upon execution by all Parties of this Agreement. Lessee agrees that it will be responsible for any and all deductibles applicable to any claim. Lessor's insurance coverage currently provides for a \$25,000.00 deductible per occurrence. Lessor will notify Lessee in writing of any change in such deductible amount.

Lessee shall also, at its own cost, throughout the Lease, carry the additional insurance coverage as set forth in Exhibit "A" which is attached hereto and incorporated herein, as if set forth in full.

9. Maintenance of Buildings.

(a) Lessee agrees that each of the Premises meets the standard applicable to the proposed use, except as specified herein, including the existing electrical and plumbing that has been installed from the meter to the rough end point of the building. Lessee is responsible for activating all utilities.

(b) Lessor shall throughout the term of the lease at its own expense maintain the roof, exterior walls, foundation and all structural elements of the buildings in good order and condition including but not limited to making all repairs and replacements necessary to keep such items in such condition with the following exceptions:

(1) Lessor and Lessee agree to evenly divide the cost of repainting the gray exterior walls and trim on Buildings 615-A, 615-B and 615-C to match the new plant addition and newly painted warehouse 615D and 615E;

(2) Lessee shall at its own expense maintain the exterior walls, foundation and all structural elements of the 18,000 square foot addition referenced above, in good order and condition including but not limited to making all repairs and replacements necessary to keep such items in such condition throughout the period of rent abatement for such addition.

(3) Lessor agrees to repair any existing potholes in the parking lot prior to Lessee's planned Grand Opening the first week of December, 2011. Lessor will perform seal-coating on the parking lot in the spring of 2012 in conjunction with its annual seal coating program.

(c) Lessee agrees at its own cost and expense to maintain the Leased premises in good order and condition, including routine maintenance and maintenance of all non-structural elements of the buildings, fences and gates, and upon termination of this Agreement to

return said premises in good order and condition, normal wear and tear excepted. Routine maintenance shall include electrical, plumbing, heating and air conditioning, water and gas utilities, weed control, lot maintenance and other non-structural maintenance.

(d) Lessor shall be entitled from time to time after reasonable notice to inspect the premises and to point out any deficiencies in Lessee's maintenance of same. Lessor shall be required to give no notice if an emergency exists.

(e) Lessee agrees to promptly repair and restore said premises to remedy those deficiencies in a reasonable and prompt manner.

(f) Lessee acknowledges that the signing of this lease constitutes a conclusive admission that Lessee has inspected the leased premises and has found them in good condition and repair.

10. Notices. Lessee's address for notices pursuant shall be as follows:

John Crane Production Solutions, Inc.
Attn: Mike Rowland
3604 Bethel Dr.
Big Spring, TX 79720

11. OFAC. Lessor represents and warrants that (i) neither Lessor nor any person or entity that directly or indirectly owns an interest in it nor any of its officers, directors, or managing members is a person or entity (each, a "Prohibited Person") with whom U.S. persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control ("OFAC") of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List) or under any statute, executive order (including Executive Order 13224 (the "Executive Order") signed on September 24, 2001 and entitled "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism"), or other governmental action, (ii) Lessor's activities do not violate the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 or the regulations or orders promulgated thereunder (as amended from time to time, the "Money Laundering Act") (i.e., Title III of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the "Patriot Act"), and (iii) throughout the Term Lessor shall comply with the Executive Order, the Money Laundering Act, and the Patriot Act.

12. Entire Agreement; No Default. This Amendment supersedes all oral negotiations and prior and contemporaneous writings with respect to the subject matter contained herein. The Lease, as modified by this Amendment, sets forth the entire agreement between the Lessor and Lessee concerning the Premises and Lessee's use and occupancy thereof and there are no other agreements or understandings between them. Lessor certifies and affirms that, as of the date

EXHIBIT A
INSURANCE AND INDEMNIFICATION

1. General Indemnification

Lessee agrees to indemnify defend, and hold Lessor, its council members, board and commission members, officials, agents, and employees free and harmless from and against any and all claims, demands, proceedings, suits, judgments, costs, penalties, fines, damages, losses, attorneys' fees and expenses asserted by any person or persons, including agents or employees of Lessee or Lessor, by reason of death or injury to persons, or loss or damage to property, resulting from or arising out of, the violation of any law or regulation or in any manner attributable to any act of negligence or fault, either by commission or omission of Lessee, its agents or employees, or Lessee's proportionate responsibility for any joint negligence of Lessee and any other entity, as a consequence of its execution or performance of this Agreement or sustained in or upon the premises, or as a result of anything claimed to be done or admitted to be done by Lessee hereunder. If the Parties hereto shall be found to be jointly negligent for any such claim, then the Parties shall each pay their proportionate share of such claim, loss or damage, including reasonable attorneys fees. This indemnification shall survive the term of this Agreement as long as any liability could be asserted. Nothing herein shall require any Party to indemnify, defend or hold harmless any indemnified party for the indemnified party's own gross negligence or willful misconduct.

Lessor agrees to indemnify and hold Lessee and its employees harmless from and against any liability, claim, expense, damage, injury, fine, penalty or cause of action, including reasonable attorneys' fees, to the extent arising out of the activities of Lessor or any prior owner or occupant of the Facility/Premises or occasioned by the existence on or prior to the Commencement Date of hazardous substances on, in or under the Facility/Premises, unless the prior owner or occupant, or the entity or person responsible for the existence of the hazardous substance on, in or under the Facility/Premises is the predecessor in interest of Lessee, specifically to include, but not limited to Fiberod, Inc. The foregoing indemnity specifically includes, but is not limited to, the direct obligation of Lessor, in the applicable circumstances, to promptly perform any removal, remedial, corrective or other activities required, ordered or recommended during the entire Lease term or any extension thereof by any administrative agency, government official or third party, or otherwise necessary to avoid injury or liability to any person or property, to prevent the spread of pollution, or to permit continued safe use of the Leased Premises and/or the Facility to the extent such action is required to hold Lessee harmless. The foregoing indemnification by Lessor shall survive the expiration or earlier termination of this Lease.

Lessee agrees to indemnify and hold Lessor, its council members, board and commission members, officials, agents, and employees free and harmless from and against any liability, claim, expense, damage, injury, fine, penalty or cause of action, including reasonable attorneys' fees, to the extent arising out of the activities of Lessee, or any prior owner or occupant of the Facility/Premises that is a predecessor in interest of Lessee, specifically including, but not limited to, Fiberod, Inc. or occasioned by the existence on or prior to the Commencement Date of

hazardous substances on, in or under the Facility/Premises caused by any predecessor in interest of Lessee, specifically including, but not limited to Fierod, Inc.. The foregoing indemnity specifically includes, but is not limited to, the direct obligation of Lessee to promptly perform any removal, remedial, corrective or other activities required, ordered or recommended during the entire Lease term, any extension thereof, or after expiration of such Lease by any administrative agency, government official or third party, or otherwise necessary to avoid injury or liability to any person or property, to prevent the spread of pollution, or to permit continued safe use of the Leased Premises and/or the Facility to the extent such action is required to hold Lessor harmless. The foregoing indemnification by Lessee shall survive the expiration or earlier termination of this Lease.

2. General Insurance Conditions

The following conditions shall apply to all insurance policies obtained by Lessee for the purpose of complying with this Agreement.

2.1. Satisfactory Companies

Coverage shall be maintained with insurers having a financial rating equivalent to or better than a Best's rating of "A-" and licensed to do business in Texas.

2.2. Named Insureds & Loss Payable Endorsements

All insurance policies required herein shall be drawn in the name of Lessee, with City, its councilmembers, board and commission members, officials, agents, and employees named as additional insureds.

2.3. Waiver of Subrogation

Lessee shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against City, its councilmembers, board and commission members, officials, agents, and employees.

2.4. Certificates of Insurance

At or before the time of execution of this Agreement, Lessee shall furnish City's Finance Director with certificates of insurance as evidence that all of the policies required herein are in full force and effect and provide the required coverages and limits of insurance. The certificates shall provide that any company issuing an insurance policy will endeavor to provide to City not less than thirty (30) days of advance notice in writing of cancellation of the policy of insurance. Lessee shall immediately notify Lessor in writing of any cancellation, non-renewal or material change in any policy of insurance.

Certificates of insurance and notices required herein shall be furnished to City's Finance Director at City Hall, 310 Nolan St., Big Spring, TX 79720.

2.5. Lessee's Liability

The procurement of such policy of insurance shall not be construed to be a limitation upon Lessee's liability or as a full performance on its part of the indemnification provisions of this Agreement. Lessee's obligations are, notwithstanding any policy of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its activities conducted at or upon the premises. Failure of Contractor to maintain adequate coverage shall not relieve Contractor of any contractual responsibility or obligation.

3. Types and Amounts of Insurance Required

Lessee shall obtain and continuously maintain in full effect at all times during the term hereof, at Lessee's sole expense, insurance coverages as follows with limits not less than those set forth below:

3.1 Commercial General Liability

This policy shall be a comprehensive occurrence-type policy and shall protect the Lessee and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than the Lessee's employees) and damage to property of the City or others arising out of the act or omission of the Lessee or its agents and employees or arising out of, or resulting from sudden and accidental pollution events within the coverage limits. This policy shall also include protection against claims for the contractual liability assumed by Lessee under the paragraph of this Agreement entitled "Indemnification," including lease liability, completed operations, products liability, contractual coverage, broad form property coverage, explosion, collapse, underground, premises/operations, and independent contractors.

Coverage shall be as follows:

\$1,000,000. General Aggregate

\$ 500,000. Each Occurrence

3.2 Automobile Liability

This coverage shall protect Lessee and the additional insureds, against all claims for injury or property damage associated with use of automobiles, and shall cover all automobiles owned, or otherwise that shall be used by Lessee and any of its employees on City property in connection with the Lease.

\$1,000,000.00 Combined Single Limit Bodily Injury and Property Damage

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, September 20, 2011
5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street
Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:19 p.m. Tuesday, September 20, 2011 in the offices of the Big Spring Economic Development Corporation with Mr. Bomar, presiding. The following notice was sent on September 16, 2011 to all Directors, the news media, and duly posted on September 16, 2011, by Teresa Darden in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, September 20, 2011 at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Action on Minutes of the August 16, 2011 Regular Meeting, Action on August Financials and Investment Reports, Action Consideration of Revised 2011-2012 Annual Budget, Action Consideration of Annual Report for 2011-2012, Action consideration of Incentive Agreement with CeRam-Kote Inc., Directors Report, Executive Session, Action as a result of Executive Session; Public Comment; Board Comment; and Adjourn".

Directors Present:

Mr. Rodney Bomar
Mr. Glenn Fillingim
Mr. Larry McLellan
Dr. Keith Ledford
Mr. Justin Myers

Directors Absent:

Staff Present:

Mr. Terry Wegman
Mrs. Teresa Darden

Guests:

Miklos Szabo, Amanda Moreno, Terry Hansen

AGENDA ITEM # 1 – Call to Order:

Mr. Bomar called the meeting to order at 5:19 p.m.

AGENDA ITEM # 2- Invocation and Pledge:

Mr. Fillingim led the invocation and pledge.

ACTION ITEM #3- Action on Minutes of the August 16, 2011 Regular Board Meeting

Mr. Bomar presented the minutes of the August 16, 2011 Regular Meeting. Motion to accept the minutes were made by Mr. McLellan, seconded by Mr. Myers. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #4- Action on August Financials and Investment Reports

Mr. Fillingim presented the August Financials and Investment report. Motion to approve the August Financials and Investment Report was made by Mr. McLellan seconded by Mr. Myers. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #5- Considerations/Action of Revised Annual Budget for 2011-2012

Mr. Wegman presented the Revised Annual Budget for 2011-2012. Motion to approve the Revised Budget for 2011-2012 was made by Mr. Fillingim, seconded by Mr. McLellan. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion

AGENDA ITEM #6- Action Consideration of Annual Report for 2011-2012

Mr. Wegman presented the Annual Report for 2010-2011 (date revised). Motion to approve the Annual Report 2010-2011 was made by Dr. Ledford, seconded by Mr. Myers. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #7- Action to enter into Incentive Agreement with CeRam-Kote Inc.

Mr. Wegman presented the Incentive Agreement with CeRam-Kote Inc. Motion to approve the Agreement in the amount of \$350,000 was made by Mr. McLellan, seconded by Dr. Ledford. The motion passed 3 to 0 with Mr. Fillingim and Mr. Myers abstaining.

AGENDA ITEM #8- Directors Report

Mr. Wegman discussed various projects including: The Texas Department of Agriculture sent BSEDC a Certificate for the TDA Internship Program, CRC Resolution from the Senate, Entrepreneur Alliance has dissolved but the program will continue under a different name with Matty McLain and Spencer McElhannon.

Mr. Wegman advised the board of past and upcoming meetings that include: Howard College Rededication Sept. 30th, TEDC Oct. 4-7, Ag Appreciation Oct 19-21, and the next BSEDC meeting will be Oct. 18th.

AGENDA ITEM # 9- Executive Session

- **Executive Session in accordance with Texas Government Code, Section 551.087 (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).**

Mr. Bomar adjourned the Board of Directors into Executive Session @ 6:18 pm. September 20, 2011

AGENDA ITEM #10- Action as a result of Executive Session

Mr. Bomar reconvened the Board of Directors into open session @ 7:30 p.m. September 20, 2011. Action as a result include:

None

AGENDA ITEM #11- Public Comments

None

AGENDA ITEM # 12- Board Comments

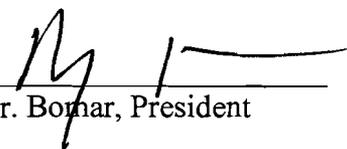
None

AGENDA ITEM # 13- Adjourn

Mr. Bomar asked for a motion to adjourn.

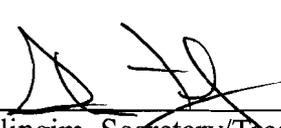
Motion by Mr. Myers, seconded by Mr. Fillingim. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 7:30 pm on September 20, 2011



Mr. Bomar, President

ATTEST:



Mr. Glenn Fillingim, Secretary/Treasurer

**City of Big Spring
Investment Report
Quarter Ending September 30, 2011**

	<u>Market Value</u> 6/30/11	<u>Quarterly</u> Interest Income	<u>Net Additions/</u> <u>Decreases</u>	<u>Market Value</u> 9/30/11
<u>TexPool Funds</u>				
Utility Escrow	\$ 408,932.03	\$ 83.86	\$ -	\$ 409,015.89
Airpark	\$ 495,384.87	101.61	-	495,486.48
Landfill Closure	\$ 2,248,189.61	461.25	-	2,248,650.86
Operating Account	\$ 4,726,181.21	957.44	(3,000,000.00)	1,727,138.65
Correctional Center	\$ 2,054,502.22	421.47	-	2,054,923.69
Cemetery	\$ 353,150.82	72.47	-	353,223.29
Health Insurance	\$ 802,712.47	164.62	-	802,877.09
Total TexPool	\$ 11,089,053.23	\$ 2,262.72	\$ (3,000,000.00)	\$ 8,091,315.95

	\$	\$	\$	\$
<u>TexSTAR Funds</u>				
Certificates of Obligation	\$ 1,402,979.83	\$ 196.45	\$ (589,284.37)	\$ 813,891.91
Total TexSTAR	\$ 1,402,979.83	\$ 196.45	\$ (589,284.37)	\$ 813,891.91

Total Invested Funds	\$ 12,492,033.06	\$ 2,459.17	\$ (3,589,284.37)	\$ 8,905,207.86
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Prepared by: 
Peggy Walker - Finance Director

Gary Fuqua - City Manager

Activity for Quarter Ending Sept 30, 2011

	Market Value 6/30/11	Interest Income			Net Additions/ Decreases	Market Value 9/30/11
		July	Aug	Sept		
TexPool -						
Utility Escrow	\$ 408,932.03	\$ 23.08	\$ 29.56	\$ 31.22		\$ 409,015.89
Airpark	495,384.87	28.03	35.79	37.79		495,486.48
Landfill Closure	2,248,189.61	126.99	162.58	171.68		2,248,650.86
Operating Account	4,726,181.21	266.92	341.75	348.77	(3,000,000.00)	1,727,138.65
Correctional Center	2,054,502.22	116.04	148.56	156.87		2,054,923.69
Cemetery	353,150.82	19.93	25.54	27.00		353,223.29
Health Insurance	802,712.47	45.34	58.03	61.25		802,877.09
Total TexPool	\$ 11,089,053.23	\$ 626.33	\$ 801.81	\$ 834.58	\$ (3,000,000.00)	\$ 8,091,315.95
TexSTAR -						
Certificates of Obligation	\$ 1,402,979.83	\$ 70.84	\$ 65.00	\$ 60.61	\$ (589,284.37)	\$ 813,891.91
Total TexSTAR		\$ 70.84	\$ 65.00	\$ 183.48	\$ (589,284.37)	\$ 813,891.91

Monthly Interest Rates Quarter Ending September 30, 2011

	July	Aug	Sept	Average
TexPool Funds	0.0600%	0.0900%	0.0900%	0.0817%
TexSTAR Funds	0.0746%	0.0940%	0.0906%	0.0882%

	Number	Amount	Purchased	Length	Maturity Date	Interest Rate
Western Bank-						
Certificates of Deposit	100421	\$ 100,000.00	09/30/2011	6 months	03/30/2012	0.7000%
Certificates of Deposit	100428	130,000.00	09/30/2011	12 months	09/30/2012	0.8000%
Western Bank		\$ 230,000.00				
Lone Star State Bank-						
Certificates of Deposit	5021004153	\$ 100,000.00	09/30/2011	6 months	03/30/2012	0.5500%
Certificates of Deposit	5021004155	130,000.00	09/30/2011	12 months	09/30/2012	0.7521%
Lone Star State Bank		\$ 230,000.00				