

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 26, 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 Tompkins gave the invocation and Mayor Thomason led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENT

One citizen spoke about water concerns regarding the smell and stains on South Bell St.

ANNOUNCEMENTS, PRESENTATION AND PUBLIC HEARINGS

PRESENTATION OF SERVICE AWARDS TO CITY EMPLOYEE'S

Mayor Thomason and City Manager, Todd Darden presented service awards to city employees for five, ten, fifteen, twenty and twenty five years of service.

PROCLAMATION DECLARING THE WEEK OF NOVEMBER 1ST THRU 5TH AS MUNICIPAL COURT WEEK

Mayor Thomason read and presented a proclamation declaring the week of November 1st thru November 5th as Municipal Court Week to Judge Green and the Municipal Court Staff.

CITY MANAGER’S REPORT

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

- Update on Large Item Pickup for District 4
- Board & Committee Procedures

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF OCTOBER 12, 2021

FINAL 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

FINAL 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 Mayor Pro Tem Ornelas to approve the above captioned minutes and resolutions, seconded by Councilmember Yanez, with all members of the Council present voting “aye.”

OLD BUSINESS

TABLED – 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 2-213 TO MOVE THE CODE PERTAINING TO THE CONVENTION AND VISITOR’S BUREAU BOARD (CVB) FROM CHAPTER 32 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” TO AMEND REGULATIONS CONCERNING THE CVB BUDGET;
AND AMENDING CHAPTER 40 “PARKS, RECREATION, AND CULTURAL AFFAIRS,”
ARTICLE IV “DORA ROBERTS COMMUNITY CENTER,” SECTION 40-110
“ADMINISTRATION” TO CLARIFY THE ADMINISTRATION OF THE DORA ROBERTS
COMMUNITY CENTER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to take the above captioned ordinance off the table, seconded by Councilmember Tompkins, with all members of the council present voting “aye.”

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Tompkins.

Motion was made by Mayor Pro Tem Ornelas to amend the above captioned ordinance as follows: Insert the following Whereas clause as the second-to-the-last Whereas clause – WHEREAS, it is the sense of the City Council that current Councilmembers should no longer serve on the CVB board; and in Section 1 of the ordinance, from Section 2-315, strike subsection (c) in its entirety; and in Section 2 of the ordinance, in Section 32-65, renumber subsection (d) to subsection (c); and in Section 4 in the ordinance amend as follows: SECTION 4. City Council expresses its gratitude to Councilmember Gloria McDonald and Cody Hughes for their service on the CVB Board, seconded by Councilmember Yanez, with Councilmembers Ornelas, Yanez, Hughes, Thomason, Tompkins and Smith voting “aye.” Councilmember McDonald abstained. Motion passed six to one.

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned amended ordinance, seconded by Councilmember Tompkins, with all members of the council present voting “aye.”

After a brief discussion and some more suggested changes to the ordinance, motion was made by Mayor Thomason to direct the City Attorney to make the changes before the second reading, seconded by Councilmember Tompkins, with all members of the Council present voting “aye.”

VOUCHERS

Councilmember Tompkins reviewed the following vouchers:

VOUCHERS FOR 10/15/2021	\$	347,173.65
VOUCHERS FOR 10/21/2021	\$	874,240.31

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

NEW BUSINESS

ACKNOWLEDGE RECEIPT OF THE CONVENTION AND VISITORS BUREAU COMMITTEE MINUTES OF THE REGULAR MEETING OF APRIL 7, 2021

Councilmembers acknowledge receipt of the above captioned minutes.

DISCUSSION AND POSSIBLE ACTION TO FORM A PARKS MASTER PLAN COMMITTEE

Hayley Herrera, Community Services Director, recommended the current Parks and Recreation Board Members act as the Parks Master Plan Committee. Motion was made by Mayor Thomason to approve the above recommendation, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION TO DONATE A USED GENERATOR TO THE 9-1-1 COMMUNICATION DISTRICT

No action taken on the above captioned item.

CONSIDERATION AND POSSIBLE ACTION OF A CORRECTIVE WARRANTY DEED WITH MAY JORDAN INTEREST, LLC AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Tompkins to approve the above captioned deed, seconded by Councilmember Hughes.

Motion was made by Councilmember McDonald to amend the above captioned deed by authorizing the City Manager to execute any necessary documents, seconded by Mayor Pro Tem Ornelas, with Councilmember Ornelas, Yanez, McDonald and Smith voting "aye." Councilmembers Hughes, Thomason and Tompkins, being opposed, voting "nay" for passage of same. Motion **passed** four to three.

City Council adjourned into break at 7:07 p.m.

City Council reconvened into open session at 7:17 p.m.

After a brief discussion on the above captioned motion, and realizing the delay on changing the authorized signatures, Councilmember McDonald wanted to reconsider her previous motion. Motion was made by Councilmember Tompkins to reconsider the original motion to amend made by Councilmember McDonald, seconded by Councilmember Hughes, with Councilmembers Hughes, Thomason, McDonald, Tompkins and Smith voting "aye." Councilmembers Ornelas and Yanez, being opposed, voting "nay" for passage of same. Motion **passed** five to two.

Motion was made by Councilmember Tompkins to approve the above captioned deed authorizing the Mayor to execute any necessary documents, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

CONSIDERATION AND POSSIBLE ACTION OF AN AMENDMENT TO AN OIL & GAS LEASE WITH HIGH PEAK ENERGY ASSETS II, LLC AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION OF AN EASEMENT FOR THE WASTE LAGOON STUDY AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

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

FIRST READING OF A RESOLUTION AUTHORIZING AMENDMENTS TO THE CITY OF BIG SPRING PERSONNEL POLICY MANUAL; AND ESTABLISHING AN EFFECTIVE DATE

No action taken on the above captioned resolution.

FIRST READING OF A RESOLUTION WITHDRAWING CONSENT TO THE DECLARATION OF A PUBLIC HEALTH DISASTER RELATING TO THE CORONAVIRUS ISSUED BY THE MAYOR ON MARCH 18, 2020 AND CONTINUED BY CITY COUNCIL BY RESOLUTION 004-2020 ON MARCH 26, 2020; RESCINDING ALL ORDERS PREVIOUSLY MADE UNDER RESOLUTION 004-2020; AND PROVIDING FOR AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned resolution, seconded by Councilmember Yanez. After a brief discussion and careful consideration that any funding might be cancelled, Mayor Pro Tem Ornelas withdrew his motion.

CONSIDERATION AND POSSIBLE ACTION ON INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2021

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

DISCUSSION AND POSSIBLE ACTION REGARDING LEASES AND ONGOING OPERATIONS OF THE PRISON FACILITIES OWNED BY THE CITY OF BIG SPRING AT THE BIG SPRING McMAHON WRINKLE AIRPARK

Mayor Thomason explained to Council that the GEO contracts with the Federal Government will expire on December 1, 2021 for all three facilities. The City has been contacted by ICE to operate the facilities as detention centers and he would like the Council's consent to negotiate with ICE. Motion was made by Councilmember McDonald authorizing the City Manager and the Mayor to move forward with negotiations, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

BOARDS AND COMMITTEES

Board of Adjustments & Appeals
Three positions open

Planning & Zoning Commission
One position open

Traffic Commission
Two positions open

Zoning Board of Adjustments
Jeanie Knocke – Nominated by Mayor Thomason
Oscar Flores – Nominated by Mayor Pro Tem Ornelas
Louisa Rangel – Nominated by Councilmember Yanez
Three positions open

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

Big Spring Economic Development Corporation
Cody Williams – Nominated by Mayor Pro Tem Ornelas

The above captioned citizens were appointed to the above boards by acclamation of the Council.

COUNCIL INPUT

All Councilmembers thanked the staff and encouraged citizens to contact them if they are interested in serving on any boards.

Mayor Thomason gave a COVID update and reminded everyone to help control the pet population by having their pets spayed or neutered.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PURPOSES PERMITTED BY THE OPEN MEETINGS ACT, SECTION 551.071, TEXAS GOVERNMENT CODE, "CONSULTATION WITH ATTORNEY; CLOSED MEETING," AND THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT TO DISCUSS LITIGATION MATTERS

- *City of Big Spring v. Jake Tiner Construction, LLC, No. 54929 (118th District Court)*
- *Consolidated applications for customer rate relief and related regulatory asset determinations in connection with the February 2021 Winter Storm, Railroad Commission of Texas, Hearings Division, No. OS-21-00007061*

Motion was made by Councilmember Hughes to adjourn into the above captioned executive sessions at 8:31 p.m., seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting "aye."

RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION ON EXECUTIVE SESSION ITEMS AT 9:24 P.M.

No action was taken.

ADJOURN

Mayor Thomason adjourned the meeting at 9:25 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, City Secretary