

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., September 8, 2020, with the following members present in person:

SHANNON THOMASON	Mayor
CAMILA STRANDE	Mayor Pro Tem
RAUL MARQUEZ	Councilmember
TERRY MCDANIEL	Councilmember
GLORIA MCDONALD	Councilmember
JIM DEPAUW	Councilmember

The following member was present by telecommunication:

DOUG HARTMAN	Councilmember
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Same and constituting a quorum; and the following staff in person;

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
DON MOORE	Finance Director/City Secretary
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CRAIG FERGUSON	Fire Chief
CHAD WILLIAMS	Police Chief
JIM LITTLE	Airpark Director
HAYLEY HERRERA	Community Services Director

INVOCATION & PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

One citizen spoke about safety issues regarding railroad crossings.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

Nothing to report at this time.

CITY MANAGER'S REPORT

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

- Large Item Pickup Update – District 3 on September 16, 2020
- Perimeter Road Update
- Back to School Community Events
- Quannah Parker Day – September 12, 2020

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF AUGUST 25, 2020

FINAL READING OF AN ORDINANCE GRANTING A PARTIAL RESIDENCE HOMESTEAD EXEMPTION FOR TAX YEAR 2020; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," BY AMENDING SECTION 2-19 "REIMBURSEMENT OF EXPENSES OF CITY COUNCIL" BY ADDING A NEW SUBSECTION (C) TO PROHIBIT ISSUANCE OF PAYMENT CARDS TO COUNCILMEMBERS; BY ADDING A NEW SUBSECTION 2-27 ENTITLED "NO KEY ACCESS TO CITY BUILDINGS" TO PROHIBIT COUNCILMEMBERS FROM HAVING A KEY TO ANY CITY BUILDING; AND ADDING A NEW SECTION 2-28 ENTITLED "NO OFFICE FOR COUNCILMEMBERS" TO RESTRICT COUNCILMEMBERS FROM ESTABLISHING AN OFFICE IN ANY CITY BUILDING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Strande to approve the above captioned ordinances and minutes, seconded by Councilmember DePauw, with all members of the Council present voting "aye."

FINAL READING OF AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR SAID CITY FOR THE YEAR 2020; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

Motion was made by Councilmember DePauw to adopt the Howard County Tax Assessor/Collector's computed No New Revenue rate of 71.7300 cents per \$100 of taxable value, seconded by Marquez, with all members of the Council present voting "aye."

FINAL READING OF AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 32 OF THE BIG SPRING CITY CODE ENTITLED "LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATION," ARTICLE II "TAXATION," DIVISION 1 "GENERALLY" BY ADDING A NEW SECTION 32-28 ENTITLED "ADDITIONAL PENALTY FOR COLLECTION COSTS FOR DELINQUENT TAXES" TO ASSESS AN ADDITIONAL TWENTY PERCENT (20%) PENALTY TO DEFRAY COSTS OF COLLECTING DELINQUENT PROPERTY TAXES THAT REMAIN DELINQUENT ON JULY 1 OF THE YEAR IN WHICH THEY BECOME DELINQUENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE

Motion was made by Councilmember DePauw to approve the above captioned ordinance, seconded by Mayor Pro Tem Strande. After a brief discussion concerning the 20% Collection Fees the council decided to table this item, Councilmember DePauw withdrew his motion and made another motion to table the above captioned ordinance to attempt to get additional information and possibly hear from our contracting attorney, seconded by Councilmember McDonald with all members of the Council present voting "aye."

VOUCHERS

Motion was made by Councilmember Marquez to remove the following vouchers off the table, seconded by Councilmember McDaniel, with all members of the Council voting "aye."

Councilmember Marquez reviewed the following vouchers:

Vouchers for 08/13/2020	\$ 1,019,678.83
Vouchers for 08/20/2020	\$ 1,195,702.80
Vouchers for 08/27/2020	\$ 1,626,654.42
Vouchers for 09/03/2020	\$ 88,071.56

Motion was made by Councilmember Marquez to approve the above captioned vouchers, seconded by Councilmember Hartman, with all members of the Council present voting "aye."

BIDS

CONSIDERATION AND POSSIBLE ACTION ON AWARDING ANNUAL BIDS AS FOLLOWS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember McDonald to award the above captioned bids seconded by Councilmember Marquez, with all members of the Council present voting "aye" as follows:

Aluminum Sulfate to Chameleon Industries in the amount of \$162,500.00;

Anhydrous Ammonia to DPC Industries in the amount of \$61,188.00;

Liquid Chlorine to DPC Industries in the amount of \$112,580.00;

Polymer to Polydyne, Inc. in the amount of \$53,600.00;

Sulfur Dioxide to DPC Industries in the amount of \$19,900.00;

Utilities Valves and Fittings to Core and Main in the amount of \$444,513.28;

Fleet Fuel Services to DK/Alon in the amount of \$357,613.88;

Janitorial Services for Downtown Offices to Criterion Commercial Cleaning in the amount of \$47,579.40;

DRCC Janitorial Services to Evan's Janitorial Services in the amount of \$8,100.00; and

Airpark Janitorial Services to Evan's Janitorial Services in the amount of \$8,100.00

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION REGARDING BIG SPRING ECONOMIC DEVELOPMENT CORPORATION'S ANNUAL BUDGET FOR 2020-21

Mark Willis, Executive Director for Big Spring Economic Development Corporation presented their annual budget for 2020-21. Motion was made by Councilmember McDonald to approve the above captioned budget, seconded by Councilmember McDaniel, with all members of the Council present voting "aye."

FIRST READING OF A RESOLUTION AMENDING CHAPTER IX OF THE BIG SPRING PERSONNEL POLICY ENTITLED "CONDUCT," SECTION 3 "POLITICAL ACTIVITY" TO REDUCE POLITICAL ACTIVITY RESTRICTIONS ON NON-FIREFIGHTER CITY EMPLOYEES TO THE SAME LEVEL AS FIREFIGHTER CITY EMPLOYEE; TO ALLOW EMPLOYEES TO RUN FOR OFFICE; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF A RESOLUTION AMENDING SECTION 9 OF THE PURCHASING POLICY ENTITLED "PURCHASE ORDERS" TO LIMIT PURCHASES FOR COUNCIL MEMBER USE OF COMPUTER HARDWARE AND RELATED GOODS FOR SERVICES BY REQUIRING CITY COUNCIL TO APPROVE SUCH PURCHASES IN ADVANCE; CANCELLING ORDERS OF SUCH GOODS AND SERVICES CURRENTLY IN EFFECT; AND DECLARING EQUIPMENT PURCHASED WITHOUT SUCH APPROVAL SURPLUS PROPERTY AND ORDERING IT BE SOLD; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF A RESOLUTION APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE CITIES' LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 32 OF THE BIG SPRING CITY CODE ENTITLED "LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS," ARTICLE II "TAXATION," SECTION 32-24 "HOMESTEAD EXEMPTION FOR AGED PERSONS" BY AMENDING THE PERMANENT HOMESTEAD EXEMPTION FOR INDIVIDUALS 65 AND OVER AND CODIFYING A PERMANENT HOMESTEAD EXEMPTION FOR PERSONS WHO ARE DISABLED; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Strande to approve the above captioned ordinance, seconded by Councilmember McDaniel, with all members of the Council present voting "aye."

DISCUSSION ON AMENDING THE BIG SPRING CODE OF ORDINANCES TO ALLOW FOR THE OPERATION OF GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, AND OFF-HIGHWAY VEHICLES ON STREETS AND ROADS IN THE CITY OF BIG SPRING IN ACCORDANCE WITH HB1548 AS ENACTED BY THE 86TH TEXAS LEGISLATURE

A brief discussion among council and staff regarding some possible guidelines on allowing a license driver to operate golf carts, neighborhood electric vehicles and off-highway vehicles on city streets and roads within a two-mile radiance of the license driver's residence. No action was taken.

AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE WITHOUT CONTRACTING AUTHORITY A RIGHT-OF-WAY LICENSE OR EASEMENT WITHIN THE CITY OF BIG SPRING TO SINCLAIR OIL OR TO ANOTHER PARTY, WITH SUCH NEGOTIATING AUTHORITY TO EXPIRE AFTER 180 DAYS

After a brief discussion, motion was made by Councilmember McDaniel to table the above captioned easement, seconded by Mayor Pro Tem Strande, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION ON AN INTERLOCAL AGREEMENT WITH HOWARD COUNTY FOR THE PURCHASE AND USE OF A MESSAGE BOARD WITH RADAR AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

TABLED – CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH CAP-ROCK HOLDINGS, LLC AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

This item is continued to be left on the table.

APPOINTMENTS TO BOARDS & COMMITTEES

BOARD OF ADJUSTMENTS AND APPEALS

Motion was made by Councilmember McDonald to reappoint Walter Brumley, Jr to the Board of Adjustments and Appeals, seconded by Mayor Pro Tem Strande, with all members of the Council present voting "aye."

CONVENTION & VISITORS BUREAU BOARD

Jay Patel, Gloria Pierce and Susan McLellan were appointed to the Convention & Visitors Bureau Board by a ballot vote.

MCMAHON/WRINKLE AIRPARK DEVELOPMENT BOARD

Willie Rangel Jr. and Phillip Welch were reappointed to the McMahan/Wrinkle Airpark Development Board by acclamation.

Motion was made by Councilmember DePauw to accept a new application from J.D. Smith to be considered, seconded by Councilmember McDonald, with all members of the Council present voting "aye." Motion was made by Mayor Pro Tem Strande to appoint Rodney Patridge for an expired term and J.D. Smith for an unexpired term to the McMahan/Wrinkle Airpark

Development Board, seconded by Councilmember McDaniel, with all members of the Council present voting “aye.”

PARKS & RECREATION BOARD

Motion was made by Councilmember DePauw to appoint Johnny DeLeon and Patsy Garza for two expired terms to the Parks & Recreation Board, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

PLANNING & ZONING COMMISSION

Kelley Owens and Kevan Schooler were reappointed to the Planning & Zoning Commission by a ballot vote.

TRAFFIC COMMISSION

Charles Smith and Diana Yanez were reappointed to the expired terms to the Traffic Commission by acclamation.

ZONING BOARD OF ADJUSTMENTS

Joe Lopez and Thomas Jesse Stewart were appointed to the expired terms to the Zoning Board of Adjustments by acclamation.

BIG SPRING ECONOMIC DEVELOPMENT CORPORATION

Winston (Paschal) Odom and R. Shane Seaton were appointed to the Big Spring Economic Development Corporation.

COUNCIL INPUT

Mayor Thomason reminded everyone to fill out their Census 2020 report and to help control the pet population spay or neuter your pets.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION AT 8:20 P.M. UNDER THE PROVISION OF THE TEXAS GOVERNMENT CODE SECTION 551.074 “PERSONNEL MATTERS; CLOSED MEETING” TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF:

- A. CITY MANAGER
- B. CITY ATTORNEY
- C. MUNICIPAL JUDGE

City Manager, Todd Darden, requested his evaluation to be done in open session. After a brief discussion motion was made by Councilmember McDaniel to dismiss the City Manager, Todd

Darden effective immediately from his duties, seconded by Councilmember McDonald, with Councilmembers McDaniel, McDonald, Strande and DePauw voting "aye." Councilmembers Thomason, Marquez and Hartman, being opposed, voting "nay." Motion passed four to three.

Council adjourned into executive session concerning the City Attorney and Municipal Judge.

RECONVENE IN OPEN SESSION AND TAKE ANY NECESSARY ACTION ON EXECUTIVE SESSION ITEMS AND AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS AT 9:35 P.M.

No action taken on the evaluation of the City Attorney and Municipal Judge.

ADJOURN

Mayor Thomason adjourned the meeting at 9:36 p.m.


Shannon D. Thomason, Mayor

ATTEST:


Tami L. Davis, Assistant City Secretary