STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a REGULAR AGENDA in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, January 10, 2023, with the following members present in person:

COUNCIL MEMBER TROY TOMPKINS
MAYOR ROBERT MOORE
COUNCIL MEMBER GLORIA MCDONALD
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER DIANE YANEZ
COUNCIL MEMBER CODY HUGHES

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
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
MANDY HAYNES	Municipal Judge

Open Session

Call to Order
Mayor Moore called the meeting to order at 5:30 p.m.

Invocation
Bella Willard with Cornerstone Covenant church gave the invocation.

Pledge of Allegiance to the United States Flag and to the Texas State Flag
Mayor Moore led the Pledge of Allegiance to the United States Flag and to the Texas State Flag.

Public Comment

Public Comment

There was one comment from a citizen regarding an item on the agenda for the collection of delinquent accounts.

Announcements, Presentations and Public Hearings

City Manager's Report

City Manager's report on the following items:

- 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

Todd Darden, City Manager, gave an update on the above captioned items as follows; Large Item Pickup for Dist. 6 picked up 6 Tons of items; Large Item Pickup for Dist. 1 will on Jan. 18, 2023; Jan. 16th city offices will be closed for Martin Luther King Day and there will an annual walk that starts at 6 p.m.; the City was awarded a grant to be used for the water line replacement from 11th Street to 18th Street; and also thanked the Utility Department for the work on some water line breaks due to cold weather.

Consent Items

Approval of the City Council Minutes of the Two Regular Meetings of December 13, 2022.

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

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

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 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

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

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

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

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the second and final reading of the above captioned minutes and ordinances, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION PASSED

Other Business

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

MOTION WAS MADE BY Council Member Hughes to approve the amendments to the above captioned ordinance, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**

NAYS: None

MOTION PASSED

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned amended ordinance, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**

NAYS: None

MOTION

Vouchers

Manual Cks. $ 1,271,510.59

Council Member Tompkins reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned vouchers, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**

NAYS: None

MOTION PASSED

Vouchers for 12/15/22 $ 601,127.91
Vouchers for 12/29/22 $ 748,420.27
Manual Ck. $ 1,382,985.04

Council Member Hughes reviewed the above captioned vouchers for Council Member Smith.

MOTION WAS MADE BY Council Member Hughes to approve the above captioned vouchers, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **6**

Council Member Hughes, Council Member McDonald, Council Member Tompkins **0**
NAYS: None

MOTION PASSED

Vouchers for 01/05/23 $ 210,521.06
Mayor Pro Tem Ornelas reviewed the above captioned vouchers.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned vouchers, seconded by Council Member Hughes.
YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**
NAYS: None

MOTION PASSED

New Business

Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney
Council Members acknowleded receipt of the City Attorney's report.

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.
Todd Darden, City Manager, explained that the Community Summit Meeting is scheduled for February 28, 2023 which is the same day as our regular City Council meeting and asked the Council if they would consider that as our second meeting for February.

MOTION WAS MADE BY Council Member Yanez to approve that the February 28, 2023 Council meeting be in conjunction with the Community Summit Meeting, seconded by Council Member Tompkins.
YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**
NAYS: None

MOTION PASSED

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.

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

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

MOTION WAS MADE BY Council Member Hughes to accept the above captioned donations and approve the two above captioned ordinances relating to the donations, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION

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 Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

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

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Council Member McDonald.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **5**
1

NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

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.

MOTION WAS MADE BY Council Member McDonald to approve the above captioned ordinance, seconded by Council Member Tompkins.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6**
NAYS: None	**0**

MOTION PASSED

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

MOTION WAS MADE BY Council Member Hughes to approve the above captioned resolution, seconded by Council Member Tompkins.

YEAS: Council Member Hughes, Council Member Tompkins	**2**
NAYS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member McDonald	**4**

MOTION FAILED

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

MOTION WAS MADE BY Council Member Yanez to approve the above captioned resolution, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6**
NAYS: None	**0**

MOTION PASSED

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

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned resolution, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

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

MOTION WAS MADE BY Council Member Hughes to approve the above captioned agreement, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

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

MOTION WAS MADE BY Council Member Yanez to approve the above captioned agreement extension, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

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.

MOTION WAS MADE BY Council Member Yanez to approve the above captioned agreement, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

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).

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.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned contract, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6**
NAYS: None **0**

MOTION PASSED

Council Input

Input
Mayor Pro Tem Ornelas reminded everyone of the large item pickup for District One and the Young Marines will be helping
Council Member Tompkins would like see all of the Budget Amendments on the next Financial update
Council Member McDonald asked about new roll outs being delivered and to remember that Martin Luther King gave women alot of power and rights and she also has concern regarding the new council voting software

Executive Session

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.

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

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 Provide Legal Advice and Counsel with Respect to Litigation.

MOTION WAS MADE BY Council Member Yanez to adjourn into the above captioned executive sessions at 6:37 p.m., seconded Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6**
NAYS: None	**0**

MOTION

RECONVENE into Open Session and Take any Necessary Action on Executive Session Items

Council reconvened into open session at 7:30 p.m. No action was taken.

ADJOURN

Mayor Moore adjourned the City Council Meeting at 7:35 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary