



CITY COUNCIL AGENDA

Tuesday, November 8, 2016

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, November 8, 2016, at 5:30 p.m. in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

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

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

Thank You!

The City of Big Spring 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 Chaplain Joel Miller of the Emergency Services Chaplain Corps 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 October 25, 2016 5-9 Davis

Consent Items

- | | | | |
|-----|--|-------|----------|
| 5. | Final 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 Increasing the Enterprise Fund Budget for the Purpose of Additional Filters for the Water Treatment Plant; Providing for Severability; Providing for Publication; and Providing an Effective Date | 10 | Womack |
| 6. | Final 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, 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 | 11-20 | Williams |
| 7. | Final Reading 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 | 21-22 | Williams |
| 8. | Final 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 | Moore |
| 9. | Final Reading of an Ordinance Amending Chapter 16 of the Code of Ordinances Entitled "Public Utilities" by Adding a New Section 16-7 Entitled "Furnishing Water Without Permission" to Prohibit Residential Customers from Reselling or Furnishing Water to Any Person Occupying Other Premises Without the Consent of the Public Works Director; Providing for Severability; Providing for Publication; and Providing an Effective Date | 25-26 | Womack |
| 10. | Acceptance of the Board of Adjustments and Appeals Minutes for the Meeting of August 25, 2016 | 27-28 | Womack |

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| 11. | Acceptance of the Howard County Appraisal District Board of Directors Minutes for the Meeting of September 21, 2016 | 29-31 | Darden |
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Routine Business

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| 12. | Vouchers for 10/27/16 \$ 738,407.64 Vouchers for 11/04/16 \$ 180,926.05 | | DePauw |
|-----|--|--|--------|

Bids

- | | | | |
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| 13. | Permission to Advertise for Bids for Lease Purchase Financing for Various Equipment and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 32 | Moore |
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New Business

- | | | | |
|-----|--|-------|----------|
| 14. | 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 to Increasing the Motel Tax Fund Budget for the Purpose of Purchasing a Chiller for the Big Spring Auditorium; Providing for Severability; Providing for Publication; and Providing an Effective Date | 33 | Medina |
| 15. | 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 a TIFMAS Grant to be Used for Additional Travel/Training Expense; Providing for Publication; and Providing an Effective Date | 34-35 | Ferguson |
| 16. | Consideration and Approval to Negotiate and Execute an Agreement with Enterprise FM Trust and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | | Medina |
| 17. | Consideration and Approval of a First Amendment to the Interlocal Agreement Between City and Howard County for Ownership, Construction, Operation and Closure of the Big Spring/Howard County Landfill, II and Authorizing the Mayor to Execute Any Necessary Documents | 36 | Edwards |
| 18. | Consideration and Approval of an Oncor Electric Delivery Company LLC Easement and Right of Way at the McMahon-Wrinkle Airpark and Authorizing the Mayor to Execute Any Necessary Documents after City Attorney's Approval | 37-39 | Little |

19. Approval of the Minutes of the Regular Meeting of the Big Spring Economic Development Corporation held on September 20, 2016 40-41 Edwards

City Manager's Report

20. Items of Public Interest Darden
21. Holiday – Veterans Day - November 11, 2016 Darden

Next Council Meeting – December 13, 2016

Council Input

22. 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, November 4, 2016 at 4:00 p.m. in accordance with Title 5, Texas Government Code, and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's website, www.mybigspring.com, in accordance with legal requirements.


Lesa Gamble, Assistant to the City Manager

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

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

November __, 2016 at _____ a.m./p.m.

By: _____

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

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th, Big Spring, Texas, at 5:30 p.m., October 11, 2016, with the following members present:

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

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 |
| JOHNNY WOMACK | Public Works Director |
| CHAD WILLIAMS | Police Chief |
| CRAIG FERGUSON | Fire Chief |
| JIM LITTLE | Airpark Director |
| TIM GREEN | Municipal Court Judge |
| DEBBIE WEGMAN | Community Services Director |

INVOCATION & PLEDGE OF ALLEGIANCE

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

DISPOSITION OF MINUTES

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 11, 2016

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

CONSENT ITEMS

FINAL 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 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

ACCEPTANCE OF THE CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES FOR THE MEETING OF SEPTEMBER 7, 2016

ACCEPTANCE OF THE PLANNING AND ZONING COMMISSION MINUTES FOR THE MEETINGS OF JUNE 21, 2016

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

OTHER BUSINESS

Chief Williams explained a few changes to the ordinance that were made since the first reading and was open for discussion for any additional changes. There were no changes and no action was taken.

ROUTINE BUSINESS

Councilmember Benavides reviewed the vouchers in the amount of \$981,440.60 (10/13/16) and \$833,158.94 (10/20/16). Motion was made by Councilmember Benavides, seconded by Councilmember Waggoner, with all members of the Council voting "aye" approving the above listed vouchers.

BIDS

CONSIDERATION OF A BID AWARD OF A CONSTRUCTION CONTRACT TO DOWTECH SPECIALTY CONTRACTS FOR FILTER IMPROVEMENTS CONTRACT "B" AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Mayor Pro Tem DePauw, seconded by Councilmember Benavides, with all members of the Council voting "aye" awarding a construction contract to Dowtech Specialty in the amount of \$948,300.00.

NEW BUSINESS

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 ENTERPRISE FUND BUDGET FOR THE PURPOSE OF ADDITIONAL FILTERS FOR THE WATER TREATMENT PLANT; 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 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, 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

Motion was made by Councilmember Myers, 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 1.900 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

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

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

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES ENTITLED “PUBLIC UTILITIES” BY ADDING A NEW SECTION 16-7 ENTITLED “FURNISHING WATER WITHOUT PERMISSION” TO PROHIBIT RESIDENTIAL CUSTOMERS FROM RESELLING OR FURNISHING WATER TO ANY PERSON OCCUPYING OTHER PREMISES WITHOUT THE CONSENT OF THE PUBLIC WORKS DIRECTOR; 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.

PERMISSION FOR THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE (2) TWO LEASES WITH MOBILITIE, LLC AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

APPROVAL OF ASSIGNMENT OF ALL AGREEMENTS CURRENTLY BETWEEN CITY OF BIG SPRING AND JOHN CRANE PRODUCTION SOLUTIONS, INC. TO ENDURANCE LIFT SOLUTIONS, LLC AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

CITY MANAGER’S REPORT

Todd Darden informed the Council of the upcoming holidays and asked for the Council’s consent on one council meeting for November and December. Council agreed.

COUNCIL INPUT

Mayor McLellan thanked the VA Hospital for allowing the City to use their helicopter pad.

Councilmember Harbour thanked the staff for cleaning up the cemetery.

Councilmember Benavides ask the citizens to help clear any overgrown brush on their property.

Mayor Pro Tem DePauw announced that the E-Waste for electronics will be on November 4, 2016 from 2-4 p.m. for businesses and on November 5 from 10 a.m. – 2 p.m. for the public at the Big Spring Landfill. Also he announced that the Toasty Tuesday trash pick-up has ended for the year and that it was a great success.

ADJOURN

Mayor McLellan adjourned the meeting at 6:12 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 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 TO INCREASE THE ENTERPRISE FUND BUDGET FOR THE PURPOSE OF ADDITIONAL FILTERS FOR THE WATER TREATMENT PLANT; PROVIDING FOR SEVERABILITY; 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, the bids came in lower than projected for four filters and with the increase all six filters can be rehabilitated.

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

SECTION 1. The Enterprise Fund 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 \$187,130.00 to account number 405-021-705-6311 for the purpose of providing adequate funding for two additional filters for the Water Treatment Plant. This increase will be funded through existing fund balance.

SECTION 2. The remaining portions of Ordinance Number 048-2014 shall remain in full force and effect.

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

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

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

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

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

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

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 ITENERATE 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 PERMENANT 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 **27th** 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 **11th** 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 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 27th 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 11th day of October, 2016, with all members present voting “aye” for passage of same.

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, 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 \$1,298,102.00 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 Cars (2); Flatbed 1 Ton Pickup (1); Zero Turn Mowers (2); ¾ Ton Pickup (1); Utility Cart (1); Rough Mower (1); Bomag (1); Payment Kiosks (2); Ford F-250 Crew Cab Pickup (1); Rotary Cutter/Flex Wing Mower (1); Backhoe Loader (1); Zoll EKG Monitors (2); Box-Style Ambulance (1); Water Truck (1); Tractor (1); One-Arm Trash Truck (1); Can Delivery Truck (1); Tire/Wheel Mounting Machine (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, 2016**, 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, 2016**, with all members of the Council voting “aye” for passage of the 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 CHAPTER 16 OF THE CODE OF ORDINANCES ENTITLED “PUBLIC UTILITIES” BY ADDING A NEW SECTION 16-7 ENTITLED “FURNISHING WATER WITHOUT PERMISSION” TO PROHIBIT RESIDENTIAL CUSTOMERS FROM RESELLING OR FURNISHING WATER TO ANY PERSON OCCUPYING OTHER PREMISES WITHOUT THE CONSENT OF THE PUBLIC WORKS DIRECTOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, water removed from the City’s enclosed water system is susceptible to contamination and is no longer certifiable by the City as an uncontaminated water source for the purposes of resale or mass public consumption; and

WHEREAS, the City finds that prohibiting the resale of water is in the best interest of public health and safety;

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

SECTION 1. Chapter 16 of the Code of Ordinances entitled “Public Utilities” is hereby amended by adding a new Section 16-7 entitled “Furnishing Water without Permission” which shall read in its entirety as follows:

Sec. 16-7. Furnishing Water without Permission.

It shall be unlawful for any residential customer to take or use water from the City water system for the purpose of resale or furnishing water to any person occupying other premises for any purpose whatsoever except with the written consent of the Public Works Director.

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 ordered and directed to cause the descriptive caption, as well as the penalties for violation of this ordinance to be published as provided by law.

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

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

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

**CITY OF BIG SPRING
BOARD OF ADJUSTMENTS AND APPEALS
MINUTES OF MEETING THURSDAY, AUGUST 25, 2016**

The Board of Adjustments and Appeals of the City of Big Spring, Texas held a meeting on Thursday, August 25, 2016 at 5:30 PM in the City Council Chambers, Located at 307 E. 4th St.

THE FOLLOWING MEMBERS WERE PRESENT:

Tommy Corwin
Ron Howell
Walter Brumley
Matt Evans
Edward Roach
Richard Wright

OTHERS PRESENT:

Thomas Hodges, Code Enforcement Supervisor
Sean Bailey, Code Enforcement Officer
Daniel Gonzales, Code Enforcement Officer
Leslie Whitten, Permits Administrative Assistant
Dora Nelson, property owner

MEMBERS ABSENT WERE:

Dale Coates

CALL MEETING TO ORDER:

Vice-chairman Walter Brumley called the meeting to order at 5:34 PM.

APPROVAL OF MINUTES OF April 28, 2016:

Ron Howell made the motion to approve the minutes of April 28th, 2016. 2nd by Edward Roach. All members voted "AYE". None opposed. Motion carried.

CONSIDERATION OF THE FOLLOWING STRUCTURE FOR THE ELIMINATION OR REPAIR OF SAID BUILDING AS DETERMINED BY THE BOARD:

The board discussed viewing the structure & then making a determination.

1-Dan & Dora D. Nelson, 1012 E. 21st St, Big Spring, TX 79720, also described as SC 5 BK 32 1S, in Howard County, Texas also known as 1012 E. 21st St.

After discussion from the Board, Tommy Corwin made motion to Abate the structure by demolition in 30 (thirty) days beginning August 26, 2016 with no penalties.

2nd by Ron Howell.

The property owner expressed that she will do everything possible to abate the structure & clear off all the debris within the 30 (thirty) days.

If the property has not been abated & cleared after 30 (thirty) days, at that time the City of Big Spring will abate & clear the property and file a lien on the property for incurred expenses.

All members present voted "Aye".

None opposed. Motion carried.

OTHER BUSINESS:

Mr. Hodges asked Tommy Corwin if he would be willing to serve another term of the Board of Adjustments and Appeals in which he said yes, that he would be willing to serve another term.

Mr. Hodges also asked Richard Wright if he would be willing to serve another term of the Board of Adjustments and Appeals in which he said yes, that he would be willing to serve another term.

ADJOURNMENT:

Richard Wright made motion to adjourn.

2nd by Edward Roach.

All members present voted "AYE".

None opposed.

Motion carried.

Meeting adjourned.

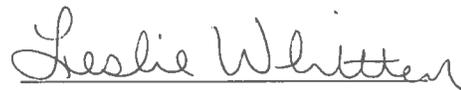
Chairman's Signature



Signature: *Walter Brumley*

Email: walter@authorityelectric.com

Administrative Assistant



Signature: *Leslie Whitten*
Leslie Whitten (Nov 1, 2016)

Email: lwhitten@mybigspring.com

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

September 21, 2016

The Board of Directors of the Howard County Appraisal District (HCAD) met for their regular meeting on September 21, 2016 at 5:15 P.M. Directors present were Donnie Baker, Tim Blackshear, Jimmy Miller, Danny Howard and Mark Barr. Ronny Babcock and Lisa Reyna represented the HCAD. Tiffany Fernandez represented the Tax Office. Kevin Telchik represented Stephens, Stephens and Telchik.

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

No one was registered for comments.

Tim Blackshear motioned to approve the minutes of July 26, 2016 as printed. Mark Barr seconded the motion. Motion carried 5 to 0.

Tim Blackshear motioned to approve the minutes of August 9, 2016 as printed. Mark Barr seconded the motion. Motion carried 5 to 0.

Tim Blackshear motioned to approve the minutes of August 10, 2016 and Budget Hearing August 10, 2016 as printed. Mark Barr seconded the motion. Motion carried 5 to 0.

Tim Blackshear motioned to approve the minutes of August 17, 2016 as printed. Mark Barr seconded the motion. Motion carried 5 to 0.

Tim Blackshear motioned to approve the minutes of August 24, 2016 as printed. Mark Barr seconded the motion. Motion carried 5 to 0.

Mark Barr motioned to approve the bills as printed. Motion was seconded by Jimmy Miller. Motion carried 5 to 0.

Danny Howard motioned to approve the Financial Reports as printed for August, 2016. Motion was seconded by Tim Blackshear. Motion carried 5 to 0.

The board went into Executive Session at 6:15 P.M.

The board went out of Executive Session at 6:55 P.M.
No action was taken.

Kevin Telchik went over the 2015 Audit Report. Jimmy Miller motioned to approve the 2015 Audit as presented. Mark Barr seconded the motion. Motion carried 5 to 0.

Danny Howard motioned to approve returning 2015 Tax Year excess funds to Entities in the amount of \$84,637. Tim Blackshear seconded the motion. Motion carried 5 to 0.

Danny Howard motioned to approve the Amended Contract with Pritchard & Abbott concerning Agricultural Use Services for tax years 2017-2018. Mark Barr seconded the motion. Motion carried 5 to 0

Jimmy Miller motioned to approve the Amended Contract with Pritchard & Abbott concerning Minerals and Industrial Accounts for tax years 2017-2018. Mark Barr seconded the motion. Motion carried 5 to 0

Mark Barr motioned to approve the Investment Policy Plan. Jimmy Miller seconded the motion. Motion carried 5 to 0.

The board reviewed the Bank Bids for 2017-2018 tax years. Mark Barr motioned to approve Western Bank as the Successful Bid. Danny Howard seconded the motion. Motion carried 5 to 0.

The board tabled Item # IV. # G: Possible purchase of office furniture.

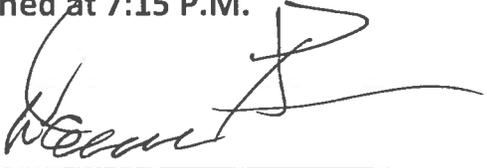
The Board discussed seeking new appraisal review board member for 2017 tax year.

The board discussed replacing a member for the Ag Advisory Committee.

With no other business to discuss, the meeting adjourned at 7:15 P.M.



Jimmy Miller, Secretary



Donnie Baker, Chairman



Memorandum

DATE: November 8, 2016
TO: Mayor Larry McLellan and Council Members
FROM: Don Moore, Director of Finance
SUBJECT: Permission to Advertise for Lease Purchase Financing

Honorable Mayor and Council,

We are requesting permission to advertise for lease purchase financing bids on various budget approved equipment for FY 2016-17. This year's approved equipment budget designated for lease purchase financing is \$1,298,102.

Please let me know if you have any questions. You may reach me at 432-264-2517.

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 TO INCREASE THE MOTEL TAX FUND BUDGET FOR THE PURPOSE OF PURCHASING A CHILLER FOR THE BIG SPRING AUDITORIUM; PROVIDING FOR SEVERABILITY; 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, the funding for a new chiller for the Big Spring Auditorium was not included in such budget.

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

SECTION 1. The Motel Tax 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 \$51,266.00 for the purpose of purchasing a chiller for the Big Spring Auditorium into the expense fund (110-040-530-6317) from the existing fund balance.

SECTION 2. The remaining portions of Ordinance Number 034-2016 shall remain in full force and effect.

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

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

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

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **November, 2016** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **13th** day of **December, 2016** with all members of the Council voting “aye” for the passage of same.

ATTEST:

Larry McLellan, Mayor

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 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 A TIFMAS GRANT TO BE USED FOR ADDITIONAL TRAVEL/TRAINING EXPENSES; 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, the TIFMAS Grant will be used for additional travel/training expenses 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, THAT:

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2016 and ending September 30, 2017 is hereby increased by the amount of \$600.00 from the revenue account number 002-4260 to the expense account number 002-012-210-5530 for the purpose of additional travel/training expenses within the Fire Department.

SECTION 2. The remaining portions of Ordinance Number 034-2016 shall remain in full force and effect.

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

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

SECTION 5. This ordinance shall be in 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 **8th** day of **November, 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 13th day of November, 2016 with all members of the Council voting “aye” for the passage of same.

Larry McLellan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

**FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN
THE CITY OF BIG SPRING AND HOWARD COUNTY
FOR OWNERSHIP, CONSTRUCTION, OPERATION AND CLOSURE OF
THE BIG SPRING/HOWARD COUNTY LANDFILL, II**

THIS FIRST AMENDMENT is made and entered into by and between the CITY OF BIG SPRING, a Texas home-rule municipality, 310 Nolan St., Big Spring, Texas 79720 (“City”), and HOWARD COUNTY, Texas (“County”).

Recitals

1. The City and County entered into an Interlocal Agreement for ownership, construction, operation and closure of the Big Spring/Howard County Landfill, II on August 26, 2014.
2. The Parties desire to modify the terms of payment due to the current economic climate in West Texas.

Agreement

In consideration of the mutual promises and covenants contained herein, the parties hereby amend subparagraph 1 of paragraph 2.02 of the Agreement to read as follows:

2.02 Howard County agrees to provide and perform the following:

1. To pay the City the sum of One Million Dollars (\$1,000,000.00) as its portion of the cost of procurement of the land, engineering, permit application and initial cell construction for the Landfill. Such sum will be paid in one installment of Five Hundred Thousand Dollars (\$500,000.00), on or before October 1, 2015, and two installments of Two Hundred Fifty Thousand Dollars (\$250,000.00) each, to be made on October 1, 2016 and October 1, 2017, respectively.

Except as specifically amended herein, all other provisions of the Agreement remain in effect and shall continue in full force and effect.

Executed on the _____ day of _____, 201__.

City of Big Spring, TX
A Texas Municipal Corporation

Attest:

By: _____
Larry McLellan, Mayor

Tami Davis, Assistant City Secretary

Howard County

Attest:

By: _____
Kathryn Wiseman, County Judge

Donna Wright, County Clerk

PT# _____
District: **MIDLAND**
WR #: **3326764**
ER# _____

EASEMENT AND RIGHT OF WAY

STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF **HOWARD**

That **THE CITY OF BIG SPRING, a MUNICIPAL CORPORATION, acting herein and through its Duly Authorized Officers of Howard County,** hereinafter called "Grantor", whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company,** 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED)

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

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

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

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

EXECUTED this _____ day of _____, 2016.

CITY OF BIG SPRING

By: _____

Name _____

Title: _____

STATE OF TEXAS §
 §
COUNTY OF HOWARD §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A. D. 2016.

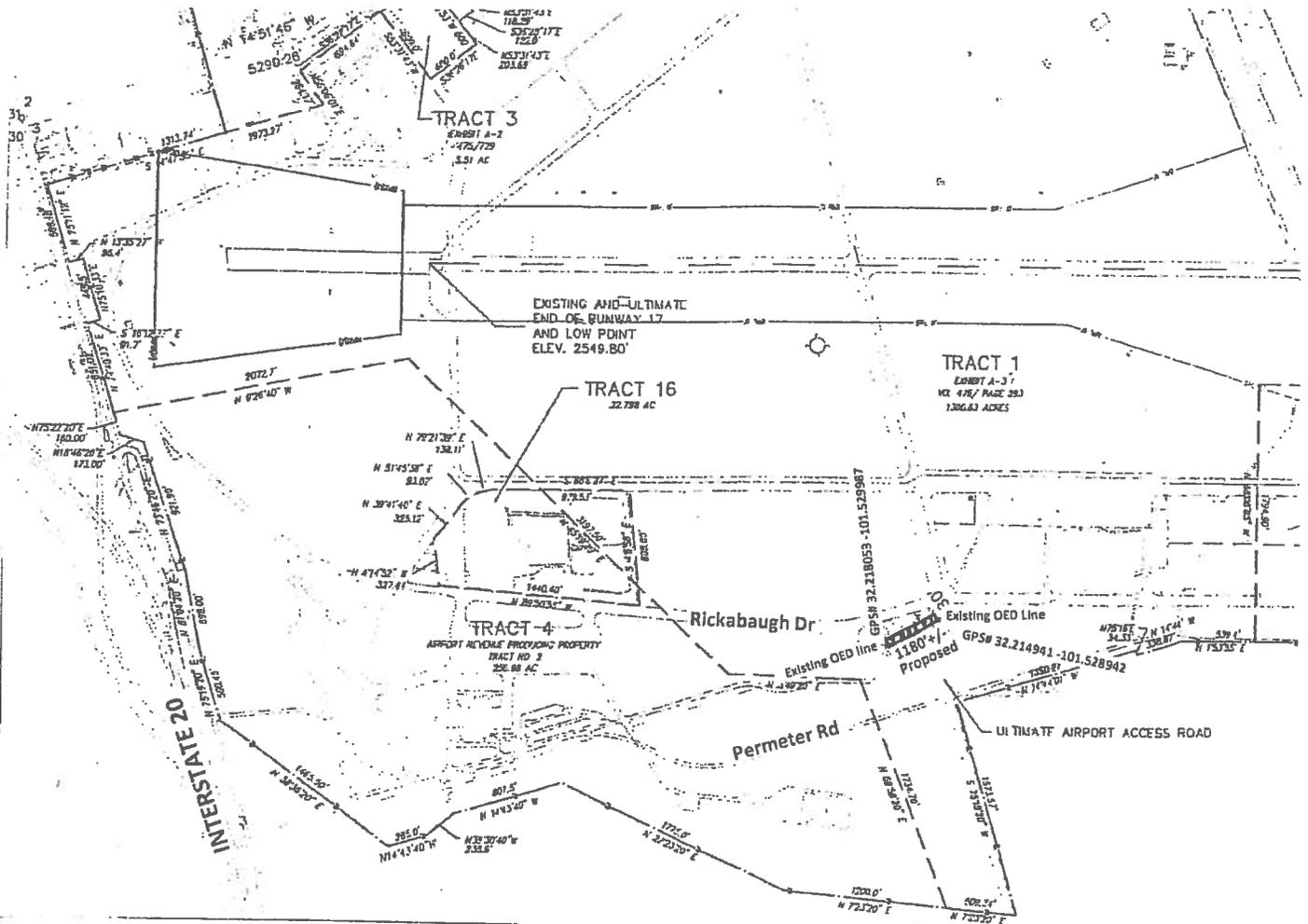
Notary Public in and for the State of Texas

"EXHIBIT A"



No Scale

City of Big Spring
McMahon Wrinkle Airport
Track 1



Easement Width: 30'
Easement 1180'+/-



Denotes Easement

GRANTOR: CITY OF BIG SPRING

Volume 476 Page: 293 County: Howard
District: Midland / Big Spring WR#: 3326764

Map used from TXDOT of
Aviation Division – Airport
Property map

The intent of this Exhibit is to pictorially show the approximate location of the easement. It is not Intended as an actual survey. Calls shown are references only. No Statement is made to the validity of these calls.

**Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, September 20, 2016, 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 5:15 p.m. Tuesday, September 20, 2016 in the offices of the Big Spring Economic Development Corporation. The following notice was sent on August 12, 2016 to all Directors, the news media, and duly posted on September 16, 2016, 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, 2016 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, 2016 Regular Meeting, Action to Approve August Financials Report, Action to Approve the 2015-2016 Annual Report, Action to Approve Depository Bid, Directors Report, Executive Session, Action as a Result of Executive Session, Approval of Amendment to the 2016-2017 Annual Budget, Public Comment, Board Comment, and Adjourn".

Directors Present:

Mr. Terry Hansen- President
Mrs. Nadine Reyes- Secretary/Treasurer
Mr. Bobby McDonald

Directors Absent:

Mr. Bob Price- Vice President
Mrs. Kay McDaniel

Staff Present:

Mr. Terry Wegman
Mrs. Teresa Darden

Guests that signed in:

Ace Little

AGENDA ITEM # 1 – Call to Order/Invocation and Pledge:

Mr. Hansen called the meeting to order at 5:18 p.m. Mr. Hansen led the invocation and pledge.

ACTION ITEM #2- Action on Minutes of the August 16, 2016 Regular Meeting:

Mr. Hansen presented the Minutes. Motion to accept the Minutes was made by Mr. McDonald seconded by Mrs. Reyes. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #3- Action to Approve August Financials:

Mrs. Reyes presented the Financials. Motion to approve the Financials was made by Mrs. Reyes seconded by Mr. McDonald. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #4- Action to Approve 2015-2016 Annual Report:

Mr. Wegman presented the Annual Report. Motion to approve the 2015-2016 Annual Report was made by Mr. McDonald and seconded by Mrs. Reyes. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Action to Approve Depository Bid:

Mr. Wegman presented the Depository Bid. Six bids were delivered with only one response from Western Bank with a rate of .65%. Motion to award the Depository Bid to Western Bank was made by Mr. McDonald seconded by Mrs. Reyes. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION #6-Directors Report:

Mr. Wegman updated the Board on several projects including: Phase III Airpark Rail project is near completion and going through the punch list, DEF manufacturer is working on an alternate local site, EDC is talking with one potential user for Western Container as well as Hickey and Associates, an aviation and aeronautical company, the logistics company is still looking at Big Spring, several site visits have been made by renewed interest in oil activity at the Airpark, follow up with the greenhouse project will be this week. Mr. Wegman updated the Board on past and upcoming meetings to include: TEDC Sales Tax Training was August 26th, Team Texas Great State Summit was Sept. 11th, Ports to Plains Annual Meeting was September 13th, WTxEC Executive Board Meeting in Big Spring is Sept. 26th, ribbon cutting for Gunsight Mountain is September 27th, ICSC is Oct. 5th, High Ground Annual Meeting is Oct. 12th, TEDC Annual Meeting is Oct. 19th, and the next regular board meeting is October 18th.

ACTION ITEM #7- Executive Session in accordance with Texas Government Code, Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. Executive Directors' Contract:

Mr. Hansen adjourned the Board of Directors into Executive Session @ 5:47 pm., September 20, 2016

Mr. Hansen called the Executive Session to order at 5:48 pm., September 20, 2016

Mr. Hansen adjourned out of executive session at 6:04 pm., September 20, 2016

Mr. Hansen reconvened into open session at 6:05 pm., September 20, 2016

ACTION ITEM #8- Action as a Result of Executive Session:

Motion to increase the Executive Directors vehicle allowance \$200 and increase the Executive Assistance vehicle allowance \$50 was made by Mr. McDonald, seconded by Mrs. Reyes. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

Motion to extend the Executive Directors contract an additional 3-year term was made by Mr. McDonald, seconded by Mrs. Reyes. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #9- Approval of Amendment of 2016-2017 Annual Budget:

Mr. Hansen presented the Amendment to the 2016-2017 Annual Budget to include the vehicle allowances for staff. Motion to approve the Amendment of 2016-2017 Annual Budget was made by Mrs. Reyes seconded by Mr. McDonald. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #10- Public Comments:

None

AGENDA ITEM #11- Board Comments:

None

AGENDA ITEM # 12- Adjourn:

Mrs. Reyes made a motion to adjourn, seconded by Mr. McDonald.

The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 6:13pm on September 20, 2016.



Mr. Bob Price, Vice President

ATTEST:



Mrs. Nadine Reyes, Secretary/Treasurer