

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 28, 2023, with the following members present in person:

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

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	Deputy 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 Council Meeting to order at 5:30 p.m.

Invocation

Brad Borgen 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 the Texas Flag.

Public Comment

Public Comment

One citizen spoke asking the council to revisit the homeless shelter issue.

Announcements, Presentations and Public Hearings

Presentation and Acceptance of the Big Spring Economic Development Corporation's Financial Statement for Year Ended September 30, 2022 by Bolinger, Segar, Gilbert & Moss

Presentation and Acceptance of the Comprehensive Annual Financial Report for Year Ended September 30, 2022 by Bolinger, Segar, Gilbert & Moss

David Copeland with Bolinger, Segar, Gilbert & Moss, presented the above captioned Annual Financial Reports for the Big Spring Economic Development Corporation and the City of Big Spring. Councilmembers accepted the above captioned reports. No action was necessary.

Public Hearing Concerning Abatements of Public Nuisances

Mayor Moore opened the public hearings listed below. Each public hearing was presented to the Council with an abatement order and pictures. The following citizens spoke regarding their property;

Ms. Puga 1411 Settles (11.)

James Alexander 408 Douglas (12.)

Amanda Eggleston 1105 North Scurry (15.)

Dorothy L. Deering 1109 East 4th St. (22.)

Shereda Mintz 1311 Madison (26.)

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1513 EAST 17TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: E/50 OF LT 20 BK 4 MAY THIXTON 50X150 924 ACQ 021700 BLK/TRACT 4 0.172 ACRES- OWNER: CHRISTINE WOODS BAKER

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1806 SETTLES, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: S/47.5 LT 7 ALL LT 8 BK 3 SETTLES (100X125.5) 1147 0.28 ACRES - OWNER: ELVIS EUGENE PAYNE

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 406 1/2 DOUGLAS, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 4 BK F EARLES 50X130 625 ACQ 110411 BLK/TRACT F 0.149 ACRES- OWNER: MARGIE ARSIAGA GARCIA

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 108 LOCKHART, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 2 BK 6 LAKEVIEW 50X140 350 0.161 ACRES ACQ 06132022- OWNER: TIMOTHY EDWARD WILSON

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1411 SETTLES, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 6 BK 1 SUNSET PLACE ANNEX 49X140 546 ACQ 012809 BLK/TRACT 1 0.145 ACRES- OWNER: ESTATE OF JOHNNY LEE PUGA

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 408 DOUGLAS, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 5-6 BK F EARLES 5100X130 0.298 ACRES 2012 COMBINED ACCT B3810004100 626 627 ACQ 021810 BLK/TRACT F 0.298 ACRES- OWNER: ANDREA MORENO MARSCH

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 510 YOUNG, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 6 BK 6 PORTER 50X140 362 0.161 ACRES ACQ 121818- OWNER: ROLLO AND CYNTHIA GURASS IRREVOCABLE GRANDCHILDREN'S TRUST

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1207 LAMAR AVENUE, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 19 BK 10 MONTICELLO 60X125 298 ACQ 032309 BLK/TRACT 10 0.172 ACRES- OWNER: JULIA JOHNSTON

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1105 NORTH SCURRY, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: N/50 SE/4 OF BK 44 BAUER 50X140 059 0.161 ACRES- OWNER: JOE DIAS AND ROSARIO DIAZ

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 813 WEST 8TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 2 BK 7 CEDAR CREST IRR 1139 0.2 ACRES ACQ 08262020- OWNER: LUIS LLAMAS SOLIS

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1910 SCURRY STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 6 BK 19 COLLEGE HEIGHTS 50X140 934 ACQ 111299 BLK/TRACT 19 0.161 ACRES- OWNER: JERRY T WALTON AND JUANITA H WALTON

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 811 WEST 8TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LESS 65X40 OF LT 1 BK 7 CEDAR CREST IRR 1137 ACQ 0422016 0.152 ACRES- OWNER: RAUL MARQUEZ

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1510 WOOD, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 14 BK 1A BELVUE 70X125 1304 ACQ 02122021 BLK/TRACT 1-A 0.201 ACRES- OWNER: JEREY WISER

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1513 WOOD, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 7 BK 2A BELVUE 50X125 1274 ACQ 02122021 0.143 ACRES- OWNER: JEREY WISER

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1514 WOOD, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 12 BK 1A BELVUE 70X125 1302 ACQ 02122021 0.201 ACRES- OWNER: JEREY WISER

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1109 EAST 4TH STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 11 BK 19 BOYDSTUN 50X140 154 ACQ 040902 0.161 ACRES- OWNER: JOSEPH AND DOROTHY L. DEERING

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1607 EAST 3RD STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: ACRES 1.960, SC 44 BK 32 1N 049 BLK/TRACT 32 1N 1.96 ACRES ACQ 11262019- OWNER: CASEY CAMPERS, LLC

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 715 ANNA STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 8 BK 12 SETTLES HEIGHTS 56X140 145 ACQ 01102014 BLK/TRACT 12 0.18 ACRES- OWNER: ROSA RODRIGUEZ

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 0 BIRDWELL LANE, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: SC 44 BK 22 1N 593 BLK/TRACT 32 1N 4.76 ACRES ACQ 070220014- OWNER: BIG SPRING MULTI FAMILY#1 LP

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1311 MADISON, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 19 BK 8 WRIGHTS AIRPORT (50X130) 632 ACQ 12302016 BLK/TRACT 8 0.149

ACRES- OWNER:SHEREDA MINTZ

MOTION WAS MADE BY Council Member Hughes to approve each above captioned abatement orders, seconded by Council Member Yanez.

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

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Update on Large Item Pickup, District 3 - March 15, 2023
- Update on Animal Shelter
- Seasonal Jobs open for Golf Course & Aquatic Center

Todd Darden, City Manager, reported on the above captioned items as follows: Large Item Pickup for District 3 picked up 12 1/2 tons of trash; Animal Shelter update has hired a manager and should start next week, will have an open house soon and they have extended their working hours for adoption; Seasonal jobs are open in the golf course, parks, aquatic center and sports complex; City is having a job fair March 29th in the City Council Chamber from 1-4; City offices will be closed on Friday, April 7th for Good Friday.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of March 14, 2023 and the Special Meeting of March 20, 2023.

Acknowledge Receipt of the Big Spring Economic Development Board Minutes of the Regular Meeting of February 21, 2023.

Final 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

Final 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

Final 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

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 the 2022-23 Sealcoat Project; Providing for Severability; 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 Forklift for the Cardboard Recycling Program; Providing for Severability; Providing for Publication; and Providing an Effective Date

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

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

NAYS: None

MOTION PASSED

Old Business

TABLED - Final Reading of a Resolution Authorizing and Directing the Sale of the 11.06 Acre 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 Council Member McDonald to remove the above captioned resolution off the table, seconded by Council Member Hughes.

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

NAYS: None

MOTION PASSED

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

MOTION PASSED

Amendment to Resolution - See Attached

MOTION WAS MADE BY Council Member Yanez to approve the recommended amendments to 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 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Final Reading of an Ordinance of the City of Big Spring Adopting the 2021 Edition of the International Fire Code, Regulating and Governing the Safeguarding 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 Premises 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 Hughes to approve the above captioned amended ordinance, seconded by Council Member McDonald.

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

MOTION PASSED

Amendment to Fire Code ordinance - See Attached

MOTION WAS MADE BY Council Member Yanez to approve the recommended amendments to the Fire Code Ordinance, seconded by Council Member Smith.

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

MOTION PASSED

Final 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 Council Member Smith to approve the above captioned amended ordinance, seconded by Council Member Yanez.

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

NAYS: None

MOTION PASSED

Amendment to Ordinance Renaming the Structural Standards Ordinance to the Structural Standards and Nuisance Abatement Ordinance and Amending Said Ordinance - See Attached

MOTION WAS MADE BY Council Member McDonald to approve the recommended amendments to the Structural Standard Ordinance, seconded by Hughes.

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

NAYS: None

MOTION PASSED

Final 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 Require a Hearing Before the Planning and Zoning Commission; Providing for Severability; and Providing an Effective Date

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

**YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 6
Council Member McDonald, Council Member Tompkins, Council Member 1
Smith**

NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

Vouchers

Vouchers for 03/16/23 \$ 445,293.32
Vouchers for 03/23/23 \$ 821,538.88
Drafts \$ 808,903.56

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, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith

NAYS: None

MOTION PASSED

Bids

Consideration and Possible Action on Awarding a Bid for Replacing Astroturf on the Lazy River at 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 Yanez to award the above captioned bid to Alldredge Gardens in the amount of \$19,116.90, seconded by Council Member Hughes.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a Manufactured Home for Moss Lake 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 bid to Oak Creek Homes in the amount of \$130,000.00, seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for (3) Three 30 Yard Containers for the City's Cardboard Recycling Program 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 Roll Offs USA in the amount of \$28,170.00, seconded by Council Member

Smith.

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

NAYS: None

MOTION PASSED

New Business

Consideration and Possible Action Authorizing Event Funding Requests from CVB for Southwest Hoops

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

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

NAYS: None

MOTION PASSED

First Reading of an Ordinance Amending the Subdivision Ordinance , Article IV "Standards, Specifications, and Other Provisions", Section 8 Entitled "Sidewalks", by Requiring Sidewalks to Have a Minimum Width of Five Feet, Requiring that New Sidewalks be Installed as a Condition of a Certificate of Occupancy with Certain Exceptions; Providing for Repeal of Conflicting Ordinances; Providing a Savings and Severability Clause; 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 Hughes.

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

NAYS: None

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 Sanitation Enterprise Fund Budget for the Purpose of the Purchase of Three 30 Yard Roll-Off Containers for the Cardboard Recycling Program; 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 0

Tompkins, Council Member Smith
NAYS: None

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 HUD Code Manufactured Home for Moss Lake; 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 Yanez.

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

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 Purpose of Building a Splash Pad at Bert Andries Park; 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 Mayor Pro Tem Ornelas.

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

MOTION PASSED

Council Input

Input

Mayor Moore encouraged the council members and city staff to attend the Star Ford open house on Thursday to show our appreciation for their donation to the splash pad.

Mayor Pro Tem Ornelas invited everyone to the Hoops-Dreams and Goals Sat. March 31st at the Dorothy Garrett Coliseum hosted by the West Texas Centers. Mr. Ornelas also thanked the Police Department and City Staff.

Council Member Yanez thanked Haylee for the work on the splash pad.

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).

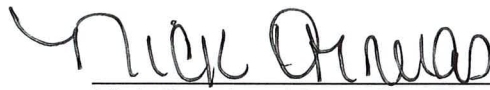
Mayor Moore adjourned into the above captioned executive session at 7:25 p.m.

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

Mayor Moore reconvened into open session at 7:38 p.m. No action was taken.

ADJOURN

Mayor Moore adjourned the City Council Meeting at 7:41p.m.



Nick Ornelas, Mayor Pro Tem

ATTEST:



Tami L. Davis, City Secretary

AMENDMENT

The City Council of Big Spring amends the resolution to convey the real estate at 1801 W I-20, Big Spring, Texas, and provide the economic development incentive to 3-D Development, LLC, a Kentucky limited liability company, as presented in the agenda of March 28, 2023.

Amend Attachment 1 of the Resolution in its entirety as indicated in Part A.

Amend Attachment 2 of the Resolution in its entirety, as indicated in Part B.

Part A

Real Estate Purchase Agreement

See Contract #041-2023

Part B

Chapter 380 Economic Development Agreement

See Contract #042-2023

AMENDMENT - Fire Code

Whereas, City Council finds that facilities that provide nursing and medical care and could provide emergency care, surgery, obstetrics, or inpatient stabilization units for psychiatric or detoxification, including, but not limited to, hospitals should have automatic sprinkler systems installed on or before May 1, 2033; and

Whereas, City Council has determined to make other improvements to the ordinance for clarity;

The City Council of Big Spring amends the ordinance amending Fire Code of the City of Big Spring as presented in the agenda of March 28, 2023.

PART A. Amend Section 1 of the ordinance to read in its entirety as follows:

SECTION 1. The Big Spring City Code Section 24-1, Article I, Chapter 24 is hereby amended to read entirely as follows:

Big Spring City Code
Chapter 24 – Fire Prevention and Protection
Article I – In General

Section 24-1 – Fire code adopted

The International Fire Code, 2021 edition, in its entirety, and including Appendices B, C, D, I, J, K, L, M, and N but excluding Appendices A, E, F, G and H, is hereby adopted by reference. Amendments, insertions, and additions are as follows:

- (1) **101.1. TITLE.** These regulations shall be known as the Fire Code of the City of Big Spring, hereinafter referred to as "this code."
- (2) **103.1. AGENCY.** The Fire Marshal shall be known as the fire code official, and is the official in charge of the Office of the Big Spring Fire Marshal, the agency, a division of the Big Spring Fire Department. The function of this agency shall be the implementation, administration and enforcement of the provisions of this code.
- (3) **103.2. RESERVED.**
- (4) **103.3 DEPUTIES.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Fire Chief, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the fire code official.

- (5) 105.1.1.1 PERMITS REQUIRED. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the city secretary or building official for the required permit. The permit shall be issued only after approval by the fire code official.
- (6) 105.5.5. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE
Carnivals and fairs.
- (7) 105.5.6. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE.
Cellulose nitrate film.
- (8) 105.5.11. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE.
Cryogenic fluids.
- (9) 105.5.12. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE.
Cutting and welding.
- (10) 105.5.13. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Dry cleaning.
- (11) 105.5.15. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Exhibits and trade shows.
- (12) 105.5.17. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Fire hydrants and valves.
- (13) 105.5.19. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Floor finishing.
- (14) 105.5.20. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Fruit and crop ripening.
- (15) 105.5.21. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Fumigation and insecticidal fogging.
- (16) 105.5.27. OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Lumber yards and woodworking plants.
- (17) 105.5.28. . OPERATIONAL PERMIT NOT REQUIRED UNDER THIS CODE. Liquid- or gas-fueled vehicles or equipment in assembly buildings.

- (18) 105.5.34. OPEN BURNING. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be complied with. Recreational fires are not exempt from the permitting requirement.
- (19) 105.6. REQUIRED CONSTRUCTION PERMITS. The building official, with the fire code official's approval, is authorized to issue construction permits for work as set forth in sections 105.6.1 through 105.6.24.
- (20) 111.1. APPEALS BOARD. Appeals of orders, decisions or determinations made by the fire code official requiring demolition and removal of a structure under Section 114 and its subsections shall be through the Structural Standards Chapter. The Board of Adjustments and Appeals ("the Board") will hear and decide appeals of all other orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code. The Board shall render all decisions and findings in writings to the appellant with a duplicate copy to the fire code official.
- (21) 111.3. RESERVED.
- (22) 112.4. VIOLATION PENALTIES. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor punishable by a fine of according to Section 1-8, Big Spring City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (23) 113.2.1. ISSUANCE ELECTRONICALLY. The fire code official may issue a stop work order electronically.
- (24) 113.4. FAILURE TO COMPLY. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor. Each day that a violation continues after such work order has been issued shall be deemed a separate offense.
- (25) 903.2.8.5. ONE- AND TWO-FAMILY DWELLINGS. An automatic sprinkler system installed in accordance with section 903 shall be provided throughout all building with a group R1, R2, R3 and R4 fire area. New and existing one- and two-family dwellings shall be exempt from this requirement.

- (26) 908.4. VISUAL ALARM SMOKE DETECTORS.
- a. Rental property. The owner of a rental property shall, at the request of a hearing-impaired tenant, install at least one visual alarm smoke detector in each separate bedroom in the dwelling unit occupied by a hearing impaired tenant.
 - b. Hotel/motel. The owner, manager, or otherwise responsible person having control of a hotel/motel, apartment house or other short-term rental dwelling must be able to provide, upon the request by a hearing-impaired person, a visual alarm smoke detector or shall have rooms available that are already equipped with a visual alarm smoke detector.
 - c. Requirements for visual alarm smoke detectors. The visual smoke detector must: 1. Contain a strobe light with a visible effective intensity of not less than 177 candela; 2. Operate on a 120-volt alternating current; and 3. Be otherwise installed according to manufacturer's recommendations.
- (27) 908.5. SMOKE DETECTORS IN RENTAL UNITS. The owner or agent of the owner of all apartment houses, residential rental units or hotel/motel shall provide smoke detectors and must keep written documentation, available for review by the fire code official, containing installation date of all smoke detectors, dates batteries have been changed, and dates smoke detectors were tested as per recommendation of the manufacturer. This documentation must be available to tenants upon request and be available at all times for inspection by the fire department.
- (28) 1103.5.3. GROUP I-2, CONDITION 2. In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 no later than May 1, 2033.
- (29) 5601.7.1. SEIZURE OF ILLEGAL FIREWORKS, ETC. The fire code official may authorize other persons employed by the City of Big Spring Fire Department or Police Department to conduct the duties under Section 5601.7.
- (30) 5704.2.9.6.1. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED. Insert: residential, retail, office, or central area districts.
- (31) 5706.2.4.4. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED. Insert: residential, retail, office, or central area districts.
- (32) 5806.2. LIMITATIONS. Insert: residential, retail, office, or central area districts.

(33) 6104.2. within city limits.

(34) In Chapter 61, the following sections are added to read as follows:

SECTION 6112. RESIDENTIAL USE OF LIQUID PETROLEUM GAS

6112.1 PROHIBITED WITH EXCEPTIONS. Liquefied petroleum gas (LP-gas) for residential installation to any type of structure, except as noted below, shall be prohibited within the incorporated city limits.

6112.2. LP-GAS INSTALLATIONS. LP-gas installations permitted or approved prior to this code adoption shall be allowed if they continue to meet other local and state code requirements. LP-gas installations that were not permitted or approved prior to this code adoption may apply for a permit within 30 days of notification. The installation shall be in strict compliance with all applicable rules and regulations, including those set forth by the state Railroad Commission LP-gas safety rules. The tank location and additional safety requirements will be subject to approval by the fire chief or his agent.

6112.3 LP-GAS DISTRIBUTORS. It shall be a violation of this code for any LP-gas distributor to place or fill any LP-gas tank in a residential setting unless the same has affixed to it a decal indicating that the tank has been permitted by the city.

SECTION 6113 MISCELLANEOUS USE

6113.1. NON-COMMERCIAL COOKERS AND GAS GRILLS. Liquefied petroleum gas cylinders used for non-commercial cookers and gas grills shall be restricted to no more than ten-water-gallon capacity tanks and shall be mounted in compliance with the appliance manufacturer's recommendations. These installations shall be exempt from permits. Such cylinders shall be stored in accordance with the applicable LP-gas safety rules.

6113.2. MOTOR HOMES. Motor homes and other similar use recreational vehicles must be in compliance with applicable state railroad commission LP-gas safety rules.

SECTION 6114. LIQUEFIED PETROLEUM GASSES

6114.1. COMMERCIAL OR INDUSTRIAL USE OF LIQUEFIED PETROLEUM GAS. Commercial or industrial use of liquefied petroleum gas must be in strict compliance with applicable LP-gas safety rules and regulations

including those set forth by the state Railroad Commission in effect at time of installation.

6114.2. INSTALLATIONS. Commercial or industrial installations shall be subject to applicable permits and the approval of the fire marshal or his agent.

6114.3. CONTAINERS. LP-gas containers at commercial or industrial installations shall comply with the state Railroad Commission LP-gas safety rules.

PART B. Renumber Sections 3, 4, 5, 6, 7, 8, 9, and 10 as follows:

SECTION 34:

...

SECTION 45:

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SECTION 56:

...

SECTION 67:

...

SECTION 78:

...

SECTION 89:

...

SECTION 910:

...

SECTION 1011:

...

PART C. Insert Section 3 to read in its entirety as follows

SECTION 3: Amend in its entirety Section 24-49, "Duties and authority," Article III, "Fire Marshal," Chapter 24, "Fire Prevention and Protection," Big Spring City Code to read as follows:

Big Spring City Code
Chapter 24 – Fire Prevention and Protection
Article III – Fire Marshal

Section 24-49 – Duties and Authority

~~The fire marshal shall perform all functions set forth in the International Fire Code, 2012 edition, or any subsequent edition that may be adopted by the city council as the fire code of the city.~~ The fire marshal shall also perform all duties and have such authority as is set forth in this article.

NOTE* Language to be added is underlined. Language to be deleted is ~~stricken~~.

AMENDMENT - Structural Standards

The City Council of Big Spring amends the ordinance renaming the Structural Standards Ordinance the Structural Standards and Nuisance Abatement Ordinance, and Amending the ordinance in the agenda of March 28, 2023.

Amend Section 2 of the ordinance in part as follows:

...

STRUCTURAL STANDARDS AND NUISANCE ABATEMENT ORDINANCE

...

SECTION B-3.05. ADMINISTRATIVE HEARING

(a) ~~An administrative hearing conducted under this Subchapter shall be conducted not later than the 62nd day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the municipality's abatement of the weeds.~~

(b) The Hearing Officer of the administrative hearing shall be conducted by the City Manager or a person designated by the City Manager.

(c) The Hearing Officer may find the violation true or not true.

(d) The decision of the Hearing Officer is the final order of the City.

(e) Any interested party, including the city attorney, is entitled to present evidence at the hearing.

(f) The Hearing Officer has the discretion to enter a summary finding of not true without holding a hearing. Such a finding is automatically filed as an appeal pursuant to Section B-3.09.

...

SECTION B-3.09. APPEALS

Appeals from a final decision under this Subchapter shall be filed within thirty (30) days and shall be heard de novo by the Mayor as Appellate Officer ~~with a State District Court sitting in Howard County, Texas.~~ The Appellate Officer will schedule the hearing. The filing of an appeal stays the decision until such time as the appeal is heard and decided. The decision of the Appellate Officer shall be the final order of the City and upon a finding of true the Appellate Officer may order the same remedies as the Hearing Officer under Sections B-3.06, B-3.07, and B-3.08.

...

NOTE* Language to be added is underlined. Language to be deleted is ~~stricken~~.