

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, April 25, 2023, with the following members present in person:

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

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

Open Session

Call to Order

Mayor Moore called the City Council meeting to order at 5:30 p.m.

Invocation

Brother Randy Cotton 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

Several citizens spoke on different issues; Devvy Kidd asked the council to consider a sign for traffic to slow down on 23rd and 24th Streets and also asked for an update on the mandatory spay or neuter ordinance and Mayor reported that he has been looking into the matter; Steve Bedell spoke regarding the Firefighters and the SAFER Grant; and TJ Stewart had a concern over a refund that he should be receiving.

Public Hearings Concerning Abatements of Public Nuisances

MOTION WAS MADE BY Council Member Yanez to open the public hearings listed below, 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

Each public hearing was presented to the Council with an abatement order and pictures. The following citizens spoke regarding their property;

Scott Emerson 1710 Young Street (5)
Lupe Chavarria - 604 Abrams (18)
Dava Sausman - 1309 Grafa (6)
Doug Carson, son of owners - 2712 Lynn (12)

Announcements, Presentations and Public Hearings

TABLED - PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1710 YOUNG STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 & 1.25X60 BK 2 MANNING 60X107 1025 0.147 ACRES- OWNER: TROY V. LITTLE AND JESSIE LEE LITTLE

MOTION WAS MADE BY Council Member McDonald to take off the table the public hearing regarding 1710 Young St. and 1309 Grafa St., 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

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (1710 Young St.), 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

TABLED - PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1309 GRAFA STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 17 BK 15 MONTICELLO 60X125 212 ACQ 010402 BLK/TRACT 15 0.172 ACRES- OWNER: JUDY AND DAVID SAUSMAN

MOTION WAS MADE BY Council Member Smith to abate the above captioned property (1309 Grafa St.), seconded by Mayor Moore.

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

ABSTAINED: Mayor Pro Tem Ornelas

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 201 N W 2ND STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 12 BK 108 ORIGINAL TOWN 50X70 0133 ACQ 070109 0.08 ACRES - OWNER: DIANA KAYE BAILEY

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (201 NW 2nd Street), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 4203 WALNUT STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 2 BK 1 MESA 60X140 030 ACQ 080299 BLK/TRACT 331S 0.193 AACRES- OWNER: TOM GUTIERREZ

MOTION WAS MADE BY Council Member Smith to abate the above captioned property (4203 Walnut St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1100 W 2ND STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 7 BK 21 JONES VALLEY 50X130 149 0.149 ACRES ACQ 011614- OWNER: LATRICIA FLORES

MOTION WAS MADE BY Council Member Smith for the owner to finish securing the above captioned property (1100 W 2nd St.), seconded by Mayor Moore.

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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1001 SYCAMORE STREET, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 1 BK 1 HIGHLAND PARK 50X125 1184 ACQ 111809 0.143 ACRES- OWNER: AARON MICHAEL GARRISON

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (1001 Sycamore St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 407 AUSTIN ST, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 7 (& S /50' M/100' BK 58 ORIGINAL TOWN) BK 3 PORTER 50X40 417 0.161 ACRES ACQ 11022015- OWNER: JUAN H PARRAS

Staff recommended to withdraw the above captioned abatement order (407 Austin St.) from the agenda. Council agreed.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 2712 LYNN DR, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 13 BK 10 KENTWOOD 71X130 276 0.206 ACRES ACQ 05142021- OWNER: CARSON DOUGLAS, CARSON JEFFREY S RALSTON KELLY L AND CARSON JAMES P.

MOTION WAS MADE BY Council Member Tompkins to withdraw the abatement order of the above captioned property (2712 Lynn) due to ongoing investigation,

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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1610 YOUNG ST, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: N/2 OF LT 2 & S/2 OF LT 3 BK 1 MORNINGSIDE 100X107 836 837 BLK/TRACT 1 0.246 ACRES ACQ 09022021- OWNER: FRANCIS HALL

MOTION WAS MADE BY Council Member Smith to abate the above captioned property (1610 Young St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at , 1005 E 16TH ST BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 10 BK 38 COLE & STRAYHORN 50X140 743 BLK/TRACT 38 0.161 ACRES ACQ 07242017 - OWNER: NEYBOR LLC

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (1005 E. 16th St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 604 E 2ND ST, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LTS 5-7 BK 56 ORIGINAL TOWN 75X130 MILLER'S TV 0315BLK/TRACT 56 0.224 ACRES- OWNER: L L MILLER

MOTION WAS MADE BY Council Member McDonald to abate the nuisance regarding the repairs to the roof at the above captioned property (604 E. 2nd St.), seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member 1

Tompkins

NAYS: Council Member Smith

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 207 EDWARDS ST, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 11 BK 19 COLLEGE HEIGHTS 50X140 937 BLK/TRACT 19 0.092 ACRES- OWNER: DANIEL AND SYLVIA MIRAMONTES

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (207 Edwards St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance at, 2104 RUNNELS ST BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: S/50 NE/4 & N/50 SE/4 OF BK 37 COLLEGE HEIGHTS 100X140 1262 BLK/TRACT 37 0.321 ACRES- OWNER: TINA CUNNINGHAM

MOTION WAS MADE BY Council Member Tompkins to table the above captioned abatement (2104 Runnels), seconded by Council Member McDonald.

YEAS: Council Member Hughes, Council Member McDonald, Council Member Tompkins, Council Member Smith

**4
2**

NAYS: Mayor Moore, Mayor Pro Tem Ornelas

1

ABSTAINED: Council Member Yanez

MOTION PASSED

to table

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 604 ABRAMS , BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 3 BK 15 EARLES 50X130 897 0.149 ACRES- OWNER: ESTATE EDWARD CHAVARRIA AND LUPE CHAVARRIA

MOTION WAS MADE BY Council Member Yanez to table the above captioned abatement (604 Abrams), 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
1**

NAYS: Council Member Smith

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 710 ABRAMS, BIG SPRING, TEXAS 79720 - LEGAL ADDRESS: LT 6 BK 14 EARLES 50X130 954 ACQ 081303 BLK/TRACT 14 0.149 ACRES- OWNER: ESTER D GOMEZ

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (710 Abrams), 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

MOTION WAS MADE BY Council Member Hughes to close the above captioned public hearings, 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 - Large Item Pickup, District 4
- Update - Splash Pad at Bert Andries Park
- Update - Sign Ordinance

Todd Darden, City Manager, reported on the above captioned items as follows: Large Item pickup for District 4 picked up 3.3 tons of items; Plans for the splash pad at Bert Andries Park have been approved and construction should start soon; and staff is reviewing off premise signs and will bring an ordinance to council.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of April 11, 2023.

MOTION WAS MADE BY Council Member Yanez to approve the above captioned minutes, 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

Vouchers

Vouchers for 04/13/23 \$ 689,462.42

Vouchers for 04/21/23 \$ 753,136.26
Drafts \$ 686,372.70

Council Member McDonald reviewed the above listed vouchers.

MOTION WAS MADE BY Council Member McDonald to approve the above listed 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 a John Deere Backhoe Attachment for Roy Anderson Sport Complex 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 South Plains Implement in the amount of \$14,753.51, 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

Consideration and Possible Action on Awarding a Bid for a 72" John Deere Zero Turn Mower for Roy Anderson Sport Complex 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 South Plains Implement in the amount of \$13,826.89, 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

Consideration and Possible Action on Awarding a Bid for a John Deere Utility Tractor for Moss Lake 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 South Plains Implement in the amount of \$23,373.28, 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

New Business

Acknowledge Receipt of the Investment Report for the Quarter Ending March 31, 2023
Council Members acknowledged receipt of the above captioned Investment Report presented by Sandy Smith, Finance Director.

Acknowledge Receipt of the Quarterly Financial Report
City Council acknowledged receipt of the above captioned Quarterly Financial Report presented by Sandy Smith, Finance Director.

Consideration and Possible Action on Confirmation of the City Manager's Interim Fire Chief Appointment, Jay Holt.

MOTION WAS MADE BY Council Member Hughes approving the above captioned appointment, 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

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 Continuance of the Property Abatement 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 the Continued Funding of the Fire Department Employees

that were Funded through the Safer Grant; Providing for Severability; Providing for Publication; 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, 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 Tractor for Moss Creek Lake; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes 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 of the City Council of the City Of Big Spring, Texas, Amending Chapter 38, Section 38-11 of the Big Spring City Code Authorizing Code Enforcement Officers to be Issued Administrative Search Warrants to Broaden the Authorization to Code Enforcement Officials; to Move the Ordinance to Chapter 2, Section 2-59 the Big Spring City Code and providing for Miscellaneous Amendments; Providing for Repeal of Conflicting Ordinances; Providing a Savings and Severability Clause; Finding and Determining that the Meetings at which the Ordinance Was Discussed and Acted on Were Open to the Public as Required by Law; Providing for Publication; and Establishing an Effective Date

After a brief discussion;

MOTION WAS MADE BY Mayor Moore to table the above captioned ordinance, seconded by Council Member Tompkins.

**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

Boards and Committees

McMahon/Wrinkle Aviation Advisory Board

Russ Rutledge - Nominated by Council Member Tompkins - Dist. 5

Russ Rutledge was appointed to the McMahon/Wrinkle Aviation Advisory Board to represent District 5 by acclamation.

Council Input

Input

Mayor Pro Tem Ornelas asked about the purple heart signs and also is looking forward to serving the Council for a second term.

Council Member Yanez thanked the firefighters.

Council Member Hughes thanked the legal department.

Mayor Moore thanked Chief Williams for the work on the animal shelter and will have an open house in a couple of weeks; May 4, 2023 is National Day of Prayer; and also asked everyone to remember Rodger Cline, Editor for the Big Spring Herald, that recently passed.

Council Members McDonald and Smith thanked the staff.

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).

MOTION WAS MADE BY Council Member Hughes to adjourn into the above captioned executive session at 8:16 p.m., 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

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

Council reconvened into open session at 8:26 p.m. No action was taken.

Adjourn

Mayor Moore adjourned the City Council Meeting at 8:27 p.m.



Robert H. Moore III, Mayor

ATTEST:



Tami L. Davis, City Secretary