CITY COUNCIL REGULAR AGENDA

Tuesday, October 10, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, October 10, 2023, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website http://mybigspring.com/224/Channel-17-Live.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.

Thank you!

Open Session

1. Call to Order — Moore
2. Invocation — Moore
3. Pledge of Allegiance to the United States Flag and to the Texas State Flag — Moore

Public Comment

Public Comment – Members of the public are entitled to speak on any topic. Additionally, members of the public may comment on any action item before or during its consideration. Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

4. **Public Comment**

City Manager's Report

5. City Manager's report on the following items: — Darden

- Large Item Pickup, District 4 - Oct. 18th
- Update on County Meeting

Consent Items

6.	Approval of the City Council Minutes of the Regular Meeting of September 26, 2023 and of the Two Special Meetings on October 2, 2023.	5-18	Davis
7.	Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Directors Minutes for the Regular Meeting of August 15, 2023	19-20	Mark Willis
8.	Final Reading of a Resolution Designating the Following as Nominees for the Position of Director on the Howard Central Appraisal District Board of Directors for the Years 2024 and 2025; and Providing for an Effective Date	21-23	Hagen
9.	Final Reading of a Resolution to Temporarily Amend the Personnel Policies of the City of Big Spring to Provide for a One-Time Retention Stipend of $1,500.00 to Employees Continuously Employed Between October 16, 2023 and October 20, 2023 to be Paid from Current Funds; and Finding and Determining that the Meetings at Which the Resolution were Discussed were Open to the Public as Required by Law; and Establishing an Effective Date	24	Medina

Vouchers

10.	Vouchers for 09/98/23	$	260,047.26	Hughes
11.	Vouchers for 10/05/23	$	1,242,379.13	McDonald
	Drafts	$	870,898.27	

Bids

12.	Consideration and Possible Action on Awarding a Bid for a 14 Yard Dump Truck and Authorizing the City Manager or His Designee to Execute Any Necessary Documents	25	Medina
13.	Consideration and Possible Action on Awarding a Bid for a Roll Off Truck and Authorizing the City Manager or His Designee to Execute any Necessary Documents	26	Medina
14.	Consideration and Possible Action on Awarding a Bid for the	27-28	Medina

Oak Glen Drive Asphalt Paving Project and Authorizing the City Manager or His Designee to Execute any Necessary Documents

New Business

15.	Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney.		Hagen
16.	Consideration and Possible Action of the Big Spring Economic Development Corporation Annual Report for 2023	29-43	Mark Willis
17.	Consideration and Possible Action to Accept a Donation from Invenergy (Gunsight Mountain) Wind Energy LLC to the Big Spring Fire Department	44	Holt
18.	Consideration and Possible Action Authorizing Event Funding Request from CVB for Oktoberfest	45-53	Lewis
19.	Consideration and Possible Action to Confirm City Manager's Appointment of Fire Chief		
20.	Consideration and Possible Action to Extend with Amendments the Real Estate Service Agreement with Texas Communities Group, LLC to September 30, 2024 and Authorizing the City Manager or His Designee to Execute any Necessary Documents	54-57	Hagen
21.	Consideration and Possible Action Regarding an Agreement with JustFOIA, Inc. for the Purchase of JustFOIA Software and Authorizing the City Manager or His Designee to Execute Any Necessary Documents	58	Hagen
22.	First Reading of an Ordinance Repealing Chapter 34, Section 34-5 "Attorneys Representing the State in Criminal Prosecutions," from the Big Spring City Code in Recognition of State Law Now Providing for an Attorney Pro Tem to be Appointed in the Event One is not Available in the Municipal Court, Providing for Repeal of Conflicting Ordinances; Providing for Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; and Establishing an Effective Date	59-61	Hagen

Council Input

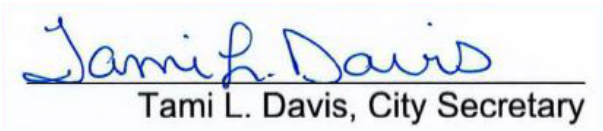
23.	Input		Moore

24. **Adjourn** Moore

The City Council reserves the right to meet in executive session on any agenda item should the need arise pursuant to Chapter 551, Subchapter D of the Texas Government Code, or the Texas Disciplinary Rules of Professional Conduct.

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and **Posted on Friday, October 6, 2023 at 5:00 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.


Tami L. Davis, City Secretary

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATION OR A HEARING IMPAIRED PERSON WISHING TO HAVE AN INTERPRETER SHOULD REQUEST SERVICES AT LEAST 48 HOURS PRIOR TO THE SCHEDULED MEETING BY CONTACTINGTAMI DAVIS AT 432-264-2513 OR EMAIL: TDAVIS@MYBIGSPRING.COM.

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, September 26, 2023, with the following members present in person:

COUNCIL MEMBER TROY TOMPKINS
COUNCIL MEMBER GLORIA MCDONALD
MAYOR ROBERT MOORE
COUNCIL MEMBER DIANE YANEZ
COUNCIL MEMBER CODY HUGHES
COUNCIL MEMBER MAURY SMITH
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
MANDY HAYNES	Municipal Judge

Open Session

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

Invocation
Trent Thrasher, 14th & Main Church of Christ, 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

One citizen (Mike Martin) spoke regarding concerns over a previous abatement located at 709 Pine St.

Announcements, Presentations and Public Hearings

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

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

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 Regarding a Possible One-Time Retention Stipend of $1,500.00 to be Paid to Employees from Current Funds for the Purpose of Promoting Employee Morale when Those Employees are Supervised Directly or Indirectly by the City Manager and are Continuously Employed from October 16, 2023 to October 20, 2023 John Medina, Assistant City Manager, explained the one-time retention stipend pay of $1,500.00 to each employee of the City of Big Spring.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 801 PINE ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: SC 26 BK 33 1N 51X280 109.04 ACQ 03292017 BLK/TRACT 33 1N 0.33 ACRES - OWNER: MARIA BURCIAGA

No action taken on the above captioned property.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 901 NW 2ND ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LTS 1-2 BK J MOORE IRR 85 ACQ 06232015 BLK/TRACT J 0.518 ACRES - OWNER: ROYAL BRAWLEY

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (901 NW 2nd St.), seconded by Council Member Smith.

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

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 506 N JOHNSON, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE 75X80 REAR 798 0.57 ACRES - OWNER: RUPERT BROWN

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (506 N. Johnson), seconded by Council Member Yanez.

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

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 509 NW 8TH, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5 BK 19 BAUER 50X140 530 BLK/TRACT 19 0.161 ACRES ACQ 01142019 - OWNER: DANY SOM

MOTION WAS MADE BY Council Member McDonald to abate the back structure at the above captioned property (509 NW 8th), seconded by Council Member Hughes.

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

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

MOTION PASSED

City Manager’s Report

City Manager's report on the following items:

- Update - Large Item Pickup, District 3
- Recognition of the Retirement of Michelle Sanchez in Code Enforcement

Todd Darden, City Manager, reported on the above captioned items as follows: District 3 large item pickup picked up 9 tons; Recognized the retirement of Michelle Sanchez and reminded everyone that many staff and council will be attending the TML Conference next week - Oct 4-6.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of September 12, 2023.

Final Reading of an Ordinance Due to Increased Costs of Operating the Water Utilities by Amending Chapter 50 of the Code of Ordinance Entitled "Utilities," Article iv Entitled "Utility Service Charges," Section 50-92 Entitled "Charges for Water Rate" Subsection B; Providing for Publication; and Providing an Effective Date

Final Reading of an Ordinance Directing the City Manager to Direct the Placement of Stop Signs for a Three-Way Stop at Coronado Avenue and Craigmont Drive, and Four-Way Stops at Crestline Road and Avondale Drive, and at Melrose Lane and Belvedere Road; Providing for the Penalty Under State Law; Providing for Severability; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by State Law; Providing for Publication; and Providing an Effective Date

Final Reading of an Ordinance Amending the Big Spring City Code, Article VI "Tow Trucks," Chapter 48 "Traffic and Vehicles," Section 48-206 "License and Permit Fees," to Increase the Annual License Fee of Towing Companies Performing Nonconsent Tows to $100.00 Per Year or "$200.00 Per Year for a Rotation Permit; 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 the Big Spring Zoning Ordinance Article 6 "District Regulation," Section 6-6 Districts and Permitted Uses, to 50% of the Total Lot Area that May be Covered by the Combined Area of the Main Buildings and Accessory Buildings for the Following Districts; A, Agriculture District, Currently 20%; SF-1, Single-Family Dwelling District, Currently 35%; SF-2, Single-Family Dwelling District, Currently 35%; SF-3, Single-Family Dwelling District, Currently 35%; 2F, Two-Family Dwelling District, Currently 40%; GR, General Residential District, Currently 45%; Providing for the 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; and Establishing an Effective Date

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

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

MOTION PASSED

Old Business

Final Reading of an Ordinance Fixing and Levying Municipal Ad Valorem Taxes for Said City for the Year 2023; Directing the Assessment and Collection Thereof; Providing for Severability; and Establishing an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance and adopt the No-New-Revenue Tax Rate of $0.636039, seconded by Council Member Smith.

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

MOTION PASSED

Final Reading of an Ordinance Approving and Adopting an Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; 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 Mayor Pro Tem Ornelas.

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

MOTION PASSED

Vouchers

Vouchers for 09/15/23	$	481,949.07
Vouchers for 09/21/23	$	321,814.52
Drafts	$	1,066,681.08

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

NAYS: None

MOTION PASSED

Bids

Consideration and Possible Action on Awarding a Bid for the Fire Hydrants Replacement 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 Double K Construction for a total amount of $95,800.00, seconded by Council Member Smith.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for the Wastewater SCADA Improvements Project 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 James Cooke & Hobson, Inc. for a total amount of $191,095.00, seconded by Council Member Smith.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for Birdwell Lift Station 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 Texas Water & Soil Co. in the amount of $2,237,453.00, seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action of Awarding a Stop Loss Agreement with Sun Life 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 Stop Loss Agreement to Sun Life, seconded by Council Member Yanez.

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

MOTION PASSED

New Business

Consideration and Possible Action Regarding the Big Spring Economic Development Corporation's Annual Budget for 2023-2024

Mark Willis, Executive Director, presented to the Council the above captioned budget.

After a brief discussion, MOTION WAS MADE BY Council Member Hughes to approve the above captioned budget, seconded by Council Member Tompkins.

YEAS: Council Member Hughes, Council Member Tompkins, Council Member McDonald **3**
NAYS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Smith, Council Member Yanez **4**

MOTION FAILED

Consideration and Possible Action Regarding the Howard County 9-1-1 Communications District's Proposed Budget for 2023-2024

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

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

MOTION PASSED

Consideration and Possible Action Granting the Fire Department Permission to Apply for the Assistance to Firefighters Grant (AFG)

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

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

MOTION PASSED

First Reading of a Resolution Designating the Following as Nominees for the Position of Director on the Howard Central Appraisal District Board of Directors for the Years 2024

and 2025; and Providing for an Effective Date

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

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

MOTION PASSED

First Reading of a Resolution to Temporarily Amend the Personnel Policies of the City of Big Spring to Provide for a One-Time Retention Stipend of $1,500.00 to Employees Continuously Employed Between October 16, 2023 and October 20, 2023 to be Paid from Current Funds; and Finding and Determining that the Meetings at Which the Resolution were Discussed were Open to the Public as Required by Law; and Establishing an Effective Date

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

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

MOTION PASSED

Consideration and Possible Action Regarding Two Engineering Agreements for Fire Hydrant Replacement Project and Oak Glen Drive Paving Project and Authorizing the City Manager or His Designee to Execute Any Necessary Documents

MOTION WAS MADE BY Council Member Hughes to approve the below listed agreements, seconded by Council Member McDonald.

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

MOTION PASSED

Fire Hydrant Replacement Project

Oak Glen Paving Project

Boards and Committees

Consideration and Possible Action on the Below Listed Board Members as Follows:

MOTION WAS MADE BY Mayor Moore to appoint and reappoint the below listed board members, seconded by Council Member Smith.

YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, **7**

Mayor Pro Tem Ornelas, Council Member Smith, Council Member Yanez, Council Member McDonald **0**
NAYS: None

MOTION PASSED

McMahon/Wrinkle Aviation Advisory Board
Johnathan Ray - Reappoint - Dist. One
Joseph Harrison - Removal - Dist. Four
Shane Schaffner - Appoint - Dist. Four

Zoning Board of Adjustments
Debbie Ramirez - Reappoint - Dist. One
Carrie Rodman - Reappoint - Dist. Three

Zoning Board of Adjustments - Alternates
Maria Padilla - Reappoint - Dist. One

Animal Rescue & Adoption Committee
Amanda Williams - Reappoint - Dist. One
Brittany Hankins - Reappoint - Dist. Five

Big Spring Economic Development Corporation
Cody Williams - Reappoint - Dist. One

Council Input

Input
Council Member Tompkins corrected a statement he made earlier to a citizen about raises for employees.

Executive Session
MOTION WAS MADE BY Mayor Moore to adjourn into executive session at 7:00 p.m., seconded by Council Member Tompkins.
YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, Mayor Pro Tem Ornelas, Council Member Smith, Council Member Yanez, Council Member McDonald **7** **0**
NAYS: None

MOTION PASSED

Adjourn into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Employment of the following:

- City Manager

- Fire Chief

7:00

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meeting 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 Potential Litagation

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meeting Act, Section 551.087, Texas Government Code, "Deliberation Regarding Economic Development Negotiations; Closed Meeting" to Discuss and Deliberate Economic Development Negotiations

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

Mayor Moore reconvened into open session at 8:20 p.m.

MOTION WAS MADE BY Mayor Moore to approve the amendments to the City Manager's contract as discussed in executive session, seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

No action was taken on any of the other above listed executive session items.

Adourn

Mayor Moore adjourned the City Council meeting at 8:23 p.m.

_____

Robert H. Moore III, Mayor

ATTEST:

_____

Tami L. Davis, City Secretary

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a Special Agenda in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 1:00 PM, October 2, 2023, with the following members present in person:

COUNCIL MEMBER TROY TOMPKINS
COUNCIL MEMBER CODY HUGHES
MAYOR ROBERT MOORE
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
SANDY SMITH	Finance Director
TAMI DAVIS	City Secretary

Open Session

Call to Order
Mayor Moore called the special council meeting to order at 1:00 p.m.
Mayor Moore gave the invocation.

Old Business

Consideration and Possible Action Regarding the Big Spring Economic Development Corporation's Annual Budget for 2023-2024
Raul Benavides, President of the Big Spring Economic Development Board of Directors, provided new information regarding the EDC Budget for FY 23-24 and updated the Council of some changes the Big Spring Economic Board made to their budget as follows: Took out the $50,000.00 for a new sign infront of their building; and changed the EDC Directors compensation increase to a performance incentive.

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned budget, seconded by None.

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

Motion dies due to lack of second.

Mr. Benavides asks for some direction from the council for their board to consider.

Mayor Moore expressed some of his concerns regarding the budget that was presented to the council which included a 15% raise to the associate director of the Big Spring Economic Development Corporation.
Mayor Pro Tem expressed the same concerns as Mayor and to consider the one time stipend pay as the City of Big Spring employees.
Council Member Hughes agrees with giving the Economic Development Director a 15% raise as a performance incentive.

After a brief discussion, Council Member Hughes recommended that the EDC Board bring back to council the same budget as last year with no raises.

Executive Session

Adjourn into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Employment, Evaluation, or Duties of the Following: Employees of Big Spring Economic Development Corporation, Including the Director
There was no execuive session at this time.

Reconvene Into Open Session

Adjourn
Mayor Moore adjourned the special city council meeting at 1:51 p.m.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a Special Agenda in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:00 PM, October 2, 2023, with the following members present in person:

COUNCIL MEMBER CODY HUGHES
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER DIANE YANEZ
COUNCIL MEMBER MAURY SMITH
MAYOR ROBERT MOORE

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
SANDY SMITH	Finance Director
TAMI DAVIS	City Secretary

Open Session

Call to Order
Mayor Moore called the special city council meeting to order at 5:00 p.m.

Old Business

Consideration and Possible Action Regarding the Big Spring Economic Development Corporation's Annual Budget for 2023-2024

Mr. Benavides, President of the Big Spring Economic Development Board of Directors, updated the Council on the changes they made on the Big Spring Economic Development Budget.

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

YEAS: Mayor Moore, Council Member Hughes, Mayor Pro Tem Ornelas, Council Member Smith, Council Member Yanez **5**
NAYS: None **0**

MOTION PASSED

Executive Session

Adjourn into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Employment, Evaluation, or Duties of the Following: Employees of Big Spring Economic Development Corporation, Including the Director
There was no executive session at this time.

Reconvene into Open Session

Adjourn
Mayor Moore adjourned the special city council meeting at 5:05 p.m.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, August 15, 2023, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:15 p.m. Tuesday, August 15, 2023, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on August 11, 2023, to all Directors, the news media, and duly posted on August 11, 2023, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, August 15, 2023, at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is; Public Comment, Action on Minutes of the July 24, 2023, Regular Meeting, Action to Approve July Investment and Financials Report, Consideration/Action to Approve a Resolution adopting the 2023-2024 Investment Policy, Action to Approve Authorized Security Broker/Dealer, Action to Approve a Corporate Resolution for Authorized Representative for Financial Institutions, Action to Approve 2023-2024 Goals, Directors Report, Executive Session, Action as a Result of Executive Session, Action to Approve 2023-2024 Annual Budget, Board Comment, and Adjourn".

Directors Present:

Mr. Raul Benavides- President
Mr. Cody Williams- Vice President
Ms. Anna Scott - Secretary/Treasurer
Mr. Kevin Armstrong

Directors Absent:

Staff Present:

Mr. Mark Willis
Ms. Teresa Morris

Guests that signed in: Andrew Hagen

AGENDA ITEM #1 – Call to Order/Invocation and Pledge:
Mr. Benavides called the meeting to order at 5:15 p.m. Mr. Benavides led the invocation and pledge.

ACTION ITEM #2- Public Comment:
None

AGENDA ITEM #3- Action on Minutes of the July 24, 2023, Regular Meeting:
Mr. Benavides presented the Minutes. Motion to accept the Minutes was made by Mr. Williams seconded by Mr. Armstrong. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #4- Action to Approve July Investment & Financial Report:
Ms. Scott presented the Financials and Investment Report. Motion to approve the Investment & Financial Report was made by Mr. Williams seconded by Ms. Scott. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Consideration/Action to Approve a Resolution adopting the 2023-2024 Investment Policy:
Mr. Willis presented the Resolution. Motion to approve the Resolution was made by Ms. Scott seconded by Mr. Williams. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Consideration/Action to Approve Authorized Security Broker/Dealer:
Mr. Willis presented the Authorized Security Broker/Dealer. Motion to approve Authorized Security Broker/Dealer was made by Mr. Armstrong, seconded by Mr. Williams. The motion passed 4 to 0 voting "aye" in favor of the motion.

ACTION ITEM #7- Consideration/Action to Approve a Corporate Resolution for Authorized Representative for Financial Institutions:
Mr. Willis presented the Resolution. Motion to approve the Resolution was made by Mr. Williams, seconded by Mr. Armstrong. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #8- Consideration/Action to Approve 2023-2024 Goals:
Mr. Willis presented the Goals. Motion to approve the Goals was made by Ms. Scott, seconded by Mr. Williams. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #9- Directors Report:
Projects: Cross Ell contract has been reviewed by the parties and is in the process of being edited for minor language issues. It is taking longer than expected, but it should be ready for approval by the EDC Board in September and the City Council in October. The 381 Agreement with the County for a $100M data center project is being reviewed by the company. The company has also requested additional assistance from the EDC that will be addressed later this month. The former Ramada Inn/Prison and Chick-Fil-A projects are proceeding. The EDC continues talks with 2 companies interested in the EDC property east of town to lease or purchase the property. The EDC is preparing to present a battery storage project incentive request to the County. EDC staff are attempting to work with a local company being displaced to locate a suitable new location in the city or in the County. Staff continue to work with the Airpark and Big Spring Rail on several potential projects. Meetings include Monthly radio interview, City staff meeting, City Council meeting, County Commissioners workshop, High Ground Board of Directors planning meeting, and next board meeting will be held September 25th.

ACTION ITEM #10- Adjourn into Executive Session in Accordance with Texas Government Code, Section 551.087 to Discuss or Deliberate Prospect Activity and in accordance with Texas Government Code, Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Mr. Benavides adjourned the Board into Executive Session @ 5:36 pm., August 15, 2023
Mr. Benavides called the Executive Session to order at 5:37 pm., August 15, 2023
Mr. Benavides adjourned out of executive session at 6:15 pm., August 15, 2023
Mr. Benavides reconvened into open session at 6:18 pm., August 15, 2023

AGENDA ITEM #11- Action as a Result of Executive Session:
Motion to authorize the Executive Director to negotiate real estate terms was made by Mr. Williams, seconded by Mr. Armstrong. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #12- Approval of 2023-2024 Annual Budget:
Mr. Armstrong made a motion to Approve the 2023-2024 Annual Budget as amended, seconded by Williams. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #13-Board Comments: None

AGENDA ITEM #14- Adjourn:
Ms. Scott made a motion to adjourn, seconded by Mr. Armstrong
The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.
The meeting adjourned at 6:24 pm on August 15, 2023.

Mr. Raul Benavides, President

ATTEST:

Ms. Anna Scott, Secretary/Treasurer

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, DESIGNATING THE FOLLOWING AS NOMINEES FOR THE POSITION OF DIRECTOR ON THE HOWARD CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEARS 2024 AND 2025; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Texas Property Tax Code 6.03(a) allows tax jurisdictions to nominate up to five people to serve on the Board of Directors of the Howard Central Appraisal District for a term of office of two years beginning January 1, 2024; and

WHEREAS, Texas Tax Code Section 6.03(g) requires the nomination(s) to Joint Tax Appraisal District Board of Directors be made by a resolution and submitted to the Tax Appraiser no later than October 15th;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. The City Council of the City of Big Spring does hereby nominate the following person(s) to serve on the Board of Directors of the Howard Central Appraisal District for a term of office of two years beginning January 1, 2024;

1. **Jordan Partee**
2. _____
3. _____
4. _____
5. _____

SECTION 2. This resolution shall be in force and effect from and after its final passage, and it to so resolved.

PASSED AND APPROVED on a first reading at a regular meeting of the City Council on the **26th** day of **September**, **2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **10th** day of **October**, **2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

HOWARD CENTRAL APPRAISAL DISTRICT

Clarissa Teichman, RPA
Chief Appraiser

September 5, 2023

It is time for the tax units of Howard County to elect members to the Appraisal District's Board of Directors. As the election administrator for this process, I must notify you of the timetable, each tax unit's votes based on the 2022 tax levies, and give your tax unit the right to nominate a member or members to the board. Please see that this is passed on to your Presiding Officer-a requirement of law.

Per state law, we have five members of the Board of Directors. There are no staggered terms, so all board member positions are up for election. Your tax unit has the right to nominate, by resolution of your governing body, up to five people. There is no requirement for you to nominate anyone if you do not want to do so. Any person living in Howard County and who has been a resident of this county for the past two years is eligible to serve. Employees of tax units other than elected officials are not eligible for board service.

The members of the current Board are not automatically nominated so if your tax unit wishes to re-nominate them, please feel free to do so or nominate anyone else that you wish. The board members who are willing to continue to serve are:

Scott Emerson
Craig Wyrick
Michael Dawson
Noel Hoff
Jordan Partee

The nominations should be returned to me at the appraisal district address by October 15, 2023. I will prepare a ballot and return it to your tax unit. Your tax unit will then be able to cast votes for as many nominees as they wish or cast all votes for a single nominee. The actual vote must be done by resolution of your tax unit in an open meeting between October 31 and December 15. The resolution should be returned to me as soon as it is completed. The successful board members will be announced by December 20 and will be sworn in at the first meeting in 2024.

I have enclosed a resolution that you may use for the nominations process. If you have any questions about the elections process, feel free to contact me.

Thank You,

Clarissa Teichman, Chief Appraiser

(432) 263-8301 *www.howardcad.org* Fax (432) 263-8303
P.O. Drawer 1151---315 Main Street---Big Spring, Texas 79721-1151

2024 Calculation of Votes for Board of Directors Election

Tax Unit	2022 Levy-Hood Co.	Levy % for Appraisal	Vote Allocation
Howard County	$ 20,725,997	0.1646	$ 823
Howard College	$ 14,608,290	0.1160	$ 580
Big Spring City	$ 8,555,513	0.0679	$ 340
Coahoma City	$ 225,225	0.0018	$ 9
Forsan City	$ 24,079	0.0002	$ 1
Big Spring ISD	$ 37,737,790	0.2997	$ 1,499
Coahoma ISD	$ 13,281,590	0.1055	$ 527
Forsan ISD	$ 8,891,752	0.0706	$ 353
Permian UWD	$ 129,734	0.0010	$ 5
Sands ISD	$ 17,246,579	0.1370	$ 685
Borden County ISD	$ 1,977,898	0.0157	$ 79
Stanton ISD	$ 2,505,877	0.0199	$ 100
	$ 125,910,324	1.0000	$ 5,000

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS TO TEMPORARILY AMEND THE PERSONNEL POLICIES OF THE CITY OF BIG SPRING TO PROVIDE FOR A ONE-TIME RETENTION STIPEND OF $1,500.00 TO EMPLOYEES CONTINUOUSLY EMPLOYED BETWEEN OCTOBER 16, 2023 AND OCTOBER 20, 2023 TO BE PAID FROM CURRENT FUNDS; AND FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE RESOLUTION WERE DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Council finds that promoting the morale of City of Big Spring employees is in the public interest and that a one-time payment of $1,500.00 to each employee from current funds in the form of a retention stipend is appropriate to this end;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS:

SECTION 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

SECTION 2. The Personnel Policies of the City of Big Spring are hereby temporarily amended to provide for a one-time retention stipend of $1,500.00 to be paid to each employee of the City of Big Spring who is continuously employed by the City of Big Spring from 8:00 am, Monday October 16, 2023 until 5:00 pm, Friday October 20, 2023, except this shall not apply to the City Manager, the City Attorney, the Presiding Municipal Court Judge, or the Associate Municipal Court Judge.

SECTION 3. It is hereby officially found and determined that the meetings at which this Resolution was adopted were open to the public and that public notice of the time, place and purpose of said meetings were given as required by law.

SECTION 4. This Resolution shall become effective immediately.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **26th** day of **September, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **10th** day of **October, 2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

City of Big Spring
Purchasing and Material Control
Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Supervisor

Date: October 4, 2023

Subject: Request approval to purchase 1- 14 yard, 2025 Year model, Peterbilt dump truck

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On Thursday, September 7, 2023, at the request of the public works director, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)-2025 14 yard, Peterbilt dump truck. The Purchasing department received a quote in the amount of $192,475.53 for the dump truck. The submitted quote is from Rush Truck Center of Odessa, TX. The submitted quote is a Buyboard Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, , city staff would like to respectfully request that the Council accept the formal quote from Rush Truck Center and proceed with the purchase. Another key factor, due to the uncertainty in the supply chain, many vendors are now quoting 2025-year models.

Note: It is also important to note that the quoted dump truck would be available early January 2024. This item has an approved budget of $210,000. That would be a difference of $17,524.47.

City of Big Spring
Purchasing and Material Control
Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Supervisor

Date: October 4, 2023

Subject: Request approval to purchase 1- 2025 Year model, Peterbilt roll off truck

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On Thursday, September 19, 2023, at the request of the city's Sanitation Department, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)-2025 Peterbilt roll off truck. The Purchasing department received a quote in the amount of $269,795.26 for the roll off truck. The submitted quote is from Rush Truck Center of Odessa, TX. The submitted quote is a Buyboard Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, city staff would like to respectfully request that the Council accept the formal quote from Rush Truck Center and proceed with the purchase. Another key factor, due to the uncertainty in the supply chain, many vendors are now quoting 2025-year models.

Note: It is also important to note that the quoted roll off truck would be available early January 2024. This item has an approved budget of $300,000. That would be a difference of $30,204.74.

JACOB MARTIN

INTEGRITY
EXCELLENCE
TRUST

October 3, 2023

Mr. Todd Darden
City Manager
City of Big Spring
310 Nolan Street
Big Spring, Texas 79720

RE: Oak Glen Drive Asphalt Paving
Letter of Recommendation for Award

Sent: Via Email

Dear Mr. Darden:

On October 3, 2023, the City of Big Spring received bids for the Oak Glen Drive Asphalt Paving project. Two bids were received for this project. A bid tabulation sheet summarizing the bids is included as an attachment to this letter. The total base bid was $65,123.43 submitted by Permian Paving, Inc. of Midland, Texas. Jacob and Martin has evaluated the bid for conformity with the advertisement for bids and checked the references of the bidder. Based on our evaluation of the bid, it is recommended that the contract be awarded to Permian Paving, Inc. for the total amount of $65,123.43. If the City Council agrees with the recommendation for award, Jacob and Martin will prepare contract documents for execution by the Contractor and the City. Feel free to contact me if you have any questions.

Sincerely,

Kirt Harle, P.E.

JACOB | MARTIN

City of Big Spring
Oak Glen Drive Asphalt Paving
Bid Date: October 3, 2023
JM Project Number: 23430
Local Funding

JACOB MARTIN
Abilene, Texas

Bid Tabulation

Engineer: Jacob & Martin, LLC
Abilene, Texas

		Permian Paving, Inc.		Danny's Asphalt Paving, Inc.	
For all Labor, Materials, Equipment, and Incidentals to Furnish and Install the Following:		4009 SCR 1232		12820 TX-191 Frontage	
		Midland, Texas 79706		Midland, Texas 79707	
		Total		**Total**	
TOTAL BASE BID		**$ 65,123.43**		**$ 72,823.75**	

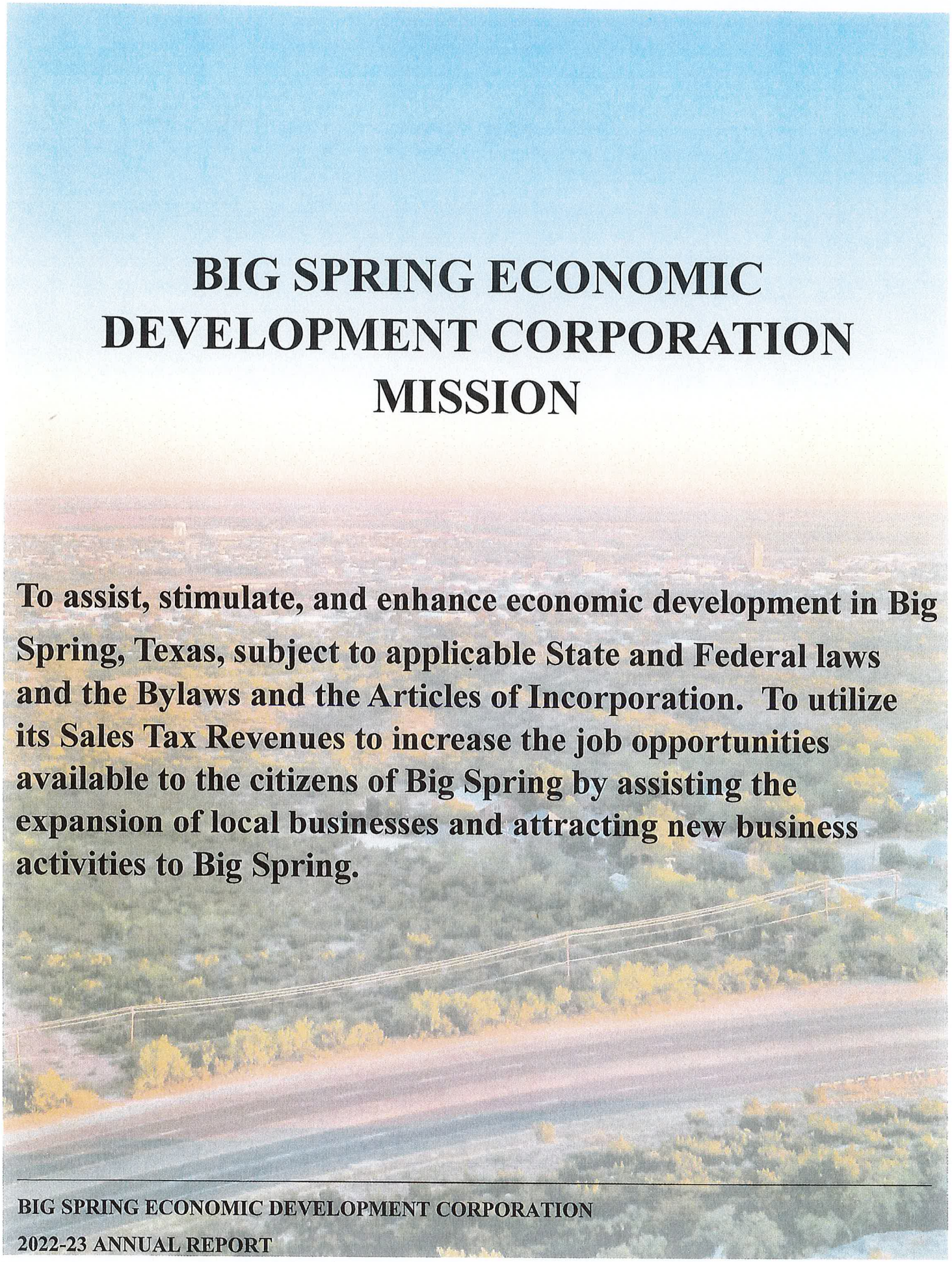
JM TBPE Firm # 2448
JM TBAE Firm # BR2261
JM TBPLS Firm # 10194493

Rich History | Big Possibilities

Big Spring Texas

ECONOMIC DEVELOPMENT

2022-2023 ANNUAL REPORT



BIG SPRING ECONOMIC DEVELOPMENT CORPORATION MISSION

To assist, stimulate, and enhance economic development in Big Spring, Texas, subject to applicable State and Federal laws and the Bylaws and the Articles of Incorporation. To utilize its Sales Tax Revenues to increase the job opportunities available to the citizens of Big Spring by assisting the expansion of local businesses and attracting new business activities to Big Spring.

LETTER FROM THE EXECUTIVE DIRECTOR

Coming to the end of our fiscal year at the Big Spring Economic Development Corporation, we are pleased with the progress over the past year.

Retail projects continue to develop. Chick-fil-A is set to open soon, the new travel center is making progress, the Tesla charging stations are open, and Harbor Freight is now open in the Spring Creek Plaza. Other retailers have also opened in the city indicating a growing optimism for Big Spring's future.

Within the County several large projects are working their way through the system that will add to the County and individual school system's tax base. Though not large job-creating projects the total capital investments associated with them could total over $200 million.

The Crossroads Business Park infrastructure construction is taking longer to get started than most of us had hoped. Part of that longer timeline has to do with the documentation and reporting requirements associated with federal grants. The $3.2 million EDA grant is critical to the project and the process is what it is. Additionally, there are a lot of moving parts involved locally with landowner agreements, annexation, zoning and establishing a Tax Increment Reinvestment Zone (TIRZ) to help fund the additional infrastructure that will be needed as the park develops. All the steps are moving forward, and we don't foresee any issues, but each one takes time, and they must be addressed in order.

We see the park as being a driving force for economic development in Big Spring for the next 20 years and beyond, as it can be expanded as sections are filled in. Already, there is an opportunity to add over 100 acres to the now approximately 420-acre park even as the infrastructure is being put into place. The EDC is getting the news about the park out to companies, and its potential at the location where two Interstates will cross and it is already drawing interest, particularly from warehouse and distribution companies.

Add to that the growing interest in the airpark itself bodes well for the future. At its core, the development planning and cooperation between all the entities throughout Howard County is why we are beginning to see significant economic success.

MARK WILLIS CEcD, MBA

EXECUTIVE DIRECTOR

STAFF MEMEBERS

2022-2023

BOARD OF DIRECTORS

Mr. Raul Benavides	**President**
Mr. Cody Williams	**Vice President**
Ms. Anna Scott	**Secretary/Treasurer**
Mr. Kevin Armstrong	**Board Member**

MARK WILLIS CEcD, MBA
EXECUTIVE DIRECTOR

TERESA MORRIS
ASSOCIATE DIRECTOR

BIG SPRING EDC 2022-2023 IMPACT

- IN COOPERATION WITH THE CITY, FACILITATED THE LOCATION AND COST BENEFIT ANALYSIS OF A CHICK-FIL-A RESTAURANT

- CLOSLEY WORKING WITH THE CITY TO HELP TESLA TO LOCATE CHARGING STATIONS ADJACENT TO PORTERS.

- WORKED WITH CITY STAFF TO RECURIT A NEW TRAVEL CENTER, REPLACING THE OLD INTERSTATE PRISON

- CONTINUE TO COORDINATE DEVELOPMENT OF THE CROSS ROADS INDUSTRIAL PARK WEST OF THE AIRPORT

- WORKING WITH SEVERAL WAREHOUSE AND DISTRIBUTION PROSPECTS DIRECTLY RELATED TO THE NEW RELIEVER ROUTE AND 2 NEW ACCESS ROADS

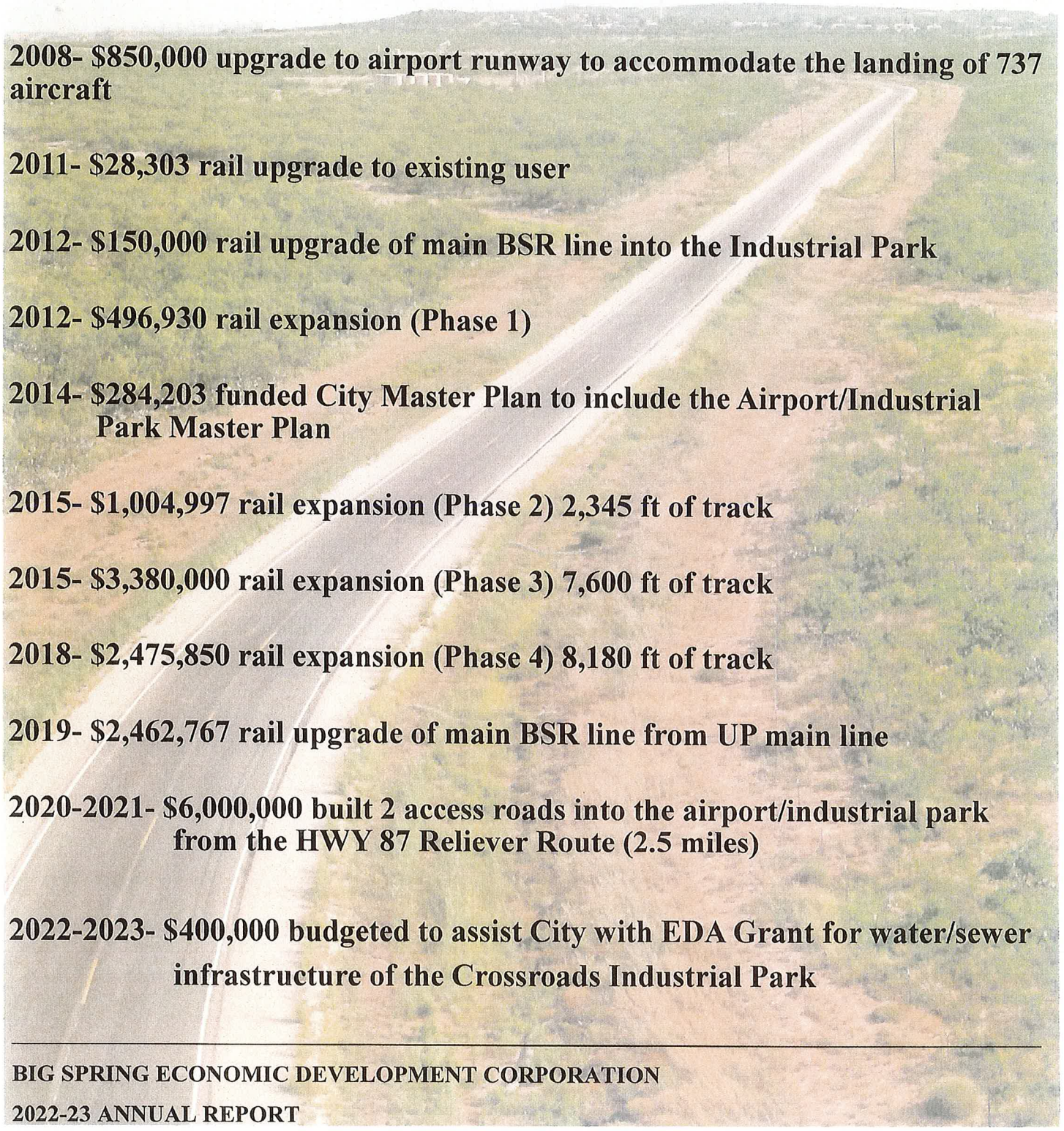
- CONTINUE TO WORK TO RETAIN, EXPAND AND ATTRACT BUSINESS TO THE MCMAHON/WRINKLE AIRPORT AND INDUSTRIAL PARK

- FACILITATED PROPERTY SEARCHES WITH SEVERAL RETAIL VENTURES

- WORKED WITH THE COUNTY ON REINVESTMENT ZONES AND TWO 381 AGREEMENTS FOR PROJECTS LOCATED IN THE COUNTY

BIG SPRING EDC IMPACT

The following is a list of Airport/Industrial Park and Crossroads Industrial Park infrastructure rehabilitation and additions the EDC has accomplished since 2008:



2008- $850,000 upgrade to airport runway to accommodate the landing of 737 aircraft

2011- $28,303 rail upgrade to existing user

2012- $150,000 rail upgrade of main BSR line into the Industrial Park

2012- $496,930 rail expansion (Phase 1)

2014- $284,203 funded City Master Plan to include the Airport/Industrial Park Master Plan

2015- $1,004,997 rail expansion (Phase 2) 2,345 ft of track

2015- $3,380,000 rail expansion (Phase 3) 7,600 ft of track

2018- $2,475,850 rail expansion (Phase 4) 8,180 ft of track

2019- $2,462,767 rail upgrade of main BSR line from UP main line

2020-2021- $6,000,000 built 2 access roads into the airport/industrial park from the HWY 87 Reliever Route (2.5 miles)

2022-2023- $400,000 budgeted to assist City with EDA Grant for water/sewer infrastructure of the Crossroads Industrial Park

PROSPECT ACTIVITY

In 2022-2023 Big Spring EDC has been in contact with numerous prospects. These prospects consisted of a wide range of diverse industries to include oil and gas, solar and wind energy, chemicals, technology, various types of manufacturing, retail and warehousing and distribution centers.

Big Spring Economic Development was also involved in the following local, regional and state organizations and marketing initiatives that are conducive to improving and marketing our community:

Community Involvement	Associations	Recruiting Efforts & Trade Shows
McMahon/Wrinkle Airport/Industrial Park Board	TEDC and Team Texas	Cornet
County Group	High Ground	FABTECH
Big Spring Area Chamber of Commerce	Ports to Plains Alliance	IAMC
City of Big Spring Staff and Council Meetings	IEDC	Team Texas
Greater Big Spring Rotary	IAMC	Select USA Summit
Keep Big Spring Beautiful	Select USA	High Ground
	TXConnection	ICSC
	SEDC	

In 2022-2023, Big Spring EDC has attended over 135 meetings for Community Involvement, Associations & Trade Shows

SALES TAX

	2018-2019	2019-2020	2020-2021	2021-2022	% Change	2022-2023	% Change	YTD Change
October	$206,760.73	$231,518.79	$179,797.00	$181,959.60	1.20%	$257,073.69	41.28%	41.28%
November	$214,143.05	$197,152.16	$170,444.40	$201,359.73	18.14%	$253,354.93	25.82%	33.16%
December	$295,198.83	$256,044.09	$244,488.79	$244,486.85	0.00%	$414,710.55	69.62%	47.36%
January	$202,253.67	$196,672.65	$180,327.86	$187,754.81	4.12%	$223,206.35	18.88%	40.80%
February	$212,810.48	$178,663.65	$157,105.71	$181,059.49	15.25%	$242,958.12	27.03%	38.30%
March	$239,574.36	$225,332.06	$274,733.50	$248,646.66	-9.50%	$306,214.65	23.15%	36.32%
April	$231,311.59	$177,817.34	$331,547.21	$241,868.35	-27.05%	$229,524.95	-5.10%	29.58%
May	$193,767.87	$200,654.40	$206,120.73	$208,069.34	0.95%	$259,271.51	24.61%	28.97%
June	$249,482.53	$207,018.37	$250,667.23	$277,939.38	10.88%	$271,506.76	-2.31%	24.56%
July	$207,769.49	$177,031.35	$199,397.24	$256,815.98	28.80%	$244,256.09	-4.89%	21.17%
August	$217,112.72	$162,991.89	$217,901.93	$268,439.19	23.19%			
September	$235,306.82	$232,967.88	$249,464.94	$276,166.39	10.70%			
Annual Total	$2,705,492.14	$2,443,864.63	$2,661,996.54	$2,774,565.77	8.93%	$2,702,077.60		

PORTS-TO-PLAINS
TRADE CORRIDOR

Securing the Benefits of Trade to
North America's Energy & Agricultural Heartland

Big Spring Economic Development is excited to be part of the

Ports-to-Plains Alliance. The Ports-to-Plains Trade Corridor Coalitions is, above all, a network of people who share the same interest in the

robust, sustainable growth of jobs and investment throughout the 9-state Ports-to-Plains corridor. Thanks to that network, and its geographic alignment between the Texas and western Canada's oil patch, the

Ports-to-Plains Trade Corridor is increasingly recognized as an important economic development resource for business leaders throughout North America's energy and agricultural heartland.

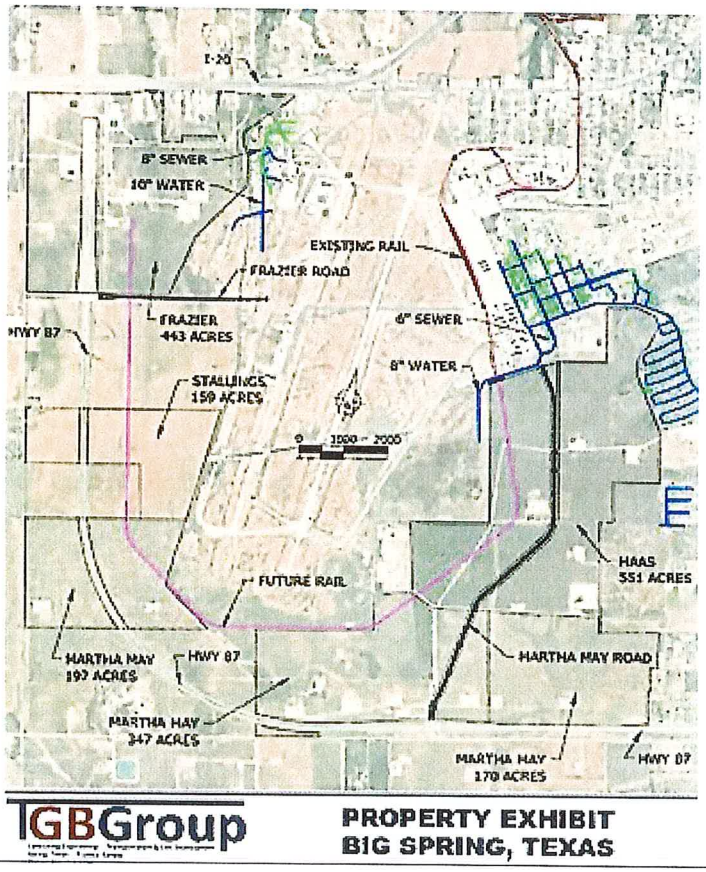
In addition to domestic movement of goods along the existing highways, the corridors service major international border crossings including Del Rio, Eagle Pass and Laredo between Texas and Mexico, and Sweetgrass/Coutts, Wild Horse and Raymond/Regway between Montana and Canada and Portal/North Portal between North Dakota and Canada.

On March 15, 2022 President Biden signed legislation into law designating the Texas and New Mexico portions of the Ports-to-Plains Corridor as a future Interstate 27. This bill was presented by Rep. Jodey C. Arrington (TX-19) and Rep. Henry Cuellar (TX-28)

The Ports-to-Plains region services a **4,950-plus mile economic development corridor** of existing highways stretching from the port at Mazatlán, Sinaloa, Mexico to northern Alberta.

CROSS ROADS INDUSTRIAL PARK

For over 30 years the development vision for the community has been west of town with the idea of a reliever route that would divert and relieve truck traffic from inside the city. With the many renovations and improvements that the EDC has made over the last several years, it was imperative to continue the growth to the west for the best economic impact to the community. With that, the EDC Board of Directors found it necessary to collaborate with the City of Big Spring and the property owner of 420 acres, in applying for an EDA Grant that would allow for extension of infrastructure to the property between the reliever route and the McMahon/Wrinkle Airport and Industrial Park. This development is envisioned to become a transportation and distribution hub for West Texas because of the central location and being set at the crossroads of I-20 and I-27. This is anticipated to benefit city resources for the next 30 years in regards to creating primary job.



FACILITATION

Coach and consult with business people in managing, operating, and financing small businesses at *no cost* to Howard County residents. From October 2022-Current Leading EDG has meet with 16 clients, 5 of those were new clients.

Startup Businesses

Talk through details of the business idea

Work up financial projections

Walk through the steps of opening a business in Texas:

Secretary of State, County Clerk, State Comptroller,

IRS, Texas Workforce Commission, Permits and Licensing

Provide market research and demographic studies

Educate on financial management tools

Educate on sales and marketing strategy

Educate on available loan programs and HUB certification

LEADING | EDG

growing communities one business at a time.

Existing Businesses

Accounting systems

Non disclosure agreements

Help set pricing

Sales and marketing plans

Launch new products

Business plan and financial projections for lenders

Valuation of the business

Steps to bid on government contracts

Set up online business

Help build proposals for clients to approach EDC for incentives

181 clients have been seen from October 2011-September 2023

ANALYTICS

ENVIRONICS

ANALYTICS

SPOTLIGHT

Pop-Facts® Demographics | Summary

claritas

Trade Area: Big Spring, TX (city)

Population		
2010 Census		
2020 Census	26,736	100.00
2023 Estimate	26,144	100.00
2028 Projection	25,206	100.00
Population Growth	24,594	100.00
Percent Change: 2010 to 2020		
Percent Change: 2020 to 2023	--	-2.21
Percent Change: 2023 to 2028	--	-3.59
	--	-2.42

Households		
2010 Census		
2020 Census	8,164	100.00
2023 Estimate	8,409	100.00
2028 Projection	8,126	100.00
Household Growth	7,974	100.00
Percent Change: 2010 to 2020		
Percent Change: 2020 to 2023	--	3.13
Percent Change: 2023 to 2028	--	-3.37
	--	-1.87

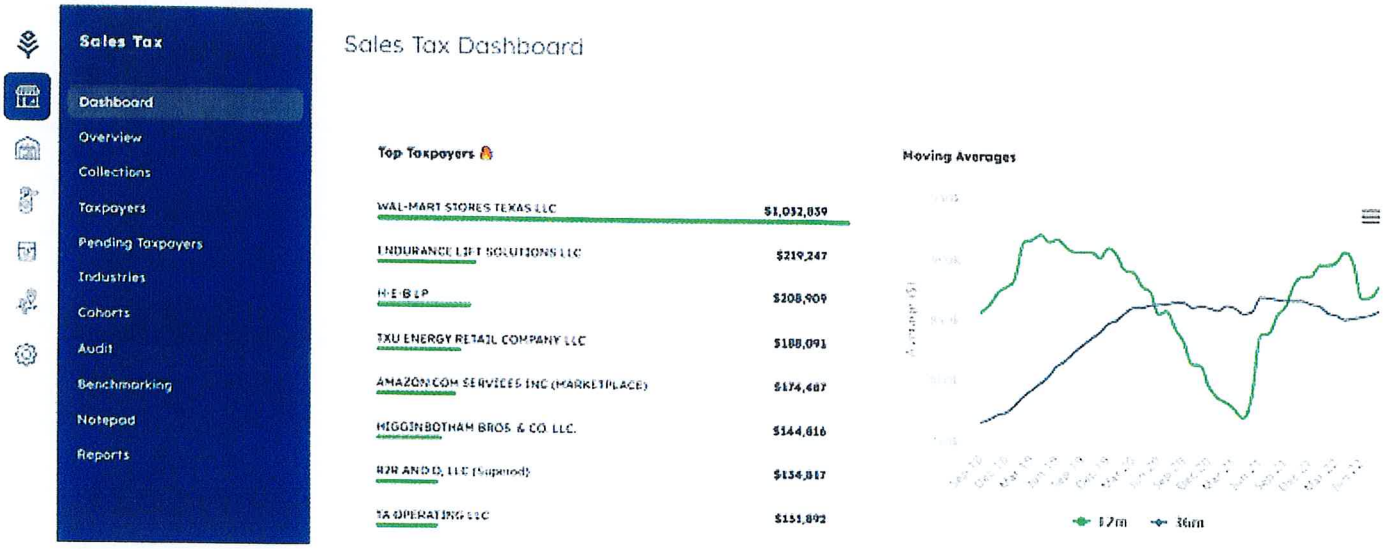
Family Households		
2010 Census		
2023 Estimate	5,420	100.00
2028 Projection	5,344	100.00
Family Household Growth	5,246	100.00
Percent Change: 2010 to 2023		
Percent Change: 2023 to 2028	--	-1.40
	--	-1.83

Spotlight is utilized as a tool to verify demographic and economic conditions in our community. This data is specifically used when responding to prospect RFI's and providing data to potential businesses wishing to locate in our community.

ANALYTICS

ZacTax monitors Sales Tax Revenue by taxpayer, industry, geography and compares other cities.

The EDC uses these reports to monitor the health of local business and as a metric to measure success of businesses the EDC incentivizes.



MARKETING

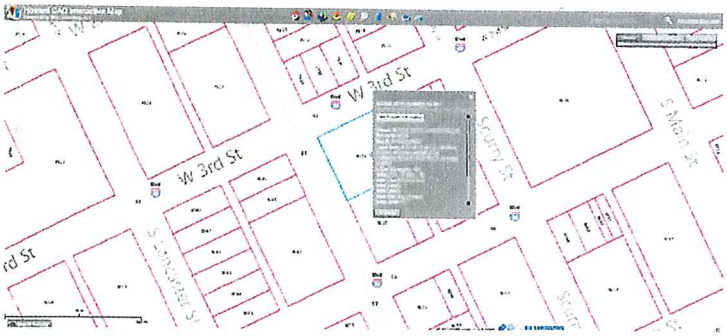
Multimedia

The Big Spring EDC website is very user friendly and informational.

Since the launch of the website many inquiries have been requested. During the year from October 2022 to September 2023, the website has had 2,786 visits and 5,989 pages viewed. It is very important in this day and time to keep up with our ever changing communication technology. With updating a new site Big Spring Economic Development is accomplishing just that.

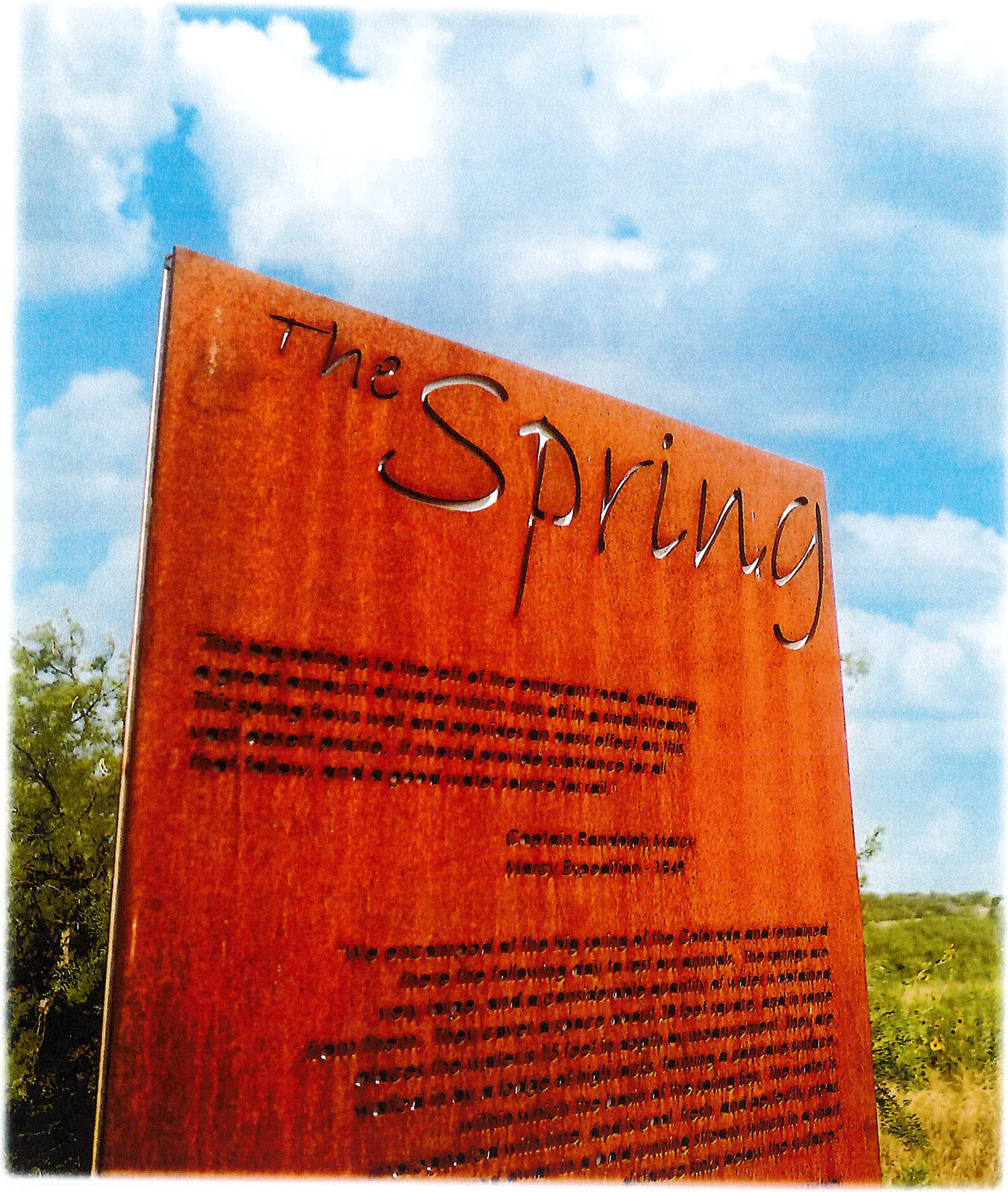
Multimedia

The Big Spring EDC keeps our Social Network up to date.



Advantagis offers a full range of GIS services to support organizations and local government entities.

This site benefits EDC by helping businesses find property and locate owners.


The Spring
Captain Randolph Marcy
Marcy Expedition - 1849

Big Spring Fire Department

Memorandum

To: Todd Darden, John Medina, Sandy Smith, Tami Davis
From: Jay Holt, Fire Chief
Date: October 3, 2023

Big Spring Fire Department is requesting acceptance of a $1500.00 donation given by Invenergy Wind Energy. This donation was given to us for the purpose of purchasing equipment. We would like to thank Invenergy for their generosity.

1401 APRON DR, BIG SPRING, TX 79720
T 432-264-2304

BIG SPRING
TEXAS

COMMUNITY SERVICES MEMORANDUM

Date: 10/10/2023

To: Mayor and City Council
Todd Darden, City Manager

From: Hayley Lewis, Community Services Director

Subject: Event Funding Request

We are respectfully requesting City Council approve the staff recommendation of $12,800.00 for event funding for Oktoberfest hosted by Hotel Settles to take place at Hotel Settles on October 27, 2023. This is the fifth and final event funding request for Oktoberfest and it is estimated to bring in 104 hotel rooms.

This event meets the stipulations required by THLA to receive HOT funds and will be funded by the Convention and Visitors Bureau Event Funding budget.

If approved, the event funding budget will have a balance of $62,200.00 for the remainder of the fiscal year.

CVB Event Funding - Cover Sheet

Event:	Oktober Fest
Event Date:	10/27/2023
Sponsoring Organization:	Hotel Settles
Date Request Received:	9/27/2023
Amount Requested:	$13,000.00
Staff Recommendation:	$12,800.00
Action:	
Estimated Hotel Rooms on Application	104
Hotel Rooms from Previous Year	94

5 Year Requests

Date Requested	Event Date	$ Funded	Follow-up	Profit/Loss	Hotel Rooms
9/4/2019	10/28/2019	$13,000.00	11/25/2019	-$12,277.70	131
9/30/2020	10/24/2020	$13,000.00	11/12/2020	-$5,178.00	56
9/23/2021	10/16/2021	$7,000.00	11/25/2021	12,551.77	104
10/1/2022	10/22/2022	$12,800.00	10/31/2022	2,670.72	94
10/12/2023	10/27/2023				

VISIT BIG SPRING
TEXAS

Application

Date: 9-10-23

Organization Information

Name of Organization: Hotel Settles

Address: 200 E. 3rd St.

City, State, Zip: Big Spring Tx 79720

Contact Name: Gabrielle Fierro Contact Phone Number: 432-213-0527

Contact Email: gfierro@hotelsettles.com

Second Contact Name: Delma Reyes Second Contact Email: dreyes@gmail.com

Second Contact Phone Number: _____

Web Site Address for Event or Sponsoring Entity www.hotelsettles.com

Non-Profit or For-Profit status: _____ Tax ID #: _____

Purpose of your organization:
To offer a free community Event Showcasing our city, Venders, Activites & place to Stay

Event Information

Name of Event Oktoberfest

Date of Event 10-27-23

Primary Location of Event: Hotel Settles

THLA Event Funding Formula:

# of Hotel Rooms 104 **X $150(amount per room)=$** 15600 **x %50 of Hotel Revenue=**

$7800

Outside of Howard County Advertising: $ 5000

Total Amount Requested: $ 13,000

VISIT BIG SPRING
TEXAS

How will the funds be used:
The funds will be used to advertise from Midland/Odessa Big Spring & Lubbock. it will also assist w/ Room Rate discounts, give aways, community participation & Engagement incentives, bands and food

Description of Activities Planned (include schedule of events, samples of posters, flyers, ads, etc.) Vender Market, Live music, food, games, contest and prizes, inflatables kid friendly, rock climbing fun for the whole family

Questions for All Funding Request Categories:

1. How many years have you held this Event 5th

2. Expected Attendance: 400

3. How many people attending the Event will use Big Spring hotels? 250

Number of nights the visitors will stay (approximate): 1-2 Nights

4. Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels: Surrounding hotel have been given dates to hold Rooms

5. Will you negotiate a special rate or hotel/event package to attract overnight stays?
Yes $179 r/package

6. How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc.)? Increase Rooms in town & give guests an opportunity to stay, play and enjoy Big Spring and come back

7. Please list other organization, government entities, and grants that have offered financial support to your project:
NONE

8. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used?

VISIT BIG SPRING
TEXAS

NO admission. profit of about $2000-3000. Mainly this event is to bring people out to enjoy and get the community out.

9. Please list all promotion efforts your organization is coordinating and the amount financially committed to each media outlet:

	Local:	Out of Area:
Newspaper:	Herald	Telegram
Radio:	iHeart	Town Square
Tv:		
Other Paid Advertising:	facebook, Instagram	

Number of Press Releases to Media 4-5
Number Direct Mailings to out-of-town recipients 8
Other Promotions Boosted facebook & Instagram

10. Will you include a link to the CVB or other source on your promotional handouts and in your website? Yes

11. What new marketing initiatives will you utilize to promote hotel and convention activity for this event? Also include any marketing outside of Howard County.
tiktok, complementary stays to organizations in Midland

This event is: ✓ Regional ___ Statewide ___ National ___ International

Does this event fall under the Texas Hotel Lodging Two Part Test:

1. Heads in Beds?
   a. Yes b. No

✓ Convention Centers/Visitor Information Center __Registration of Convention Delegates
✓ Advertising __Promotions of Arts __Historical Restoration or Preservation __Sporting Events
__Transportation ✓ Signage

I have read and I understand the requirements of the Convention and Visitors Bureau event funding application. I understand that failure to submit a follow up report within 90 days could possibly result in my event not receiving funds in the following year. GF Initial

Gabrielle Fierro
Signature

9-10-23
Date

Gabrielle Fierro
Printed Name

HOTEL SETTLES PRESENTS

OKTOBERFEST

PERFORMANCES

Knock Out Dance Academy Performance	5:30pm
Vendor Market	6:00pm
Live Music	6:00-10:00pm

EVENTS

- Vendor Market
- Food Trucks
- Games & Prizes
- Activities for Kids
- German Beer
- Costume Contest

OCTOBER 27, 2023

6:00pm - 10:00pm

at Hotel Settles

VISIT BIG SPRING
TEXAS

Pre Event

REVENUE:

	Projected	
Start up Revenue (from previous proceeds, other sponsors, etc.)		
Please list all sponsors individually		
Sears Entertainment	500	
Eddie Austin	1500	
pumpkin patch	400	
porta potty x 5	600	
Blue Energy x 3	480	
main event	1927.80	
town Square	2000	
Kbest	500	
police department	260	
prizes	1000	
candy	400	
costume & decor	1000	
koozie (custom)	580	
Total Projected Revenue	$11,137.80	$
EXPENSES:		
Total Projected Expenses	$	$
Projected Profit (Loss)	$	$

Event	Hotel Rooms	$150	50% of Hotel Revenue	Advertising	Total	Requesting	Staff Recommendation
Oktoberfest	104	$15,600.00	$7,800.00	$5,000.00	$12,800.00	$13,000.00	**$12,800.00**

	Event Funding:	Advertising:	**$12,800.00**
	$7,800.00	$5,000.00	

Event Funding Cap	
300+ room nights	$ 25,000.00
200-300	$ 20,000.00
150-200	$ 17,000.00
100-150	$ 15,000.00
75-100	$ 10,000.00
50-75	$ 7,000.00
25-50	$ 5,000.00
11 to 25	$ 2,500.00
Less than 10	$ 1,000.00

Event	Received	Event Date	Decision Date	Requested	Total Amount Approved	Event Funding	Advertising	Follow Up	Hotel Rooms
Oktoberfest	9/27/2023	10/27/2023	10/10/2023	$13,000.00		$7,800.00	$5,000.00		
				$13,000.00	$0.00	$7,800.00	$5,000.00		

Totals:

2021-2022 Event Funding Budget	$75,000.00
Total Funded YTD	$0.00
Available Balance	$75,000.00
Requested This Month	$13,000.00
Pending Balance	$62,000.00
Staff Recommendation	$12,800.00
Pending Balance using Staff Recommendation	$62,200.00

Potential Events	Received	Event date	Amount Funded	Hotel Rooms
Together Trail Race	1/17/2023	2/11/2023	$2,500.00	9
Texas Junior Disc Open	2/2/2023	6/24-25/2023	$3,750.00	50
Southwest Hoops Big Spring Classic	3/3/2023	04/21-23 & 05/19-21/2023	$12,000.00	280
Hidden Gems Basketball Tournament	5/11/2023	06/1-4/2023	$5,000.00	40
Howard College Basketball Classic	9/12/2023	12/1-2/2023	$4,500.00	26
A Joyful Season	10/26/2021	4/30-5/1/2022 & 11/5-6/2022	$2,500.00	40
Pops in the Park	6/28/2022	7/3/2022	$3,000.00	40
			$33,250.00	

Staff Report

To: The Honorable Mayor and City Council
From: The City Manager
Date: October 10, 2023
Subject: Consideration and Possible Action to Confirm City Manager's Appointment of Fire Chief

RECOMMENDATION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:
None

REPORT PREPARED BY:
Name1, Title
E-mail address
Phone #

APPROVED BY:
Department Head (optional)
Todd Darden, City Manager

MEMORANDUM

To: Mayor and Council
From: Andrew Hagen, City Attorney
Date: October 6, 2023
Subject: Recommendation for renewal of Texas Communities Group agreement

Since 2020, the City has employed the services of Texas Communities Group, LLC for services to sell properties struck off to the City and to other entities as a result of property tax foreclosure.

The annual charge to the City would remain at $6,000. The amount is budgeted.

This item presents a drafted amendment to the agreement. The proposed amendment would renew the agreement through September 30, 2024. Additionally, amended contractual language would provide miscellaneous improvements to the agreement.

Staff recommends approval of the amendment and extension presented in this item.

AMENDMENT NO. 1 TO CONTRACT SERVICE AGREEMENT

Amendment No. 1 to Contract Service Agreement, dated _____, _____, 2023 (the "**Amendment**"), between City of Big Spring, a Texas municipal corporation, located at 310 Nolan Street, Big Spring, Texas 79720 ("City"), and Texas Communities Group, LLC, a Texas limited liability company, PO Box 792 , Lubbock, Texas 79408-0792 ("Contractor"), and together with City, the "**Parties**", and each, a "**Party**").

WHEREAS, the Parties have entered into Contract Service Agreement, including Work Statement, dated June 6, 2020 (as amended by notice of extension, November 18, 2020; notice of extension, November 10, 2021; and notice of extension, January 11, 2023, the "**Existing Agreement**"); and

WHEREAS, the Parties desire to amend the Existing Agreement to include provisions regarding monies received, non-waiver of governmental immunity, and term, on the terms and subject to the conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Definitions. Capitalized terms used and not defined in this Amendment have the respective meanings assigned to them in the Existing Agreement.

2. Amendments to the Existing Agreement. As of the Effective Date (defined below), the Existing Agreement is hereby amended or modified as follows:

(a) Section 22 of the Existing Agreement is hereby added to read in its entirety as follows:

> 22. **Monies Received.** Monies received from buyers will be collected by Contractor. Checks will be made payable to Contractor or to Contractor's agent. Contractor or Contractor's agent will issue payments to the City and to other entities in compliance with law.

(b) Section 23 of the Existing Agreement is hereby added to read in its entirety as follows::

> 23. **Non-Waiver of Governmental Immunity.**
>
> (a) The City of Big Spring expressly retains all rights and benefits of governmental immunity from liability and suit for damages in accordance with: Title 5, Texas Civil Practice and Remedies Code; Subchapter I, Chapter 271, Texas Local Government Code; and any other law, if applicable.
>
> (b) Nothing in this Agreement shall be deemed as a waiver of governmental immunity or as increasing the City of Big Spring's liability beyond any statutory limitation of liability.
>
> (c) Nothing in this Agreement shall inure to the benefit of any third party for the

purpose of allowing any claim against the City of Big Spring which would otherwise be barred under the doctrine of governmental immunity or operation of law."

(c) The “TERM” Provision of the Work Statement included with the Existing Agreement is hereby amended by inserting immediately following the words "when the Services are no longer needed as determined by the CITY." with the words:

"By Amendment No. 1, the Agreement is renewed through September 30, 2024. CITY may renew this Agreement annually by providing Contractor written notice of its intent to renew.”

3. Date of Effectiveness; Limited Effect. This Amendment will become effective on October 1, 2023 (the "**Effective Date**"). Except as expressly provided in this Amendment, all of the terms and provisions of the Existing Agreement are and will remain in full force and effect and are hereby ratified and confirmed by the Parties. Without limiting the generality of the foregoing, the amendments contained herein will not be construed as an amendment to or waiver of any other provision of the Existing Agreement or as a waiver of or consent to any further or future action on the part of either Party that would require the waiver or consent of the other Party. On and after the Effective Date, each reference in the Existing Agreement to "this Agreement," "the Agreement," "hereunder," "hereof," "herein," or words of like import, and each reference to the Existing Agreement in any other agreements, documents, or instruments executed and delivered pursuant to, or in connection with, the Existing Agreement, will mean and be a reference to the Existing Agreement as amended by this Amendment.

4. Miscellaneous.

(a) This Amendment is governed by and construed in accordance with, the laws of the State of Texas without regard to the conflict of laws provisions of such State.

(b) This Amendment shall inure to the benefit of and be binding upon each of the Parties and each of their respective permitted successors and permitted assigns.

(c) The headings in this Amendment are for reference only and do not affect the interpretation of this Amendment.

(d) This Amendment may be executed in counterparts, each of which is deemed an original, but all of which constitute one and the same agreement.

(e) This Amendment constitutes the sole and entire agreement between the Parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to such subject matter.

(f) Each Party shall pay its own costs and expenses in connection with this Amendment (including the fees and expenses of its advisors, accountants, and legal counsel).

IN WITNESS WHEREOF, the Parties have executed this Amendment on the date first written above.

CONTRACTOR

TEXAS COMMUNITIES GROUP, LLC, a Texas limited liability company

_____
Danny Barrett
Manager

CITY

CITY OF BIG SPRING, a Texas Municipal Corporation

_____
Todd Darden
City Manager

APPROVED AS TO FORM ONLY

_____
Andrew W. Hagen
City Attorney

MEMORANDUM

To: Mayor and Council
From: Andrew Hagen, City Attorney
Date: October 6, 2023
Subject: Recommendation for Public Information Request Software

On the basis of efficiency and improving efforts to provide transparency to City government, staff recommends purchase of software for managing information requests. Having examined different offerings, staff recommends JustFOIA.

The City receives approximately 150 to 200 information requests per month. Most requests are made to the Police Department. Many requests are interagency requests.

State law requires the City to respond to public information requests promptly. Staff resources from multiple departments can become heavily committed to servicing information requests. Departments affected most heavily are Legal and Police. The City Secretary, Fire Department, Human Resources, and Finance are also particularly affected, and all departments are subject to the same legal requirements.

State law allows certain charges for public information requests. The City's actual cost in processing the requests is typically higher due to a lack of tools to improve efficiency. One key tool the software will provide is online payment of charges by credit card.

Risks to the City exist in failing to process requests according to law. The Attorney General of Texas has regulatory authority over public information requests.

The current process for the City is to use a variety of spreadsheets and internal e-mail messages to track, manage, collaborate, and fulfill requests. This process is not easily managed or tracked, and reportability is minimal. JustFOIA provides numerous reporting capabilities as well as key features such as user dashboards, workflow, and redaction tools. The City's JustFOIA portal would be linked from the City web site. JustFOIA implementation should take about one month.

JustFOIA provided a cooperative purchasing quotation through DIR. The first-year price quote is $10,935.63. The contract would commit the City for one year. Subsequent years would have charges projected at $10,255.57 annually. Such recurring charges may be adjusted by the company. JustFOIA is a cloud (or hosted) product, and will not result in additional hardware costs for the City.

The amount budgeted for this item for fiscal year 2023-24 is $15,000.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, REPEALING CHAPTER 34, SECTION 34-5, "ATTORNEYS REPRESENTING THE STATE IN CRIMINAL PROSECUTIONS," FROM THE BIG SPRING CITY CODE IN RECOGNITION OF STATE LAW NOW PROVIDING FOR AN ATTORNEY PRO TEM TO BE APPOINTED IN THE EVENT ONE IS NOT AVAILABLE IN THE MUNICIPAL COURT, 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; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, state law requires a prosecutor for each criminal case and proceeding in a municipal court, and requires that the primary duty of a municipal prosecutor is not to convict, but to see that justice is done under Article 45.201, Texas Code of Criminal Procedure; and

WHEREAS, Municipal courts had been authorized to appoint an attorney pro tem to represent the State when the municipal prosecutor was disqualified or absent, but in 2019, the Texas Legislature enacted S.B. 341 amending Article 2.07, Code of Criminal Procedure, withdrawing the authority of a municipal court judge to appoint a prosecutor if needed (attorney pro tem), or leaving such authority unclear; and

WHEREAS, in 2020, the City Council of Big Spring adopted Ordinance 040-2020, authorizing a prosecutor (attorney pro tem) to be appointed when needed, drawing upon the home rule authority of the City; and

WHEREAS, in 2023, the Texas Legislature enacted H.B. 1603, effective September 1, 2023, to restore the authority of municipal court judges to appoint a prosecutor (attorney pro tem) if needed; and

WHEREAS, City Council finds it advisable to repeal the ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS:

SECTION 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. Section 34-5, "Attorneys representing the state in criminal prosecutions," Chapter 34, "Municipal Court, Big Spring City Code, is hereby repealed.

Big Spring City Code
Chapter 34

~~Sec. 34-5. - Attorneys representing the state in criminal prosecutions.~~

~~(1) The city attorney shall serve as the municipal prosecutor and represent the State in all prosecutions before the Municipal Court.~~

~~(2) City council may appoint one or more deputy municipal prosecutors, fix the compensation thereof, and terminate the appointment for any reason.~~

~~(3) Whenever the municipal prosecutor and any deputy municipal prosecutors are disqualified to act in any case or proceeding, or are otherwise unable to perform the duties of the office, or in any instance where there is no municipal prosecutor or deputy municipal prosecutor; and whenever the Howard County Attorney or other attorney authorized by state law has not stated an intent to undertake this duty; the Judge of the Municipal Court may appoint any competent attorney to perform the duties of prosecutor as attorney pro tem during the absence or disqualification.~~

~~(4) An attorney pro tem appointed under subsection (3) is entitled to compensation fixed by the Judge of the Municipal Court based on the sworn testimony of the attorney or other evidence that is given in open court. An attorney pro tem may be dismissed by the Judge of the Municipal Court for good cause.~~

~~(5) A prosecutor who is not disqualified to act may request the Municipal Court to permit the attorney's recusal in a case for good cause, and upon approval by the Court, the attorney is disqualified.~~

~~(6) It shall be the primary duty of all prosecutors not to convict, but to see that justice is done.~~

NOTE* Language to be added appears <u>underlined</u> and language to be deleted is ~~stricken~~.

<u>SECTION 3.</u> All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict.

<u>SECTION 4.</u> Should any one or more sections or clauses of this Ordinance be adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

<u>SECTION 5.</u> It is hereby officially found and determined that the meetings at which this Ordinance was adopted were open to the public and that public notice of the time, place and purpose of said meetings was given as required by law.

<u>SECTION 6.</u> This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

<u>SECTION 7.</u> This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **October, 2023** with all members of the Council present voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **27th** day of **October, 2023** with all members of the Council present voting "aye" for the passage of same.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary