

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, August 8, 2023, with the following members present in person:

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

Open Session

Call to Order

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

Invocation

Peter Sullivan 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

Devvy Kidd reported that she has been handing out fliers and spreading the word for the Adoption Coordinator position. Also Ms. Kidd asked the staff if it would be possible to install some signs to slow down traffic going into the Kentwood area.

Matthew Grayson reported some issues with the city website and reported several times thru the website regarding some code enforcement problems and gave Nick Renya a notebook and a map of the problem areas he has concerns over.

Public Hearings regarding 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

Andrew Hagen, City Attorney, explained that the notices were not posted on each property regarding the below listed abatements and these abatement hearings would need to be placed on the next City Council agenda for August 22, 2023 except for the property located at 500 NW 7th Street and the owner was present and would like to proceed with the public hearing.

Announcements, Presentations and Public Hearings

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 201 CHANNING, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813- OWNER: CURTIS FLEWELLEN

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1807 W 3RD, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES - OWNER: VARGAS GALINDO

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of

Public Nuisance, at 500 NW 7TH, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES -
OWNER: JOANN TORRES

MOTION WAS MADE BY Mayor Pro Tem Ornelas to abate the above captioned property (500 NW 7th 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 McDonald to close the above captioned public hearings, 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 106 ALGERITA , BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020-
OWNER: PHILLIP DON LESLEY

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of
Public Nuisance, at 1601 HARDING, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 1 BK 1 AVION 525X150 441 BLK/TRACT 1 0.179 ACRES -
OWNER: VIRGINIA PEREZ AND ESTATE OF ROBERTO D. PEREZ

The above listed abatements were pulled from this agenda and will be considered at the next City Council Meeting on August 22, 2023.

City Manager's Report

City Manager's report on the following items:

- Large Item Pickup, District 2 - August 16, 2023
- Budget Work Sessions - August 14 - 18
- Blowout at the Bunkers - August 19, 2023
- Back to School Starting August 17, 2023

Todd Darden, City Manager, gave a brief update on the above captioned items.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of July 25, 2023.

Acknowledge Receipt of the Big Spring Economic Development Board Minutes for the Regular Meeting of May 16, 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 Sanitation Fund Budget for the Purpose of the Purchase of a Sanitation Truck; Providing for Severability; 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 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 07/28/23 \$ 356,862.92
Drafts \$ 669,337.90

Vouchers for 08/03/23 \$ 802,203.98

Mayor Pro Tem Ornelas reviewed all of the above listed vouchers.

MOTION WAS MADE BY Mayor Pro Tem Ornelas 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 an Ice Machine for the Airpark 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 JES Restaurant Equipment in the amount of \$5,022.00, 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

New Business

Consideration and Possible Action to Accept a Donation from Crossroad Housing to the Bert Andries Park Splash Pad

MOTION WAS MADE BY Council Member Hughes to accept the above captioned donation in the amount of \$30,000, 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

Discussion Regarding the Tax Rate for 2023-24 Fiscal Year

Sandy Smith, Finance Director, explained the 2023 property tax rate estimates received from the Howard County Tax Office and that the city is proposing to use the De Minimis Rate of \$0.670429. No action was necessary.

First Reading of an Ordinance Amending the Big Spring City Code Chapter 48, "Traffic and Vehicles," Article V, "Vehicle Impoundment," Section 48-157 "Impoundment and Redemption Fees," to Increase Administrative Fees on a Driver or Owner of Any Vehicle or Property Impounded Prior to the Release of the Vehicle from \$150.00 to \$250.00; and Article VI, "Tow Trucks," Section 48-206 "License and Permit Fees," by Reducing the Annual License Fee of Towing Companies Performing Nonconsent Tows to \$15.00; Providing for Repeal of Conflicting Ordinances; Providing for a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed Were Open to the Public as Required by Law; Providing for Publication; and Establishing an Effective Date

MOTION WAS MADE BY Mayor Moore 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 Airpark Fund Budget for the Purpose of Purchasing an Ice Machine; 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 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 a Resolution Amending Resolution 005-2023 and the Underlying Real Estate Purchase Agreement with 3-D Development, LLC to Replace the Right of Re-Entry with a Surety Bond; Providing for Repeal of Conflicting Resolutions; Finding and Determining that the Meetings at Which the Resolution Were Discussed Were Open to the Public as Required by Law; Providing a Savings and Severability Clause; and Establishing an Effective Date

MOTION WAS MADE BY Council Member Hughes 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 0
Tompkins, Council Member Smith**

NAYS: None

MOTION PASSED

Council Input

Input

Mayor Pro Tem Ornelas thanked Bubbles and Hayley for all their hard work on the water park - and the event last weekend. North Side Movement will have their End of Summer event on Saturday at Ryan Hall and thanked everyone for the generous donations.

Council Member Yanez wanted to remind her constituents of the large item pickup for District 2 and call City Hall to be put on the schedule. Crossroads Housing is sponsoring a Helping Hand Program to low income citizens and must fill out an application to be eligible. Contact her if anyone has any questions.

Council Member Tompkins expressed concerns with the amount of workload on legal and code enforcement and vendors that are keeping up with the abatements.

Council Member Smith wanted to clarify a statement that he made a couple of meetings back when he said that Council Member Hughes bought mattresses for the Fire

Stations and it was the North Side Movement. Also the North Side Movement has plenty of bikes and they need balls and gloves and plastic toys and anyone interested needs to reach out to Nati Saldivar.

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 v. Jake Tiner Construction, LLC (No. 54929).

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act: Section 551.071, Texas Government Code, to Receive Attorney Advice and Consultation; and 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: 406/408 Nolan Street, Big Spring, Texas, legal description, first parcel S/20' OF LT 2 & N/15' OF LT 3 BK 31 ORIGINAL TOWN 35X140 0536 ACQ 101409 0.112 ACRES. Legal description: second parcel: S/35' OF LT 3 BK 31 ORIGINAL TOWN 35X140 0537 ACQ 05312022 0.112 ACRES, Howard County.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to adjourn into the above captioned executive sessions at 6:21 p.m., 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

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

Reconvened into open session at 6:41 p.m.

MOTION WAS MADE BY Mayor Moore regarding the executive session on Jake Tiner Construction to settle the Tiner lawsuit for \$100,000.00 on condition that the City Manager approve the final settlement document, 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 Mayor Moore regarding the executive session on properties located at 406 & 408 Nolan Street authorizing the City Manager to sell the properties for the amount of the delinquent taxes along with any other fees associated with the sell, seconded by Council Member Hughes.

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

NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

Adjourn

Mayor Moore adjourned the City Council meeting at 6:46 p.m.



Robert H. Moore III, Mayor

ATTEST:



Tami L. Davis, City Secretary