

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., March 23, 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
HAYLEY HERRERA	Community Services Director
JIM LITTLE	Airpark Director
TAMI DAVIS	Interim City Secretary
TIM GREEN	Municipal Judge

INVOCATION & PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

Several citizens had comments about the zoning ordinances on the agenda.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

ADMINISTER THE OATH OF OFFICE TO DULY ELECTED COUNCILMEMBERS FOR DISTRICT SIX

Municipal Court Judge Green administered the oath of office to duly elected Maury Smith as Councilmember District Six and presented him with a certificate.

PROCLAMATION – CHILD ABUSE PREVENTION MONTH

Mayor Thomason read a proclamation declaring April as Child Abuse Prevention Month.

PRESENTATION OF THE PLANNING AND ZONING COMMISSION'S FINAL REPORT TO CITY COUNCIL CONCERNING AMENDMENTS TO THE BIG SPRING ZONING ORDINANCE REGARDING CARPORTS AND ACCESSORY USES, TRAVEL TRAILERS, RECREATIONAL VEHICLES AND MANUFACTURED HOUSING, AND SHORT-TERM RENTALS

Planning & Zoning board member Dale Avant gave the final report of Planning & Zoning to City Council.

PUBLIC HEARING – PROPOSED AMENDMENTS TO THE CITY'S ZONING REGULATIONS REGARDING CARPORTS AND ACCESSORY USES

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.” After a few comments and questions the Mayor closed the public hearing by acclamation.

PUBLIC HEARING – PROPOSED AMENDMENTS TO THE CITY'S ZONING REGULATIONS REGARDING RECREATIONAL VEHICLES AND MOBILE/MANUFACTURED HOMES

Motion was made by Councilmember Tompkins to open the above captioned public hearing, seconded by Councilmember Hughes, with all members of the Council present voting “aye.” No comments were made. The Mayor closed the public hearing by acclamation.

PUBLIC HEARING – PROPOSED AMENDMENTS TO THE CITY'S ZONING REGULATIONS REGARDING SHORT-TERM RENTALS

Motion was made by Councilmember McDonald to open the above captioned public hearing, seconded by Councilmember Ornelas, with all members of the Council present voting “aye.” No comments were made. The Mayor closed the public hearing by acclamation.

PUBLIC HEARING – PROPOSED AMENDMENTS TO THE CITY'S ZONING REGULATIONS REGARDING SETBACKS AND ADMINISTRATIVE AMENDMENTS

Motion was made by Councilmember Hughes to open the above captioned public hearing, seconded by Councilmember Tompkins, with all members of the Council present voting “aye.” No comments were made. The Mayor closed the public hearing by acclamation.

CITY MANAGER'S REPORT

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

- Large Item Pickup for District 3

- Update on the Crack Seal project on the city streets
- Update on the Street Striping
- Update on Emergency Management
- Reminder on the Info & Notify Me on the city website
- Brief report on recent trip to Dallas
- COVID-19 Update with Dr. Ahmed

CONSENT ITEMS

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

FINAL READING OF A RESOLUTION REQUESTING ON BEHALF OF THE CITIZENS OF BIG SPRING, THAT THE TEXAS DEPARTMENT OF TRANSPORTATION PERFORM A STUDY AND SUBSEQUENTLY AUTHORIZE THE PLACEMENT OF A TRAFFIC LIGHT AT INTERSECTION OF FM 700 AND E. 11TH PLACE; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED ON ONCOR; AND AUTHORIZING THE PAYMENT OF SIX CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PRECEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION RENEWING AND EXTENDING A DECLARATION OF A PUBLIC HEALTH EMERGENCY/DISASTER ISSUED BY THE MAYOR ON FEBRUARY 13, 2021, FEBRUARY 20, 2021, AND FEBRUARY 27, 2021 IN RESPONSE TO WINTER STORMS, ELECTRICAL OUTAGES, AND WATER SYSTEM ISSUES TO TAKE SUCH STEPS AS ARE NECESSARY TO SUPPORT THE DECLARATIONS THEREIN MADE; AND PROVIDING FOR AN EFFECTIVE DATE

Motion was made by Councilmember McDonald to approve the above captioned minutes and resolutions, seconded by Councilmember Smith, with all Councilmembers 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

There was no motion to remove the above captioned item off the table therefore this item remains on the table.

VOUCHERS

Councilmember Hughes reviewed the following vouchers:

VOUCHERS FOR 03/12/2021	\$	1,879,156.68
VOUCHERS FOR 03/18/2021	\$	475,880.23

Motion was made by Councilmember Hughes to approve the above captioned vouchers, seconded by Mayor Thomason, with Councilmembers Ornelas, Hughes, Thomason, McDonald and Tompkins voting “aye.” Councilmember Smith, being opposed, voting “nay” for passage of same. Motion passed five to one.

NEW BUSINESS

PRESENTATION AND ACCEPTANCE OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION’S FINANCIAL STATEMENT FOR YEAR ENDED SEPTEMBER 30, 2020 BY BOLINGER, SEGAR, GILBERT & MOSS

David Copeland with Bolinger, Segar, Gilbert & Moss presented the Big Spring Economic Development Corporation’s Financial Statement for year ended September 30, 2020. Council accepted the above captioned financial statement.

PRESENTATION AND ACCEPTANCE OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR YEAR ENDED SEPTEMBER 30, 2020 BY BOLINGER, SEGAR, GILBERT & MOSS

David Copeland with Bolinger, Segar, Gilbert & Moss presented the Comprehensive Annual Financial Report for year ended September 30, 2020. Motion was made by Councilmember Tompkins to accept the above captioned financial report, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

ACKNOWLEDGE RECEIPT OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTOR’S MINUTES OF THE REGULAR MEETING OF JANUARY 19, 2021 AND OF THE SPECIAL MEETING OF FEBRUARY 3, 2021

Councilmembers acknowledge receipt of the above captioned minutes.

FIRST 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

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 APPOINTMENT OF LABOR STANDARDS OFFICER FOR TEXAS DEPARTMENT OF AGRICULTURE COMMUNITY DEVELOPMENT BLOCK GRANT AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Hughes to approve the above captioned appointment of Labor Standards Officer to Chelsey Baldivia for the Agriculture Community Development Black Grant, seconded by Councilmember Tompkins, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION OF DESIGNATION OF CIVIL RIGHTS OFFICER FOR THE TEXAS DEPARTMENT OF AGRICULTURE CDBG GRANT AND AUTHORIZING THE MAYOR AND LEGAL ASSISTANT TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Hughes to approve the above captioned designation of Civil Rights Officer to Mandy Haynes, Legal Assistant, seconded by Councilmember Smith, with all members of the Council present voting "aye."

FIRST 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

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

FIRST READING OF AN ORDINANCE AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 4 ENTITLED "DEVELOPMENT STANDARDS," SECTION 4-6 "SPECIAL CARPORT EXCEPTION," SUBSECTION € 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 Mayor Thomason to approve the above captioned ordinance, seconded by Councilmember Hughes. After a brief discussion, motion was made by Mayor Thomason to make the following amendments: Article 4 – Development Standards, Section 4-6 (e) Special Carport Exception. 3. change the maximum opening height recommendation from 8 feet to 11.5 feet; taking out the sentence "No sides shall be constructed on any carport, this includes lattice

work and other screening materials; Article 8 – Supplemental Use Standards, Section 8-1 (d) 2. Change the maximum opening height shall be eight feet (8') to eleven and a half feet (11.5'); 3. Change the minimum of three (3) sides with openings to one (1) side with an opening; and 7. Take out the words or caliche, seconded by Councilmember Hughes, with Councilmembers Ornelas, Hughes, Thomason and McDonald voting "aye." Councilmembers Tompkins and Smith, being opposed, voting "nay" for passage of same. Motion passed four to two. Final motion was made by Councilmember Thomason to approve the above captioned amendments to the above captioned ordinance, seconded by Councilmember Hughes with Councilmembers Ornelas, Hughes, Thomason and McDonald voting "aye." Councilmember Tompkins and Smith, being opposed, voting "nay" for passage of same. Motion passed four to two.

FIRST 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 Mayor Thomason to approve the above captioned ordinance, seconded by Councilmember Hughes. After a brief discussion, Councilmember Hughes made a motion to amend the above captioned ordinance by removing part of a sentence in Section 2.1 by removing "eight (8) feet in width or forty (40) feet in length." and replace it the TxDOT standards, seconded by Councilmember McDonald, 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 motion was made by Mayor Thomason to approve the above captioned amended ordinance, seconded by Councilmember Hughes, 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.

FIRST 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

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

FIRST READING OF AN ORDINANCE AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 4, "DEVELOPMENT STANDARDS," AND AMENDING ARTICLE 6, "DISTRICT REGULATION," SECTION 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

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

FIRST 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

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

FIRST 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 Mayor Thomason to approve the above captioned ordinance, seconded by Councilmember Hughes. After a brief discussion, motion was made by Councilmember Tompkins to amend Sec. 12-155 of the ordinance by **removing** "and is at least as large in living space as the prior HUD-code manufactured home.", seconded by Councilmember McDonald, with all members of the Council present voting "aye." Final motion was made by Mayor Thomason to approve the above captioned amendments, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION TO DELEGATE THE CITY MANAGER THE AUTHORITY TO NEGOTIATE THE PURCHASE OF ONE TRACT OF REAL PROPERTY AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT FOR THE PURCHASE, SUCH AUTHORITY TO EXPIRE APRIL 15, 2022

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

CONSIDERATION AND POSSIBLE ACTION OF A CHANGE ORDER WITH JACOB MARTIN, LLC FOR WATER AND SEWER REPLACEMENT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION ON AN ENGINEER AGREEMENT WITH JACOB MARTIN, LLC FOR THE 2021 SEAL COAT PROJECT 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 Hughes, with all members of the Council present voting “aye.”

CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH WESTERN STATES FIRE PROTECTION CO. FOR FIRE ALARM MONITORING FOR BUILDING ONE AND BUILDING NINETEEN AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION TO DIRECT THE CITY MANAGER TO OBTAIN ESTIMATES TO BUILD A PAVILION AT ABC PARK TO BE COMPLETED IN THE CURRENT FISCAL YEAR

Motion was made by Councilmember Ornelas to approve the above captioned request, seconded by Councilmember Tompkins. After a brief discussion and a suggestion from Hayley Herrera, Community Services Director, that the parks department could build a pavilion for the cost of materials only Councilmember Ornelas agreed the Ms. Herrera and withdrew his motion.

DISCUSSION AND POSSIBLE ACTION RELATING TO INDEPENDENT CONTRACTORS

Motion was made by Councilmember Ornelas to table the above captioned discussion, seconded by Councilmember Tompkins, with all members of the Council present voting “aye.”

DISCUSSION REGARDING APPOINTIVE OFFICES CREATED BY ORDER OF THE BIG SPRING CITY COUNCIL ON NOVEMBER 30, 2020 THAT FORMED A SPECIAL COMMITTEE TO REVIEW THE CHARTER OF THE CITY OF BIG SPRING AND POSSIBLE NEW APPOINTMENTS TO SAID OFFICES

Councilmember Tompkins did not resign from the Charter Committee.

COUNCIL INPUT

Mayor Thomason gave an update on the local COVID-19 cases 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.

Councilmember Hughes thanked staff.

Councilmember McDonald appreciated the new striping on the streets.


ADJOURN

Mayor Thomason adjourned the meeting at 10:06 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, Interim City Secretary