CITY COUNCIL REGULAR AGENDA

Tuesday, January 10, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, January 10, 2023, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website http://mybigspring.com/224/Channel-17-Live.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.

Thank you!

Open Session

1. Call to Order — Moore
2. Invocation — Moore
3. Pledge of Allegiance to the United States Flag and to the Texas State Flag — Moore

Public Comment

Public Comment – Members of the public are entitled to speak on any topic. Additionally, members of the public may comment on any action item before or during its consideration. Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

4. **Public Comment** — Moore

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items **Prior** to any Action.

City Manager's Report

5. City Manager's report on the following items: — Darden

    - Update on Large Item Pickup, District 6 - Dec. 21, 2022
    - Large Item Pickup, District 1 - Jan. 18, 2023
    - City Holiday - Martin Luther King Day, Jan. 16th
    - Grant Award for the Water Line Replacement - Runnels St.
    - Update on the Effects of our Water System Due to the Recent Cold Weather

Consent Items

6.	Approval of the City Council Minutes of the Two Regular Meetings of December 13, 2022.	10-22	Davis
7.	Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Additional Funding for the Roy Anderson Sports Complex Lighting Project; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	23-25	Lewis
8.	Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Purchasing a Key/Equipment Locker System for the Police Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	26-27	Williams
9.	Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Transfering Capital	28-30	Feeley

Funds Within the Airpark Fund Budget for the Purpose of Purchasing a Utility Vehicle; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

10. Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Motel Tax Fund Budget for the Purpose of Increasing the Dues and Subscription Account; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date — 31-33 — Lewis

11. Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of a Cleanup Regarding some Cross Contamination Caused by Pigeons in Several Areas Above the City Council Chambers; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date — 34-49 — Medina

12. Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Transfering Capital Funds into Expense Accounts for the Purpose of Leasing Vehicles Through the Enterprise Lease Program for Various Departments; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date — 50-53 — Medina

Other Business

13. Final Reading of an Ordinance Amending the Big Spring City Code, Chapter 48, “Traffic and Vehicles” Article VI “Wreckers,,” by Renaming the Article “Tow Trucks,” and amending the Article to Adjust Towing Fees, Modify Regulations, Set Penalties; Prohibit Violations of the Article; Provide for Hearings; and Lift Suspensions of Any Towing Companies Issued Prior to the Effective Date of the Ordinance; Providing for Severability; Providing for Publication; and Providing an Effective Date — 54-84 — Williams

Vouchers

14.	Manual Cks.	$ 1,271,510.59	Tompkins
15.	Vouchers for 12/15/22 Vouchers for 12/29/22 Manual Ck.	$ 601,127.91 $ 748,420.27 $ 1,382,985.04	M. Smith
16.	Vouchers for 01/05/23	$ 210,521.06	Ornelas

New Business

17.	Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney		Hagen
18.	Discussion and Possible Action Regarding the Second Council Meeting to be Held on February 28, 2023 in Conjunction with the Summit Meeting on the Same Date.		Moore
19.	Consideration and Possible Action to Accept a Donation from Oxy Petroleum to the Fire Department and from JRAC (Regional Advisory Council) to the EMS Department.		Ferguson
20.	First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Purchasing Rescue Equipment (Boots) for the Fire Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	85-87	Ferguson
21.	First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the EMS Fund Budget for the Purpose of Additional Education for the EMS Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	88-90	Ferguson
22.	First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Landfill Enterprise Fund Budget for the Purpose of Wood Chipping at the Big Sandy Landfill; Providing for Repeal of	91-92	Bowles

	Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date		
23.	First Reading of an Ordinance of the City Council of the City of Big Spring, Texas Amending Chapter 2 of the Big Spring City Code Entitled “Administration,” Article VII “Boards and Commissions,” Division 5 “Traffic Commission,” Section 2-300 by Amending Subsection (D) and Adding a New Subsection (E); in Order to Render Inactive the Said Board and Release the Members of the Board for Potential Consideration for Service on Other Boards; Providing for Severability; and Providing for an Effective Date	93-94	Bowles
24.	First Reading of an Ordinance of the City of Big Spring, Texas Amending Chapter 28, “Health,” of the Big Spring Code, Article V, "Municipal Ambulance Services," Section 28-135 Entitled “Ambulance Fees” to Update Fees For Basic Ambulance Services; Providing for Severability; Providing for Publication; and Providing an Effective Date.	95-110	Ferguson
25.	First Reading of a Resolution to Prohibit Openly Carrying a Handgun by a Holder of a License to Carry into the Room or Rooms in Which any Meeting of the City Council is Meeting	111-113	Hughes
26.	First Reading of a Resolution of the City Council of the City of Big Spring, Texas, Amending Resolution 031-2022 to Authorize and Appoint the City Manager to Submit an Application to the Public Safety Office for the “Bullet-Resistant Shield Grant Program, FY2023” to Secure Funding for 30 Street Level Bullet-Resistant Shields; Provide Written Assurance that in an Event of Loss or Misuse of Grant Funds the City Council Will Return All Funds to the Office of the Governor; and Providing for an Effective Date	114-115	Williams
27.	First Reading of a Resolution Calling for a General Election to be Held on May 6, 2023 for the Purpose of Electing One Person to Serve as City Council Member for District One and One Person to Serve as City Council Member for District Three; Providing for the Conduct of the Election; Designating Several Polling Places Within the City; Authorizing the Mayor to Execute Notice and Have the Notice Posted for the Purpose of Notifying the Public of Said Election; and Providing for Severability	116-117	Davis
28.	Consideration and Possible Action to Enter into an Agreement with Lumenserve, Inc. to Purchase and Install an LED Tower Lighting System and Provide Related Services,	118-129	Medina

and Authorizing the City Manager or His Designee to Execute any Necessary Documents.

29. Consideration and Possible Action to Extend the Real Estate Service Agreement with Texas Communities Group, LLC to September 30, 2023. — 130 — Hagen

30. Consideration and Possible Action to approve an Agreement for Engineering Services with Jacob Martin, LLC for ARP-EDA Airpark Water and Sewer Improvements and Authorizing the City Manager or His Designee to Execute any Necessary Documents. — 131-143 — Medina

31. **Discuss and approve two contingent fee contracts with the Law Firm of McCreary, Veselka, Bragg and Allen, P.C. first, for the collection of delinquent municipal court fines and fees pursuant to Tex. Code of Criminal Procedure, Art. 103.003, and second, for the collection of accounts receivable including but not limited to delinquent utility bills, emergency medical services, and the cost incurred by the City or authorized by City Code to be imposed by the City to bring any property into compliance with the City Code including assessments for the mowing of vacant lots, removal of trash and debris from lots, demolition of substandard structures and abatement of other nuisances by the City ("Delinquent Accounts Receivable"), and furthermore approve a written statement of the findings of City Council. Specifically, the City Council will discuss and consider whether McCreary, Veselka, Bragg and Allen, P.C. is a well-qualified law firm based on demonstrated competence, qualifications and experience in collecting delinquent court fines and fees and Delinquent Accounts Receivable, and whether the contract negotiated between the City of Big Spring, Texas and McCreary, Veselka, Bragg and Allen, P.C. is for a fair and reasonable price as provided for in Texas Code of Criminal Procedure, Art 103.0031(b).** — 144-154 — S Smith

    In Accordance with Texas Government Code, section 2254.1036(a)(1), the City of Big Spring, Texas provides the following written notice to the public in connection with the above agenda item:

    1. The City of Big Spring, Texas is pursuing the legal services of McCreary, Veselka, Bragg and Allen, P.C., a delinquent fines, and fees collection law firm, to

collect delinquent fines and fees owed to the municipal court of Big Spring, Texas. The desired outcome of the legal services would be for the City of Big Spring, Texas to collect the delinquent fines and fees that its municipal court is owed in as short a time period as is possible.

2. McCreary, Veselka, Bragg and Allen, P.C. have been competently collecting delinquent fines and fees for over sixteen-years, and currently represents hundreds of Texas cities and counties in the collection of delinquent fines and fees. McCreary, Veselka, Bragg and Allen, P.C. is a competent, qualified, and experienced delinquent fines and fees collection law firm.
3. The City of Big Spring, Texas is pursuing the legal services of McCreary, Veselka, Bragg and Allen, P.C., a collection law firm, to collect Delinquent Accounts Receivable owed to the City of Big Spring, Texas. The desired outcome of the legal services would be for the City of Big Spring, Texas to collect the Delinquent Accounts Receivable owed in as short a time period as is possible.
4. McCreary, Veselka, Bragg and Allen, P.C. have been competently collecting amounts owed. McCreary, Veselka, Bragg and Allen, P.C. is a competent, qualified, and experienced delinquent fines and fees collection law firm.
5. The legal services desired by the City of Big Spring, Texas that are the subject of the contract cannot be adequately performed by the attorneys and supporting personnel of the City of Big Spring, Texas because the City of Big Spring, Texas does not have funds in its budget to pay the estimated salaries and wages for employees to perform the services of municipal court fine and fee collection, and the services of collecting Delinquent Accounts Receivable.
6. The legal services desired by the City of Big Spring, Texas that are the subject of the contract cannot be reasonably obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency because the City of Big Spring, Texas does not have funds in its budget to pay the estimated hourly fees and other costs incurred to implement an effective delinquent fines and fees collection program under a contract providing only for the payment of hourly fees and costs. Texas Code of

Criminal Procedure, Art. 103.0031 allows a city to recover a penalty to defray the costs of collecting delinquent fines and fees, only if the city has entered into a contract with a private attorney or public or private vendor pursuant to Code of Criminal Procedure, Art. 103.0031.

To defray the costs of collecting delinquent fines and fees as provided by Texas Code of Criminal Procedure, Art. 103.0031, to save money and ensure that the collection of delinquent fines and fees is diligently pursued for the City of Big Spring, Texas, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. is in the best interests of the residents of the City of Big Spring, Texas. To defray the costs of collecting Delinquent Accounts Receivable, to save money and ensure that the collection s diligently pursued for the City of Big Spring, Texas, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. is in the best interests of the residents of the City of Big Spring, Texas.

Council Input

32. Input

Executive Session

33. **Adjourn** into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.072 Texas Government Code, "Deliberation Regarding Real Property; Closed Meeting," to Deliberate the Purchase, Exchange, Lease, or Value of Real Property when Deliberation in an Open Meeting Would Have a Detrimental Effect on the Position of the Governmental Body in Negotiations with a Third Person. — Moore

34. **Adjourn** into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.087, Texas Government Code, "Deliberation Regarding Economic Development Negotiations; Closed Meeting" to Discuss and Deliberate Economic Development Negotiations — Moore

35. **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 — Moore

of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Litigation.

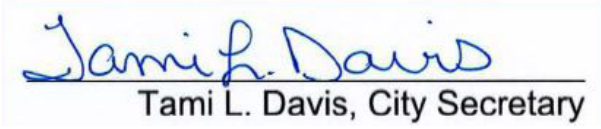
36. **RECONVENE** into Open Session and Take any Necessary Action on Executive Session Items — Moore

37. **ADJOURN** — Moore

The City Council reserves the right to meet in executive session on any agenda item should the need arise pursuant to Chapter 551, Subchapter D of the Texas Government Code, or the Texas Disciplinary Rules of Professional Conduct.

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and **Posted on Friday, January 6, 2023 at 4:30 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.



THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATION OR A HEARING IMPAIRED PERSON WISHING TO HAVE AN INTERPRETER SHOULD REQUEST SERVICES AT LEAST 48 HOURS PRIOR TO THE SCHEDULED MEETING BY CONTACTINGTAMI DAVIS AT 432-264-2513 OR EMAIL: TDAVIS@MYBIGSPRING.COM.