

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 St., Big Spring, Texas, at 5:30 p.m., April 13, 2021, with the following members present in person:

SHANNON THOMASON	Mayor
NICK ORNELAS	Councilmember
CODY HUGHES	Councilmember
GLORIA MCDONALD	Councilmember
TROY TOMPKINS	Councilmember
MAURY SMITH	Councilmember

(Mayor Pro Tem Hartman was not present at this meeting.)

Same and constituting a quorum, for which four Councilmembers must be present; and the following staff in person;

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
CRAIG FERGUSON	Fire Chief
SHANE BOWLES	Public Works Director
SANDY SMITH	Finance Director
HAYLEY HERRERA	Community Services Director
JIM LITTLE	Airpark Director
TAMI DAVIS	Interim City Secretary
TIM GREEN	Municipal Judge

INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Smith gave the invocation and Mayor Thomason led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENT

Several citizens had comments about several items on the agenda.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

PUBLIC HEARING – CONSIDERATION FOR A ZONE CHANGE FROM (LI) LIGHT INDUSTRIAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR TEMPORARY WORKFORCE HOUSING ON A TRACT OF 18.141 ACRES LOCATED IN SECTION 25, T & P RR. CO. SURVEY, ABSTRACT 314, HOWARD COUNTY, TEXAS Z-21-01

Motion was made by Councilmember Hughes to open the above captioned public hearing, seconded by Councilmember Ornelas, with all members of the Council present voting "aye." No comments were made at this time. The Mayor closed the public hearing by acclamation.

CITY MANAGER'S REPORT

Todd Darden, City Manager, gave an update on the following:

- New 2021 Building Codes & 2020 Electrical Code
- Staffing Update on Various Departments
- Rolling Out Our New City Logo on Vehicles
- Early Voting Begins April 19th – April 27th at Howard County Courthouse
- Large Item Pickup for District 4 will be on April 21st
- Temporary Waiver by Governor of Vehicle Title & Registration Requirements will End on April 14th
- Agendas for the Charter Review Special Committee Meetings

CONSENT ITEMS

FINAL READING OF A RESOLUTION DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NUMBER 7220039; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION ADOPTING PLANS, POLICIES, AND PROCEDURES THAT SUPPORT THE CIVIL RIGHTS OF ALL PERSONS AFFECTED BY THE CDBG PROJECTS; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 2 "DEFINITIONS," SECTION 2-1 "DEFINITION OF WORDS AND TERMS" BY ADDING A NEW DEFINITION "SHORT-TERM RENTAL;" AND AMENDING ARTICLE 7 "SPECIAL APPLICATIONS," SECTION 7-2 "SPECIFIC USE PERMITS," SUBSECTION (B) 8 TO ADD SHORT-TERM RENTALS TO THOSE USES REQUIRING A SPECIFIC USE PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 4, "DEVELOPMENT STANDARDS," AND AMENDING ARTICLE 6, "DISTRICT REGULATION," SECTION 6-6 "DISTRICTS AND PERMITTED USES" TO CLARIFY THE APPLICATION OF SETBACKS IN ALL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 029-2020 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 BY INCREASING THE GENERAL FUND BUDGET TO BE USED FOR ELECTION SERVICES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 12 OF THE BIG SPRING CITY CODE ENTITLED "BUILDING AND BUILDING REGULATIONS" BY AMENDING ARTICLE V ENTITLED "MANUFACTURED HOUSING AND MOBILE HOMES" SECTION 12-154 AND 12-155 TO CLARIFY THAT REPLACEMENT MANUFACTURED HOME MUST BE HUD-CODE CERTIFIED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember McDonald to approve the above captioned resolutions and ordinances, seconded by Councilmember Smith, with all Councilmembers present voting "aye."

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF MARCH 9, 2021

Councilmember Tompkins asked for a changed in the minutes. After a brief discussion, motion was made by Councilmember Tompkins to approve the above captioned minutes as written, seconded by Councilmember Hughes, with all Councilmembers present voting "aye."

OTHER BUSINESS

FINAL READING OF AN ORDINANCE AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 4 ENTITLED "DEVELOPMENT STANDARDS," SECTION 4-6 "SPECIAL CARPORT EXCEPTION," SUBSECTION (e) TO REMOVE CERTAIN RESTRICTIONS ON FRONT YARD CARPORTS; AMENDING ARTICLE 8 ENTITLED "SUPPLEMENTAL USE STANDARDS," SECTION 8-1 "ACCESSORY USES," SUBSECTION (D) TO REGULATE CARPORTS IN THE SIDE AND REAR YARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned ordinance, seconded by Councilmember Smith. After a brief discussion, motion was made by Mayor Thomason to amend the above captioned ordinance to allow carport in all zones, seconded by Councilmember Hughes, with Councilmembers Ornelas, Hughes, Thomason, McDonald Smith voting "aye." Councilmembers Tompkins abstained. Motion **passed** five to one.

Final motion was made by Councilmember Hughes to approve the above captioned amendments to the above captioned ordinance, seconded by Councilmember Smith with Councilmembers Ornelas, Hughes, Thomason, McDonald and Smith voting "aye." Councilmember Tompkins, being opposed, voting "nay" for passage of same. Motion **passed** five to one.

FINAL READING OF AN ORDINANCE AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 2 ENTITLED "DEFINITIONS," SECTION 201 "DEFINITIONS OF WORDS AND TERMS," "TRAVEL TRAILER OR RECREATIONAL VEHICLE" TO PROHIBIT TRAVEL TRAILERS AND RECREATIONAL VEHICLES AS LIVING QUARTERS EXCEPT WITH A SPECIFIC USE PERMIT; AMENDING ARTICLE 7 "SPECIAL APPLICATIONS" BY ADDING A NEW SECTION 7-5 "MOBILE/MANUFACTURED HOMES" TO ESTABLISH REGULATIONS CONCERNING MOBILE AND MANUFACTURED HOUSING; AMENDING ARTICLE 8 "SUPPLEMENTAL USE STANDARDS," SECTION 8-6 "TEMPORARY USE PERMITS FOR MOBILE/MANUFACTURED HOMES" BY AMENDING THE TITLE OF THE SECTION AND PROHIBITING TEMPORARY USE PERMITS FOR MOBILE HOMES; AND AMENDING SECTION 8-7 "TEMPORARY USE PERMITS FOR TRAVEL TRAILER OR RECREATIONAL VEHICLES AS LIVING QUARTERS," SUBSECTION (A) TO CLARIFY PERMITTED USES OF MANUFACTURED HOMES AND PROHIBITING MOBILE HOMES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned ordinance, seconded by Councilmember Smith. After a brief discussion, Mayor Thomason made a motion to amend the above captioned ordinance by removing part of a sentence in Section 2.1 TxDOT and replace it the Transportation Code standards; by removing "as may be approved under Article 7, Special Application, Section 7-2, Specific Use Permits (34)"; and also removing from Section 8-7 (a) "or Article 7, Section 7-2, Specific Use Permits (34) in a developed Mobile/Manufactured Home Parks", seconded by Councilmember Hughes, with all members of the Council present voting "aye."

Final motion was made by Councilmember Hughes to approve the above captioned amended ordinance, seconded by Councilmember Smith, with all members of the Council present voting "aye."

OLD BUSINESS

TABLED - FIRST READING OF A RESOLUTION AMENDING THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BY AMENDING THE TITLE OF ARTICLE VI ENTITLED "DIRECTORS" TO "DIRECTORS, OFFICERS, AND EMPLOYEES"; AND AMENDING THE NUMBER OF DIRECTORS; MANNER OF APPOINTMENT OF DIRECTORS AND OFFICERS; AND LIMITING THE NUMBER OF EMPLOYEES; AND ADDING A NEW ARTICLE VIII ENTITLED "CONDUCT OF BUSINESS, GENERALLY" THAT PROVIDES FOR THE CONDUCT OF DIRECTORS AND EMPLOYEES CONCERNING CONTRACTS, LOBBYING, AND AMENDMENT OF THE ARTICLES OF INCORPORATION WITHOUT PRIOR AUTHORIZATION OF COUNCIL; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember McDonald to remove the above captioned item off the table, seconded by Councilmember Ornelas, with all members of the Council present voting "aye." After a brief discussion, motion was made by Mayor Thomason to approve the above

captioned resolution, seconded by Councilmember Hughes, with Mayor Thomason voting “aye.” Councilmembers Ornelas, Hughes, McDonald, Smith and Tompkins, being opposed, voting “nay” for passage of same. Motion **fails** five to one.

TABLED – DISCUSSION AND POSSIBLE ACTION RELATING TO INDEPENDENT CONTRACTORS

Motion was made by Councilmember Ornelas to remove the above caption item off the table, seconded by Councilmember Hughes, with all members of the Council present voting “aye.” Councilmember Ornelas asked Mr. Darden to explain the reasons for hiring independent contractors. After no further discussion there was no action taken.

VOUCHERS

Councilmember McDonald reviewed the following vouchers:

VOUCHERS FOR 03/25/2021	\$	811,473.21
VOUCHERS FOR 04/01/2021	\$	697,626.85
VOUCHERS FOR 04/08/2021	\$	1,320,112.54

Motion was made by Councilmember McDonald to approve the above captioned vouchers, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

NEW BUSINESS

ACKNOWLEDGE RECEIPT OF THE CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES OF THE MEETING OF MARCH 3, 2021

Councilmembers acknowledge receipt of the above captioned minutes.

ACKNOWLEDGE RECEIPT OF THE CITY ATTORNEY’S WRITTEN REPORT ON LITIGATION AND CLAIMS AGAINST THE CITY (PRIVILEGED)

Councilmembers acknowledge receipt of the above captioned report.

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 048-2020 WHICH ADOPTED THE REASONABLE ACCOMMODATIONS POLICY OF THE CITY OF BIG SPRING, IN ORDER TO ADD AUTHORITY TO THE CITY MANAGER TO WAIVE A LEGAL DUTY IMPOSED ON A CITIZEN BY AN ORDINANCE IF DOING SO WOULD RESULT IN A REASONABLE ACCOMMODATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned ordinance, seconded by Mayor Thomason, with all members of the Council present voting “aye.”

FIRST READING OF AN ORDINANCE AUTHORIZING Z-21-01, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 18.141 ACRES OF AN APPROXIMATE 50 ACRE TRACT OUT OF SEC. 25, T & P R.R. CO. SURVEY, ABSTRACT NO. 314, IN BIG SPRING, HOWARD COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF NORTH HWY 87, FROM LIGHT INDUSTRIAL (LI) TO PLANNED DEVELOPMENT (PD), TEMPORARY WORKFORCE HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

After a brief discussion motion was made by Councilmember Hughes to table the above captioned ordinance, seconded by Councilmember Ornelas, with all members of the Council present voting "aye."

At this time a motion was made by Councilmember Tompkins to move the last item up on the agenda, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

DISCUSSION AND POSSIBLE ACTION AUTHORIZING NATI SALDIVAR AND ALBERT CAVASOS TO SEEK GRANTS FOR FIRE STATION 4 AND BRING BACK TO CITY COUNCIL FOR COUNCIL'S APPROVAL

After a brief discussion motion was made by Councilmember Tompkins to approve Nati Saldivar and Albert Cavasos to Seek the above captioned grant, seconded by Councilmember Ornelas. After a brief discussion, motion was made by Councilmember Tompkins to direct the City Attorney to draft an agreement for the City Manager approval, seconded by Councilmember Hughes with all members of the Council present voting "aye." An amended motion was made by Councilmember Tompkins to direct the City Attorney to draft an agreement and authorizing the City Manager to execute an agreement authorizing Nati Saldivar and Albert Cavasos to seek grants for Fire Station 4 and bring back grants to the City Council for Council's approval.

FIRST READING OF A RESOLUTION APPROVIING A TRESPASS ENFORCEMENT AUTHORIZATION PROGRAM; AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO TRESPASS ENFORCEMENT AGREEMENTS WITH PRIVATE PROPERTY OWNERS; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Thomason to approve the above captioned resolution, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

FIRST READING OF A RESOLUTION EXPRESSING ITS SUPPORT OF THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION; ITS REFUSAL TO ACCEPT, FUND, OR PARTICIPATE IN UNCONSTITUTIONAL RESTRICTIONS ON LEGAL GUN OWNERSHIP; AND DECLARING THE CITY OF BIG SPRING, TEXAS TO BE A "SECOND AMENDMENT STRONGHOLD"; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Thomason to approve the above captioned resolution, seconded by Councilmember McDonald, Councilmembers Hughes, Thomason, McDonald and Smith voting "aye." Councilmembers Ornelas and Tompkins, being opposed, voting "nay" for passage of same. Motion **passed** four to two.

FIRST READING OF A RESOLUTION AMENDING VARIOUS CHAPTERS OF THE CITY OF BIG SPRING PERSONNEL POLICIES AND PROCEDURES BY MODIFYING EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICIES TO CONFORM WITH FEDERAL AND STATE LAWS; ADDING A REASONABLE ACCOMMODATION AND MODIFIED JOB DUTIES POLICIES; EXCLUDING THE FIRE DEPARTMENT EMPLOYEES FROM PROBATIONARY STANDARDS ALREADY PROVIDED UNDER THE CIVIL SERVICE ACT AND LOCAL RULES; ELIMINATING VACATION TO EMPLOYEES TERMINATED FOR NON-DISCIPLINARY ACTION; REQUIRING THAT A MEDICAL EXCUSE BE PROVIDED FROM THE ISSUING HEALTH CARE PROVIDER; CLARIFYING EMPLOYEE LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT; UPDATING THE REFERENCES IN THE SOCIAL MEDIA POLICY; AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH STEPS AS ARE NECESSARY TO IMPLEMENT SUCH POLICIES AND PROCEDURES; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember McDonald to approve the above captioned resolution, seconded by Councilmember Smith, with all members of the Council present voting "aye."

EMERGENCY READING OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

Motion was made by Councilmember McDonald to approve the above captioned resolution, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

EMERGENCY READING OF A RESOLUTION DETERMINING THAT AN AREA OF THE CITY CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WILFARE OF THE COMMUNITY AND CONSTITUTES A SLUM/BLIGHTED AREA; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

Motion was made by Councilmember McDonald to approve the above captioned resolution, seconded by Councilmember Tompkins, with all members of the Council present voting "aye."

EMERGENCY READING OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN

REVITALIZATION PROGRAM FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

Motion was made by Councilmember Hughes to approve the above captioned resolution, seconded by Councilmember Ornelas, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH THE YMCA FOR LIFEGUARDS AT THE RUSS MCEWEN AQUATIC CENTER AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Ornelas to approve the above captioned agreement, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

DISCUSSION AND POSSIBLE ACTION TO APPROVE CITY STAFF TO PURSUE COST SHARING AIRPORT IMPROVEMENTS PROJECTS THROUGH TxDOT AVIATION AND ENGAGE A CONSULTING FIRM TO ASSIST IN PREPARING A "LETTER OF INTEREST" TO GO TO TxDOT, DEFINING AND PRIORTIZING PROJECTS, AND ACQUIRING TxDOT SUPPORT

Motion was made by Councilmember McDonald to approve the above captioned Letter of Interest, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

COUNCIL INPUT

Mayor Thomason gave an update on the local COVID-19 cases and thanked the National Guard for their assistance in giving vaccinations; read a message from Oncor Electric to conserve electricity; recognized and thanked staff and citizens that helped with an apartment fire on Easter morning; and also asked citizens to "help control the pet population, spay or neuter your pets."

Councilmember Ornelas announced that he will be having a Town Hall meeting on April 29, 2021 at 605 N. Main St. from 6-8; thanked staff for help on various projects; challenged citizens to donate items to the Fire Stations.

Councilmember Hughes spoke about working with Chief Ferguson on getting mattresses for all of the fire stations and hopes to have something on the next agenda.

Councilmember McDonald thanked staff.

Councilmember Tompkins thanked the Fire Department for responding to a family member.

Councilmember Smith also thanked staff.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PURPOSES PERMITTED BY THE OPEN MEETINGS ACT, SECTION § 551.087, TEXAS GOV'T. CODE, SECTION § 551.071, TEXAS GOV'T CODE, AND THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, TO DISCUSS ECONOMIC DEVELOPMENT NEGOTIATIONS


Motion was made by Councilmember Ornelas to adjourn into the above captioned executive session at 9:25 p.m., seconded by Councilmember McDonald, with all members of the Council present voting "aye."

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEDMED APPROPRIATE IN THE CITY COUNCIL'S DISCRETION REGARDING THE ECONOMIC DEVELOPMENT NEGOTIATIONS AT 10:36 P.M.

No action was taken.


ADJOURN

Mayor Thomason adjourned the meeting at 10:37 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, Interim City Secretary