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, March 14, 2023, with the following members present in person:

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

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
JAY HOLT	Interim 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 City Council Meeting to order at 5:30 p.m.

Invocation
Glenn Farris, Crossroads Baptist Association, 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

Ms. Devvy Kidd asked the Council to review the possibility of creating an ordinance mandating citizens/pet owners to spay or nueter their pets.

Announcements, Presentations and Public Hearings

Public Hearing - Concerning Amendments to the Big Spring City Zoning Ordinance to Authorize the Public Works Director to Issue Permits for Carport Construction in the Front Yard Portion of a Lot Outside of the Required Front Yard Setback and Meeting Certain Conditions Without the Approval of the Zoning Board of Adjustments

MOTION WAS MADE BY Council Member Yanez to open the above captioned public hearing, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith	**7 0**
NAYS: None	

MOTION PASSED

No comments were made at this time.

MOTION WAS MADE BY Council Member Yanez to close the above captioned public hearing, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith	**7 0**
NAYS: None	

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Update on Large Item Pickup, District 2 - Feb. 15, 2023
- Large Item Pickup, District 3 - March 15, 2023
- Update on Card Board Recycling Project
- Update on Street Lights on MLK Blvd.
- Recognize the Following Employees for Recieving an Operator B License: **Chad Tidwell** - Water Treatment Manager; **Johnny Fisher** - Water Treatment

Supervisor; and **Stetson Word** - Wastewater Supervisor
- Interim Fire Chief
- Boards and Committees Contact Information - See Attached
- Condolences to Paschal Odom Family

Todd Darden, City Manager, reported on the above captioned items as follows: Large Item Pickup for District 2 picked up 5 tons of trash and the Large Item Pickup for District 3 will be on March 15, 2023; The update on the Recycling Project is that we are still waiting on the bailer and will hopefully receive it by mid April; The street lights on MLK Blvd are all put up except for 3 lights; Mr. Darden congratulated Chad Tidwell, Johnny Fisher and Stetson Word for receiving their Operator B License for Water and Wastewater Treatment; Announced that Jay Holt will be acting as Interim Fire Chief; Handed out some Board and Committee papers that the staff would like for the Council to fill out when they have a nominee; and also gave condolences to several families.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of February 14, 2023, Special Meeting of February 23, 2023 and the Regular Meeting at the Special Joint Leadership Summit of February 28, 2023.

Acknowledge Receipt of the Big Spring Economic Development Board Minutes of the Regular Meeting of January 17, 2023.

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 Airpark Fund Budget for the Purpose of Adding the Debt Service Funds Back in the Budget; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith	**7 0**
NAYS: None	

MOTION PASSED

Final Reading of a Resolution Authorizing and Directing the Sale of the 11.06 Tract of Real Property at 1801 West Interstate 20, Big Spring, Texas 79720 to 3-D Development, LLC, and Entering into an Economic Development Incentive with the Buyer Under Chapter 380, Texas Local Government Code and Setting an Effective Date

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Vouchers

Vouchers for 02/17/23	$	738,677.20
Vouchers for 02/23/23	$	395,813.32
Manual Ck.	$	599,973.21

Council Member Yanez reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Yanez 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, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Vouchers for 03/03/23	$	349,856.65
Vouchers for 03/09/23	$	1,278,961.96
Drafts	$	62,991.99

Council Member Hughes reviewed the above captioned vouchers.

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, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Bids

Consideration and Possible Action on Awarding the Sale of Tax Properties by Texas Communities Group as Follows:

Parcel R000005589, 511 Galveston St. to Cinthia Quezada & Fortino Quezada in the amount of $1,150.00

Parcel R000046922, 502 N. Goliad to Isaro Group, LLC in the Amount of $1,000.00

MOTION WAS MADE BY Mayor Moore to approve the sale of the above captioned properties for the amounts stated above.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a Splash Pad to be Constructed at Bert Andries Park and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Mayor Pro Tem Ornelas to award the above captioned bid to Oasis Waterplaygrounds in the amount of $125.000.00, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for 156-Stackable Lounge Chairs for the Russ McEwen Family Aquatic Center and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member McDonald to award the above captioned bid to Central Restaurant Products in the amount of $24,020.00, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a Forklift for the Sanitation Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Hughes to award the above captioned bid to V-Bar Equipment in the amount of $35,150.00, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a 25-Foot Lowboy Trailer for the Wastewater Treatment Plant and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Smith to award the above captioned bid to Texas Pride Trailer in the amount of $9,147.50, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a 16-Foot Trash Trailer for the Code Enforcement Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Mayor Pro Tem Ornelas to award the above captioned bid to Cashway Trailer Sales, LLC in the amount of $5,096.75, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Action to Accept a Bid Award for the 2023 Seal Coat Project and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member McDonald to award the above captioned bid to Ronald R. Wagner & Co., LP in the total amount of $508,688.77, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

New Business

Consideration and Possible Action to Accept a Donation from Star Dodge/Ford and the Broughton Foundation for a Splash Pad at Bert Andries Park

MOTION WAS MADE BY Council Member Yanez to accept the above captioned donations, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **7**

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

MOTION PASSED

First Reading of a Resolution Declaring the Unopposed Candidates in the May 6, 2023 General Election for City Council Member, District 1 and for City Council Member, District 3 to Office; Canceling the General Election for City Council Position for City Council Member, District 1 and for City Council Member, District 3; and Providing an Effective Date

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **7**
Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **0**
NAYS: None

MOTION PASSED

First 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 Between the State of Texas and Allergan, CVS, Walgreens, and Walmart; Authorizing the City Manager to Execute Settlement Participation Forms; and Establishing an Effective Date

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **7**
Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **0**
NAYS: None

MOTION PASSED

First Reading of an Ordinance Amending the Big Spring Zoning Ordinance, Article 4 Entitled "Development Standards," Section 4-6 " Area Regulations For Accessory Buildings And Structures In Residential Districts," Subsection (E) To Revise Whom The Application Process Will Be Directed To; Providing For Severability; Providing For Publication; And Providing An Effective Date

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **7**
Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **0**
NAYS: None

MOTION PASSED

First Reading of an Ordinance Amending Chapter 46 of the Big Spring City Code of Ordinances Entitled "Streets, Sidewalks, and Other Places", Article V Entitled "Street Names and Building Numbers", Division 2 Entitled "Renaming Streets", Section 46-235 Entitled "Purpose; Application and Review of Name Change; Criteria for Street Names"; to Not Require a Hearing Before the Traffic Commission; and to Require a Hearing Before the Planning and Zoning Commission; Providing for Severability; and Providing an Effective Date

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

YEAS: None **0**
NAYS: None **0**

MOTION

MOTION WAS MADE BY Council Member Tompkins to amend the above captioned ordinance by changing subsection (c) from "all property owners as ownership appears on the ad valorem tax rolls" to be "the owners of land whose physical address is located on the street for which a name change is proposed", seconded by Council Member Gloria McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7 0**
NAYS:0

MOTION PASSED

MOTION WAS MADE BY Council Member Tompkins for a second amendment to clarify the language of the above captioned ordinance Section 46-235 pursuant to the written amendment, seconded by Council Member Gloria McDonald.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **6 1**
NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

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

YEAS:Mayor Moore, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **6 1**
NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

Amendment with Clarifying Language

First Reading of an Ordinance of the City of Big Spring Adopting the 2021 Edition of the International Fire Code, Regulating and Governing the Safegaurding of Life and Property from Fire and Explosion Hazards Arising from the Storage, Handling and Use of Hazardous Substances, Materials and Devices, and from Conditions Hazardous to Life or Property in the Occupancy of Buildings and Presmises in the City of Big Spring, Texas; Providing for the Issuance of Permits and Collection of Fees Therefor; Repealing Section 24-1 of the Big Spring City Code and All Other Ordinances or Parts of Laws in Conflict Therewith

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

First Reading of an Ordinance of the City Council Amending Chapter 2 of the Code of Ordinances Entitled "Administration," Article III, Entitled "Officers and Employees," Section 2-57 Entitled "Adoption of Civil Service for Firefighters and Civil Service Positions," Subsection (c) by Reducing by Attrition Only Firefighters; Providing for Severability; and Providing an Effective Date

Staff recommendation was to postpone this item and discuss this at a special worksession. Council agreed.

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 the 2022-23 Sealcoat Project; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned 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, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

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 a Forklift for the Cardboard Recycling Program;

Providing for Severeability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned 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, Council Member Smith **7 0**
NAYS: None

MOTION PASSED

First Reading an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Operating Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023, Increasing the Operating Account for the Airpark Master Plan Project by Transferring from a Capital Account to Operating Funds for the Purpose of Funding the Master Plan Effort in its Entireity; Providing for Repeal of Ordinances in Conflict Herewith; 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 Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7 0**
NAYS: None

MOTION PASSED

First Reading of an Ordinance to Rename the Structural Standards Ordinance by Renaming it the Structural Standards and Nuisance Abatement Ordinance, and to Amend the Ordinance by Dividing it into Three Subchapters, Subchapter A being Applicable to Each Type of Abatement Procedure, Subchapter B being Applicable to Sanitation and Exterior Premises Rules and Orders Abatement Procedures, and Subchapter C for the Abatement of Atructures Falling below Minimum Standards, Adopting Other Changes to the Ordinance, Providing for Severability, and Providing an Effective Date

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7 0**
NAYS: None

MOTION PASSED

Consideration and Possible Action to approve an Agreement for Engineering Services with Jacob Martin, 2023 Crack Seal Project and Authorizing the City Manager or His Designee to Execute any Necessary Documents

Consideration and Possible Action to approve an Agreement for Engineering Services with Jacob Martin, 2023 Seal Coat Project 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 two agreements for 2023 Crack Seal and Seal Coat with Jacob Martin, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Action to Authorize the City Attorney to Negotiate the Contract with Oasis Waterplaygrounds Inc for the Splash Pad at Bert Andries Park and Authorizing the City Manager to have Final Approval for the City of Big Spring for such Contract and to Execute any Necessary Documents.

MOTION WAS MADE BY Council Member Yanez to approve the above captioned negotiations and agreement, 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, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Consideration and Possible Consideration for an Agreement with YMCA for Lifeguard Services at the Aquatic Center, 2023 season and authorize the City Manager to execute the necessary documents

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

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith **7**
NAYS: None **0**

MOTION PASSED

Boards & Committees

McMahon/Wrinkle Aviation Advisory Board
Joseph Harrison - Nominated by Council Member McDonald (Dist. 4)
(Replacing Jim Little - No Longer Wanting to Serve)

MOTION WAS MADE BY Council Member Hughes to appoint Joseph Harrison to

the McMahon/Wrinkle Aviation Advisory Board, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith	**7**
NAYS: None	**0**

MOTION PASSED

Council Input

Input
Council Member Smith reminded everyone not to litter;
Council Member Tompkins asked if Wasson Rd was included in the master plan to redo this street and also connect the city park with the state park; and also concerned with the amount of traffic and speed on Baylor Street;
Mayor asked the Council to work on board appointments and confirmed with Council on a having a worksession on March 20th at 12:00 p.m.;
Council Member McDonald, Hughes, Ornelas and Yanez all thanked staff;
Mayor Pro Tem Ornelas also asked the staff to follow up on purple heart signs for the parking lots

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 Provide Legal Advice and Counsel with Respect to Litigation. City of Big Spring, Texas v. Fabian Scott Butler (11-21-00026-CV).

Mayor Moore adjourned the Council into the above captioned executive session at 7:24 p.m.

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

Mayor Moore reconvened into open session at 7:51 p.m.
No action was taken regarding the above captioned executive session.

ADJOURN

Mayor Moore adjourned the City Council meeting at 7:52 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary