



CITY COUNCIL REGULAR AGENDA

Tuesday, March 22, 2022

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, March 22, 2022, 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.

Open Session

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

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 – If you have public comments, please call 432-264-2411.** Thomason

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items Prior to any Action.
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| 5. | PUBLIC HEARING – Second Public Hearing to Consider the Creation of the Tax Increment Reinvestment Zone No.1 (TIRZ), Appointing the Board of the TIRZ, Establishing the Termination Date of the Zone, Making Certain Findings, Setting the Captured Tax Percentage, and Authorizing Actions in Furtherance of the Zone | Bowles |
| 6. | PUBLIC HEARING – Regarding the Addition of “Indoor Shooting Range” as a Permitted Use in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts. | Bowles |

City Manager’s Report

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| 7. | Update on Large Item Pickup for District 3 – March 16, 2022 | Darden |
| 8. | Update on Recent Fire – Bent Tree Apartments | Darden |
| 9. | Special Council Meeting on April 19, 2022 Regarding Code Enforcement Administrative Proceedings | Darden |

Consent Items

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| 10. | Approval of the City Council Minutes of the Regular Meeting of March 8, 2022 | 6-10 | Davis |
| 11. | Final Reading of an Ordinance Authorizing the Creation of the Tax Increment Reinvestment Zone, No. 1, City of Big Spring Establishing the Tax Increment Fund, Appointing the Board of the Tax Increment Reinvestment Zone, Establishing the Termination Date of the Zone, Making Certain Findings, Setting the Captured Tax Percentage, and Authorizing Actions in Furtherance of the Zone | 11-13 | Bowles |
| 12. | Final Reading of an Ordinance Amending the Big Spring City Code Chapter 44 Entitled “Solid Waste,” Article III “Illegal Dumping and Litter Control” by Adding a New Section 44-120 Entitled “Persons Against Littering and Illegal Dumping” Authorizing the City Manager to Waive Landfill Fees for Persons Picking Up and Disposing of Litter and Illegal Dumping in the City Limits of Big Spring; Establishing Criteria that Define these Projects as in the Interest of Public Health, Safety, and Welfare; Providing for Severability; and Providing an Effective Date | 14-16 | Thomason |

Vouchers

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|-----|-------------------------|-----------------|--|--------|
| 13. | Vouchers for 03/10/2022 | \$ 1,351,458.06 | | |
| | Vouchers for 03/17/2022 | \$ 409,605.53 | | Hughes |

Bids

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| 14. | Consideration and Possible Action to Accept a Bid Award for the 2022 Seal Coat Project and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 17-18 | | Bowles |
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Old Business

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| 15. | TABLED Executive Session- Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Subchapter D, "Exceptions to Requirement that Meetings be Open," Chapter 551, Government Code, "Open Meetings," to Conduct a Private Consultation Under Section 551.071(1), "Consultation with Attorney; Closed Meeting," with the Attorney with Respect to Pending or Contemplated Litigation; (2) to Deliberate a Matter in Which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with the Open Meetings Act, see Section 551.071(2); and (3) in Accordance with the Open Meetings Act, Section 551.072, "Deliberation regarding Real Property; Closed Meeting" to Deliberate the Purchase, Exchange, Lease, or Value of Real Property when Deliberation in an Open Meeting Would have a Detrimental Effect on the Position of the Governmental Body in Negotiations with a Third Person. | | | Thomason |
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New Business

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| 16. | Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes of the Regular Meeting of February 15, 2022 | 19-20 | | Mark Willis |
| 17. | Discussion and Possible Action Regarding Property Located at 201 NE 7 th Street that was granted by the City of Big Spring to Crossroads Housing Development Corporation; The Deed Recording the Transfer; and Resolution 40-01 that Authorized the Transfer | 21-24 | | Thomason |
| 18. | Emergency Resolution Authorizing and Appointing the City Manager to Submit an Application to the Body-Worn Camera Grant Program FY 2022 Through the Office of the Governor, Public Safety Office, Criminal Justice Division, Grant #4390901, to Secure Funding for | 25-26 | | Williams |

Police Department Digital Storage Needs and Other Technology Items Related to Body-Worn Cameras; Providing an Effective Date

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| 19. | First Reading of a Resolution Amending the Authorized Representatives Empowered to Transmit and Withdraw Funds from TexPool; and Declaring an Effective Date | 27-28 | S. Smith |
| 20. | 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 by Increasing the General Fund Budget for the Purpose of Building Repairs at the ABC Park Building; Providing for Severability; Providing for Publication; and Providing an Effective Date | 29-30 | Darden |
| 21. | First Reading of an Ordinance Amending Article 6 of the Big Spring Zoning Ordinance Entitled “District Regulation,” Section 6-6 “Districts and Permitted Uses” to Include Indoor Shooting Ranges as a Permitted Use in the Retail (R), Central Area (CA), Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts; Providing for Severability; and Providing an Effective Date
a. Amendment to Ordinance: | 31-35 | Bowles |
| | First Reading of an Ordinance Amending Article 6 of the Big Spring Zoning Ordinance Entitled “District Regulation, Section 6-6 “Districts and Permitted Uses” to Include Indoor Shooting Ranges as a Permitted Use in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts; Providing for Severability; and Providing an Effective Date | 36-38 | |
| 22. | Consideration and Possible Action to Authorize the Mayor to: Negotiate and Execute a Right of Way License Agreement for a Saltwater Line with Gravity Oilfield Services, LLC at or Near Perimeter Road, NE/2 and Part of S2 of Section 16, Block 33, Township One South, T&P Ry. Co. Survey, Howard County, Texas; and Negotiate and Execute a Right of Way License Agreement for a Water Line with Gravity Oilfield Services, LLC Under the Railway at or Near Mile Post 515.5 on the Toyah Subdivision, Industry Track 810 | | Hagen |
| 23. | <u>BOARDS & COMMITTEES</u>

Zoning Board of Adjustment - Alternates
Maria Padilla – Nominated by Mayor Pro Tem Ornelas (District 1) | | Ornelas |

Council Input

24. Input

Thomason

25. **Adjourn**

Thomason

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.

Sec. 551.144. CLOSED MEETING; OFFENSE; PENALTY.

(a) A member of a governmental body commits an offense if a closed meeting is not permitted under this chapter and the member knowingly:

- (1) calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting;
- (2) closes or aids in closing the meeting to the public, if it is a regular meeting; or
- (3) participates in the closed meeting, whether it is a regular, special, or called meeting.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;
- (2) confinement in the county jail for not less than one month or more than six months; or
- (3) both the fine and confinement.

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, March 18, 2022 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

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT TAMI DAVIS AT 264-2513 or tdavis@mybigspring.com. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.

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

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 p.m., March 8, 2022, with the following members present in person:

SHANNON THOMASON	Mayor
NICK ORNELAS	Mayor Pro Tem
DIANE YANEZ	Councilmember
CODY HUGHES	Councilmember
GLORIA MCDONALD	Councilmember
TROY TOMPKINS	Councilmember
MAURY SMITH	Councilmember

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
CRAIG FERGUSON	Fire Chief
CHAD WILLIAMS	Police Chief
SHANE BOWLES	Public Works Director
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
TAMI DAVIS	City Secretary
TIM GREEN	Municipal Judge

INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember McDonald gave the invocation and Mayor Thomason led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENT

One citizen spoke regarding concerns over a permit that had been denied.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

PUBLIC HEARING – FIRST PUBLIC HEARING TO CONSIDER THE CREATION OF THE TAX INCREMENT REINVESTMENT ZONE NO. 1 (TIRZ), APPOINTING THE BOARD OF THE TIRZ, ESTABLISHING THE TERMINATION DATE OF THE ZONE, MAKING CERTAIN FINDINGS, SETTING THE CAPTURED TAX PERCENTAGE, AND AUTHORIZING ACTIONS IN FURTHERANCE OF THE ZONE

Motion was made by Mayor Pro Tem Ornelas to open the above captioned public hearing, seconded by Councilmember McDonald, with all members of the Council present voting “aye.” Shane Bowles, Public Works Director, explained TIRZ and the purpose of the ordinance listed on this agenda by appointing the board, establishing the termination date of the zone and setting the captured tax percentage. No further questions or comments were made at this time. Motion was made Councilmember Hughes to close the above captioned public hearing, seconded by Councilmember Smith, with all members of the Council present voting “aye.”

BUDGET REVIEW

Sandy Smith, Finance Director, briefly gave a four month review of the current budget.

CITY MANAGER’S REPORT

Todd Darden, City Manager, gave an update on the following:

- Reminder on Large Item Pickup for District 3 on March 16, 2022
- Update on the Timeline for Rollout Containers
- City Manager’s Team Award Luncheon for the Street and Code Enforcement Departments
- Update on Recent Aeronautical Activity at the Airport

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF FEBRUARY 22, 2022

FINAL READING OF A RESOLUTION ADOPTING THE DRAINAGE DESIGN CRITERIA MANUAL FOR THE DESIGN AND CONSTRUCTION OF STORMWATER DRAINAGE SYSTEMS WITHIN THE CITY AND ITS ETJ; AND PROVIDING AN EFFECTIVE DATE

FINAL 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 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF LIGHTING REPLACEMENTS AT THE ROY ANDERSON SPORTS COMPLEX; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIV DATE

FINAL 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 BY INCREASING THE GENERAL FUND BUDGET TO PURCHASE EQUIPMENT FOR VARIOUS DEPARTMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned minutes, resolution and ordinances, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

VOUCHERS

Councilmember Yanez reviewed the following vouchers:

VOUCHERS FOR 02/24/2022 \$ 812,296.46

Motion was made by Councilmember Yanez to approve the above captioned vouchers, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting "aye."

Councilmember Hughes reviewed the following vouchers:

VOUCHERS FOR 03/03/2022 \$ 194,094.41

Motion was made by Councilmember Hughes to approve the above captioned vouchers, seconded by Councilmember Yanez, with all members of the Council present voting "aye."

NEW BUSINESS

FIRST READING OF AN ORDINANCE AUTHORIZING THE CREATION OF THE TAX INCREMENT REINVESTMENT ZONE, NO. 1, CITY OF BIG SPRING ESTABLISHING THE TAX INCREMENT FUND, APPOINTING THE BOARD OF THE TAX INCREMENT REINVESTMENT ZONE, ESTABLISHING THE TERMINATION DATE OF THE ZONE, MAKING CERTAIN FINDINGS, SETTING THE CAPTURED TAX PERCENTAGE, AND AUTHORIZING ACTIONS IN FURTHERANCE OF THE ZONE

Motion was made by Councilmember Tompkins to approve the above captioned ordinance and setting the Captured Tax Percentage at 50%, seconded by Hughes, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE AMENDING THE BIG SPRING CITY CODE CHAPTER 44 ENTITLED "SOLID WASTE," ARTICLE III "ILLEGAL DUMPING AND LITTER CONTROL" BY ADDING A NEW SECTION 44-120 ENTITLED "PERSONS AGAINST LITTERING AND ILLEGAL DUMPING" AUTHORIZING THE CITY MANAGER TO WAIVE LANDFILL FEES FOR PERSONS PICKING UP AND DISPOSING OF LITTER AND ILLEGAL DUMPING IN THE CITY LIMITS OF BIG SPRING; ESTABLISHING CRITERIA THAT DEFINE THESE PROJECTS AS IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to approve the above captioned ordinance, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

Mayor Thomason adjourned the meeting for a break at 6:30 p.m.

Mayor Thomason reconvened into open session at 6:37 p.m.

DISCUSSION AND CONSIDERATION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT PERMITTING COOPERATION WITH HOWARD COLLEGE AND OTHER TAXING ENTITIES FOR THE 2022 SEAL COAT PROJECT

Motion was made by Mayor Thomason to approve the above captioned agreement, seconded by Councilmember Smith, with all members of the council present voting “aye.”

CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH SPECTRUM VOIP FOR FAX, SIP TELEPHONE SERVICES AND RENTAL EQUIPMENT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

The above captioned agreement was not considered at this time.

BOARDS AND COMMITTEES

CONVENTION & VISITORS BUREAU BOARD

Jay Patel – Nominated by Councilmember McDonald (District 4)

Councilmembers appointed Jay Patel to the Convention & Visitors Bureau Board by acclamation.

ZONING BOARD OF ADJUSTMENT – ALTERNATES

Jeremy Longoria Sanchez – Nominated by Councilmember Yanez (District 2)

Councilmember Yanez withdrew this nomination.

COUNCIL INPUT

All Councilmembers thanked staff.

Councilmember Tompkins thanked the Forsan High School Journalism Class for their help at the Animal Shelter. He would also like for staff to consider meeting with the Master Plan Committee and hiring a grant writer.

Councilmember Hughes thanked a citizen who spoke about the landfill ideas and would like for the staff to consider some of the ideas.

Councilmember Yanez had a few concerns on some delinquent accounts and would like for staff to consider some nets for the landfill.

Mayor Thomason gave a COVID update reminded everyone to help control the pet population by having their pets spayed or neutered.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PURPOSES PERMITTED BY THE OPEN MEETINGS ACT, SUBCHAPTER D, "EXCEPTIONS TO REQUIREMENT THAT MEETINGS BE OPEN," CHAPTER 551, GOVERNMENT CODE, "OPEN MEETINGS," TO CONDUCT A PRIVATE CONSULTATION UNDER SECTION 551.071(1), "CONSULTATION WITH ATTORNEY; CLOSED MEETING," WITH THE ATTORNEY WITH RESPECT TO PENDING OR CONTEMPLATED LITIGATION; (2) TO DELIBERATE A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT, SEE SECTION 551.071(2); AND (3) IN ACCORDNANCE WITH THE OPEN MEETINGS ACT, SECTION 551.072, "DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING" TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY WHEN DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.

Councilmember Tompkins left the meeting and was not present. No motion was made to adjourn into executive session. The meeting continued in open session. After a brief discussion and the City Attorney stating that confidential information could not be shared in open session, motion was made by Councilmember Smith to table the above captioned item, seconded by Mayor Thomason, with Councilmembers Hughes, Thomason, McDonald and Smith voting "aye." Councilmembers Ornelas and Yanez, being opposed, voting "nay" for passage of same. Motion passed four to two.

ADJOURN

Mayor Thomason adjourned the meeting at 7:00 p.m.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CREATION OF THE TAX INCREMENT REINVESTMENT ZONE, NO. 1, CITY OF BIG SPRING ESTABLISHING THE TAX INCREMENT FUND, APPOINTING THE BOARD OF THE TAX INCREMENT REINVESTMENT ZONE, ESTABLISHING THE TERMINATION DATE OF THE ZONE, MAKING CERTAIN FINDINGS, SETTING THE CAPTURED TAX PERCENTAGE, AND AUTHORIZING ACTIONS IN FURTHERANCE OF THE ZONE.

WHEREAS, City Council finds it advisable to take the following action; and

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

SECTION 1. The City Council finds:

- A. The City of Big Spring (City) has prepared a preliminary Financing Plan for Tax Increment Reinvestment Zone No. 1.
- B. The City has properly noticed and held a hearing regarding the establishment of the TIRZ No. 1.
- C. The proposed Zone is to be located within the Area known as Original Town at central coordinates 32.252457, -101.475483 bounded by S. Gregg St. to Goliad St. from W. 1st St. to E. 6th St. in the City of Big Spring, Howard County, Texas.
- D. At the hearing on the proposed Zone, any interested person, and any property owner with property located in the proposed Zone was allowed by council to speak for or against the creation of the Zone, its boundaries, the concept of tax increment financing, or to protest the inclusion of the property within the Zone.
- E. Improvements within the TIRZ No. 1 will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City of Big Spring.
- F. The area within the TIRZ No. 1 meets the requirements of Texas Tax Code Section 311.005 because the dilapidated condition of its property impairs the sound growth of the City and is not, in present condition, the highest and best use to foster public health, safety, morals, or welfare of the community.
- G. Development or redevelopment in the Zone would not occur solely through private investment in the reasonably foreseeable future.

- H. The privately owned property within the Zone has less than 30% used for residential purposes as defined by Texas Tax Code 311.006(a)(1).
- I. The total appraised value of property within tax increment reinvestment zones within the City of Big Spring is under the limit established by Texas Tax Code 311.006(a)(2)(B).

SECTION 2. In accordance with Texas Tax Code Section 311.005(a), Council establishes and names the TIRZ No. 1 with boundaries as described.

SECTION 3. Council establishes the Board of Directors of the TIRZ No. 1 to consist of each of the members of the City Council, [County and College to be added if applicable] sitting as Board members. Each Board member serves for a two-year term as authorized by Texas Tax Code Section 311.009(e).

SECTION 4. Council adopts the Preliminary Financing Plan for TIRZ No. 1 and authorizes the City Manager to return with the Final Project Plan and Financing Plan for Council approval.

SECTION 5. Council establishes the TIRZ No. 1 Tax Increment Fund.

SECTION 6. The TIRZ No. 1 will terminate upon the later of all debt service issued by the City and paid in part or entirely by the Zone has been fully satisfied, or December 31, 2052, unless otherwise terminated.

SECTION 7. Council establishes the tax increment of the captured increment of City property taxes to be placed in the TIRZ No. 1 Tax Increment Fund and to be used for all purposes of the TIRZ as set forth in the Project Plan and Financing Plan at __%.

SECTION 8. Council authorizes the City Manager, the City Finance Director, and the City Attorney to take all such actions as are necessary to implement this ordinance and the establishment of this TIRZ No. 1.

SECTION 9. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **March, 2022** 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 **22nd** day of **March, 2022** with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING BIG SPRING CITY CODE CHAPTER 44 ENTITLED “SOLID WASTE,” ARTICLE III “ILLEGAL DUMPING AND LITTER CONTROL” BY ADDING A NEW SECTION 44-120 ENTITLED “PERSONS AGAINST LITTERING AND ILLEGAL DUMPING” AUTHORIZING THE CITY MANAGER TO WAIVE LANDFILL FEES FOR PERSONS PICKING UP AND DISPOSING OF LITTER AND ILLEGAL DUMPING IN THE CITY LIMITS OF BIG SPRING; ESTABLISHING CRITERIA THAT DEFINE THESE PROJECTS AS IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Persons residing in our community have expressed an interest in volunteering their time to pick up litter and illegal dumping; and

WHEREAS, The landfill fees of the City are partially imposed on the City of Big Spring by state law under Section 30 Texas Administrative Code Subchapter P, Fees and Reporting, yet imposing a fee on a citizen for taking action of their own free will to clean up their community places an undue burden and penalizes responsible action of disposing of waste; and

WHEREAS, the City Council finds that litter and illegal dumping are harmful and threatening to the public health, safety, and welfare of the City of Big Spring; and

WHEREAS, City Council declares that disposing of litter and illegal dumping serves the public interest and is a valid public purpose;

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

SECTION 1. Big Spring City Code, Chapter 44 entitled “Solid Waste,” Article III entitled “Illegal Dumping and Litter Control” is hereby amended to add a new Sections 44-120 to 44-122 to read in their entirety as follows:

Sec. 44-120. – Persons against litter and illegal dumping.

The City Manager is authorized to waive landfill disposal fees upon application of a person or disposal of matter collected from public rights-of-way, easements, and property.

Sec. 44.121 – Application of Person/City Manager consideration.

A person may request waiver of landfill disposal fees in writing to the City Manager. An applicant shall provide the location and general description of the matter to be removed and disposed of. The person shall provide written proof to the City that the landowner consents to the removal of the litter or illegal dumping. The City Manager shall verify the location and general description of the matter and determine whether the matter is a danger to the public health safety and welfare of the public. If the City Manager determines that the matter poses a threat or danger of to the public health, safety, and welfare as defined by the City Council the City Manager shall waive the disposal fee associated with disposing of the matter. The City Manager shall provide authorization or denial to the applicant in writing. Copies of the document shall be forwarded to each Member of City Council

Sec. 44-122. Determination of danger to public health, safety, and welfare.

The City Council hereby determines that any matter defined as bulky waste, commercial waste, dead animal, garbage, liter, miscellaneous non-vegetative yard waste, rubbish, solid waste, or yard waste on public property presents a danger to the public health, safety, and welfare as these items draw vermin, rodents, and other pests as well as incite continued liter and illegal dumping.

Sec. 44-123. Person access to City landfill.

A Person shall be permitted to dispose of waste as authorized by the City Manager upon presentation of the written authorization in this Article.

SECTION 2. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. 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 **8th** day of **March, 2022** 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 22nd day of March, 2022 with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary



INTEGRITY
EXCELLENCE
TRUST

March 17, 2022

Mr. John Medina
Assistant City Manager
City of Big Spring
310 Nolan Street
Big Spring, Texas 79720

RE: 2022 Seal Coat
Letter of Recommendation for Award

Sent: Via Email

Dear Mr. Medina:

On March 15, 2022 the City of Big Spring received bids for the 2022 Seal Coat project. Three bids were received for this project. A bid tabulation sheet summarizing the bids is included as an attachment to this letter. The bids included a Base Bid Schedule A for City streets, a Base Bid Schedule B for Airpark streets, and a Base Bid Schedule C for parking areas for Howard College. The low total base bid was \$1,335,188.49 submitted by Ronald R. Wagner & Co., LP out of Kendalia, Texas. The breakdown of the three base bid schedules and total base bid submitted by Ronald R. Wagner & Co. is as follows:

- Base Bid Schedule A - City Streets = \$1,014,273.06
- Base Bid Schedule B - Airpark Streets = \$232,382.92
- Base Bid Schedule C - Howard College = \$88,532.51
- Total Base Bid = \$1,335,188.49

Jacob and Martin has evaluated the low bid for conformity with the advertisement for bids and checked the references of the apparent low bidder. Based on our evaluation of the bids, it is recommended that the contract be awarded to Ronald R. Wagner & Co., LP for the total amount of \$1,335,188.49. 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,

Tristan King, E.I.T.
JACOB | MARTIN



info@jacobmartin.com
www.jacobmartin.com



3465 Curry Lane
Abilene, TX 79606
325.695.1070

1508 Santa Fe, Suite 203
Weatherford, TX 76086
817.594.9880

4920 S. Loop 289, Suite 104
Lubbock, TX 79414
806.368.6375

City of Big Spring
 2022 Seal Coat
 Bid Date: March 15, 2022 / 3:00 PM
 JM Project Number: 22124
 Funding Type: Local



Bid Tabulation

Engineer: Jacob & Martin, LLC
 Abilene, Texas

For all Labor, Materials, Equipment, and Incidentals to Furnish and Install the Following:

Ronald R. Wagner & Co., LP	Lipham Asphalt & Paving Co., LLC	CK Newberry, LLC
2443 Hwy 473	505 S. Broadway	1538 CR 345
Kendalia, TX 78027	Aspermont, TX 79502	Karnes City, TX 78118

	Total	Total	Total
TOTAL BASE BID - BID SCHEDULE A CITY STREETS (Items A1 -A4)	\$ 1,014,273.06	\$ 1,088,980.50	\$ 1,176,862.45 *

	Total	Total	Total
TOTAL BASE BID - BID SCHEDULE B AIRPARK STREETS (Items B1 -B3)	\$ 232,382.92	\$ 269,311.00	\$ 272,768.00

	Total	Total	Total
TOTAL BASE BID - BID SCHEDULE C HOWARD COLLEGE (Items C1 -C3)	\$ 88,532.51	\$ 79,359.85	\$ 99,781.50

(*) - Extension Error

**Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, February 15, 2022, 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, February 15, 2022, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on February 11, 2022, to all Directors, the news media, and duly posted on February 11, 2022, 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 February 15, 2022, at 5:15p.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 to Approve 2020-2021 annual Audit, Action on Minutes of the January 18, 2022, Regular Meeting and January 25, 2022 Special Meeting, Action to Approve January Investment and Financials Report, Directors Report, Board Comment, and Adjourn".

Directors Present:

Mr. Shane Seaton- President
Mr. Jeff Ward- Vice President
Mr. Raul Benavides- Secretary/Treasurer
Mr. Cody Williams
Mr. Paschal Odom

Directors Absent:

Staff Present:

Mr. Mark Willis, Ms. Teresa Morris

Guests that signed in: Roger Cline, TJ Stewart

AGENDA ITEM #1 – Call to Order/Invocation and Pledge:

Mr. Seaton called the meeting to order at 5:15 p.m. Mr. Seaton led the invocation and pledge.

ACTION ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action to Approve 2020-2021 Annual Audit Presented by Bolinger, Segars, Gilbert and Moss, LLP:

Mr. Copeland presented the Audit. Motion to approve the 2020-2021 Annual Audit was made by Mr. Ward seconded by Mr. Odom. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #4- Action on Minutes of the January 18, 2022, Regular Meeting and January 25, 2022 Special Meeting:

Mr. Seaton presented the Minutes. Motion to accept the Minutes was made by Mr. Ward seconded by Mr. Benavides. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #5- Action to Approve January Investment & Financial Report:

Mr. Benavides presented the Investment and Financials. Motion to approve the Investment & Financial Report was made by Mr. Benavides seconded by Mr. Williams. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Directors Report:

Projects: The third reiteration of the Big Spring EDA federal grant has been submitted, with pledged contributions from the City (\$500,000) and the EDC (up to \$400,000). The grant request is for \$1.5 million and would fund the first phase of additional infrastructure development west of the Airpark (estimated cost of \$2.3 million). EDC staff continues to work with the Rekord company to help them navigate various

processes now that they have completed purchase a building north of the city limits. The company is rehabilitating the building for their use and will eventually employ 20 to 25 people. The company makes and deploys specialize tent products for events and will primarily use the Big Spring facility as a staging center. No EDC incentive involved. City and EDC staff continue to coordinate negotiations with, an agricultural firm producing improved specialized fertilizer, for a long-term lease of building 75 at the airport. The company potentially could employee 25 at an average annual wage of \$65K. They had originally wanted to purchase the building Rekord acquired. No direct EDC incentive is involved, but staff will assist in exploring federal tax credits that may be available and provide the City with analysis involved with lease negotiations involving discounted rent for company investment in the facility. EDC staff attended a County Commissioners Court meeting with the City's consultant to support his presentation of the proposed downtown TIRZ concept. CeRam-Kote is continuing to make payments. Endurance Lift has 1 year left on their contract and continues to meet the obligations set forth in the contract. Meetings: Attended the monthly Chamber of Commerce Board meeting. The EDC Director participated in four City staff meetings. Staff attended one City Council meeting. The EDC staff has met with the new Airpark Director to establish cooperative efforts. The EDC Director made a presentation to the Tuesday Rotary Club. The EDC Director provided the monthly newspaper article and participated in two monthly radio interviews. The EDC Director served on the United Way fund allocation committee. EDC staff attended the annual Chamber of Commerce Banquet and maned the EDC booth. The next Board meeting will be March 15th.

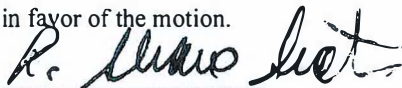
AGENDA ITEM #7- Board Comments:

AGENDA ITEM #8- Adjourn:

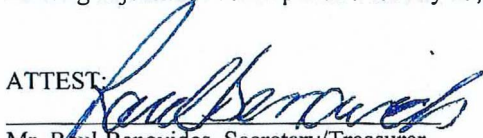
Mr. Ward made a motion to adjourn, seconded by Mr. Benavides

The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 5:44 pm on February 15, 2022.


Mr. Shane Seaton, President

ATTEST:


Mr. Raul Benavides, Secretary/Treasurer

Special Warranty Deed

Date: ~~May~~ 12, 2001
June

Grantor: CITY OF BIG SPRING, TEXAS

Grantor's Mailing Address: 310 Nolan Street, Big Spring, Howard County, Texas 79720

Grantee: CROSSROADS HOUSING DEVELOPMENT CORPORATION, A Texas non-profit corporation

Grantee's Mailing Address: P. O. Box 1042, Big Spring, Howard County, Texas 79720

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, being Grantee's agreement to develop the property as low to moderate income housing.

Property: (including any improvements):

907 E. 16th; Being all of Lot Nine (9), Block Thirty-seven (37), Cole & Strayhorn Addition, An Addition to the City of Big Spring, Howard County, Texas, according to the map or plat of record in Envelope 21/B, Plat Records of Howard County, Texas.

201 NE 7th; A certain parcel of land out of and part of Tract Number Thirty-four (34), in the William B. Currie Subdivision of the Southeast Quarter (SE/4) of Section Forty-two (42), Howard County, Texas and more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2001, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors, and assigns forever. Grantor binds Grantor and its successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by and through Grantor but not otherwise and except as to the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

CITY OF BIG SPRING

Russ McEwen

By: Russ McEwen, Mayor

ATTEST:

Tom Ferguson

Tom Ferguson, City Secretary

STATE OF TEXAS §

COUNTY OF HOWARD §

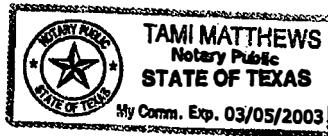
This instrument was acknowledged before me on the 12th day of June, 2001, by Russ McEwen, Mayor of the City of Big Spring, a Texas municipal corporation, on behalf of said City.

Tami Matthews

Notary Public, State of Texas

My Commission Expires:

3-5-03



RESOLUTION NO. _____

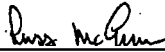
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING,
AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY, A
SPECIAL WARRANTY DEED CONVEYING PROPERTY TO CROSSROADS
HOUSING DEVELOPMENT CORPORATION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS
FOLLOWS:

THAT, the Mayor is hereby authorized and directed to execute on behalf of the City a Special
Warranty Deed conveying property to the Crossroads Housing Development Corporation. The
deed shall be in the form and convey the property described in Exhibit "A" attached hereto and
incorporated by reference.

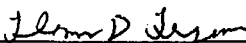
PASSED AND APPROVED on a first reading at a regular meeting of the City Council on the
22nd day of May, 2001, with all members present voting "aye" for
the passage of same.

PASSED AND APPROVED on a second reading at a regular meeting of the City Council on the
12th day of June, 2001, with all members present voting "aye" for the
passage of same.



Russ McEwen, Mayor

ATTEST:



Thomas D. Ferguson, City Secretary

EXHIBIT A

One (1) certain parcel of land out of and part of Tract Number Thirty-four (34) in the WILLIAM B. CURRIE SUBDIVISION of the Southeast Quarter (SE/4) of Section Forty-two (42); Block Thirty-two (32) Township One North, T & PRY, Co. Survey, Howard County, Texas, more particularly described as follows:

BEGINNING at a point (465) feet Northward of the intersection of the North line of N.E. 6th Street with the east line of North Runnels Street, said beginning point being 155 feet Northward from the intersection of the South boundary line of N.E. 7th Street and the east line of North Runnels Street, said beginning point being the N.W. corner of this parcel,

THENCE Eastward parallel with the south line of Tract No. 34 Wm. B. Currie Subdivision and parallel with the South line of N.E. 7th Street, a distance of 75 feet to point for the N.E. corner of this parcel,

THENCE Southward parallel with the East line of North Runnels Street a distance of 93.7 feet to intersection with the North line of N.E. 7th Street,

THENCE in a Northwesterly direction along the North boundary line of N.E. 7th Street 82.05 feet to intersection with the East line of North Runnels Street for the S.W. corner of the parcel,

THENCE Northward along the East boundary line of North Runnels street 60.2 feet to the PLACE OF BEGINNING, and being the same parcel conveyed to Humberto Hernandez and wife, Angelita Hernandez, by Juan C. Arguello, Jr. and wife, Lydia Arguello; through deed dated September 4, 1973, recorded in Volume 433, Page 371-73, Deed Records of Howard County, Texas.

Filed for Record in:
Howard County
Humberto Hernandez
County Clerk
On Dec 24, 2002 at 11:07A

As a
Recording

Document Number: 00005589

Amount: 15.00

Receipt Number: 14874

By:
Danna Wright, Deputy

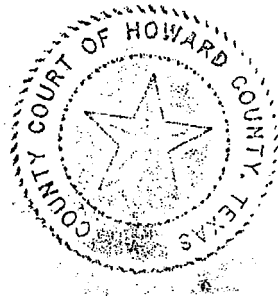
ANY PROVISION HEREIN WHICH RESTRICTS THE
SALVAGE, OR USE OF THE RECORDED
REAL PROPERTY BECAUSE OF COLOR OR RACE IS
INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

STATE OF TEXAS COUNTY OF HOWARD

I hereby certify that this instrument was
filed on this date and from stamped herein by me
and was duly recorded in the volume and page
of the record records of Howard County
as stamped herein by me.

Dec 23, 2002

By: *Danna Wright*
Danna Wright, County Clerk
Howard County



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AUTHORIZING AND APPOINTING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE BODY-WORN CAMERA GRANT PROGRAM FY2022 THROUGH THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, CRIMINAL JUSTICE DIVISION, GRANT #4390901, TO SECURE FUNDING FOR POLICE DEPARTMENT DIGITAL STORAGE NEEDS AND OTHER TECHNOLOGY ITEMS RELATED TO BODY-WORN CAMERAS; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, it is the sense of City Council that officers of the Big Spring Police Department should be equipped with body-worn cameras; and

WHEREAS, to this end, City Council previously accepted a generous grant from the Broughton Foundation which graciously donated the money to the City of Big Spring and Police Department for the purchase of body cameras; and

WHEREAS, the use of body-worn cameras will greatly increase demand for digital media storage, and this will increase funding needs for the Department; and

WHEREAS, the Office of the Governor, Public Safety Office, Criminal Justice Division, is accepting applications for grants related to body-worn cameras for peace officers, including related to digital media storage and other items related to body-worn cameras, and the City of Big Spring Police Department is qualified to apply; and

WHEREAS, the grant will be used for a server, software, two outdoor antenna kits, remote setup, and installation for body worn camera footage; and

WHEREAS, The total value of the grant would be approximately \$17,357.25, and this grant requires a 25% match on the part of the City, and this obligation if undertaken by the City would be approximately \$5,785.75; and

WHEREAS, the Big Spring City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the City Council assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the Big Spring City Council designates the City Manager as the grantee's authorized official with the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency; and

WHEREAS, time is of the essence as the City has submitted an application for the grant, and to fund the grant, the Criminal Justice Division requires a revised resolution from the City

Council, and therefore City Council hereby considers this as an emergency measure, so as to not require two readings before the resolution is adopted;

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

SECTION 1. The City of Big Spring, acting by and through its governing body, hereby resolves to authorize and appoint the City Manager to submit an application to the Body-Worn Camera Grant Program, FY2022, through the Office of the Governor, Public Safety Office, Criminal Justice Division, Grant #4390901, to secure funding for the long-term storage needs of the Big Spring Police Department of the body camera video storage.

SECTION 2. The City of Big Spring, acting by and through its governing body, hereby commits sufficient funds to provide for its 25% match of this grant, totaling approximately \$5,785.75 for this grant application.

SECTION 3. This Resolution shall become effective immediately upon its passage.

SECTION 4. This resolution shall amend (supersede) Resolution 031-2021.

SECTION 5. City Council finds that the passage of this resolution constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City resolutions must be read at two separate meetings of the City Council be suspended and said rule is hereby suspended, and this resolution shall be effective upon its publication as required by law.

PASSED AND APPROVED on emergency reading at a regular meeting of the City Council on the 22nd day of March, 2022, with all members present voting “aye” for passage of the same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING THE AUTHORIZED REPRESENTATIVES EMPOWERED TO TRANSMIT AND WITHDRAW FUNDS FROM TEXPOOL; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City of Big Spring, Texas, Location Number 77776, (“Participant”) is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool (“TexPool/Texpool *Prime*”), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act;

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

SECTION 1. The individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool/TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

SECTION 2. An Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant’s TexPool/TexPool *Prime* account or (2) is no longer employed by the Participant.

SECTION 3. The Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant.

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Shannon D. Thomason

Title: Mayor

Signature: _____

Phone Number: 432-271-6537

2. Name: Sandy Smith

Title: Finance Director

Signature: _____

Phone Number: 432-264-2517

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Sandy Smith

Email: sgsmith@mybigspring.com

Fax Number: 432-264-2387

In addition, and at the option of the Participant, two additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

Name: Gary Givens

Title: Assistant Finance Director

Name: John Medina

Title: Assistant City Manager

SECTION 4. This Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation.

SECTION 5. This Resolution shall supersede and replace all prior Authorized Representative designations and shall become effective immediately upon its final passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Big Spring, Texas, on the 22nd day of March, 2022 with all members present voting “aye” for passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council of the City of Big Spring, Texas, on the 12th day of April, 2022 with all members present voting “aye” for passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, 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 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF BUILDING REPAIRS AT THE ABC PARK BUILDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2021-22 budget for the City of Big Spring, Texas on September 28, 2021 (“Budget”); and

WHEREAS building repairs for the ABC Park Building was not included in such Budget; and

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022 is hereby increased by the amount of \$30,000.00 to the expense account number 002-027-370-5311 for the purpose of building repairs at the ABC Park Building.

SECTION 2. The remaining portions of Ordinance Number 039-2021 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 22nd day of March, 2022 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 12th day of April, 2022 with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING ARTICLE 6 OF THE BIG SPRING ZONING ORDINANCE ENTITLED “DISTRICT REGULATIONS,” SECTION 6-6 “DISTRICTS AND PERMITTED USES” TO INCLUDE INDOOR SHOOTING RANGES AS A PERMITTED USE IN THE RETAIL (R), CENTRAL AREA (CA), HEAVY COMMERCIAL (HC), LIGHT INDUSTRIAL (LI), AND HEAVY INDUSTRIAL (HI) DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission held a public hearing “regarding the addition of indoor shooting range as a permitted use in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts” on March 15, 2022; and

WHEREAS, the Planning and Zoning Commission considered the preliminary report to add indoor shooting ranges as a permitted use in Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (LI); and

WHEREAS, the Planning and Zoning Commission voted 5-0 to recommend that “indoor shooting range” be a permitted use in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI), in the Retail (R), and Central Area (CA) Districts; and

WHEREAS, the Planning and Zoning Commission presented its final report recommending to the City Council for consideration concerning shooting ranges be a permitted use in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI), Retail (R), and Central Area (CA) Districts; and

WHEREAS, the City Council of Big Spring held a hearing on March 22, 2022 “regarding the addition of indoor shooting range as a permitted use in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts” on March 15, 2022; and

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

SECTION 1. The Big Spring Zoning Ordinance, Article 6 “District Regulations,” Article 6-6 “Districts and Permitted Uses,” subsections entitled “R, Retail District,” “CA, Central Area,” “HC, Heavy Commercial District,” “LI, Light Industrial District,” and “HI, Heavy Industrial District” are hereby amended as follows:

ARTICLE 6. – DISTRICT REGULATIONS.

SECTION 6-6. Districts and Permitted Uses.

...

NON-RESIDENTIAL DISTRICTS

...

R, Retail District.

(a) *Use.* A building or premises shall be used only for the following uses:

...

- (2) Amusements (commercial indoor), animal clinic or hospital (no outdoor use), antique shop, auto repair (minor), auto parts sales (new), bakery (retail), cafeteria, carwash, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, mortuary or funeral parlor, office supply sales, parking lot (commercial—autos only), pawnshop, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premises consumption, retail stores and shops (other), shooting range – indoor.

...

CA, Central Area District.

(a) *Use.* A building or premises shall be used only for the following uses:

- (2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (without outside runs or pens), antique shop, auto repair (minor), auto parts sales (new), bakery (retail or wholesale), building material sales, cafeteria, carwash, clothing manufacturer or light compounding or fabrication, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial—autos only), parking lot (commercial—autos and trucks), pawn shop, pharmacy, places of entertainment or eating serving alcoholic beverages, plaza, print

shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premises consumption, retail stores and shops (other), wireless communication tower, shooting range - indoor.

HC, Heavy Commercial District.

(a) *Use*. A building or premises shall be used only for the following uses:

...

(2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (with or without outside runs or pens), animal pound (public or private), antique shop, auto repair (minor), auto parts sales (new or used, indoor or outdoor), bakery (retail or wholesale), building material sales, cafeteria, carwash, cleaning plant—rag or carpet (special equipment), clothing manufacturer or light compounding or fabrication, contractors shop or storage yard, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, milk, dairy or ice cream plant, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial—autos only), parking lot (commercial—autos and trucks), pawn shop, petroleum products storage, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premises consumption, retail stores and shops (other), rodeo ground, shooting range – indoor.

...

LI, Light Industrial District.

(a) *Use*. A building or premises shall be used only for the following uses:

...

(2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (without outside runs or pens), animal pound (public or private), antique shop, auto repair (minor), auto parts sales (new or used, indoor or outdoor),

bakery (retail or wholesale), building material sales, cafeteria, carwash, cleaning plant—rag or carpet (special equipment), clothing manufacturer or light compounding or fabrication, contractors shop or storage yard, custom personal service, dry cleaning, extraction and storage of sand, caliche, stone or gravel, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, milk, dairy or ice cream plant, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial—autos only), parking lot (commercial—autos and trucks), pawn shop, petroleum products storage, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premises consumption, retail stores and shops (other), rodeo ground, shooting range – indoor or outdoor.

HI, Heavy Industrial District.

(a) *Use*. A building or premises shall be used only for the following uses:

...

(2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (with or without outside runs or pens), animal pound (public or private), antique shop, auto repair (minor), auto parts sales (new or used, indoor or outdoor), bakery (retail or wholesale), building material sales, cafeteria, carwash, cleaning plant—rag or carpet (special equipment), clothing manufacturer or light compounding or fabrication, contractor's shop or storage yard, custom personal service, dry cleaning, extraction and storage of sand, caliche, stone or gravel, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, milk, dairy or ice cream plant, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial—autos only), parking lot (commercial—autos and trucks), pawn shop, petroleum products storage, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premises consumption, retail stores and shops (other), rodeo ground, shooting range – indoor or outdoor.

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 2. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. 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 **22nd** day of **March, 2022** 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 **12th** day of **April, 2022** with all members of the Council voting “aye” for the passage of same.

Shannon D. Thomason, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE AMENDMENT

CHANGE THE CAPTION OF THE ORDINANCE AS FOLLOWS:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING ARTICLE 6 OF THE BIG SPRING ZONING ORDINANCE ENTITLED “DISTRICT REGULATIONS,” SECTION 6-6 “DISTRICTS AND PERMITTED USES” TO INCLUDE INDOOR SHOOTING RANGES AS A PERMITTED USE IN THE ~~RETAIL (R), CENTRAL AREA (CA),~~ HEAVY COMMERCIAL (HC), LIGHT INDUSTRIAL (LI), AND HEAVY INDUSTRIAL (HI) DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

INSERT THE FOLLOWING WHEREAS CLAUSES:

WHEREAS, the City Council finds that the addition of “indoor shooting range” in the Central Area (CA) and Retail (R) Districts were not considered in said public hearing; and

WHEREAS, City Council has determined that the full recommendation of the Planning and Zoning Commission may not be adopted without further hearings by the Planning and Zoning Commission and by City Council due to the lack of public hearing regarding the full recommendation of the Planning and Zoning Commission, specifically that part of the recommendation concerning “indoor shooting range” in the Retail (R) and Central Area (CA) districts, and the fact that the recommendation of the Planning and Zoning Commission is more expansive than recommended by its preliminary report and that contemplated by the public in the public hearings, see *Amarillo v. Wagner*, 326 S.W.2d 863 (Tex. Civ. App.—Amarillo 1959); and

WHEREAS, the City Council may only reject or modify the recommendation of the Planning and Zoning Commission by a vote on the amended ordinance by three-quarters (¾) of a quorum of the Members of City Council present at a duly posted meeting; and

WHEREAS, the intention of City Council is to allow for both outdoor and indoor shooting ranges in the City of Big Spring in a variety of zones within the City to fully allow the citizens of Big Spring and the public at large to properly, safely, and legally exercise their rights under the Second Amendment to the Constitution of the United States of America, and their right to keep and bear arms in the lawful defense of himself or the State under the Texas Bill of Rights in the Texas Constitution; and

WHEREAS, City Council finds it appropriate to amend the Zoning Ordinance as follows;

AMEND SECTION 1 OF THE ORDINANCE AS FOLLOWS:

SECTION 1. The Big Spring Zoning Ordinance, Article 6 “District Regulations,” Article 6-6 “Districts and Permitted Uses,” subsections entitled “~~R, Retail District,~~” “~~CA, Central Area,~~” “~~HC,~~

Heavy Commercial District,” “LI, Light Industrial District,” and “HI, Heavy Industrial District” are hereby amended as follows:

ARTICLE 6. – DISTRICT REGULATIONS.

SECTION 6-6. Districts and Permitted Uses.

...

NON-RESIDENTIAL DISTRICTS

...

~~R, Retail District.~~

~~(a) Use. A building or premises shall be used only for the following uses:~~

~~...~~

~~(2) Amusements (commercial indoor), animal clinic or hospital (no outdoor use), antique shop, auto repair (minor), auto parts sales (new), bakery (retail), cafeteria, carwash, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self service, mortuary or funeral parlor, office supply sales, parking lot (commercial – autos only), pawnshop, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), restaurant with or without drive in service, retail sale of alcoholic beverages for off premises consumption, retail stores and shops (other), shooting range – indoor.~~

~~...~~

~~CA, Central Area District.~~

~~(a) Use. A building or premises shall be used only for the following uses:~~

~~(2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (without outside runs or pens), antique shop, auto repair (minor), auto parts sales (new), bakery (retail or wholesale), building material sales, cafeteria, earwash, clothing manufacturer or light compounding or fabrication, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for~~

~~care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self service, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial—autos only), parking lot (commercial—autos and trucks), pawn shop, pharmacy, places of entertainment or eating serving alcoholic beverages, plaza, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive in service, retail sale of alcoholic beverages for off premises consumption, retail stores and shops (other), wireless communication tower, shooting range indoor.~~

NOTE* In the draft ordinance under consideration, language to be added appears underlined and language to be deleted is ~~stricken~~.