

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. 4<sup>th</sup> St., Big Spring, Texas, at 5:30 p.m., December 10, 2019, with the following members present:

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

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
MARIANNE BANKS	City Attorney
SHANE BOWLES	Public Works Director
CRAIG FERGUSON	Fire Chief
CHAD WILLIAMS	Police Chief
JIM LITTLE	Airpark Director
TIM GREEN	Municipal Court Judge
DON MOORE	Finance Director/City Secretary
HAYLEY HERRERA	Community Services Director

## **INVOCATION & PLEDGE OF ALLEGIANCE**

Pastor Keith Stone, Christ Fellowship Church, gave the invocation and Mayor Thomason led the Pledge of Allegiance to the American and Texas Flags.

## **PUBLIC COMMENT**

Mayor Pro Tem Strande made a motion to go into executive session regarding Item #36 on the agenda discussion and possible action on becoming a Sanctuary City for the unborn, seconded by Councilmember Marquez. Mayor Thomason called Mayor Pro Tem Strande out of order and the motion died.

## **ANNOUNCEMENTS AND PUBLIC HEARINGS**

**PUBLIC HEARING – ZONE CHANGE Z19-05 FROM HEAVY INDUSTRIAL (HI) TO GENERAL RESIDENTIAL (GR) AT 919 OHIO STREET, BEING 0.172 ACREIN LOT 1, BLOCK 2, NORTH PARK ADDITION**

Mayor Thomason opened the above captioned public hearing. Roxanne Johnston, City Planner, explained the request for this zone change is to place a manufactured home on a vacant lot located on the west side of Ohio St. After a brief discussion, Mayor Thomason closed the above captioned public hearing.

### **CITY MANAGER'S REPORT**

Todd Darden, City Manager, reminded Council that there will be only one Council meeting in December and announced that City offices will be closed on December 24<sup>th</sup> and 25<sup>th</sup> for Christmas and January 1<sup>st</sup> for New Year's Day. Mr. Darden also announced several board openings that need to be filled.

Mr. Darden also updated the Council on the following projects:

- Aquatic Center
- Ports-to-Plains Segment 2 Meeting
- Old Landfill West Cell – Available Space
- Big Sandy Draw Landfill, Phase 1

### **CONSENT ITEMS**

**APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF NOVEMBER 12, 2019**

**FINAL READING OF A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF PROPERTY SCHEDULE NO. 2 TO MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT U.S. BANK EQUIPMENT FINANCE AND THE CITY OF BIG SPRING WITH RESPECT TO THE LEASE PURCHASE OF CERTAIN VEHICLES AND EQUIPMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF SCHEDULE NO. 2 AND RELATED DOCUMENTS; APPROPRIATING FUNDS FOR CURRENT YEAR LEASE PAYMENTS; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT**

**FINAL READING OF AN ORDINANCE AUTHORIZING Z19-03, AMENDING THE ZONING ORDINANCE BY REZONING LOTS 1 AND 2, BLOCK 117, ORIGINAL TOWN ADDITION, LOCATED AT 201 AND 207, NE 3<sup>RD</sup> STREETS, RESPECTIVELY, FROM LIGHT INDUSTRIAL (LI) TO SINGLE-FAMILY RESIDENTIAL (SF-3); PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**FINAL READING OF AN ORDINANCE AUTHORIZING Z19-04, AMENDING THE ZONING ORDINANCE BY REZONING LOTS 6 AND 7, BLOCK 6, TENNYSON'S ADDITION, LOCATED AT 200 N. NOLAN STREET, FROM LIGHT INDUSTRIAL (LI) TO GENERAL RESIDENTIAL (GR); PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

FINAL READING OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE TO RENUMBER AND ORGANIZE THE ORDINANCE FOR CLARIFICATION, UPDATE TERMS AND STATE LAW REFERENCES, AND REMOVING REFERENCES TO APPENDICES B & C; AMENDING ARTICLE 2 "DEFINITIONS," TO ADD OR AMEND VARIOUS DEFINITIONS; AMENDING ARTICLE 4 "DEVELOPMENT STANDARDS," SECTION 4-6 "AREA REGULATIONS FOR ACCESSORY BUILDINGS AND STRUCTURES IN RESIDENTIAL DISTRICTS," SUBSECTION (E) "SPECIAL CARPORT EXCEPTION," TO CLARIFY THE CRITERIA CONCERNING CARPORT APPLICATIONS AND VARIANCES; DELETING SECTION 4-7 "HEIGHT REGULATIONS" IN ITS ENTIRETY, AND AMENDING SECTION 4-9 "VEHICLE PARKING REGULATIONS" TO INCREASE THE NUMBER OF SPACES REQUIRED FOR SOME RESIDENTIAL USES, AMENDING SECTION 4-15 "CREATION OF BUILDING SITES," SUBSECTION 2 TO PROHIBIT BUILDINGS FROM CROSSING DULY RECORDED LOT LINES; AMENDING ARTICLE 5 "NONCONFORMITIES," SECTION 5-2 "BOARD OF ADJUSTMENT" TO UPDATE THE COMPOSITION AND DUTIES OF THE BOARD OF STATE LAW STANDARDS AND CLARIFY PROCEDURES; AMENDING ARTICLE 7 "SPECIAL APPLICATION," SECTION 7-2 "SPECIFIC USE PERMITS," SUBSECTION B (59) TO PERMIT MICROBREWERIES IN HEAVY COMMERCIAL; AND AMENDING ARTICLE 8 "SUPPLEMENTAL USE STANDARDS," SECTION 8-5 "TEMPORARY USES" TO PERMIT SEASONAL, OUTDOOR SALES FOR 45 DAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 1 OF THE CITY CODE, BY AMENDING ARTICLE 1, ENTITLED "IN GENERAL," SECTION 1-25, ENTITLED "ADOPTION OF CIVIL SERVICE FOR FIREFIGHTERS AND CIVIL SERVICE POSITIONS," PARAGRAPH 3 BY ADDING A DEPUTY CHIEF POSITION; AND BY ADDING TEN FIREFIGHTERS PURSUANT TO FUNDING OF THE FEMA SAFER GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE CONSTRUCTION AND MAINTENANCE OF A GATEWAY SIGN ON THE TEXAS DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY OF WEST BUSINESS IH20 ENTRANCE; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION WITH THE PERMIAN BASIN REGIONAL PLANNING COMMISSION FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT AS THE AUTHORIZED REPRESENTATIVE IN ALL MATTERS RELATED TO THIS APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE PERMIAN BASIN REGIONAL PLANNING COMMISSION, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, AND THE STATE OF TEXAS

FINAL READING AN ORDINANCE AMENDING ORDINANCE NUMBER 035-2019 WHICH ADOPTED THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 TO TRANSFER FUNDS WITHIN THE HOTEL/MOTEL FUND BUDGET FOR THE PURPOSE OF PURCHASING A SPRING PUMP; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION CASTING VOTE(S) TO ELECT DIRECTORS FOR THE HOWARD COUNTY APPRAISAL DISTRICT FOR THE YEARS 2020 AND 2021; AND DIRECTING THE CITY SECRETARY TO SUBMIT THE OFFICIAL BALLOT TO THE CHIEF APPRAISER OF THE HOWARD COUNTY APPRAISAL DISTRICT BEFORE DECEMBER 15, 2019

APPROVAL OF THE PARKS AND RECREATION BOARD MINUTES FOR THE REGULAR MEETING OF OCTOBER 16, 2019

APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR THE REGULAR MEETINGS OF OCTOBER 15, 2019 AND NOVEMBER 5, 2019

Motion was made by Councilmember Marquez to approve the above captioned minutes, ordinances and resolutions, seconded by Councilmember McDaniel, with all members of the Council present voting "aye."

## **VOUCHER**

Councilmember McDaniel reviewed the following vouchers;

VOUCHERS FOR 11/14/19	\$	1,713,176.84
VOUCHERS FOR 11/21/19	\$	1,292,487.74
VOUCHERS FOR 12/05/19	\$	1,490,734.45

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

## **BIDS**

AWARD BID FOR SANITATION CONTAINERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember DePauw to award the above captioned bid to Roll-Offs USA with a total amount of \$109,368.00, seconded by Councilmember Hartman, with all members of the Council present voting "aye."

## **NEW BUSINESS**

FIRST READING OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020; ESTABLISHING SALE PARAMETERS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT AND AUTHORIZING THE MAYOR OR MAYOR PRO TEM TO EXECUTE ANY NECESSARY DOCUMENTS

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "CEMETERY, PARKS AND RECREATION," ARTICLE 7 "COMANCHE TRAIL GOLF COURSE" BY AMENDING FEES AND USE GUIDELINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

This item was skipped and will be brought back at a later date.

FIRST READING OF AN ORDINANCE AUTHORIZING Z19-05, AMENDING THE ZONING ORDINANCE BY REZONING LOT 1, BLOCK 2 OF THE NORTH PARK ADDITION, LOCATED AT 919 OHIO STREET, FROM HEAVY INDUSTRIAL (HI) TO GENERAL RESIDENTIAL (GR); PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Marquez approving 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 1 ENTITLED "ADMINISTRATION," ARTICLE 2, "PLANNING AND ZONING COMMISSION," SECTION 1-31 BY ALLOWING RESIDENTS OF HOWARD COUNTY OWNING AND OPERATING BUSINESSES LOCATED INSIDE THE CITY LIMITS TO FILL UP TO TWO OF THE COMMISSION POSITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

During a brief discussion, several Councilmembers expressed opposition to individuals not fully vested in Big Spring serving on this Board and as such, it would be inappropriate to appoint County residents to this Board. Mayor Thomason also received a call from a Big Spring resident opposing this measure. No motion was made. Ordinance fails due to lack of motion.

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 035-2019 WHICH ADOPTED THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 INCREASING THE CABLE FRANCHISE PEG FUND FOR THE PURPOSE OF UPDATING THE COUNCIL AUDIO AND VISUAL EQUIPMENT

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

**APPROVAL OF THE INVESTMENT REPORT FOR THE QUARTER ENDING  
SEPTEMBER 30, 2019**

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

**CONSIDERATION AND POSSIBLE ACTION OF A CHANGE ORDER NO. 1 WITH LUPE RUBIO CONSTRUCTION COMPANY, INC. FOR 20" WATER LINE REPLACEMENT PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember DePauw to approve the above captioned change order No. 1, seconded by Councilmember Marquez, with all members of the Council present voting "aye."

**CONSIDERATION AND POSSIBLE ACTION ON AN AGREEMENT FOR ENGINEERING SERVICES WITH JACOB MARTIN, LLC FOR SLUDGE REMOVAL AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

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

**CONSIDERATION AND POSSIBLE ACTION ON AN AGREEMENT FOR ENGINEERING SERVICES WITH JACOB MARTIN, LLC FOR 2020 WATER AND SEWER IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember McDonald 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 AGREEMENT FOR ENGINEERING SERVICES WITH JACOB MARTIN, LLC FOR THE CITY HALL AND AUDITORIUM PARKING LOT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

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

**APPROVAL OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTOR'S MINUTES FOR THE REGULAR MEETING OF OCTOBER 15, 2019**

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

#### **DISCUSSION AND POSSIBLE ACTION ON SANCTUARY CITY FOR THE UNBORN REQUEST**

Many citizens spoke in favor and against the possibility of making the City of Big Spring a sanctuary city for the unborn. Motion was made by Councilmember Marquez to table the above captioned request, seconded by Councilmember McDaniel, with Councilmembers Marquez, Hartman, McDaniel, McDonald and Strande voting "aye." Mayor Thomason and Councilmember DePauw, being opposed, voting "nay" for passage of same. Motion to table passed five to two.

#### **COUNCIL INPUT**

Mayor Thomason read a proclamation declaring the City of Big Spring passed a resolution in 2014 as being a second amendment stronghold. Mayor Thomason also thanked everyone for attending the council meeting and wished everyone Happy Holidays. The Mayor also reminded everyone to spay or neuter your pets.

Councilmember Marquez expressed his reason for tabling the sanctuary city request in order to give the Council to process both sides of the situation.

#### **EXECUTIVE SESSION**

**ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071 TO CONSULT WITH THE CITY ATTORNEY ABOUT PENDING OR CONTEMPLATED LITIGATION; AND**

**ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SECTION 551.074 TO DISCUSS PERSONNEL MATTERS; CITY ATTORNEY AT 8:34 P.M.**


**RECONVENE IN OPEN SESSION AND TAKE ANY NECESSARY ACTIONS AND AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS AT 9:27 P.M.**

No action taken on the first executive session.

Motion was made by Councilmember McDaniel for the Big Spring City Council to authorize the Mayor to execute an Amendment #2 to the Agreement to the City Attorney services, seconded by Mayor Pro Tem Strande, with all members of the Council present voting "aye."

**ADJOURN**

Mayor Thomason adjourned the meeting at 9:29 p.m.



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Shannon D. Thomason, Mayor

ATTEST:



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Tami L. Davis, Assistant City Secretary