

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 12, 2023, with the following members present in person:

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

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

Kevin Freeman 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 comments at this time.

Announcements, Presentations and Public Hearings

MOTION WAS MADE BY Council Member Yanez to open the below listed public hearings, seconded by Mayor Pro Tem Ornelas.

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

MOTION PASSED

Each public hearing listed below regarding the abatements were presented to the Council with an abatement order and pictures. The following citizen spoke regarding their property:

Leanne Dovie Lynn - 1209 W 2nd Street

Presentation on TMRS (Texas Municipal Retirement System)

Kenneth Oliver with TMRS gave a general overview of how the city's retirement system works.

PUBLIC HEARING - Proposed Tax Rate for Year 2023

Sandy Smith, Finance Director, explained the proposed tax rate for year 2023 is the De Minimis Rate of \$0.670429. One citizens requested that the City Council consider the No-New-Revenue Tax Rate of \$0.636039 due to a few changes in the 2023-2024 budget.

PUBLIC HEARING - Annual Budget for Fiscal Year 2023-2024

Sandy Smith, Finance Director, explained a few changes to the Annual Budget for Fiscal Year 2023-2024 since the budget work sessions held in August. No comments were made at this time.

PUBLIC HEARING - To Consider a Change to the City's Zoning Regulation Article 6, District Regulations, Section 6-6 Districts and Permitted Uses, Residential Districts, Regarding Lot Coverage

Todd Darden, City Manager, explained the changes proposed regarding lot coverage. No comments were made at this time.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of

Public Nuisance, at 506 SGT PAREDEZ, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: PART W/80 E/160 BK 100 ORIGINAL TOWN 80X69 PROPERTY LOCATED @ 506 NW 5TH 0174 BLK/TRACT 100 0.312 ACRES - OWNER: RAMONA ROLDAN NAVARETTE

MOTION WAS MADE BY Mayor Pro Tem Ornelas to abate the above captioned property (506 Sgt. Paredes), seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 605 S DOUGLAS, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: E/2 OF LTS 9-10 BK 1 STRIPLING 70X140 872 ACQ 09082015 BLK/TRACT 1 0.167 ACRES- OWNER: ROBERT RIOS

MOTION WAS MADE BY Mayor Moore to repair and secure the exterior of the above captioned property (605 S. Douglas St.) within 45 days, seconded by Mayor Pro Tem Ornelas.

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

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 611 DOUGLAS, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 7 BK 7 EARLES 50X130 876 ACQ 03062019 0.149 ACRES- OWNER: MASON NABAR HERNANDEZ

MOTION WAS MADE BY Mayor Pro Tem Ornelas to repair and secure the exterior of the above captioned property (611 Douglas St.) within 30 days, 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, 0
Council Member McDonald

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 900 NW 1ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 7 BK J MOORE IRR 087 ACQ 062707 BLK/TRACT J 0.306 ACRES- OWNER: PRESTON & OLETHA JOHNSON

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (900 NW 1st Street), seconded by Mayor Moore.

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

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 900 NW 2ND, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 12 BK G MOORE IRR 084 0.316 ACRES- OWNER: JESSIE NELSON

MOTION WAS MADE BY Mayor Moore to abate the above captioned property (900 NW 2nd Street) after 45 days, seconded by Council Member Hughes.

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

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 2006 JOHNSON, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: N/50 SE/4 OF BK 27 COLLEGE HEIGHTS 50X140 1212 AXQ 071709 BLK/TRACT 27 0.161 ACRES- OWNER: ERNESTO GONZALES AND MARIA RODRIGUEZ

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (2006 Johnson), 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, 0
Council Member McDonald
NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1209 W 2ND, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: PT LTS 4-5 BK 2 BOWSER 100X140 487 0.321 ACRES ACQ 07152020 - OWNER: LEANNE DOVIE LYNN

MOTION WAS MADE BY Mayor Moore to put the above captioned property (1209 W 2nd) back on the abate list in 60 days if improvements have not been made, seconded by Council Member Tompkins.

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

MOTION PASSED

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

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

NAYS: None

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Large Item Pickup, District 3, September 20th
- Howard Central Appraisal District Board of Directors Nominations - Due October 15th
- Downtown Revitalization Program on Main Street is Complete

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

Consent Items

Approval of the City Council Minutes of the Regular Meeting of August 22, 2023.

Acknowledge Receipt of the Planning & Zoning Commission Minutes for the Regular Meeting of July 20, 2023

Final 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 Council Member McDonald to approve the above captioned minutes and resolution, seconded by Council Member Hughes.

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

MOTION PASSED

Vouchers

Vouchers for 08/23/23 \$ 377,929.90
Vouchers for 08/31/23 \$ 317,580.31
Drafts \$ 760,534.13

Council Member Yanez reviewed the above captioned vouchers.

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

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

MOTION PASSED

Vouchers for 09/07/23 \$ 880,338.87
Drafts \$ 806,359.73

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 McDonald.

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

MOTION PASSED

Bids

Consideration and Possible Action on Awarding a Bid for the 2023 Tank Cleanings and Rehabilitation 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 Riley Industrial Services in the amount of \$257,178.00, seconded by Council Member McDonald.

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

MOTION PASSED

Consideration and Possible Action on Awarding Annual Bids and Authorizing the City Manager or His Designee to Execute any Necessary Documents as Follows:

MOTION WAS MADE BY Council Member Hughes to award staff's recommendations to go with the lowest bid on the below listed annual bids except for aluminum sulfate, polymer and sodium hydroxide, seconded by Council Member Tompkins as listed below:

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

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

Council Member McDonald

NAYS: None

MOTION

Aluminum Sulfate

Awarded to Chameleon Industries in the amount of \$225,000.00.

Anhydrous Ammonia

Awarded to DPC Industries in the amount of \$87,600.00.

Downtown Janitorial Services

Awarded to Manny's Janitorial Service in the amount of \$48,486.00.

Liquid Chlorine

Awarded to DPC Industries in the amount of \$317,070.00.

Polymer

Awarded to Polydyne, Inc. in the amount of \$74,000.00.

Sodium Hydroxide

Awarded to DPC Industries in the amount of \$44,325.00.

Sodium Permanganate

Awarded to Shannon Chemical Corporation in the amount of \$218,201.90.

Sulfur Dioxide

Awarded to DPC Industries in the amount of \$45,000.00.

Valves and Fittings

Awarded to Core & Main in the amount of \$694,080.37.

New Business

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

Jenna Jenkins with the Howard County 9-1-1 Communications District's presented the proposed budget for 2023-2024. After a brief discussion and some concerns with their budget the Council agreed to postpone this item until the next council meeting.

Consideration and Possible Action Authorizing Event Funding Request from CVB for Howard College Basketball Classic

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

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

Council Member McDonald

NAYS: None

MOTION PASSED

First 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 Mayor Pro Tem Ornelas to adopt the No-New-Revenue Tax Rate of \$0.636039, seconded by Council Member Yanez.

After a brief discussion over reasons to lower the tax rate to the No-New-Revenue Tax Rate from the previously discussed De Minimis Tax Rate, Andrew Hagen, City Attorney, advised to adjourn into executive session in accordance with the purposes permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to provide legal advice and counsel with respect to potential litigation at 7:30 p.m.

Mayor Moore reconvened into open session at 7:42 p.m. with no action taken regarding the executive session.

At this time the MOTION THAT WAS MADE BY Mayor Pro Tem Ornelas to adopt the No-New-Revenue Tax Rate of \$0.636039, seconded by Council Member Yanez was voted on at this time.

**YEAS: Council Member Hughes, Council Member Tompkins, Mayor Pro Tem 6
Ornelas, Council Member Smith, Council Member Yanez, Council Member 1
McDonald**

NAYS: Mayor Moore

MOTION PASSED

First 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 budget save and except the CVB budget in the above captioned ordinance due to a conflict of interest, seconded by Council Member Tompkins.

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

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

Council Member McDonald

NAYS: None

MOTION PASSED

MOTION WAS MADE BY Council Member Tompkins to approve the CVB budget as part of the above captioned ordinance, seconded by Council Member Hughes.

YEAS: Council Member Hughes, Council Member Tompkins, Mayor Pro Tem 6

Ornelas, Council Member Smith, Council Member Yanez, Council Member 0

McDonald 1

NAYS: None

ABSTAINED: Mayor Moore

MOTION PASSED

First 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

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

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

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

Council Member McDonald

NAYS: None

MOTION PASSED

First 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

MOTION WAS MADE BY Council Member McDonald to approve the above

captioned ordinance, seconded by Council Member Hughes.

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

Council Member McDonald

NAYS: None

MOTION PASSED

First 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

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

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

Council Member McDonald

NAYS: None

MOTION PASSED

First 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 Council Member Tompkins to approve the above captioned ordinance, 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, 0

Council Member McDonald

NAYS: None

MOTION PASSED

Consideration and Possible Action of an Amendment to an Oil & Gas Lease with HighPeak Energy Assets, LLC and Authoring the City Manager to Negotiate and Execute any Necessary Documents

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned amended lease, seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action to Authorize the City Manager to negotiate and execute a five-year lease with ABS Wind USA LLC for Building 75 and premises at Big Spring Wrinkle McMahon Airport plus two renewal terms of five years each.

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

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

NAYS: None

MOTION PASSED

Board Appointments

MOTION WAS MADE BY Mayor Moore to appoint and reappoint the citizens listed below to the various boards listed, seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

Board of Adjustments & Appeals

Steve Herrin - Nominated by Mayor Moore

McMahon/Wrinkle Aviation Advisory Board

Robert D. Miller - Nominated by Mayor Moore

Animal Rescue & Adoption Committee

Jill Wilbanks - Nominated by Mayor Moore

Big Spring Economic Development Corporation

Joel Delagarza - Nominated by Mayor Moore

Planning & Zoning Commission

Dale Avant - Reappoint for District 1

Kelley Harris - Reappoint and Change from District 4 to District 3

Council Input

Input

There was no council input at this time.

Executive Session

ADJOURN into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of the following:

City Attorney

City Manager

Municipal Judge

MOTION WAS MADE BY Council Member Smith to adjourn into the above listed executive session at 8:08 p.m., seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

ADJOURN into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Potential Litigation.

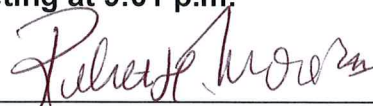
The above captioned executive session was moved to an earlier time in the meeting.

Reconvene into Open Session and Take Any Necessary Action Regarding the Executive Sessions.

Mayor Moore reconvened the City Council meeting at 9:00 p.m. and there was no action taken regarding the above captioned executive session.

Adjourn

Mayor Moore adjourned the City Council meeting at 9:01 p.m.



Robert H. Moore III, Mayor

ATTEST:



Tami L. Davis, City Secretary