

CITY COUNCIL AGENDA

City of Big Spring
Saturday, November 17, 2012

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Special Session on Saturday, November 17, 2012, at 2:00 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. **Public Hearing** – Consideration and Discussion of a Zone Change from Single Family-1 (SF-1) to Light Commercial (LC) for the Property Located at the Northeast Corner of Westover & FM 700 Described as 1.72 Acres Out of the SW/4 of Section 6, Block 32, T-1-S, T & P RR Co. Survey Darden

Disposition of Minutes

3. Minutes of the Regular Meeting of October 23, 2012 4-8 Davis

Consent Items

4. Final Reading of an Ordinance Amending Chapter Six of the City Codes Entitled “Cemeteries, Parks and Recreation” by Amending Article 10 Entitled “Ball Field Recreational Areas” by Amending Section 6-181(B) Entitled “League Fees Prescribed” by Permitting Concession Stands to be Locked with Keys Provided by the City and Providing a Fee of \$100.00 for a League’s Failure to Return Such Keys; Providing for Severability and Providing an Effective Date 9-10 Sjogren
5. Acceptance of McMahon Wrinkle Airpark Development Board Minutes for Meeting of September 20, 2012 11-12 Walker

Routine Business

6. Vouchers for 10/25/12 \$ 236,625.82 Harbour
Vouchers for 11/01/12 \$ 764,082.29
Vouchers for 11/08/12 \$ 480,365.62

Bids

- | | | | |
|----|----------------------------------------------------------------------------------------------------------------------|----|--------|
| 7. | Award Bid for Tractor with Aerator and Authorize the City Manager or His Designee to Execute Any Necessary Documents | 13 | Medina |
|----|----------------------------------------------------------------------------------------------------------------------|----|--------|

New Business

- | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------|
| 8. | Emergency Reading of an Ordinance Canvassing the Returns and Declaring the Results of the Special Election Which was Held on the 6 th day of November, 2012 for the Voters to Consider Abolishing the Type A One Half Cent Sales and Use Tax Adopted on May 5, 1990 and Replacing the Tax with a Type B One Half Cent Sales and Use Tax Under Chapter 505 of the Texas Local Government Code to Undertake any Projects Allowed Under Chapter 501, 502, 504 and 505 of the Texas Local Government Code | 14-15 | Walker |
| 9. | First Reading of an Ordinance Amending the Zoning Ordinance by Changing the Zoning from Single Family-1 (SF-1) to Light Commercial (LC) for the Property Located at the Northeast Corner of Westover & FM 700 Described as 1.72 Acres out of the SW/4 of Section 6, Block 32, T-1-S, T & P RR Co. Survey, Howard County; Providing a Severability Clause; Providing an Effective Date | 16 | Darden |
| 10. | Emergency Reading of a Resolution Authorizing the Mayor to Execute an Affidavit for Utility Owner to be Submitted to the Texas Department of Transportation and Authorizing the Mayor to Act as the City's Executive Officer and Authorized Representative in All Matters Pertaining to the US Highway 87 Improvements | 17 | Darden |
| 11. | Discussion and Consideration of Name Change of the Big Spring Family Aquatic Center to the Russ McEwen Aquatic Center | 18-19 | Fuqua |
| 12. | First Reading of an Ordinance Amending Chapter 13, Article 5 of the City Codes Entitled "Food and Food Establishments," Section 13-102 Entitled "Permits and Exemptions" by Adding Day Care Centers to Those Establishments That are Exempt from the Permitting Process; Providing for Severability; and Providing an Effective Date | 20-22 | Sjogren |
| 13. | First Reading of an Ordinance Amending the Code of Ordinances by Amending Chapter One, Section 1-8 (B) to Update Retirement Eligibility and Vesting Requirements to 5 Years of Service in the Texas Municipal Retirement System Pursuant to the Provisions of Sections 62.105 and 64.202 (g) of Title 110B, Revised Civil Statutes of Texas, 1925; and Providing an Effective Date | 23 | Medina |
| 14. | First Reading of a Resolution Declaring the Official Intent of the City of Big Spring to be Reimbursed for Certain Capital Expenditures from Proceeds of a Lease Purchase Agreement and Establishing an Effective Date | 24-25 | Walker |

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 23, 2012, with the following members present:

TOMMY DUNCAN	Mayor
CRAIG OLSON	Mayor Pro Tem
MARCUS FERNANDEZ	Councilmember
CARMEN HARBOUR	Councilmember
GLEN CARRIGAN	Councilmember
BOBBY MCDONALD	Councilmember
MARVIN BOYD	Councilmember

Same and constituting a quorum; and

GARY FUQUA	City Manager
TODD DARDEN	Assistant City Manager
LINDA SJOGREN	City Attorney
PEGGY WALKER	Finance Director/City Secretary
JOHN MEDINA	Human Resources Director
LONNIE SMITH	Police Chief
CRAIG FERGUSON	Fire Chief
JIM LITTLE	Airpark Director
TIM GREEN	Municipal Court Judge

PRESENTATIONS & PUBLIC HEARINGS

INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Carrigan gave the invocation and Mayor Duncan led the Pledge of Allegiance to the American and State Flags.

DISPOSITION OF MINUTES

MINUTES OF THE REGULAR MEETING OF OCTOBER 9, 2012

Motion was made by Councilmember Carrigan, seconded by Councilmember Harbour, with all members of the Council voting "aye" approving minutes of the regular meeting of October 9, 2012.

CONSENT ITEMS

FINAL READING OF A RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES EMPOWERED TO TRANSMIT AND WITHDRAW FUNDS FROM TEXPOOL; AND DECLARING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES EMPOWERED TO TRANSMIT AND WITHDRAW FUNDS FROM TexSTAR; AND DECLARING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION THE FRANCHISE AND RIGHTS TO CONDUCT IN SUCH CITY THE BUSINESS OF ACQUIRING, MAINTAINING, CONSTRUCTING, LAYING, REPAIRING, REMOVING, REPLACING, INSTALLING, OPERATING, AND DISPOSING OF A GAS SYSTEM FOR THE SALE, TRANSPORTATION, AND DISTRIBUTION OF NATURAL GAS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY AND TO THE RESIDENTS AND BUSINESSES LOCATED THEREIN FOR LIGHT, HEAT, POWER, AND ANY OTHER PURPOSES AND THE RIGHT TO USE THE PRESENT AND FUTURE STREETS, ROADS, HIGHWAYS, ALLEYS, PUBLIC WAYS, AND REAL PROPERTY IN SUCH CITY AND OWNED OR CONTROLLED BY SUCH CITY FOR SUCH PURPOSES; PRESCRIBING THE TERMS AND CONDITIONS TO WHICH SUCH FRANCHISE AND RIGHTS ARE SUBJECT; AND PRESCRIBING THE TERM OF SUCH FRANCHISE AND RIGHTS

ACCEPTANCE OF CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES FOR MEETING OF AUGUST 22, 2012

ACCEPTANCE OF HOWARD COUNTY APPRAISAL DISTRICT BOARD MINUTES FOR MEETING OF SEPTEMBER 12, 2012

Motion was made by Councilmember Boyd, seconded by Councilmember McDonald, with all members of the Council voting "aye" approving the above listed resolutions, ordinance and minutes.

ROUTINE BUSINESS

Councilmember Fernandez reviewed the vouchers. Motion was made by Councilmember Fernandez, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving vouchers in the amount of \$295,376.37 (10/11/12) and \$964,485.55 (10/18/12).

BIDS

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

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

Awarding Small Fire Engine/Pumper to Daco Fire Equipment in the amount of \$169,593.26.

Awarding 30 Cubic Yard Sanitation Truck to Rush Refuse Systems in the amount of \$225,543.95.

Awarding Type I Ambulance to San Antonio Ambulance in the amount of \$105,000.00.

NEW BUSINESS

PRESENTATION OF THE TEXAS COMPTROLLER’S VIDEO OVERVIEW OF TYPE A AND TYPE B ECONOMIC DEVELOPMENT CORPORATIONS

Mayor presented a video from the Texas Comptroller’s office explaining the difference between Type A and Type B Economic Development Corporations.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER SIX OF THE CITY CODES ENTITLED “CEMETERIES, PARKS AND RECREATION” BY AMENDING ARTICLE 10 ENTITLED “BALL FIELD RECREATIONAL AREAS” BY AMENDING SECTION 6-181(B) ENTITLED “LEAGUE FEES PRESCRIBED” BY PERMITTING CONCESSION STANDS TO BE LOCKED WITH KEYS PROVIDED BY THE CITY AND PROVIDING A FEE OF \$100.00 FOR A LEAGUE’S FAILURE TO RETURN SUCH KEYS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Carrigan, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” approving first reading of an ordinance amending Chapter Six of the City Codes entitled “Cemeteries, Parks and Recreation” by amending Article 10 entitled “Ball Field Recreational Areas” by amending Section 6-181(B) entitled “League Fees Prescribed” by permitting concession stands to be locked with keys provided by the City and providing a fee of \$100.00 for a League’s failure to return such keys; providing for severability and providing an effective date.

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER FOR ENGINEERING/ARCHITECT SERVICES FOR THE WESTERN CONTAINER BUILDING OFFICE ADDITION AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember McDonald, seconded by Councilmember Fernandez, with all members of the Council voting “aye” approving a professional services agreement with Parkhill, Smith & Cooper for engineering/architect services for the Western Container building office addition and authorizing the Mayor or his designee to execute any necessary documents.

CONSIDERATION OF AUTHORIZING THE MAYOR OR HIS DESIGNEE TO NEGOTIATE A NEW LEASE WITH WESTERN CONTAINER TO INCLUDE ADJUSTMENTS RELATED TO THE OFFICE ADDITION TO WESTERN CONTAINER BUILDING AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember McDonald, seconded by Councilmember Fernandez, with all members of the Council voting “aye” authorizing the Mayor or his designee to negotiate a new lease with Western Container to include adjustments related to the office addition to Western Container building and authorizing the Mayor or his designee to execute any necessary documents.

APPOINTMENT TO PLANNING & ZONING COMMISSION

Peggy Hopper was appointed to serve on the Planning & Zoning Commission by paper ballot votes from the City Council.

APPOINTMENT TO THE HOWARD COUNTY 9-1-1 COMMUNICATION DISTRICT BOARD

Motion was made by Councilmember Carrigan, seconded by Councilmember Harbour, with all members of the Council voting “aye” reappointing Debra Wallace to the Howard County 9-1-1 Communication District Board.

CITY MANAGER’S REAPPOINTMENT TO CIVIL SERVICE COMMISSION

City Manager, Gary Fuqua, reappointed Walter Shipman to the Civil Service Commission.

ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 2012

Motion was made by Councilmember Fernandez, seconded by Councilmember Boyd, with all members of the Council voting “aye” approving Big Spring Economic Development Corporation Board of Directors minutes for regular meeting of September 18, 2012.

CITY MANAGER’S REPORT

Gary Fuqua, City Manager, announced that the staff and the Mayor would discuss what day to hold a council meeting in November due to a TML meeting and the holidays and the December council meeting will be December 11th.

COUNCIL INPUT

Mayor Duncan asked that everyone keep former Mayor Russ McEwen’s family in their prayers.

Councilmembers Harbor and McDonald encouraged citizens to get out and vote.

Mayor Pro Tem Olson thanked the Animal Control Department in assisting him early that day.

ADJOURN

Motion was made by Councilmember McDonald, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” to adjourn at 6:15 p.m.

CITY OF BIG SPRING, TEXAS

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER SIX OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "CEMETERIES, PARKS, AND RECREATION" BY AMENDING ARTICLE 10 ENTITLED "BALL FIELD RECREATIONAL AREAS" BY AMENDING SECTION 6-181(B) ENTITLED "LEAGUE FEES PRESCRIBED" BY PERMITTING CONCESSION STANDS TO BE LOCKED WITH KEYS PROVIDED BY THE CITY AND PROVIDING A FEE OF \$100.00 FOR A LEAGUE'S FAILURE TO RETURN SUCH KEYS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Big Spring finds it necessary to establish fees for the utilization of City ball field recreational areas;

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

SECTION 1: THAT Chapter 6, Article 10, Section 6-181(B) of the Big Spring Code of Ordinances entitled "Ball Field Recreational Areas" are hereby amended to read as follows:

(B) Use of Common Areas: Each league will be allowed use on the days specified in the schedule of the common areas associated within the respective fields including restrooms and concession stands as indicated on the map attached to the registration form on file with the Convention and Visitors' Bureau. During the defined season for each League, it shall have exclusive use of the applicable concession area and may lock the concession using the two (2) keys provided to each League President at the time of registration. Tournament users scheduled by the Convention and Visitors' Bureau during the League season will not be allowed to use the concession area without the written consent of the applicable League but may set up an outside concession area. At the end of the season, the League must remove all items and equipment from the concession area, return two (2) concession stand keys and will no longer have exclusive use of the area during the off-season. Any items not removed within ten (10) days of the end for the season will be removed and stored. The applicable league will be responsible for removal and storage fees before return of the equipment. Failure to return concession stand keys will result in a One-Hundred Dollar (\$100.00) fee that shall be paid before the applicable League is granted use of the concession stands for any subsequent season.

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 this ordinance shall take effect immediately after its passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

SECTION 4. THAT all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **23rd** day of **October, 2012** 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 **6th** day of **November, 2012** with all members present voting “aye” for passage of the same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

City of Big Spring
Big Spring McMahon-Wrinkle Airport and Industrial Park
Development Board Meeting Minutes
September 20, 2012

The Big Spring Airport and Industrial Park Development Board met in Regular Session at 5:30 p.m., Thursday, September 20, 2012 at the Airport Terminal conference room, 3200 Rickabaugh Drive, Big Spring, Texas. Marc Marchesseault called the meeting to order at 5:30 p.m. with the following members in attendance:

Marc Marchesseault	Paschal Odom
Ned Crandall	Jan Hansen
Jim DeVille	Wayne Dawson
Willie Rangel	

Also in attendance: Jim Little, Airport Director Kelly Grant, Director's Assistant
Rodney Patridge, A&P Mechanic

Item # 1

Call to Order

Marc called the meeting to order at 5:30 pm.

Item # 2

Review and approve minutes from August 16, 2012 meeting

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

Item # 3

Big Spring Economic Development Corporation Update

Terry Wegman was unavailable for an update.

Item # 4

THS Update

Jim stated that the THS representatives completed their classroom training and has begun their field training. The new locomotive has arrived and the crew is learning how to maneuver it on the rail spur. Ft. Worth Pipe has a rail use agreement pending and is looking to develop the "Brownfield" area in between Western Container and John Crane Production Solutions as well as the land adjacent to Beacon Homes along the frontage road for I-20 at the entrance of the Airport.

Item # 5

Airport Terminal Apron Upgrade Project, Status

Jim stated that the package has been approved and will be going out for bids in a few weeks. The project will incorporate the joint repair on Rwy 17/35 as well.

Item # 6

Airport Fuel Tank Farm Project, Status

Jim gave an overview of the project, explaining that it would be two separate phases. First, the fueling pad area will consist of a concrete area for the fuel trucks to offload the fuel into the tanks that will be installed. Then there will also be a concrete pad on the opposite side of the tank farm for dispensing fuel to fuel trucks or aircraft. Second, the fuel tank acquisition will consist of the purchase and installation of the two fuel tanks, one for jet fuel and the other for avgas. The self-serve fueling capability will be priced separately but integrated into the installation as long as funding allows. The new fuel farm will allow for contracting with the USAF for fueling of their aircraft that currently use our Airport for jet pilot training and will potentially generate more traffic from other area military installations.

Item # 7

Airport Directors Update

Jim informed the board that the new RNAV GPS Approach for Rwy 06 and 24 are complete and should be published in the edition that comes out on May 2, 2013. The Crack Seal project for Rwy 06/24 is supposed to be complete by the end of this month. The project utilizes the RAMP funding from TxDOT Aviation for the 2011-2012 FY that is being held open for the project. The Airport recently had two aircraft incidents after a very long tenure without any incidents. On August 29th there was a "gear up" landing that occurred during flight training of one of the USFA students and their flight instructor, where the landing gear was not in position and the belly of the aircraft sustained some damage. Then on September 4th we had a transient aircraft landing for fuel when the nose gear collapsed causing severe damage to the internal components of the aircraft, windshield and fuselage. Both aircraft will likely have to have full engine and propeller replacements. Thankfully, neither landing involved any personal injury. The old base barracks building is getting estimates for demolition. The asbestos contamination in that building, as well as the old parachute building, has made demolition cost-prohibitive in the past. Jim gave a brief statement about the upcoming Board member reviews that will be done by City Council before the next Airport Board Meeting. Jim also provided information on current City openings stating that there are over 30 vacancies that affect City operations in areas such as the Service Center, Utilities, and all other related departments. Jim updated the board on his upcoming travel including the TML Conference in Grapevine, TX on November 13-15 and the upcoming Fall FAA Southwest Region Conference cancellation. For Show & Tell the board viewed photos of the two aircraft damaged in the aforementioned incidents, and a photo of the new Big Spring Rail locomotive.

Item # 8

Leased Building Issues

Jim updated the board on the JCPS and WC sprinkler system repairs, both of which are still being worked with some delays. We have had lots of activity recently with building repairs and upgrades.

Item # 9

Airport Safety Committee Report

Wayne Dawson discussed the upcoming November Pilot Safety Meeting program. He would like to have a "Taxi-In" event in order to showcase our local aircraft being stored on the field and have a tug available to assist in bringing over all of the aircraft in the T-Hangars. There will be further discussion at the October Board Meeting regarding potential issues with the pilots and ways to generate higher turnout rates of local pilots. Rodney provided information on the aircraft maintenance operations for USFA and the pilot certification progress by the Indian students currently training at the school.

Item # 10

Other Events & Activities

The CAF Air Show will be coming up soon in Midland, and there will be an aerial acrobatics performance by former US Flight Academy student and Big Spring native, Jarrod Flohr.

Item # 11

Board Member Updates

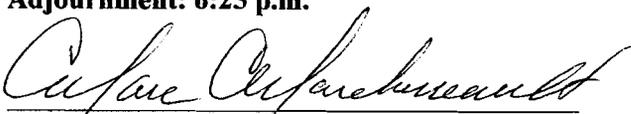
There are no updates at this time.

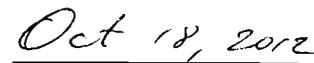
Item # 12

Next Meeting Date

October 18, 2012

Adjournment: 6:25 p.m.


Approved by Marc Marchesseault, Chairman


Date Approved



Purchasing and Material Control Memorandum

To: Honorable Mayor, City Council, City Manager
From: Paul Sotelo, Purchasing Agent
Date: November 13, 2012
Subject: Request for Bid Award for Tractor with Aerator

On Tuesday, October 16, 2012, the City of Big Spring received quotes for a Tractor with Aerator through the BuyBoard, HGAC, and TXMAS Purchasing Cooperatives

Recommendation: Staff recommends that the bid be awarded to South Plains Implement for a John Deere 3320 tractor with aerator, purchased through HGAC in the amount of **\$29,315.51**, which reflects a cost of **\$684.49** under budget.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION WHICH WAS HELD ON THE 6TH DAY OF NOVEMBER, 2012, IN THE CITY OF BIG SPRING, TEXAS FOR THE VOTERS TO CONSIDER ABOLISHING THE TYPE A ONE HALF CENT SALES AND USE TAX ADOPTED ON MAY 5, 1990 AND REPLACING THE TAX WITH A TYPE B ONE HALF CENT SALES AND USE TAX UNDER CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE TO UNDERTAKE ANY PROJECTS ALLOWED UNDER CHAPTERS 501, 502, 504 AND 505 OF THE TEXAS LOCAL GOVERNMENT CODE; AND DECLARING AN EMERGENCY

WHEREAS, heretofore, the Mayor of the City of Big Spring, Texas caused to be published an ordinance announcing the City Council special election to be held on the 6th day of November, 2012, for the voters to consider abolishing the Type A one half cent sales and use tax adopted on May 5, 1990 and replacing the tax with a Type B one half cent sales and use tax under Chapter 505 of the Texas Local Government Code to undertake any projects allowed under Chapters 501, 502, 504 and 505 of the Texas Local Government Code; and

WHEREAS, notice of said election was actually given as required by law and as directed in said ordinance as is shown by affidavit properly filed in the office of the City Secretary; and

WHEREAS, said election was duly and legally held on the 6th day of November, 2012, in conformity with the election laws of the State of Texas and the City Charter, and the results of said election have been certified and returned by the proper judges and clerks thereof; and

WHEREAS, this Council has today considered the returns of said election; and

WHEREAS, it appears to the Council, and the Council so finds, that the Howard County Elections Administrator has tabulated the results of said election and certified the tabulation to the Council, and that the tabulation is correct:

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

SECTION I. That the tabulation of votes cast in the City Council special election held on the 6th day of November, 2012, made and certified by the Howard County Elections Administrator, a copy of which is attached hereto and made a part hereof, is hereby adopted as the official tabulation of the votes cast at said election and that said tabulation be filed and recorded in the official records of the City as the official canvass of said election.

SECTION II. That said official canvass of the returns of the special election reflects the following:

A majority of the votes cast in the special election were against abolishing the Type A one half cent sales and use tax adopted on May 5, 1990 and replacing the tax with a Type B one half cent sales and use tax under Chapter 505 of the Texas Local Government Code to undertake any projects allowed under Chapters 501, 502, 504 and 505 of the Texas Local Government Code, and the proposition hereby fails.

SECTION III. That the necessity of making an official canvass of votes cast in the aforesaid election and declaring the results of said election no earlier than the eighth (8th) day and no later than the eleventh (11th) day after election day as required by Section 67.003 *Texas Election Code*, creates a public emergency and an imperative public necessity requiring the suspension of the Charter rule that no ordinance or resolution shall be passed finally on the date of its introduction but that such ordinance or resolution shall be read at two meetings of the City Council, and the Mayor having declared said emergency and necessity to exist and having requested the suspension of the Charter rule for this ordinance to take effect and be in full force and effect from and after its passage, IT IS ACCORDINGLY SO ORDAINED, this the 17th day of November, 2012.

PASSED AND APPROVED, on an emergency reading by the City Council of the City of Big Spring, Texas, this 17th day of November, 2012, at a special meeting of the City Council of the City of Big Spring, Texas, with all members present voting “aye” for the passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING FROM SINGLE FAMILY-1 (SF-1) TO LIGHT COMMERCIAL (LC) FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF WESTOVER & FM700 DESCRIBED AS 1.72 ACRES OUT OF THE SW/4 OF SECTION 6, BLOCK 32, T-1-S, T & P RR CO SURVEY, HOWARD COUNTY, BIG SPRING, TEXAS; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS DISCUSSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission held a public hearing on November 13, 2012 and gave its final approval and recommendation of this zone change from Single Family-1 (SF-) to Light Commercial (LC);

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

SECTION 1. The zoning designation shall change from Single Family-1 (SF-1) to Light Commercial (LC) for property located at the Northeast corner of Westover & FM700 described as 1.72 acres out of the SW/4 of Section 6, Block 32, T-1-s, T&P RR Co Survey, Howard County, Big Spring, Texas and such change is hereby approved by the Big Spring City Council as an amendment to the zoning ordinance.

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. It is officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 4. The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalty for violation of 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 this the 17th day of November, 2012 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 December, 2012 with all members present voting "aye" for the passage of same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

RESOLUTION NO. _____

AN EMERGENCY READING OF A RESOLUTION OF THE CITY COUNCIL OF BIG SPRING, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AFFIDAVIT FOR UTILITY OWNER TO BE SUBMITTED TO THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE US HIGHWAY 87 IMPROVEMENTS.

WHEREAS, certain water lines were installed by the City around 1944 as a means of providing water to its customers but legal documentation of an easement for the placement of such lines cannot be located; and

WHEREAS, the Texas Department of Transportation ("TXDOT") is requiring the lines to be relocated in connection with U.S. Highway 87 Improvements; and

WHEREAS, it is necessary for the City to execute an affidavit of Utility Owner for such lines to establish the City's ownership whether through easement or adverse possession in order to be eligible for reimbursement from TxDOT for the relocation of said infrastructure;

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

SECTION 1: The Mayor is authorized to execute and submit an Affidavit for Utility Owner to TxDOT for the reimbursement of any expenses connected with the relocation of existing utility infrastructure that was installed around 1944;

SECTION 2: The City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with the TxDOT Highway 87 Improvement project; and

SECTION 3: The passage of this resolution constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City resolutions be read at two separate meetings of the City Council be suspended, and said rule is hereby suspended, and this ordinance shall be effective immediately upon its passage on first and final reading.

PASSED AND APPROVED on Emergency reading by the City Council of the City of Big Spring, Texas, on this 17th day of November, 2012 at a regular meeting of the City Council, with all members present voting "aye" for passage of same.

Tommy Duncan, Mayor

Attest:

Tami Davis, Asst. City Secretary

October 21, 2012

Dear Honorable Mayor, Big Spring City Council and City Manager,

I strongly believe that what is now the Big Spring Family Aquatic Center should be renamed, in honor of former Mayor Russ McEwen, to McEwen Aquatic Center. There are a handful of reasons why I believe it should be renamed. First, he was an incredible man who believed in the great people of this community, especially the youth who he knew that one day would be leaders. Secondly, he did everything he could to better this town and he was admired and respected by many for his visions.

Mr. McEwen was a member of the Big Spring City Council from 1980-87 and served as our honorable Mayor from the late 90's to 2010, during which time he was the coach for the YMCA gymnastics, involved in the proposition to present a bond to the citizens of Big Spring in order to renovate the Roy Anderson Sports Complex (named for Mr. Anderson, a sports enthusiast for the youth), instrumental in the planning of the Athletic Training Center (ATC) at the Big Spring High School, as well as a driving force behind the construction of the Big Spring Family Aquatic Center. Mr. McEwen was always a huge supporter of the youth in this community.

When the committee was planning the construction of the Aquatic Center, Mr. McEwen made sure that it wasn't just for little kids; he wanted it to be fun for the whole family. He took in everyone's opinions, and managed to make it something everyone in the City of Big Spring and surrounding areas could enjoy for years to come.

I am Kristen Poffinbarger, a Junior at Big Spring High School. I, along with many of my peers have enjoyed spending time at the Aquatic Center. Not only is this a great place to enjoy, it has also created jobs for many young adults in the community and will continue to do so well into the future. I believe it is our duty to educate the community on what former Mayor Russ McEwen has accomplished. What a better way to admire his legacy than to name Mr. McEwen's final accomplishment to our great town after him?

Thank you for your consideration in honoring this great man.

A handwritten signature in black ink that reads "Kristen Poffinbarger". The signature is written in a cursive, flowing style with some capitalization.

Kristen Poffinbarger

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 13, ARTICLE 5 OF THE BIG SPRING CITY CODE ENTITLED "FOOD AND FOOD ESTABLISHMENTS, SECTION 13-102 ENTITLED "PERMITS AND EXEMPTIONS" BY ADDING DAY CARE CENTERS TO THOSE ESTABLISHMENTS THAT ARE EXEMPT FROM THE PERMITTING PROCESS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, day care centers are inspected by the Texas Department of State Health Services; and

WHEREAS, the City of Big Spring City Council finds it necessary to exempt day care centers from the City of Big Spring permitting requirement;

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

SECTION 1. THAT Chapter 13, Article 5, entitled "Food and Food Establishments", Section 13-102 entitled "Permits and Exemptions" of the Code of Ordinances of the City of Big Spring is hereby amended to read as follows:

Sec. 13-102. Permits and Exemptions.

- A. A person may not operate a food establishment without a permit issued by the City of Big Spring unless such person holds a valid Food Establishment Permit from the State Department of Health issued prior to the effective date of this ordinance. Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this ordinance. A valid permit must be posted in or on every food establishment regulated by this ordinance.
- B. The following are exempt from the permitting requirements of this ordinance, but are not exempt from compliance with State Rules. The City of Big Spring may require any information necessary to determine whether an organization meets this exemption.
 - 1. School Food Establishments, including day care centers, that are inspected annually by the Texas Department of Health;

2. Federally inspected food establishments;
3. Correctional facilities subject to inspection by the Texas Department of Criminal Justice or the Texas Jail Commission;
4. Nursing homes subject to inspection by Long Term Care Regulatory agency of the Texas Department of Human Services;
5. Hospitals subject to inspection by the Health Facility Licensure Division in the Department and that do not serve food to the general public;
6. Food establishments on state campuses inspected by state college or university personnel in accordance with the requirements of §229.373 of Title 25 Texas Administrative Code (relating to minimum Standards for Permitting and Operation);
7. Food establishments licensed under the Health and Safety Code, Chapter 431, as manufacturers of food;
8. Food establishments subject to inspection by the Texas Department of State Health Services; and
9. Food and beverage vending machines.

C. Nonprofit organizations are exempt from the permit fees but not from the permitting requirements of this ordinance or from the State Rules.

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 the conflict.

SECTION 4. THAT this ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on the first reading at regular meeting of the City Council on the **6th** day of **November, 2012**, with all members present voting “aye” for passage of the same.

PASSED AND APPROVED on the second reading at regular meeting of the City Council on the 20th day of October, 2012, with all members present voting “aye” for passage of the same.

Tommy Duncan, Mayor

ATTEST:

Tami Davis, Assistant City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER ONE, SECTION 1-8 (B) TO UPDATE RETIREMENT ELIGIBILITY AND VESTING REQUIREMENTS TO 5 YEARS OF SERVICE IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM PURSUANT TO THE PROVISIONS OF SECTIONS 62.105 AND 64.202 (g) OF TITLE 110B, REVISED CIVIL STATUTES OF TEXAS, 1925; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Big Spring is a member of the Texas Municipal Retirement System and as of January 1, 2002 changed its vesting requirements from ten to five years;

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

SECTION 1: The Code of Ordinances of the City of Big Spring, Texas, Chapter One, Article 1, Section 1-8 entitled "In General", is hereby amended as follows:

Sec 1-8: Participation of Employees; New Employees; Eligibility for Retirement; Five Year Vesting; Maximum Age and Prior Service Credits.

Pursuant to the provisions of Sections 62.105 and 64.202 of Subtitle G of Title 110B, Revised Civil Statutes of Texas, 1925, as amended, which Subtitle shall herein be referred to as the "TMRS Act", the City of Big Spring, Texas, adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System:

- (B) Any member, after five (5) years from the effective date of his or her membership in the System, shall be eligible for service retirement if he or she has attained the age of sixty (60) years; or has completed twenty (20) years of creditable service with one or more municipalities that have authorized eligibility under Section 64.202 of the TMRS Act or under Section XX of former Article 6243h, Vernon's Texas Civil Statutes;

SECTION 2: That this ordinance shall take effect immediately upon its passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a special meeting of the City Council on the 17th day of November, 2012 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 11th day of December, 2012 with all members voting "aye" for the passage of the 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 \$1,392,775 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: Fire Wall Upgrade; Police Vehicles and Associated Equipment (8); Small Fire Engine/Pumper (1); ½ Ton Pickup (3); ¼ Ton

Pickup (2); Front-End Loader (1); Steel Wheel Roller (1); Sanitation Truck (1); D7 Bulldozer (1); Tractor w/ Aerator Accessories (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 special meeting of the City Council on the 17th day of November, 2012, 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 11th day of December, 2012, with all members of the Council voting “aye” for passage of the same.

Tommy Duncan, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary

**FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT
BETWEEN THE CITY OF BIG SPRING AND
HOWARD COUNTY FOR EMERGENCY AMBULANCE SERVICE**

This First Amendment to the Interlocal Agreement Between the City of Big Spring and Howard County for Emergency Ambulance Service (“Amendment”) is by and between the City of Big Spring (the “City”) and Howard County (the “County”), hereinafter collectively referred to as the “Parties.” This Amendment is executed pursuant to Texas Government Code Chapter 791, the Texas Interlocal Cooperation Act.

WHEREAS, the City and the County entered into a certain Agreement for Emergency Ambulance Service on or about December 13, 2011 (the “Agreement”) which provided for mutual support of emergency ambulance service for residences and businesses both within the city limits of the City as well as those areas of Howard County outside the city limits; and

WHEREAS, the term of the Agreement was to end on September 30, 2012 and both Parties now wish to extend the term of the Agreement until September 30, 2013

NOW THEREFORE, in consideration of the premises and mutual covenants hereinafter made, the Parties hereby agree to amend the Agreement as follows:

1. Section 2 entitled “Compensation by County,” subsection (a) is amended to read in its entirety as follows:

“(a) For the period October 1, 2012 through September 30, 2013, the County Agrees to pay to the City One Hundred Thirty Thousand and No/100 Dollars (\$130,000.00) for ambulance service. Such payments shall be made in monthly installments of \$10,833.33 commencing on October 1, 2011 and continuing thereafter in a like sum on or before the first day of each succeeding month during the period.”

2. Section 3 entitled “Service and Obligation of the City” is amended to provide that in consideration of the County’s payments and other promises set forth in the Agreement, the City agrees to provide the described services during the period October 1, 2012 through September 30, 2013.

3. All other provisions of the Agreement shall continue in full force and effect.

[Signatures Commence On Next Page]

IN WITNESS WHEREOF, the Parties have respectively executed this First Amendment to the Interlocal Agreement Between the City of Big Spring and Howard County for Emergency Ambulance Service to be effective as of the Effective Date.

Executed this ____ day of _____, 2012 by:

CITY OF BIG SPRING, TEXAS

By: _____
Tommy Duncan, Mayor

ATTEST:

Tami Davis, Asst. City Secretary

Executed this ____ day of _____, 2012 by:

HOWARD COUNTY, TEXAS

By: _____
Mark Barr, County Judge

ATTEST:

Donna Wright, County Clerk