

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 28, 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
CRAIG FERGUSON	Fire Chief
SHANE BOWLES	Public Works Director
GARY GIVENS	Assistant Finance Director
HAYLEY HERRERA	Community Services Director
TAMI DAVIS	City Secretary
TIM GREEN	Municipal Judge

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ornelas gave the invocation and Mayor Thomason led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENT

No comments were made at this time.

ANNOUNCEMENTS, PRESENTATION AND PUBLIC HEARINGS

No announcements, presentations or public hearings at this time.

CITY MANAGER'S REPORT

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

- Update on Large Item Pickup for District 3
- Update on City Policy

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 13, 2021 AND OF THE REGULAR MEETING OF SEPTEMBER 14, 2021

FINAL 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

FINAL 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

FINAL 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

FINAL 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

FINAL 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

FINAL 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

FINAL 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 Councilmember Tompkins to approve the above captioned resolution, ordinances and minutes, seconded by Mayor Pro Tem Ornelas, 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, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Smith to approve the above captioned ordinance, seconded by Councilmember Yanez, 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 2021; DIRECTING THE ASSESMENT AND COLLECTION THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes 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."

FINAL 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

Motion was made by Councilmember Smith to table the above caption resolution indefinitely, seconded by Councilmember Tompkins. After a brief discussion, Councilmember Smith withdrew his motion to table indefinitely. Motion was made by Councilmember Hughes to approve the above captioned resolution, seconded by Mayor Pro Tem Ornelas. After another brief discussion and some concerns within the resolution, motion was made by Councilmember McDonald to table the above captioned resolution until the next council meeting, seconded by Councilmember Smith, with Councilmembers Yanez, Thomason, McDonald, Tompkins and Smith voting "aye." Councilmembers Ornelas and Hughes, being opposed, voting "nay" for passage of same. Motion **passed** five to two.

VOUCHERS

Councilmember Hughes reviewed the following vouchers:

VOUCHERS FOR 09/16/2021 \$ 327,060.58
VOUCHERS FOR 09/23/2021 \$ 981,910.97

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

NEW BUSINESS

ACKNOWLEDGE RECEIPT OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTOR'S MINUTES OF THE REGULAR MEETING OF AUGUST 17, 2021

Councilmembers acknowledged receipt of the above captioned minutes.

ACKNOWLEDGE RECEIPT OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION'S ANNUAL REPORT FOR 2021

Mark Willis, Executive Director, presented the 2021 Annual Report for the Big Spring Economic Development Corporation. Councilmembers acknowledged receipt of the above captioned report. No Action Necessary

FIRST READING OF A RESOLUTION DESIGNATING THE FOLLOWING AS NOMINEES FOR THE POSITION OF DIRECTOR ON THE HOWARD COUNTY JOINT TAX APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEARS 2022 AND 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned resolution by nominating Jordan Partee as the City of Big Spring's nominee for a position on the Howard County Joint Tax Appraisal District Board, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION," ARTICLE VII "BOARDS AND COMMISSIONS," BY ADDING A NEW DIVISION 10, ENTITLED "CONVENTION AND VISITORS BUREAU BOARD," AND A NEW SECTION 2-315 ENTITLED "CONVENTION AND VISITORS BUREAU BOARD" TO MOVE THE SECTION OF THE CODE PERTAINING TO THE CONVENTION AND VISITOR'S BUREAU BOARD (CVB) FROM CHAPTER 32 FOR CONSISTENCY AND PROVIDING FOR THE RENUMBERING OF THAT SECTION; AMENDING CHAPTER 32 "LICENSES, TAXATION, AND MISCELLANEOUS BUSINESS REGULATION," ARTICLE II "TAXATION," DIVISION 2 "HOTEL OCCUPANCY TAX," SECTION 32-65 "CONVENTION AND VISITORS BUREAU BOARD" BY RENAMING THE SECTION "REVENUES- USE" AND AMENDING THE SECTION TO REQUIRE THAT THE CVB BUDGET BE PART OF THE BUDGET OF THE CITY UNDER THE CONTROL OF THE CITY COUNCIL AND AUTHORIZE THE CVB BOARD TO EXPEND FUNDS FROM THE HOTEL OCCUPANCY TAX; AND AMENDING CHAPTER 40 "PARKS, RECREATION, AND CULTURAL AFFAIRS," ARTICLE IV "DORA ROBERTS COMMUNITY CENTER," SECTION 40-110 "ADMINISTRATION" IN ORDER TO ASSIGN THE ADMINISTRATION OF THE DORA ROBERTS COMMUNITY CENTER TO THE FACILITIES COORDINAOTR UNDER THE DIRECTION OF THE COMMUNITY SERVICES DIRECTOR AND DIRECTING THE CVB TO ESTABLISH REGULATIONS

FOR THE CENTER WITH COUNCIL APPROVAL; PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE

After a brief discussion there was no motion. The above captioned ordinance dies due to a lack of motion.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," ARTICLE VII "BOARDS AND COMMISSIONS," DIVISION 3 "CITIZEN'S ADVISORY BOARD," SECTION 2-286 IN ORDER TO APPLY THE PROVISIONS OF SECTION 2-241 CONCERNING APPOINTMENTS AND REMOVALS TO THE CITIZEN'S ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 50 OF THE BIG SPRING CITY CODE ENTITLED "UTILITIES," ARTICLE IV "UTILITY SERVICE CHARGES" BY ADDING A NEW SECTION 50-96 ENTITLED "LIENS FOR UNPAID CHARGES" TO DIRECT THE UTILITY BILLING SUPERVISOR TO FILE LIENS AGAINST THE PROPERTY FOR DELINQUENT WATER, GARBAGE AND WASTEWATER SERVICES ACCOUNT TOTALING AT LEAST FIFTY DOLLARS; PROVIDING NOTICE AND AN APPEAL OF THE FILING OF THE LIEN; PROVIDING FOR AN INTEREST RATE OF TEN PERCENT PER ANNUM; PROVIDING FOR RELEASE OF THE LIENS UPON PAYMENT OF ALL PRINCIPAL, INTEREST, AND FEES OF THE LIEN; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

After a brief discussion there was no motion. The above captioned ordinance dies due to a lack of motion.

FIRST READING OF AN ORDINANCE ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES WITHIN THE CITY LIMITS AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY EXTENDING 5,000 FEET IN ALL DIRECTIONS FROM CITY LIMITS; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE; AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF BIG SPRING; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING CHAPTER 36, "NUISANCES," ARTICLE II, "UNSANITARY, UNSIGHTLY, AND PUBLIC NUISANCE CONDITIONS OF PROPERTY IN ITS ENTIRETY; AND AMENDING CHAPTER 44, "SOLID WASTE," ARTICLE I, "IN GENERAL," SECTION 1,

“DEFINITIONS,” SECTION 44-1 AND ARTICLE III, “ILLEGAL DUMPING AND LITTER CONTROL,” SECTION 101, “DEFINITIONS TO AMEND THE DEFINITIONS OF “GARBAGE””; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Smith to approve the above captioned ordinance with the deletion of Section 304.18.1 Doors, seconded by Councilmember McDonald. After a brief discussion motion was made by Councilmember Tompkins to amend the above captioned ordinance in Section 101.2.2 Extraterritorial jurisdiction by changing 5,000 feet to 2,500 feet, seconded by Councilmember McDonald, with Councilmembers Hughes, Thomason, McDonald, Tompkins and Smith voting “aye.” Councilmembers Ornelas and Yanez, being opposed, voting “nay” for passage of same. **Amendment passed** five to two. Final motion was made by Councilmember Smith to approve the above captioned amended ordinance, seconded by Councilmember McDonald, with Councilmembers Yanez, Thomason, McDonald, Tompkins and Smith voting “aye.” Councilmembers Ornelas and Hughes, being voting “nay” for passage of same. **Final motion passed five to two.**

CONSIDERATION AND POSSIBLE ACTION OF AN INTERLOCAL AGREEMENT WITH THE SOUTH PLAINS ASSOCIATION OF GOVERNMENTS “SPAG” FOR THE PARKS MASTER PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF PLAINVIEW FOR MOSQUITO CONTROL SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

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

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

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

BOARDS AND COMMITTEES

By acclamation of the City Council the following boards were appointed new members:

CONVENTION AND VISITORS BUREAU BOARD – NEW MEMBER

Chavonna Parker – Nominated by Councilmember Yanez (District 1)

Note – This nomination to take place on 12/30/21 to fill expired position.

PARKS & RECREATION BOARD – NEW MEMBER

Juanita Porras Alexander – Nominated by Councilmember Yanez (District 1)

ANIMAL RESCUE & ADOPTION COMMITTEE

Mary Frances Malone – Nominated by Mayor Thomson

COUNCIL INPUT

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

Mayor Thomason reminded everyone to help control the pet population by having their pets spayed or neutered.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION IN MATTERS COVERED BY TEXAS GOVERNMENT CODE SECTION 551.074 “PERSONNEL MATTERS; CLOSED MEETING” TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF MUNICIPAL JUDGE AND;

ADJOURN INTO EXECUTIVE SESSION IN MATTERS COVERED BY TEXAS GOVERNMENT CODE SECTION 551.074 “PERSONNEL MATTERS; CLOSED MEETING” TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF CITY MANAGER

Motion was made by Mayor Pro Tem Ornelas to adjourn into the above captioned executive sessions at 8:34 p.m., seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION ON EXECUTIVE SESSION ITEMS AT 11:13 P.M.

Executive Session – Municipal Judge.

Motion was made by Councilmember Smith to approve that the Big Spring City Council give Judge Tim Green a positive annual review and increase his salary 3% effective on October 1, 2021, seconded by Councilmember Yanez, with all members of the Council present voting “aye.”

Executive Session – City Manager.

Motion was made by Mayor Thomason to approve that the Big Spring City Council direct the Mayor to negotiate and execute an employment contract with City Manager Todd Darden, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

ADJOURN

Mayor Thomason adjourned the meeting at 11:16 p.m.


Shannon D. Thomason, Mayor

ATTEST:


Tami L. Davis, City Secretary