

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

The City Council of the City of Big Spring, Texas, met in a REGULAR AGENDA in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, August 9, 2022, with the following members present in person:

ROBERT H. MOORE	Mayor
NICK ORNELAS	Mayor Protem
DIANE YANEZ	Council Member
CODY HUGHES	Council Member
GLORIA MCDONALD	Council Member
TROY TOMPKINS	Council Member
MAURY SMITH	Council Member

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
MANDY HAYNES	Paralegal
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
JAY HOLT	Deputy Fire Chief
SANDY SMITH	Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
TIM GREEN	Municipal Judge

Open Session

Call to Order

Invocation

Paster Ken McMeans, College Baptist Church

Pledge of Allegiance to the United States Flag and to the Texas State Flag
Mayor Moore led the Pledge of Allegiances.

Public Comment

Public Comment

One citizens spoke regarding the animal control issue

Announcements, Presentations and Public Hearings

City Manager's Report

Large Item Pickup for District 2 - August 17, 2022

Budget Work Sessions - August 15-18, 2022

Update - Purple Heart Signage

Update - Water Office Move

Update - Seal Coat Project

Update - Aquatic Center Closing

988 - Suicide Hotline Number

Consent Items

Approval of the City Council Minutes of the Regular Meeting of July 26, 2022

Final Reading of an Ordinance Authorizing and Directing the City Manager to Erect Two Disabled Parking Signs on the East Side of the 300 Block of Runnels Street Directly in Front of the West Entrance of the Hotel Settles; Directing the Marking of Said Corresponding Spaces as Disabled Parking Spaces; Providing for Severability; and Providing an Effective Date

Final Reading of an Ordinance Authorizing Z-22-02, Amending the Big Spring Zoning Ordinance by Rezoning Lot 1 Blk 1 Midtex Addition, Approximately 11.06 Acres in Big Spring, Howard County, Texas, Also Known as 1801 West I-20, From SF-2, Single-Family Dwelling District to HI, Heavy Industrial District, Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned ordinances and minutes, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,

Council Member Hughes, Council Member McDonald, Council Member
Tompkins, Council Member Smith 0
NAYS: None

MOTION PASSED

Vouchers

Vouchers for 07/28/22 \$ 254,277.16
Manual Cks & Drafts \$ 635,013.57

Mayor Pro Tem Ornelas reviewed the above captioned vouchers.

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

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

MOTION PASSED

Vouchers for 08/04/22 \$ 217,944.05

Mayor Pro Tem Ornelas reviewed the above captioned vouchers.

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

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

MOTION PASSED

Bids

Consideration and Possible Action on Awarding the Sale of Tax Properties by Texas Communities Group and Authorizing the Mayor to Execute any Necessary Documents for Items 18-20 as Follows :

Award Parcel 4754, 1111 Runnels St., to Cinthia Quezada & Fortino Quezada Camargo in the Amount of \$5,300.00

Award Parcel 10037, 206 N. Nolan St., to Rosa Elia Avila, 1606 W. County Road 140, Midland, TX 79706 in the Amount of \$2,000.00

Award Parcel 860, 1204 W 2nd St., to Rosa Elia Avila, 1606 W County Road 140, Midland, TX 79706 in the Amount of \$1,150.00

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

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

MOTION PASSED

New Business

First Reading of an Ordinance Amending Ordinance Number 039-2021 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; Increasing the Utility Fund for the Purpose of a 6-Inch Water Line; Providing for Repeal of Ordinance in Conflict Herewith; Providing for Publication; and Providing an Effective Date

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

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

MOTION PASSED

First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code "Administration," Article II "City Council," by Repealing Section 2-28 "No Office for Councilmembers"; Providing for Severability; and Providing for an Effective Date

MOTION WAS MADE BY Council Member McDonald to approve the above captioned ordinance, 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

First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code "Administration," Article VII "Boards and Commissions," Division 9 "Zoning Board of Adjustment" Section 2-314 "Organization and Procedure," Making Councilmembers Second Alternates to the Zoning Board of Adjustments to Serve When Both Their Respectively Appointed Members and First Alternates are not Present; Providing for Severability; and Providing an Effective Date

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

YEAS: None
NAYS: None

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MOTION

MOTION WAS MADE BY Mayor Moore to amend the above captioned ordinance by appointing Council Members to serve as the second and third alternate, seconded by Council Member Cody Hughes.

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

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MOTION PASSED

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

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

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MOTION PASSED

First Reading of a Resolution Approving a Negotiated Settlement Between the Executive Committee of Cities Served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division Regarding the Company's 2022 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 listed resolution, seconded by Council Member Smith.

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

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MOTION PASSED

Consideration and Possible Action to Approve a Memorandum of Understanding Concerning a Future Services Contract with The GEO Group, Inc.

MOTION WAS MADE BY Council Member McDonald to approve the above captioned Memorandum of Understanding, seconded by Council Member

Yanez.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action Regarding a Change Order #2 for the 2021 Water Line Replacement Project

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

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

NAYS: None

MOTION PASSED

Discussion on the Tax Rate for 2022-23 Fiscal Year

Staff recommending the De Minimis Rate of \$0.647682

Council recommends the No New Revenue Rate of \$0.601802

Staff was directed to bring back to Council both tax rate options at the Budget Work Sessions.

Discussion and Consideration of Recommended Amendments to the Policies, Procedures, and Ordinances Concerning the Operation of the Big Spring Animal Shelter and the Animal Population of Big Spring

Mayor reported an update on the survey he requested of the citizens regarding the animal shelter problem within the city. His concerns are the safety of citizens and the financial cost of supporting another facility and manager to stay as a no-kill facility. A couple of possible solutions would be to keep proceeding with the procedures as we are doing and try to make it a more friendly process to move the animals and help the citizens get their pets chipped.

Discussion and Consideration Concerning the Qualifications, Appointments, Policies, Procedures and Possible Consolidation of Boards and Committees

Councilmember Smith expressed his concerns regarding the trouble he is having getting citizens to serve on city boards and recommends to dissolve certain boards that do not meet on a regular basis such as Parks, Traffic, Airpark, CVB and Animal Rescue boards.

Boards & Committees

McMahon/Wrinkle Aviation Advisory Board

Ratify Councilmember Yanez's Nomination, Adriel Saldivar, from the Airpark Development Board to the New Aviation Advisory Board

Zoning Board of Adjustments

Remove Erin Yeats

Appoint Mark Sheedy

Nominated by Councilmember Smith, Dist. 6

The above captioned nominee's were approved by acclamation of the City Council.

Council Input

Input

Mayor Pro Tem Ornelas thanked Hayley and her staff for their help on the fly a kite day. He also attended a seminar with Andrew and was very good. Reminded citizens of the Head and Toe back to school event this Saturday, August 13th at Ryan Hall Council Member Yanez encouraged citizens to reach out to the city staff and reminded citizens of the large item pick up for District 2 will be on August 17th.

Council Member Smith reminded citizens that he is available to assist them at any time. Active shooting meeting at court house at 10 am Aug. 10

Executive Session

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551 .071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to provide legal advice and counsel with respect to litigation.

Mayor Moore adjourned into executive session at 7:45 p.m.

Mayor Pro Tem Ornelas, Council Member Yanez and Council Member Tompkins did not adjourn into executive session.

Reconvene in Open Session and Take Any Necessary Action on Executive Session Items.

Mayor Moore reconvened into open session at 8:07 p.m.

MOTION WAS MADE BY Council Member Hughes to accept the City Attorney's recommendation to proceed with the appeal regarding the Butler case, seconded by Council Member Smith.

YEAS: Mayor Moore, Council Member McDonald, Council Member Smith, 4
Council Member Hughes 0

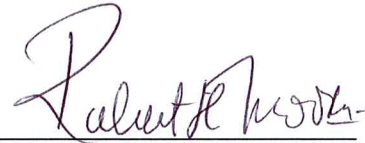
NAYS:

ABSTAINED: Mayor Pro Tem Ornelas, Council Member Yanez, Council 3
Member Tompkins

MOTION PASSED

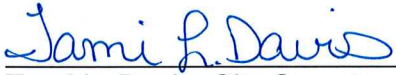
ADJOURN

Mayor Moore adjourned the meeting at 8:14 pm

A handwritten signature in dark ink, appearing to read "Robert H. Moore III", written over a horizontal line.

Robert H. Moore III, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Tami L. Davis", written over a horizontal line.

Tami L. Davis, City Secretary