

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 22, 2020, with the following members present in person:

SHANNON THOMASON	Mayor
CAMILLA STRANDE	Mayor Pro Tem
RAUL MARQUEZ	Councilmember
DOUG HARTMAN	Councilmember
TERRY MCDANIEL	Councilmember
GLORIA MCDONALD	Councilmember
JIM DEPAUW	Councilmember

Same and constituting a quorum; and the following staff in person;

SHANE BOWLES	Interim City Manager/Public Works Director
JOHN MEDINA	Assistant City Manager
DON MOORE	Finance Director/City Secretary
ANDREW HAGEN	City Attorney
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 an open record request and was very upset with the information she received.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

Nothing to report at this time.

CITY MANAGER'S REPORT

Shane Bowles, Interim City Manager, gave an update on the following:

- Large Item Pickup Update – District 3 on September 16, 2020
- Large Holes and Backfill Update
- Census 2020 Update
- Seizure of Abandon Property Update
- Closure of the North Portion of the Reliever Route
- Discussion on Hiring a New Code Officer for Illegal Dumping

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF SEPTEMBER 8, 2020 AND OF THE SPECIAL MEETING OF SEPTEMBER 12, 2020

FINAL 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

FINAL 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

FINAL 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

FINAL 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 ordinances, resolutions and minutes, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

OLD BUSINESS

PRESENTATION ON DELINQUENT PROPERTY TAX COLLECTION FROM PERDUE, BRANDON, FIELDER, COLLINS & MOTT LLP

Tracy Crites, Jr. with Perdue, Brandon, Fielder, Collins & Mott LLP gave a brief presentation on delinquent property tax collection.

TABLED – FINAL READING OF AN ORDINANCE AMENDING CHAPTER 32 OF THE BIG SPRING 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

After a brief discussion, motion was made by Councilmember McDaniel to approve the above captioned ordinance, seconded by Councilmember McDonald, with Councilmembers Marquez, Hartman, McDaniel, McDonald, Strande and DePauw voting "aye." Mayor Thomason, being opposed, voting "nay" for passage of same. Motion passed six to one.

PRESENTATION ON RIGHT-OF-WAY LICENSE OR EASEMENT WITH SINCLAIR OIL

A representative from Sinclair Oil gave a brief presentation on a few options of laying pipeline across the street with very little traffic delays.

TABLED - 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

Motion was made by Councilmember McDonald to take the above captioned right-of-way license or easement off the table, seconded by Mayor Pro Tem Strande, with all members of the Council voting "aye." Motion was made by Councilmember McDaniel to approve the above captioned right-of-way license or easement, seconded by Mayor Pro Tem Strande, with all members of the Council voting "aye."

TABLED – CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH CAPROCK HOLDING, LLC AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

The above captioned agreement was withdrawn from the table and will be brought back at a later date.

VOUCHERS

Councilmember McDaniel reviewed the following vouchers;

Vouchers for 09/10/2020	\$ 2,168,957.71
Vouchers for 09/17/2020	\$ 598,588.81

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

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION ON APPOINTMENT OF MUNICIPAL JUDGE AND AUTHORIZING THE MAYOR TO TAKE ANY NECESSARY ACTION

Motion was made by Councilmember McDonald to reappoint Judge Green as Municipal Judge, seconded by Councilmember Marquez, with all members of the Council present voting "aye."

Mayor Thomason administered the oath of office to Judge Green.

FIRST READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO JOINTLY NEGOTIATE WITH AND RETAIN OUTSIDE LEGAL COUNSEL FOR THE PURPOSES OF REPRESENTING THE CITY IN AN EMINENT DOMAIN PROCEEDING RELATING TO 1505 EAST SECOND STREET; DECLARING THAT THIS ACTION IS NECESSARY AS THE PROPERTY WILL BE USED FOR A VALID PUBLIC PURPOSE; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember DePauw to approve the above captioned resolution, seconded by Councilmember McDonald, with Councilmembers Marquez, McDaniel, McDonald, Strande and DePauw voting "aye." Mayor Thomason and Councilmember Hartman, being opposed, voting "nay" for passage of same. Motion passed five to two.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE HOWARD COUNTY 9-1-1 COMMUNICATIONS DISTRICT'S PROPOSED BUDGET FOR 2020-2021

Cherrie Burcham, Director of the Howard County 9-1-1 Communications District, presented the above captioned proposed budget for 2020-2021. Motion was made by Mayor Thomason to approve the above captioned budget, seconded by Councilmember DePauw, with all members of the Council present voting "aye."

APPROVAL OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTOR'S MINUTES FOR THE MEETING OF AUGUST 18, 2020

Motion was made by Councilmember DePauw to approve the above captioned minutes, seconded by Mayor Pro Tem Strande, 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 PURCHASE ADDITIONAL EQUIPMENT FOR THE SPECIALTY BUILT INFECTIOUS DISEASE AMBULANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 004-2020 DECLARING THE CITY OF BIG SPRING A SANCTUARY CITY FOR THE UNBORN BY AMENDING THE TITLE OF THE ORDINANCE TO "SAFE HAVE FOR THE UNBORN"; AMENDING SECTION B "DECLARATION," SUBSECTION 1 TO AMEND THE DECLARATION TO "SAFE HAVEN FOR THE UNBORN"; AMENDING THE ORDER OF SECTION C, SUBSECTION 2 FOR CLARITY; AMENDING SECTION C, SUBSECTION 2 TO PROVIDE AN AFFIRMATIVE DEFENSE FOR ABORTIONS THAT ARE MEDICALLY NECESSARY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Councilmember McDonald withdrew the above captioned ordinance at this time.

FIRST READING OF A RESOLUTION AMENDING THE BIG SPRING PERSONNEL POLICIES AND PROCEDURES CHAPTER VII ENTITLED "COMPENSATION," SECTION 2 "ADMINISTRATION OF RANGE/STEP SALARY SCHEDULES," SUBSECTION C TO REMOVE EMPLOYEE MERIT RAISES; AND AMENDING CHAPTER XII ENTITLED "NON-DISCIPLINARY SEPARATION," BY REPEALING SECTION 4 "RETIREMENT" IN ITS ENTIRETY IN ORDER TO REMOVE MANDATORY RETIREMENT OF EMPLOYEE AT AGE 70; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF A RESOLUTION AMENDING CHAPTER IX OF THE BIG SPRING PERSONNEL POLICIES AND PROCEDURES ENTITLED "CONDUCT," SECTION 7 "RELATIONS WITH MAYOR/COUNCIL" TO LIMIT THE DEFINITION OF THE TERM "INFORMATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

CONSIDERATION AND APPROVAL OF A FIRST READING OF A RESOLUTION DIRECTING THE MAYOR TO SEEK OUTSIDE LEGAL COUNSEL FOR THE PURPOSE OF REVIEWING POTENTIAL CHANGES TO THE CITY ATTORNEY'S EMPLOYMENT CONTRACT

Motion was made by Councilmember McDaniel to approve the above captioned resolution, seconded by Councilmember Hartman. Mayor Pro Tem Strande made a motion to amend the motion to approve the resolution into a motion to take the same action as stated in the resolution, but to do so in the form of a motion. Seconded by Councilmember DePauw with all members of the Council present voting "aye." All members present voting "aye" on the amended motion.

CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH THE AREA AGENCY ON AGING FOR THE PROVISION OF CONGREGATE AND HOME-DELIVERED MEALS AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION ON AN ENGINEERING AGREEMENT WITH JACOB & MARTIN, LLC FOR WATER LINE REPLACEMENTS UNDER THE CITY'S 2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE AND AUTHORIZING 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 DePauw, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION TO DELEGATE AUTHORITY TO CITY MANAGER TO CONCLUDE AN AGREEMENT WITH MAXAR/DIGITAL GLOBE FOR AN EXTENDED LEASE OF UP TO 20 YEARS AT THE BIG SPRING MCMAHON WRINKLE AIRPARK OR OTHER CITY-OWNED PROPERTY

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

APPOINTMENTS TO BOARDS & COMMITTEES

PARKS & RECREATION BOARD

Nolan Dominguez was appointed to the Parks & Recreation Board by acclamation.

COUNCIL INPUT

Councilmembers thanked Sinclair Oil for coming to the council meeting to explain their process.

Mayor Thomason reminded everyone to fill out their Census 2020 report and expressed how important it is to each city district. Mayor Thomason also reminded everyone to keep taking precautions with the COVID-19 with the new executive order from the Governor to reopen businesses at 75% occupancy. He also reminded citizens to help control the pet population by spaying or neutering 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 CITY MANAGER AND INTERIM CITY MANAGER AND

ADJOURN INTO EXECUTIVE SESSION IN MATTERS COVERED BY TEXAS GOVERNMENT CODE SECTION 551.071 "CONSULTATION WITH ATTORNEY; CLOSED MEETING" TO SEEK ADVICE OF ITS LEGAL COUNSEL ABOUT PENDING OR CONTEMPLATED LITIGATION, AND ON A MATTER OR MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT WOULD NOT ALLOW THE ATTORNEY TO PROVIDE ADVICE TO CITY COUNCIL IN OPEN SESSION AT 8:04 P.M.

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 9:54 P.M.

FIRST EXECUTIVE SESSION – Motion was made by Mayor Pro Tem Strande to pay Todd Darden one year's salary and accrued vacation pay as per his contract and city personnel policy, seconded by Councilmember McDaniel, with all members of the Council present voting "aye."

Motion was made by Mayor Pro Tem Strande to authorize the Mayor to negotiate and execute a compensation package for the Interim City Manager as directed, seconded by Councilmember Marquez, with all members of the Council present voting "aye."

SECOND EXECUTIVE SESSION – Motion was made by Councilmember McDonald to authorize the City Attorney to engage outside counsel as directed, seconded by Councilmember Hartman, with all members of the Council present voting “aye.”

ADJOURN

Mayor Thomason adjourned the meeting at 9:57 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, Assistant City Secretary