

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 22, 2023, with the following members present in person:

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

Same and constituting a quorum, for which four Councilmembers must be present; and the following staff in person;

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
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

Joel Delagarza gave the invocation.

Pledge of Allegiance to the United States Flag and to the Texas State Flag

Mayor Moore led the pledge of allegiance to the United States Flag and to the Texas State Flag.

Public Comment

Public Comment

There were no public comments at this time.

Announcements, Presentations and Public Hearings

MOTION WAS MADE BY Mayor Moore to open the public hearings listed below, seconded by Council Member Smith.

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

NAYS: None

MOTION PASSED

Each public hearing listed below regarding the abatements were presented to the Council with an abatement order and pictures.

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

MOTION WAS MADE BY Council Member Smith to abate the above captioned property (201 Channing), seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

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

MOTION WAS MADE BY Mayor Pro Tem Ornelas to abate the above captioned property (1807 W. 3rd St.), seconded by Council Member Hughes.

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

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

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (106 Algerita), seconded by Council Member Smith.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

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

MOTION WAS MADE BY Mayor Pro Tem Ornelas to abate the above captioned property (1601 Harding), seconded by Council Member McDonald.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

MOTION WAS MADE BY Mayor Moore to close the above captioned public hearings, seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Update on Large Item Pickup, District 2
- City Holiday - September 4, Labor Day
- Board Members Needed - See Attached List

Todd Darden, City Manager, reported on the above captioned items as follows; Large item pickup picked up 6.4 tons; City holiday on September 4th in observance of labor day; Board members needed and a list is attached to the agenda; also work on fire hydrants is about to begin.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of August 8, 2023.

Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes of the Regular Meeting of July 24, 2023

Final 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

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 Purchasing an Ice Machine; Providing for Severability; Providing for Publication; and Providing an Effective Date

Final 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 Mayor Pro Tem Ornelas to approve the above captioned minutes, ordinances and resolution, seconded by Council Member Smith.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 08/10/23	\$	901,787.35
Vouchers for 08/17/23	\$	839,566.34
Drafts	\$	808,571.52

Council Member Yanez reviewed the above captioned vouchers.

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

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

New Business

Consideration and Possible Action of Placing a Proposal on the September 12, 2023 City Council Agenda to Adopt the De Minimis Tax Rate of \$0.670429.

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

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

Call for Public Hearing on the Proposed 2023-24 Annual Budget to be Held on Tuesday, September 12, 2023 at 5:30 p.m. in the City Council Chambers Located at 307 East 4th Street, Big Spring, TX

Call for Public Hearing on the Proposed Tax Rate to be Held on Tuesday, September 12, 2023 at 5:30 p.m. in the City Council Chambers Located at 307 East 4th Street, Big Spring, TX

MOTION WAS MADE BY Council Member Hughes to approve both of the above captioned calling for a public hearing (Annual Budget & Tax Rate), seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

First Reading of a Resolution Approving a Negotiated Settlement Between the Executive Committee of Cities Served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division Regarding the Company's 2023 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pensions and Retiree Medical Benefits; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause;

Declaring an Effective Date; and Requiring Delivery of this Resolution to the Company and the Cities' Legal Counsel

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

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

Consideration and Possible Action on Extending the Current Mutual of Omaha LTD Contract Aligning with Other Employee Benefits and Awarding a Renewal Date of January 1, 2024 for LTD Insurance to Mutual of Omaha and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Smith to approve the extension of the above captioned contract, seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 6

Mayor Pro Tem Ornelas, Council Member Smith, Council Member McDonald 0

NAYS: None

MOTION PASSED

Discussion and Possible Action Concerning the Howard County 911 Emergency Communications District to Cast One Vote or Two Votes to Remove One or Two Municipal Members from the Board of Managers, and to Cast One Vote or Two Votes to Appoint One or Two Municipal Members to the Board of Managers.

Current Members: Phil Witten & Debra Wallace

MOTION WAS MADE BY Mayor Moore to remove Phil Whitten and Debra Wallace from the Howard County 911 Emergency Communications District Board, seconded by Council Member McDonald.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 5

Council Member Smith, Council Member McDonald 1

NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

After a brief discussion, MOTION WAS MADE BY Council Member Tompkins to undo the above captioned vote to remove the two members, seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 5

Mayor Pro Tem Ornelas, Council Member McDonald 1

NAYS: Council Member Smith

MOTION PASSED

MOTION WAS MADE BY Mayor Moore to keep the two members (Phil Whitten & Debra Wallace) on the 911 Emergency Communications District Board, seconded by Council Member Smith.

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

MOTION PASSED

Council Input

Input

Mayor Pro Tem Ornelas thanked Mike Feeley and his staff for work on the Blow out at the Bunker event; Work on 3rd & 4th Streets will take 3 or 4 months; question on accumulated items and would like to see more of them back on the agenda. Council Member McDonald also thanked Mike Feeley for the Blow out at the Bunker event;

Adjourn

Mayor Moore adjourned the City Council Meeting at 6:19 p.m.



Robert H. Moore III, Mayor

ATTEST:



Tami L. Davis, City Secretary