

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., October 12, 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

Pastor Jacklyn Roland, Emergency Chaplain Services, 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

PRESENTATION FROM THE EMERGENCY CHAPLAIN SERVICES

Jacklyn Roland explained various services that assist the community (assists Police, Fire and Sherriff Departments, provide a room and food for one night to citizens in need, etc.).

PRESENTATION FROM VICTIM SERVICES

Lynn Creswell explained how they assist the Police, Fire and Sherriff Departments with victims involved in a crisis.

PROCLAMATION DECLARING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Thomason read and presented a proclamation declaring the month of October as Domestic Violence Awareness Month to representatives of the Victim Services.

CITY MANAGER'S REPORT

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

- Large Item Pickup for District 4 will be on October 20, 2021
- Brief update on Census 2020
- Revisions to Board Agendas – Regarding the posting a possible quorum of City Council.
- COVID 19 Update from Dr. Ahmed

CONSENT ITEMS

FINAL 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

FINAL 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 Mayor Pro Tem Ornelas to approve the above captioned resolution and ordinance, seconded by Councilmember Yanez, with all members of the Council present voting "aye."

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF SEPTEMBER 28, 2021

Motion was made by Mayor Pro Tem Ornelas to amend the above captioned minutes by changing the opposed vote from Mayor Pro Tem Ornelas to Councilmember Tompkins regarding the interlocal agreement with The City of Plainview for mosquito control services, seconded by Mayor Thomason, with all members of the Council present voting "aye."

Motion was made by Mayor Pro Tem Ornelas to approve the amended minutes, seconded by Councilmember Tompkins, with all members of the Council present voting "aye."

FINAL 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 2,500 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

After a brief discussion there was no motion. The above captioned ordinance dies due to a lack of motion. Direction from the Council is for three members of the Council (Councilmembers Hughes, Tompkins and Ornelas) to work with the staff in order to create an ordinance that works for everyone involved.

OLD BUSINESS

TABLED – 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 Tompkins to take the above captioned resolution off the table, seconded by Councilmember McDonald, with Councilmembers Ornelas, Yanez, Thomason, McDonald and Tompkins voting "aye." Councilmembers Hughes and Smith, being opposed, voted "nay" for passage of same. Motion to take the above captioned resolution off the table **passed** five to two.

Motion was made by Mayor Thomason to amend the resolution to reflect the City Attorney's recommended amendments to correct the file number; add the initial board of directors; and changing Article IX to Article XIII, seconded by Councilmember Hughes, with Councilmembers Ornelas, Yanez, Hughes, Thomason, McDonald and Tompkins voting "aye." Councilmember Smith, being opposed, voted "nay" for passage of same. Motion **passed** six to one.

After a brief discussion on the amended resolution, motion was made by Councilmember Smith to strike Article XIII – Expenditures in its entirety, seconded by Councilmember Tompkins, with Councilmembers Yanez, Hughes, McDonald, Tompkins and Smith voting “aye.” Councilmembers Ornelas and Thomason, being opposed, voting “nay” for passage of same. Motion **passed** five to two.

City Council adjourned into a break at 7:50 p.m.

City Council reconvened into open session at 8:01 p.m.

Motion was made by Mayor Thomason to amend the above caption amended resolution by creating a new Article XIII – Incentive Expenditures to read as follows: After approving an economic development incentive but prior to funding said incentive the economic development shall submit the proposed incentive to the City Council for approval and a record vote of the City Council, seconded by Mayor Pro Tem Ornelas, with Councilmembers Ornelas, Yanez, Hughes, Thomason, McDonald and Tompkins voting “aye.” Councilmember Smith, being opposed, voting “nay” for passage of same. Motion **passed** six to one.

Motion was made by Councilmember Tompkins to amend the amended resolution to change the words in Article VI, Sections U. and V. from quarter to month and striking “or more often for acknowledgement” in Section U., seconded by Mayor Thomason, with Councilmembers Ornelas, Yanez, Hughes, Thomason, McDonald and Tompkins voting “aye.” Councilmember Smith, being opposed, voting “nay” for passage of same. Motion **passed** six to one.

Motion was made by Councilmember Tompkins to amend the amended resolution to strike Article VI, Section F. and G. regarding the Mayor and City Manager to be ex-officio members of the Big Spring Economic Development Board, seconded by Mayor Pro Tem Ornelas, with Councilmembers Ornelas, Yanez, Hughes, McDonald, Tompkins and Smith voting “aye.” Mayor Thomason, being opposed, voting “nay” for passage of same. Motion **passed** six to one.

Motion was made by Councilmember Hughes to amend the amended resolution to change the word in Article VI, Section N. from should to shall, seconded by Councilmember Tompkins, with Councilmembers Hughes, McDonald, Tompkins and Smith voting “aye.” Councilmembers Ornelas, Yanez and Thomason, being opposed, voting “nay” for passage of same. Motion **passed** four to three.

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 and Tompkins voting “aye.” Councilmembers McDonald and Smith, being opposed, voting “nay” for passage of same. Motion **passed** five to two.

City Council adjourned into a break at 8:33 p.m.

City Council reconvened into open session at 8:40 p.m.

VOUCHERS

Councilmember McDonald reviewed the following vouchers:

VOUCHERS FOR 09/30/2021 \$ 347,173.65
VOUCHERS FOR 09/23/2021 \$ 1,830,704.46

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

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION TO CANCEL THE FOLLOWING REGULAR CITY COUNCIL MEETINGS: NOVEMBER 23, 2021 AND DECEMBER 7, 2021

After a brief discussion, motion was made by Mayor Thomason to reschedule the regular City Council meeting for November 23, 2021 to November 16, 2021 and the regular City Council meeting for December 21, 2021 to December 7, 2021, seconded by Councilmember Tompkins, with Councilmembers Yanez, Hughes, Thomason, Tompkins and Smith voting "aye." Councilmembers Ornelas and McDonald, being opposed, voting "nay" for passage of same. Motion **passed** five to two.

CONSIDERATION AND POSSIBLE ACTION TO ACCEPT A DONATION FROM THE G.C. BROUGHTON TO THE BIG SPRING POLICE DEPARTMENT

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

CONSIDERATION AND POSSIBLE ACTION OF A THIRD EXTENSION TO THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF BIG SPRING AND THE BIG SPRING PROFESSIONAL FIREFIGHTER'S ASSOCIATION AND AUTHORIZE THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

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

ACKNOWLEDGE RECEIPT OF QUARTERLY CLAIMS AND LITIGATION REPORT FROM THE CITY ATTORNEY

Councilmembers acknowledged receipt of the above captioned report.

CONSIDERATION AND POSSIBLE ACTION OF AN INTERLOCAL AGREEMENT WITH TML HEALTH BENEFITS POOL (TMLHBP) FOR ADMINISTRATIVE SERVICES FOR EMPLOYEE HEALTH INSURANCE AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

FIRST READING OF A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF); AND AUTHORIZING THE MAYOR AND THE CITY MANAGER TO ACT AS THE CITY’S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY’S IMPLEMENTATION OF THE AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) FUNDS

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

FIRST READING OF A RESOLUTION ADOPTING THE ATTACHED POLICIES IN CONNECTION WITH THE CITY OF BIG SPRING, TEXAS PARTICIPATION IN FEDERALLY FUNDED PROJECTS ASSOCIATED WITH THE AMERICAN RESCUE PLAN ACT – CORONAVIRUS LOCAL FISCAL RECOVERY FUND (ARPA – CLFRF) AND ADHERENCE TO THE REGULATIONS DESCRIBED THEREIN

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2 ENTITLED “ADMINISTRATION,” ARTICLE II “CITY COUNCIL” BY RENAMING AND AMENDING SECTION 2-27 ENTITLED “NO KEY ACCESS TO CITY BUILDINGS,”; RENAMING AND AMENDING SECTION 2-28 ENTITLED “NO OFFICE FOR COUNCILMEMBERS” TO CODIFY THE AUTHORITY OF THE CITY MANAGER TO ADMINISTER ALL CITY BUILDING, OFFICES, AND FACILITIES ON BEHALF OF THE CITY COUNCIL; TO EXECUTE LEASES OF CITY PROPERTY AND PROPERTY LEASES ENTERED INTO BY THE CITY OF BIG SPRING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

DISCUSSION AND POSSIBLE ACTION REGARDING THE SEVEN MEMBER MASTER PLAN BOARD REPRESENTED BY EACH DISTRICT

Councilmember Yanez recommends that the above captioned board is very vital to the City and should be considered. After a brief discussion, there was no action taken.

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 REGULATIONS," 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 COORDINATOR 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, motion was made by Mayor Thomason to table the above captioned ordinance, seconded by Councilmember Smith, with all members of the Council present voting "aye."

City Council adjourned into a break at 9:28 p.m.

City Council reconvened into open session at 9:35 p.m.

BOARDS AND COMMITTEES

Board of Adjustments & Appeals
One Vacant Position
Two Expired Positions

Planning & Zoning Commission
One Expired Position

Traffic Commission
One Expired Position

Zoning Board of Adjustments
Two Vacant Positions
Three Expired Positions

Animal Rescue & Adoption Committee
Three Vacant Positions (Districts 3, 4 & 6)

Mayor reminded Councilmembers need to appoint citizens to represent their districts on the above listed boards. No action taken.

COUNCIL INPUT

All Councilmembers thanked the staff.

Councilmember McDonald had a few concerns with some cones being moved around large potholes and more security at the golf course.

Mayor Pro Tem Ornelas announced that it is Emergency Room Week and thanked everyone that works in our local Emergency Room. Mayor Pro Tem Ornelas also announced that he has filed a complaint with TxDOT regarding the crosswalks on 3rd and 4th Streets.

Mayor Thomason reminded everyone that early voting starts Monday, October 18, 2021 and encouraged citizens to go vote on changes to the City Charter. Mayor Thomason also 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 CITY ATTORNEY

Motion was made by Councilmember Hughes to adjourn into the above captioned executive sessions at 9:54 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 11:35 P.M.

Motion was made by Councilmember Hughes to approve that the Big Spring City Council give Mr. Andrew Hagen a positive employment review and give him a cost of living salary increase of 3%, seconded by Mayor Pro Tem Ornelas, 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