

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 14, 2021, with the following members present in person:

SHANNON THOMASON	Mayor
NICK ORNELAS	Mayor Pro Tem
DIANE YANEZ	Councilmember
CODY HUGHES	Councilmember
GLORIA MCDONALD	Councilmember
TROY TOMPKINS	Councilmember
MAURY SMITH	Councilmember

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
CHAD WILLIAMS	Police Chief
SHANE BOWLES	Public Works Director
SANDY SMITH	Finance Director
HAYLEY HERRERA	Community Services Director
TAMI DAVIS	City Secretary
TIM GREEN	Municipal Judge

INVOCATION & PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

One citizen spoke regarding a police department complaint.

ANNOUNCEMENTS, PRESENTATION AND PUBLIC HEARINGS

PUBLIC HEARING – ANNUAL BUDGET FOR FISCAL YEAR 2021-2022

Motion was made by Mayor Pro Tem Ornelas to open the above captioned public hearing, seconded by Councilmember Hughes, with all members of the Council present voting “aye.” There were no questions or comments. Motion was made by Councilmember Hughes to close the

above captioned public hearing, seconded by Councilmember Tompkins, with all members of the Council present voting “aye.”

PUBLIC HEARING – PROPOSED TAX RATE FOR YEAR 2021

Motion was made by Mayor Pro Tem Ornelas to open the above captioned public hearing, seconded by Councilmember Yanez, with all members of the Council present voting “aye.” Sandy Smith, Finance Director, explained that the proposed tax rate for the year 2021 was the No New Revenue Rate of .673163. There were no questions or comments. Motion was made by Councilmember Tompkins to close the above captioned public hearing, seconded by Councilmember Yanez, with all members of the Council present voting “aye.”

PUBLIC HEARING – PUBLIC HEARING REGARDING THE SUBMISSION OF AN APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD) FOR A 2022 LOCAL PARK FUND

Motion was made by Councilmember Tompkins to open the above captioned public hearing, seconded by Councilmember McDonald, with all members of the Council present voting “aye.” Haylee Herrera, Community Services Director, explained that this grant would be used for some handicap playground structures at Comanche Trail Park and a splash pad at Bert Andries Park. There were no questions or comments. Motion was made by Councilmember Tompkins to close the above captioned public hearing, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

PUBLIC HEARING – PUBLIC HEARING FOR A ZONE CHANGE FROM (SF3) SINGLE FAMILY DWELLING TO (LI) LIGHT INDUSTRIAL DISTRICT ON A TRACT OF 2.12 ACRES LOCATED IN SECTION 42, BLOCK 32, T-1-N, T&P RR CO. SURVEY, HOWARD COUNTY, TEXAS. (PROPERTY ADDRESS IS 504 N. GOLIAD) Z21-02

Motion was made by Councilmember Smith to open the above captioned public hearing, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.” Shane Bowles, Public Works Director, explained the request for the zone change and that the Planning and Zoning Commission voted against the proposed zone change and the next step was to bring the zone change to the Council for consideration. There were a few questions and comments. Motion was made by Councilmember Tompkins to close the above captioned public hearing, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

PUBLIC HEARING – PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE BIG SPRING CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VII, BOARDS AND COMMISSION, TO GOVERN THE PLANNING AND ZONING COMMISSION AND THE ZONING BOARD OF ADJUSTMENT UNDER SECTION 2-241 AND 2-242 OF THE BIG SPRING CITY CODE; AND WITHIN THE ZONING ORDINANCE TO AMEND AND MOVE SECTIONS 5-2(a) AND (b), TO THE BIG SPRING CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE VII, BOARDS AND COMMISSIONS

Motion was made by Mayor Pro Tem Ornelas to open the above captioned public hearing, seconded by Councilmember Yanez, with all members of the Council present voting "aye." There were no questions or comments. Motion was made by Councilmember Smith to close the above captioned public hearing, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

CITY MANAGER'S REPORT

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

- Reminder that Large Item Pickup for District 3 will be on September 15th
- Update on Seal Coating
- Reminder of Boards & Committees openings will be on the next agenda

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF AUGUST 24, 2021

FINAL READING OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, 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 2021 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 THE RESOLUTION TO THE COMPANY AND THE CITIES' LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AUTHORIZING Z-21-03, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 6.61 ACRES OUT OF SEC. 9, BLK. 32, T-1-S, T&P R.R. CO. SURVEY, IN BIG SPRING, HOWARD COUNTY, TEXAS FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT TO PLANNED DEVELOPMENT FOR A HOUSING DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned resolution, ordinance and minutes, seconded by Councilmember Yanez, with all Councilmembers present voting "aye."

VOUCHERS

Councilmember Yanez reviewed the following vouchers:

VOUCHERS FOR 08/26/2021 \$ 907,574.38
VOUCHERS FOR 09/02/2021 \$ 355,539.98
VOUCHERS FOR 09/09/2021 \$ 861,905.68

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

BIDS

CONSIDERATION AND POSSIBLE ACTION OF AWARDING A STOP LOSS AGREEMENT WITH COMPANION LIFE INSURANCE COMPANY AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Tompkins to award the above captioned bid to Companion Life Insurance Company, seconded by Councilmember Smith, with all members of the Council present voting "aye."

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

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

Aluminum Sulfate to Chameleon Industries in the amount of \$202,500.00;

Anhydrous Ammonia to DPC Industries in the amount of \$67,420.00;

Liquid Chlorine to DPC Industries in the amount of \$174,460.00;

Polymer to Polydyne, Inc. in the amount of \$59,600.00;

Sulfur Dioxide to DPC Industries in the amount of \$28,840.00;

Valves and Fittings to Core and Main in the amount of \$625,475.98;

Janitorial Services for Downtown Offices to Criterion Commercial Cleaning in the amount of \$43,199.48 for twelve months;

Janitorial Services for DRCC to Criterion Commercial Cleaning in the amount of \$8,699.88 for twelve months; and

Janitorial Services for the Airpark Offices to Evans Janitorial Services in the amount of \$8,400.00 for twelve months.

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION TO ACCEPT A GIFT TO THE CITY OF BIG SPRING FIRE DEPARTMENT FROM GUNSIGHT MOUNTAIN

Motion was made by Councilmember Hughes to accept the above captioned gift in the amount of \$1,500.00, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting "aye."

ACKNOWLEDGE RECEIPT OF THE BIG SPRING MCMAHON-WRINKLE AIRPORT AND INDUSTRIAL PARK DEVELOPMENT BOARD MINUTES OF THE REGULAR MEETING OF MARCH 18, 2021 AND OF THE REGULAR MEETING OF APRIL 15, 2021

Councilmembers acknowledged receipt of the above captioned minutes.

ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMITTEE MINUTES OF THE REGULAR MEETING OF AUGUST 3, 2021 AND OF THE REGULAR MEETING OF AUGUST 24, 2021

Councilmembers acknowledged receipt of the above captioned minutes.

ACKNOWLEDGE RECEIPT OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTOR'S MINUTES OF THE REGULAR MEETING OF JULY 20, 2021

Councilmember acknowledged receipt of the above captioned minutes.

CONSIDERATION AND POSSIBLE ACTION REGARDING BIG SPRING ECONOMIC DEVELOPMENT CORPORATION'S ANNUAL BUDGET FOR 2021-2022

Mark Willis, Executive Director, presented the 2021-2022 Annual Budget for the Big Spring Economic Development Corporation. Motion was made by Councilmember Smith to approve the above captioned budget, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

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

Mayor Pro Tem Ornelas asked the staff and council to consider annual donations of other organizations within Big Spring in next year's budget. Motion was made by Councilmember

Hughes to approve the above captioned public ordinance, seconded by Councilmember Smith, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR SAID CITY FOR THE YEAR 2021; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

Motion was made by Mayor Thomason to approve the above captioned ordinance and adopt the Howard County Tax Assessor/Collector's computed No New Revenue rate of .673163 cents per \$100 of taxable value, seconded by Councilmember Tompkins, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE GRANTING A PARTIAL RESIDENCE HOMESTEAD EXEMPTION FOR AD VALOREM TAX FOR TAX YEAR 2021; PROVIDING FOR SEVERABILITY; 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 CHAPTER FIFTY OF THE CODE OF ORDINANCES ENTITLED "PUBLIC UTILITIES," ARTICLE IV ENTITLED "UTILITY SERVICES CHARGES" BY AMENDING SECTION 50-92 ENTITLED "CHARGES FOR WATER RATES," SUBSECTION (B) TO ADJUST WATER RATES IN RESPONSE TO AN INCREASE FROM CRMWD; 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 McDonald, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE ESTABLISHING THE PAY SCHEDULE FOR CLASSIFIED POSITIONS WITHIN THE POLICE DEPARTMENT FOR THE FISCAL YEAR 2021-22; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Motion was made by Councilmember Smith to approve the above captioned ordinance, seconded by Councilmember Hughes. Due to Lieutenant Gordon resigning as the Emergency Management Coordinator, motion was made by Mayor Thomason to amend the above captioned ordinance and remove the Emergency Management Coordinator position out of the Police Department budget, seconded by Councilmember Tompkins, with all members of the Council present voting "aye." Final motion was made by Councilmember Smith to approve the amendment, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE ESTABLISHING THE FIRE DEPARTMENT PAY SCALE FOR THE FISCAL YEAR 2021-22 IN ACCORDANCE WITH CHAPTER 143 OF

THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Yanez. Motion was made by Mayor Thomason to amend the above captioned ordinance by adding the Emergency Management Coordinator to the Fire Department budget, increasing the monthly pay to \$300.00 and nominating Chief Craig Ferguson as the Emergency Management Coordinator, seconded by Councilmember Tompkins, with all members of the Council present voting "aye." Final motion was made by Mayor Pro Tem Ornelas to approve the amendments, seconded by Councilmember Yanez, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE AMENDING ARTICLE 5 OF THE BIG SPRING ZONING ORDINANCE ENTITLED "NONCONFORMITIES," SECTION 5-2 "ZONING BOARD OF ADJUSTMENT" BY MOVING AND RENUMBERING TWO OF ITS SUBSECTIONS TO CHAPTER 2 OF THE BIG SPRING CITY CODE UNDER A NEW DIVISION 9 ENTITLED "ZONING BOARD OF ADJUSTMENTS," SECTION 2-314; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 42 OF THE BIG SPRING CITY CODE ENTITLED "PLANNING" BY MOVING, RENUMBERING AND COMBINING SECTION 42-19 THROUGH 42-46 CONCERNING THE PLANNING AND ZONING COMMISSION TO CHAPTER 2 OF THE BIG SPRING CITY CODE UNDER A NEW DIVISION 6 ENTITLED "PLANNING AND ZONING COMMISSION," SECTIONS 2-302 AND 2-303; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AUTHORIZING THE Z-21-02, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 2.122 ACRES OUT OF SEC 42, BLK 32, T-1-N, T&P R.R. CO. SURVEY, IN BIG SPRING, HOWARD COUNTY, TEXAS FRO SF-3, SINGLE-FAMILY DWELLING DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

After a brief discussion and Mr. Bowles, Public Works Director, explained to the Council that in order to overturn the Planning and Zoning Board's decision to deny the zone change, the Council would need to have a super majority vote (6 votes in favor) to pass the above captioned ordinance, motion was made by Councilmember Hughes to approve the above captioned ordinance, seconded by Councilmember Smith, with Councilmembers Hughes, Thomason, McDonald and Smith voting "aye." Councilmembers Ornelas, Yanez and Tompkins, being

opposed, voting “nay” for passage of same. Motion **fails** four to three due to the lack of a super majority vote.

EMERGENCY READING OF A RESOLUTION AUTHORIZING AN APPLICATION WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANTS MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND RECREATIONAL USE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

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

FIRST READING OF A RESOLUTION AMENDING THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BY AMENDING THE NUMBER OF DIRECTORS AND THE MANNER OF APPOINTMENT OF DIRECTORS; AND PROVIDING FOR RULES OF PROCEDURE; AND PROVIDING AN EFFECTIVE DATE

After a brief discussion, motion was made by Councilmember Smith to table the above captioned resolution. There was no second therefore the motion dies due to a lack of second. Motion was made by Councilmember Hughes to approve the above captioned resolution, seconded by Mayor Pro Tem Ornelas.

Motion was made by Mayor Thomason to amend the above captioned resolution by the following; (1) In Exhibit A, Certificate of Amendment, “Article III – Other Amendments to Certificate of Formation,” “Article VI Directors, “ Section “N,” substitute the word “shall” for “should.”; and (2) In Exhibit A, Certificate of Amendment, at the end of “Article III- Other Amendments to Certificate of Formation,” insert the following: Article IX Expenditures – The following contracts may be entered into and executed on behalf of the Corporation by the Board of Directors without further authorization by City Council: contracts for the lease or purchase of goods or services in an amount equal to or less than fifteen thousand dollars (\$15,000.00), unless otherwise excepted by state law, seconded by Councilmember Yanez, with Councilmembers Ornelas, Yanez, Thomason, McDonald and Smith voting “aye.” Councilmembers Hughes and Tompkins, being opposed, voting “nay” for passage of same. Motion passes five to two.

Motion was made by Mayor Thomason for a second amendment to the above captioned resolution by amending “Article III – Other Amendments to Certificate of Formation” Section “T”(b) by adding “the City Council”, seconded by Councilmember McDonald, with Councilmembers Ornelas, Yanez, Hughes, Thomason, McDonald and Tompkins voting “aye.” Councilmember Smith, being opposed, voting “nay” for passage of same. Motion passes six to one.

Final motion was made by Councilmember Hughes to approve the above captioned amended resolution, seconded by Mayor Pro Tem Ornelas, with Councilmembers Ornelas, Yanez,

Hughes, Thomason, McDonald and Smith voting “aye.” Councilmember Tompkins, being opposed, voting “nay” for passage of same. Motion passes six to one.

FIRST READING OF A RESOLUTION JOINING WITH THE STATE OF TEXAS AND POLITICAL SUBDIVISIONS OF THE STATE AS A PARTY IN THE TEXAS OPIOID SETTLEMENT AGREEMENTS SECURED BY THE OFFICE OF THE ATTORNEY GENERAL; AUTHORIZING THE MAYOR TO EXECUTE SETTLEMENT PARTICIPATION FORMS; AND ESTABLISHING AN EFFECTIVE DATE

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

CONSIDERATION AND POSSIBLE ACTION ON AN AGREEMENT WITH AREA AGENCY ON AGING AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING WITH HOWARD COUNTY REGARDING USE OF LAND BEHIND THE OLD POLICE STATION AT 405 AND 411 NOLAN STREET TO USE SPACE FOR EQUIPMENT, TO INSTALL EQUIPMENT FOR GROUNDING AND BONDING, AND TO INSTALL A GENERATOR, AND TO ALLOW THE COUNTY TO USE THE CITY’S FIBER OPTIC LINKS

The above captioned item was postponed until a later date.

BOARDS AND COMMITTEES

TRAFFIC COMMISSION – NEW MEMBER

Carolyn Mills – Nominated by Councilmember Smith (District 6)

PARKS & RECREATION BOARD – NEW MEMBER

Amy Hernandez – Nominated by Councilmember Smith (District 6)

Carolyn Mills was appointed to the Traffic Commission and Amy Hernandez was appointed to the Parks & Recreation Board by acclamation of the City Council.

COUNCIL INPUT

Mayor Pro Tem Ornelas thanked Roger & Carrie Rodman for their leadership in our community.

Councilmember Tompkins encouraged citizens to reach out to their Councilmember.

All Councilmembers thanked the staff for the work budget and various projects.

Mayor Thomason thanked Mayor Pro Tem Ornelas for filling in for him at the last council meeting. Mayor Thomason also gave an update on COVID 19 and reminded everyone to help control the pet population by having their pets spayed or neutered.

Mayor Thomason closed the meeting by thanking and paying tribute to the thirteen fallen soldiers in Afghanistan by reading the name and rank of each soldier.

ADJOURN

Mayor Thomason adjourned the meeting at 9:05 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, City Secretary