



## CITY COUNCIL REGULAR AGENDA

Tuesday, July 12, 2022

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, July 12, 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.  
Thank you!

### Open Session

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

### 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** Moore

**Announcements, Presentations and Public Hearings**

<p><b>Public Hearings</b> – The Council will take Input on Items Requiring Public Hearing Items <b>Prior</b> to any Action.</p>
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- 5. PUBLIC HEARING - Second Public Hearing Regarding the Submission of an Application to the Texas Parks and Wildlife Department (TPWD) for a 2023 Local Park Fund Lewis

**City Manager’s Report**

- 6. Update on FEMA Funds Darden
- 7. Update on Large Item Pickup for District 6 on June 15, 2022 Darden
- 8. Large Item Pickup for District 1 - July 20, 2022 Darden
- 9. EDA Grant Update Darden

**Consent Items**

- 10. Approval of the City Council Minutes of the Regular Meeting of June 14, 2022 7-12 Davis
- 11. Final Reading of an Ordinance Authorizing Z-22-01, Amending the Big Spring Zoning Ordinance by Rezoning Approximately 3 Acres out of Section 46, Block 32 1 North, in Big Spring, Howard County, Texas, also Known as 3910 S. Service Road, from A, Agriculture District to HC, Heavy Commercial District; Providing for Severability; Providing for Publication; and Providing an Effective Date 13-14 Bowles
- 12. Final Reading of a Resolution in Support of the Big Spring Housing Authority in its Duty to Provide Vital, Local Services and Housing Assistance to Low-Income Families in Big Spring; Declaring Opposition to the Transfer of Local Administration of the Local Housing Choice Voucher Program to a Distant Jurisdiction; and Providing an Effective Date 15-16 Moore

**Vouchers**

- 13. Vouchers for 06/16/22 \$ 507,267.95 M. Smith
- Vouchers for 06/23/22 \$ 214,210.26
- Vouchers for 06/30/22 \$ 228,950.72
- Drafts & Manual Cks. \$ 1,304,554.43

14. Vouchers for 07/07/22	\$ 400,169.24	Ornelas
Drafts	\$ 133,800.74	

**Bids**

15. Consideration and Possible Action on a Bid for a 6-Inch Water Line Project for Roy Anderson Ballfield and Authorizing the City Manager or His Designee to Execute any Necessary Documents	17-18	Bowles
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**New Business**

16. Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney	19	Hagen
17. First Reading of an Ordinance Adopting a Water Conservation Plan; Establishing Reasonable Water Conservation Measures; Providing for Severability; and Providing an Effective Date	20-70	Bowles
18. First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code Entitled "Administration," by Adding a New Section 2-29 Entitled "Notice of Possible Quorum" to Require the City Secretary or the City Manager's Designee to Publish a Notice of Possible Quorum of City Council for Each Meeting of a Board or Committee Created by an Action of City Council, The Big Spring Housing Authority, and the Big Spring Economic Development Corporation; Providing for Severability; and Providing an Effective Date	71-72	Ornelas
19. First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code Entitled "Administration," Division 2 "Airpark Development Board," Article VII "Boards and Commissions," Repealing Sections 2-254 Through 2-260 to Disestablish the Airpark Development Board, and Adopting Sections 2-261 and 2-262 to Form a New Aviation Advisory Board to Advise on the Big Spring McMahon-Wrinkle Airport; Providing for Severability; and Providing an Effective Date	73-76	Feeley
20. First Reading of an Ordinance Amending Chapter 10 Entitled "Aviation," Article 1 "In General," to Add a New Section 10-2 Entitled "Vehicle Pedestrian Communications in Airport Movement Areas" to Add Definitions; Establish Right-of-Way on for Taxiing Aircraft; and Require a Pedestrian or Driver of Any Motor Vehicle to Acquire the Authorization of the Airpark Director Prior to Walking or Driving on the Movement Areas	77-80	Feeley

of the Airport; Providing for Severability; Providing for a Penalty not to Exceed \$500; Providing for Publication; and Providing an Effective Date

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |          |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|
| 21. | First Reading of a Resolution Authorizing the City Manager to Execute on Behalf of Said City, A Contract with the State of Texas, Department of Transportation, for a Cost Sharing Grant for the Routine Airport Maintenance Program (RAMP) for the McMahon-Wrinkle Airport; Providing an Effective Date                                                                                                                                  | 81      | Feeley   |
| 22. | Emergency Reading of a Resolution Authorizing an Application with the Texas Parks and Wildlife Department for the Purpose of Participating in the Local Park Grant Program; Certifying that the Applicant is Eligible to Receive Program Assistance; Certifying that the Applicants Matching Share is Readily Available; and Dedicating the Proposed Site for Permanent Public Park and Recreational Use; and Providing an Effective Date | 82-85   | Lewis    |
| 23. | Emergency Reading of a Resolution Authorizing Depository Account Signatories; and Providing an Effective Date                                                                                                                                                                                                                                                                                                                             | 86-87   | S. Smith |
| 24. | Emergency Reading of a Resolution Authorizing Support for a Staff Proposal to Use Available Resources from the Aviation Fund Balance for Sewer and Water Upgrades to Serve the Big Spring McMahon-Wrinkle Airport                                                                                                                                                                                                                         | 88-90   | Feeley   |
| 25. | Consideration and Possible Action Authorizing an Event Funding Request from CVB to POPS in the Park                                                                                                                                                                                                                                                                                                                                       | 91-101  | Lewis    |
| 26. | Consideration and Possible Action of a Lease Assignment with Prime Eco PolyChem, LLC and Authorizing the Mayor to Execute any Necessary Documents                                                                                                                                                                                                                                                                                         | 102-105 | Feeley   |
| 27. | Consideration and Possible Action Regarding the Purchase of a Jet "A" Self-Serve Fuel Dispenser which Exceeds the Amount the City Manager can Approve                                                                                                                                                                                                                                                                                     | 106     | Feeley   |
| 28. | Consideration and Possible Action Regarding a Request from Hotel Settles for Two Handicap Parking Spots                                                                                                                                                                                                                                                                                                                                   | 107     | Darden   |
| 29. | Discussion and Possible Action Regarding the Fencing at Big Sandy Landfill                                                                                                                                                                                                                                                                                                                                                                |         | Yanez    |
| 30. | Discussion and Possible Action Regarding a Splash Pad                                                                                                                                                                                                                                                                                                                                                                                     |         | Yanez    |
| 31. | Boards & Committees                                                                                                                                                                                                                                                                                                                                                                                                                       |         | Moore    |

**Big Spring Economic Development Corporation**

Remove - Shane Seaton

Appoint - Anna Scott

Nominated by Councilmember Yanez, Dist. 2

**Zoning Board of Adjustments**

Appoint - Debbie Ramirez

Nominated by Mayor Pro Tem Ornelas, Dist. 1

**Zoning Board of Adjustments - Alternate**

Appoint - Jan Hansen

Nominated by Councilmember McDonald, Dist. 4

**Traffic Commission**

Appoint - April Arms

Nominated by Councilmember McDonald, Dist. 4

**Council Input**

32. Input

**Executive Session**

- |                                                                                                                                                                                                                                                                                       |     |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|
| 33. Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.087, Texas Government Code, "Deliberation Regarding Economic Development Negotiations; Closed Meeting" to Discuss and Deliberate Economic Development Negotiations |     | Moore |
| 34. Adjourn into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Letter of Retirement from Judge Timothy Green, and the Employment, Reassignment, and Duties of Municipal Judge                   | 108 | Moore |
| 35. Reconvene into Open Session and Take any Necessary Action on Executive Session Items                                                                                                                                                                                              |     | Moore |
| 36. <b>Adjourn</b>                                                                                                                                                                                                                                                                    |     | Moore |

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

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and Posted on Friday, July 8, 2022 at 6:45 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](http://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](mailto: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. 4<sup>th</sup> St., Big Spring, Texas, at 5:30 p.m., May 24, 2022, with the following members present in person:

ROBERT H. MOORE	Mayor
NICK ORNELAS	Mayor Pro Tem
DIANE YANEZ	Councilmember
CODY HUGHES	Councilmember
GLORIA MCDONALD	Councilmember
MAURY SMITH	Councilmember

The following member present by Zoom:

TROY TOMPKINS	Councilmember
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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
CRAIG FERGUSON	Fire Chief
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
TIM GREEN	Municipal Judge

**INVOCATION & PLEDGE OF ALLEGIANCE**

County Commissioner Jimmy Long gave the invocation and Mayor Moore led the Pledge of Allegiance to the American and Texas Flags.

**PUBLIC COMMENT**

Several citizens had the following comments or concerns:

- A master plan update and possibly appoint a committee;
- Corrections on some citizens comments regarding the Big Spring Housing Authority;
- Water Hydrant concerns on Crestline;
- The possibility of amending a zoning ordinance regarding the Homeless; and

- Consideration of not allowing carnival permits around the time of the Howard County Fair event.

## **ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS**

### **PUBLIC HEARING – REGARDING TO THE SUBMISSION OF AN APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT (TPWD) FOR A 2023 LOCAL PARK FUND**

Motion was made by Councilmember McDonald to open the above captioned public hearing, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.” No comments were made at this time. Motion was made by Councilmember Hughes to close the above captioned public hearing, seconded by Councilmember Smith, with all members of the Council present voting “aye.”

### **PUBLIC HEARING – TO CONSIDER A ZONE CHANGE FROM A, AGRICULTURE DISTRICT, TO HC, HEAVY COMMERCIAL DISTRICT, AT 3910 S. SERVICE ROAD (INTERNATIONAL UNION OF OPERATING ENGINEERS), BEING APPROXIMATELY 3 ACRES IN SECTION 46, BLOCK 32 1N, IN BIG SPRING, HOWARD COUNTY, TEXAS**

Motion was made by Mayor Pro Tem Ornelas to open the above captioned public hearing, seconded by Councilmember Hughes, with all members of the Council present voting “aye.” No comments were made at this time. Motion was made by Councilmember McDonald to close the above captioned public hearing, seconded by Councilmember Yanez, with all members of the Council present voting “aye.”

## **CITY MANAGER’S REPORT**

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

- Reminder on Large Item Pickup for District 6 on June 15, 2022
- Update on Mosquito Spraying on the east side of town
- Update on Water Line Replacement Project

## **CONSENT ITEMS**

**APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF MAY 24, 2022**

**FINAL READING OF A RESOLUTION VESTING NEGOTIATING AUTHORITY ON BEHALF OF THE CITY FOR SPECIFIC CONTRACTS AND FUTURE CONTRACTS IN THE CITY MANAGER OR HIS DESIGNEE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**FINAL READING OF A RESOLUTION ABOLISHING THAT PART OF THE BIG SPRING PERSONNEL POLICIES IN CHAPTER IX, “CONDUCT,” SECTION 7 “RELATIONS WITH MAYOR AND COUNCIL,” BEING SECTION D, “ENTITLED MEETINGS WITH COUNCIL**

AND STAFF”; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION REAUTHORIZING THE TAX ABATEMENT GUIDELINES AND CRITERIA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE; AND PROVIDING AN EFFECTIVE DATE – **THE COMPLETE APPLICATION OF THE ONCOR ELECTRIC DELIVERY COMPANY LLC RATE CHANGES IS AVAILABLE FOR REVIEW IN THE CITY SECRETARY’S OFFICE**

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED “ADMINISTRATION,” ARTICLE II “CITY COUNCIL,” SECTION 2-22 “ESTABLISHING THE AGENDA” IN ORDER TO CHARGE THE CITY MANAGER WITH THE RESPONSIBILITY OF ESTABLISHING THE CITY COUNCIL AGENDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE GRANTING A PARTIAL AD VALOREM TAX EXEMPTION FOR TAX YEAR 2022 FOR THE HOMESTEAD OF ANY MARRIED OR UNMARRIED ADULT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE ANNEXING APPROXIATELY 5.08 ACRES OF LAND OUT OF THE N/2 OF SECTION 8, BLOCK 32, T-1-S, T & P RR. CO. SURVEY, HOWARD COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; ADOPTING A MUNICIPAL SERVICES AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 40 OF THE BIG SPRING CITY CODE, ENTITLED “PARKS, RECREATION, AND CULTURAL AFFAIRS,” ARTICLE VII, “COMANCHE TRAIL GOLF COURSE,” SECTION 40-234, “GOLF COURSE GREEN FEES,” SUBSECTION (5), “MISCELLANEOUS,” TO CONFIRM THE INTERPRETATION OF RETIREE OR RETIREES FOR THE PURPOSES OF ANNUAL

**GREEN FEES FOR RETIREES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

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

**VOUCHERS**

Councilmember Tompkins reviewed the following vouchers:

VOUCHERS FOR 05/26/2022 \$ 488,947.03

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

Councilmember Smith reviewed the following vouchers:

VOUCHERS FOR 06/02/2022 \$ 828,577.59

VOUCHERS FOR 06/10/2022 \$ 704,174.18

DRAFTS & MANUAL CKS \$ 133,239.06

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

**BIDS**

**CONSIDERATION AND POSSIBLE ACTION ON A BID FOR BANK DEPOSITORY SERVICES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Smith to award the above captioned bid to Prosperity Bank, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

**NEW BUSINESS**

**ACKNOWLEDGE RECEIPT OF THE ZOING BOARD OF ADJUSTMENTS MINUTES FROM THE MEETING OF NOVEMBER 18, 2021**

Councilmembers acknowledged the above captioned minutes with no changes.

FIRST READING OF AN ORDINANCE AUTHORIZING Z-22-01, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 3 ACRES OUT OF SECTION 46, BLOCK 32 1 NORTH, IN BIG SPRING, HOWARD COUNTY, TEXAS, ALSO KNOWN AS 3910 S. SERVICE ROAD, FROM A, AGRECULTURE DISTRICT TO HC,

HAVY COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF A RESOLUTION IN SUPPORT OF THE BIG SPRING HOUSING AUTHORITY IN ITS DUTY TO PROVIDE VITAL, LOCAL SERVICES AND HOUSING ASSISTANCE TO LOW-INCOME FAMILIES IN BIG SPRING; DECLARING OPPOSITION TO THE TRANSFER OF LOCAL ADMINISTRATION OF THE LOCAL HOUSING CHOICE VOUCHER PROGRAM TO A DISTANT JURISDICTION; AND PROVIDING AN EFFECTIVE DATE

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

Council adjourned into a break at 6:10 p.m.

Council reconvened into open session at 6:16 p.m.

CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH JACOB MARTIN, LLC FOR THE WATER TREATMENT PLANT SLUDGE DEWATERING IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION TO DELEGATE AUTHORITY TO THE CITY MANAGER TO EXECUTE AN UNIMPROVED GROUND LEASE WITH MANDATORY IMPROVEMENTS WITH PARTEE AVIATION L.L.C. FOR THE DEVELOPMENT OF AN 8,100 SQUARE FOOT AIRCRAFT HANGAR AND ASSOCIATED VEHICLE PARKING AT MCMAHON-WRINKLE AIRPORT

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

DISCUSSION AND CONSIDERATION CONCERNING A POSSIBLE RESOLUTION OR ORDINANCE ESTABLISHING PROCEDURES AND CRITERIA FOR THE ALLOCATION OF MONIES TO ORGANIZATIONS DURING THE BUDGET PROCESS

Mayor Pro Tem Ornelas recommended a resolution or ordinance to be brought back to Council for consideration of some guidelines for the allocation of money to organizations within the City.

ANNOUNCEMENT OF APPOINTMENT OF ONE OR MORE COMMISSIONERS TO THE BIG SPRING HOUSING AUTHORITY

Mayor Moore announced five appointees to the Big Spring Housing Authority which include the following: John Scott, TJ Stewart, Abbigail Chavez, Danelle Castillo and Scott Emerson.

#### **BOARDS AND COMMITTEES**

Zoning Board of Adjustments - Alternate  
April Gutierrez – District 6

April Gutierrez is appointed to the Zoning Board of Adjustments as an alternate to represent District 6 by acclamation of the Council.

#### **COUNCIL INPUT**

Mayor Moore congratulated Keep Big Spring Beautiful for receiving the Gold Star Affiliate Award.

Mayor Pro Tem Ornelas announced the following items: He filed a second complaint with TxDOT regarding Gregg St; Large Item Pickup for District 1 will be on July 20 and he will have the Young Marines helping citizens; He is planning a Kite Day for a Back to School event; and also reported his visit to the City of Uvalde.

Councilmember Yanez had some concerns regarding phone calls being returned.

Councilmember Smith reminded citizens of the Large Item Pickup for District 6 will be on June 15, 2022.

#### **ADJOURN**

Motion was made by Councilmember McDonald to adjourn the meeting at 6:43 p.m., seconded by Councilmember Smith, with all members of the Council present voting “aye.”

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Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING Z-22-01, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 3 ACRES OUT OF SECTION 46, BLOCK 32 1 NORTH, IN BIG SPRING, HOWARD COUNTY, TEXAS, ALSO KNOWN AS 3910 S SERVICE ROAD, FROM A, AGRICULTURE DISTRICT TO HC, HEAVY COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Planning and Zoning Commission held a public hearing during a regular meeting on May 3, 2022;

**WHEREAS**, the Planning and Zoning Commission recommends that this zone change be approved; and

**WHEREAS**, the City Council held a public hearing during a regular meeting on June 14, 2022; and

**WHEREAS**, the City Council has considered this request and has determined that approval is in the best interest of the City;

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

**SECTION 1.** The City Council hereby authorizes Z-22-01, a rezone of approximately 3 acres located in Section 46, Block 32, 1N, in Big Spring, Howard County, Texas, also known as 3910 S Service Rd, from A, Agriculture District to HC, Heavy Commercial District and such change is hereby approved as an amendment to the Zoning Ordinance.

**SECTION 2.** The City of Big Spring Zoning Map shall be amended to reflect the zoning designation of the above-described property as HC, Heavy Commercial District.

**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 directed to cause the caption of ordinance to be published as provided by law.

**SECTION 6.** This Ordinance shall take effect immediately from and after its publication and passage upon two readings 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 **14<sup>th</sup>** day of **June, 2022**, with all members present voting "aye" for the passage of same.

**PASSED AND APPROVED** on second and final reading at a regular meeting of the City Council on the **28<sup>th</sup>** day of **June, 2022**, with all members present voting "aye" for the passage of same.

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Robert H. Moore, III, Mayor

ATTEST:

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Tami L. Davis, City Secretary

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, IN SUPPORT OF THE BIG SPRING HOUSING AUTHORITY IN ITS DUTY TO PROVIDE VITAL, LOCAL SERVICES AND HOUSING ASSISTANCE TO LOW-INCOME FAMILIES IN BIG SPRING; DECLARING OPPOSITION TO THE TRANSFER OF LOCAL ADMINISTRATION OF THE LOCAL HOUSING CHOICE VOUCHER PROGRAM TO A DISTANT JURISDICTION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Big Spring Housing Authority (BSHA) has served City of Big Spring since April 22, 1998; and

**WHEREAS**, the BSHA plays an important role in ensuring the availability of safe, low-income housing through the Housing Choice Voucher (HCV) Program to approximately 230 recipients in Big Spring and surrounding communities; and

**WHEREAS**, the City Council finds that the recipients would not be adequately served if the program were to be administered by another jurisdiction; and

**WHEREAS**, the City Council finds it necessary to reiterate its support of the Big Spring Housing Authority and the vital services it provides to the Big Spring community;

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

**SECTION 1.** The Big Spring City Council finds that the local Big Spring Housing Authority provides a vital service to the low-income population of Big Spring and this Organization is a vital and needed asset to the community of Big Spring.

**SECTION 2.** The Big Spring City Council objects to transferring the Housing Choice Voucher Program administered by the Big Spring Housing Authority to another jurisdiction. It is the position of the City Council that moving the program would create undue hardships on existing program recipients and divert funds used for low-income housing in Big Spring.

**SECTION 3.** This Resolution 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 resolved.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 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 28<sup>th</sup> day of June, 2022 with all members of the Council voting “aye” for the passage of same.

\_\_\_\_\_  
Robert H. Moore, III, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, City Secretary



INTEGRITY  
EXCELLENCE  
TRUST

July 7, 2022

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

Re: 6-Inch Water Line - Gas Pipeline Horizontal Directional Drill  
Letter of Recommendation for Award

Sent: Via Email

Dear Mr. Medina:

On June 29, 2022, the City of Big Spring received bids for the 6-Inch Water Line – Gas Pipelines Horizontal Directional Drill project. Five bids were received for this project. A bid tabulation sheet summarizing the bids is included as an attachment to this letter. The low total base bid was \$55,780.00 submitted by Broadhead Boring, LLC located in Midland, Texas. 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 Broadhead Boring for the total amount of \$55,780.00. If the City Council agrees with the recommendation for award, Jacob and Martin will prepare contract documents for execution by the Contractor and the City. Feel free to contact me if you have any questions.

Sincerely,

Kirt Harle, P.E.

**JACOB | MARTIN**



325.695.1070  
817.594.9880

TBPE Firm #: 2448



info@jacobmartin.com  
www.jacobmartin.com

TBAE Firm #: BR 2261



3465 Curry Lane  
Abilene, TX 76906

TBPLS Firm #: 10024300 – Abilene

1508 Santa Fe, Suite 203  
Weatherford, TX 76086

TBPLS Firm #: 10193992 - Weatherford

City of Big Spring  
 6-Inch Water Line – Gas Pipelines Horizontal Directional Drill  
 Bid Date: June 29, 2022 at 3:00 PM  
 JM Project Number:21525  
 Local Funding



**Bid Tabulation**

Engineer: Jacob & Martin, LLC  
 Abilene, Texas

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

	Broadhead Boring, LLC	Trinity Utilities and Boring	Fambro Construction	H&P Boring Services, LLC	R Construction Civil, LLC	
	6014 ECRD 73	501 Airfield Rd	3125 CR 456	412 Clay Rd	PO Box 189	
	Midland, TX 79707	Aurora, TX 76078	Stephenville, TX 76401	Big Spring, TX 79720	Buffalo, TX 75831	
		<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>
<b>TOTAL BASE BID (Items 1 - 2)</b>		\$ 55,780.00	\$ 60,000.00	\$ 68,940.00	\$ 69,525.00	\$ 112,000.00 *

(\*) - Extension Error



## Staff Report

To: The Honorable Mayor and City Council

From: The City Manager

Date: July 12, 2022

Subject: Acknowledge Receipt of the Quarterly Claims  
and Litigation Report from the City Attorney

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**RECOMMENDATION:**

**BACKGROUND:**

**FISCAL IMPACT:**

**ATTACHMENTS:**

None

**REPORT PREPARED BY:**

Name1, Title

E-mail address

Phone #

**APPROVED BY:**

Department Head (optional)

Todd Darden, City Manager

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS ADOPTING A WATER CONSERVATION PLAN; ESTABLISHING REASONABLE WATER CONSERVATION MEASURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Big Spring, Texas recognizes that the amount of water available to the City, to its water utility customers, and to its wholesale water customers is limited; and

**WHEREAS**, Section 11.1271 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality and the Texas Water Development Board require a public water supply system in Texas to develop, submit, and implement a water conservation plan; and

**WHEREAS**, as authorized under law, and in the best interests of the citizens and the customers of Big Spring, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies;

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

**SECTION 1.** The City of Big Spring, Texas Water Conservation Plan attached hereto as Exhibit A and made hereof for all purposes be, and the same is hereby, adopted as the official policy of the City of Big Spring.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**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.** 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 **12<sup>th</sup>** day of **July, 2022**, with all members of the Council voting “aye” for the passage of the same.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the **26<sup>th</sup>** day of **June, 2022**, with all members of the Council voting “aye” for the passage of same.

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Robert H. Moore, III, Mayor

ATTEST:

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Tami L. Davis, City Secretary

**CITY OF BIG SPRING, TEXAS**

**WATER CONSERVATION PLAN**

**JUNE 2022**

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# **WATER CONSERVATION PLAN**

## **CITY OF BIG SPRING, TEXAS**

### **1 INTRODUCTION**

#### **1.1 Purpose**

This revised Water Conservation Plan (WCP) is being submitted to replace the Water Conservation Plan dated 2017 and previously adopted by the City of Big Spring. As a part of the Engineering Plan, this water conservation plan is written to comply with State regulations and to provide the City of Big Spring with an acceptable plan to eliminate unnecessary water usage in a cost-effective manner.

The City of Big Spring is a Public Water Supplier for municipal uses. This revised WCP complies with 30 TAC 288.2 and 288.5.

#### **1.2 General**

The City of Big Spring purchases raw untreated water from the Colorado River Municipal Water District (CRMWD). The CRMWD blends raw water from four sources prior to delivery to the City: (1) the Ivie Reservoir, (2) the Spence Reservoir, (3) Lake J.B. Thomas, and (4) the Martin County Well Field. Raw water is delivered to a 15-million-gallon reservoir at the Big Spring Pump Station north of the city. A 27-inch concrete cylinder line conveys raw water to the Big Spring Water Treatment Plant. Additionally, the City of Big Spring's water treatment plant is permitted to treat 0.125 MGD.

#### **1.3 Goals**

The City's water usage has increased approximately 24 GPCD from the previous Water Conservation Plan (WCP) in 2017. Over a 5-year period, from 2017 to 2021, the City of Big Spring averaged a daily water usage of approximately 196 gallons per capita per day (GPCD). Specific strategies and time frames for water conservation is in this WCP.

#### **1.4 Drought Contingency Plan (DCP)**

The Drought Contingency Plan includes measures that can cause the city to significantly reduce water use on a temporary basis. These measures involve voluntary reductions, restriction and/or elimination of certain types of water use, and water rationing. The DCP is a separate document.

#### **1.5 Conservation Methods**

1.5.1 Nine principal water conservation methods to be considered in preparing the water conservation plan are considered herein as follows:

- 1.5.1.1 Education and Information.
- 1.5.1.2 Plumbing Codes.
- 1.5.1.3 Retrofit Programs.
- 1.5.1.4 Water Rate Structures.
- 1.5.1.5 Universal Meter and Meter Repair.
- 1.5.1.6 Water Conservation Landscaping.
- 1.5.1.7 Leak Detection and Repair.
- 1.5.1.8 Recycling and Reuse.
- 1.5.1.9 Means of Implementation and Enforcement.

2 UTILITY EVALUATION DATA

2.1 Public Utility Profile

2.1.1 Population and Water Use Projections for the City of Big Spring:

	2020	2030	2040	2050	2060	2070
Population*	29,443	30,727	31,253	31,253	31,253	31,253
Water Demand** (ac-ft/yr.)	6,227	6,368	6,379	6,327	6,316	6,316
Water Demand (MGD)	5.56	5.69	5.70	5.65	5.64	5.64
Water Demand (GPCD)	188.83	185.04	182.24	180.75	108.44	180.44

\*Source: 2022 Texas State Water Plan Population Projections by City for 2020-2070 (05/11/2022).

\*\*Source: 2022 Texas State Water Plan, Water User Group Totals by Decade (acre-feet/year) (05/11/2022).

2.1.2 Number and Type of Connections in Service Area:

- 2.1.2.1 Residential: 7,876
- 2.1.2.2 Industrial: 21
- 2.1.2.3 Commercial: 787
- 2.1.2.4 Public/Institutional: 336
- 2.1.2.5 Agricultural: 2
- 2.1.2.6 Total: 9,022

2.1.3 Recent Population and Water Usage:

- 2.1.3.1 Population: 29,189 (TWD Utility Profile 2022).
- 2.1.3.2 Water Production in 2021: 1,476,215,152 Gallons.
- 2.1.3.3 Demand: 139 GPCD.

2.1.4 Water Use Information

- 2.1.4.1 Average Water Production for Last Two Years: 1,794,551 (1,000 gal./yr.).
- 2.1.4.2 Estimated 2017-2021 Annual Water Sales by User Category (1,000 gal.)

Total Gallons of Retail Water (1,000 gal)							
Year	Residential-Single Family	Residential-Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total Produced
2021	519,295	74,749	101,765	153,433	408,629	1,297	1,259,168
2020	615,129	85,222	641,288	164,734	438,334	1,716	1,946,423
2019	608,694	74,952	533,266	192,329	468,005	2,019	1,879,265
2018	58,291.30	42,892	613,243	215,867	521,055	-	1,451,348
2017	519,614	54,415	550,746	186,012	521,748	-	1,832,535
<b>TOTAL</b>	<b>2,321,023.30</b>	<b>332,230</b>	<b>2,440,308</b>	<b>912,375</b>	<b>2,357,771</b>	<b>5,032</b>	<b>8,368,739.30</b>

2.1.4.3 Peak Annual Use: 641,288 (1,000 gal/year).

2.1.5 Wastewater Information:

2.1.5.1 Percentage of water serviced by the wastewater system: 100%.

2.1.5.2 Percent of potable water customers who have septic tanks or other privately operated sewage disposal systems: 7%.

2.1.5.3 Percent of potable water customers serviced by another wastewater treatment utility: 0%.

2.1.5.4 Percent of total potable water sales to the three categories described in Section 2.1.2:

2.1.5.4.1 Percent of total sales to customers served: 96%.

2.1.5.4.2 Percent of total sales to customers who are on septic tanks or private disposal systems: 4%.

2.1.5.4.3 Percent of total sales to customers who are on other wastewater treatment systems: 0%.

2.1.5.5 Average daily volume of wastewater treated: 1,890,000 (gal.).

2.1.5.6 Peak daily wastewater volumes: 3,561,000 (gal.).

2.1.5.7 Estimated percent of wastewater flows to the treatment plant that originate from the following categories.

2.1.5.7.1 Residential: 90%.

2.1.5.7.2 Commercial: 5%.

2.1.5.7.3 Public and Institutional: 3%.

2.1.5.7.4 Stormwater: 2%.

2.1.5.7.5 Other – Explain: 0%.

2.1.5.7.6 Safe Annual Yield of Water Supply: 3,723,000 (x 1,000 gal.).

2.1.5.7.7 Peak Daily Capacity of Water Treatment Plant: 12,000,000 (gpd).

2.1.5.7.8 Major High-Volume Customers (50,000 gpd or greater):

2.1.5.7.8.1 Percent of Water Supply Connections in System Metered:

2.1.5.7.8.2 Residential: 100%.

2.1.5.7.8.3 Commercial: 100%.

2.1.5.7.8.4 Industrial: 100%.

2.1.5.8 Water Rate Structure:

The City of Big Spring maintains rate structures for public consumption which is cost-based and does not encourage the excessive use of water.

2.1.5.9 Wastewater Rate Structure:

The City of Big Spring maintains a rate structure for the public collection system which is cost-based. Each wastewater account shall be charged a “base rate” and charged for wastewater discharge based on water usage.

2.1.5.10 Applicable Local Regulations:

There are no local regulations that are applicable to the City of Big Spring.

2.1.5.11 Applicable State, Federal or other Regulations:

The City of Big Spring abides by the rules and regulations of the following agencies:

- 2.1.5.11.1 Texas Natural Resource Conservation Commission.
- 2.1.5.11.2 Texas Department of Health.
- 2.1.5.11.3 Environmental Protection Agency

3 WATER CONSERVATION PLAN

3.1 Conservation Goals

Usage: The historic average daily water usage is approximately 196 GPCD. The short-term (30 years) and the long term (40 years or more) conservation goals for the City of Big Spring in GPCD:

Year	Reduction from Current Usage Goal	Usage Goal
2020	-	196
2030	11.0	185
2040	22.0	174
2050	26.0	170
2060	27.0	169
2070	28.0	168

3.1.1 The long-term conservation goal is reasonable based on the following considerations:

3.1.1.1 Water-conserving Plumbing Fixtures:

The TCEQ uses a 20.5 GPCD as the “most likely” conservation scenario (and 21.7 GPCD for an “advanced” scenario) for water saving plumbing fixtures.

3.1.1.2 Public Education Programs:

The technical potential for water conservation due to public education programs is estimated to be in the range of 2% to 5% of the average annual per capita use. Two percent is the “most likely” conservation scenario.

Average annual per capita use = 196 GPCD.  
 Potential reduction of water use = (196 x 2%) = 3.92 GPCD.

3.1.1.3 Reducing Seasonal Water Use:

The TWDB has calculated seasonal use as a percentage of average annual per capita use for West Texas to be 25%. Seasonal water use is calculated by multiplying the average annual per capita use by 25% for West Texas cities. The technical potential for reduction in seasonal use is then multiplied by a factor of between 7% (“most likely” conservation scenario) to 20% (“advanced” scenario).

Average annual per capita use = 196 GPCD.  
 Geographic location = West Texas.  
 Seasonal use = (196 x 25%) = 49 GPCD.  
 Potential reduction in seasonal use = (49 x 7%) = 3.43 GPCD.

The total technical potential savings is the sum of the 3 considerations: 20.5 + 3.92 + 3.43 = GPCD, using the “most likely” conservation scenarios. The goal of reducing current usage by 28 GPCD is reasonable.

3.1.1.4 Metering Devices

All metering devices will be accurate within 5% (+/-) and will be used to measure and account for water

for public water distribution.

#### 3.1.1.5 Universal Metering

With the implementation of this Water Conservation Plan, all users, including the city and other public facilities, will be metered.

The City of Big Spring will continue to monitor water consumption and inspect meters which vary from their previously established norms. The City has established the following meter maintenance programs:

<u>Meter Type</u>	<u>Test Period</u>
Master Meter	Annually
Larger than 2 inches	Annually
2 inch and smaller	10 years

Through a successful meter maintenance program coupled with computerized billing and leak detection programs, the City of Big Spring will maintain water delivery rates, from production to consumer, above 85 percent.

#### 3.1.1.6 Monitoring

The City of Big Spring will continue its water usage monitoring and record management program for determining water deliveries, sales, and losses.

#### 3.1.1.7 Unaccounted-for Water Usage/Leak Detection

The City of Big Spring will continue measures to determine and control unaccounted-for uses of water, including monthly audits of the water system (storage, delivery, and distribution) to determine illegal connections, abandoned services, leaks, etc. Once located, all leaks will be immediately repaired, all illegal connections will be disconnected, and all abandoned services will be shut off at the valve.

#### 3.1.1.8 Education and Information

The City of Big Spring began a program of continuing public education and information regarding water conservation when it adopted its first water conservation plan (Water Conservation and Drought Contingency Plan, November 1992).

The City of Big Spring will continue to promote water conservation by informing water users about the ways to save water inside of homes and other buildings, in landscaping and lawn uses, and in recreational uses. Information will be distributed to water users as follows:

Distribution of educational materials will be made annually, timed to correspond with peak summer demand periods. The city will incorporate material available from the American Water Works Association (AWWA), Texas Water Development Board (TWDB) and other similar associations to expand the scope of this project. Current materials may be obtained from:

Texas Water Development Board  
PO Box 1321, Capitol Station

Articles will be published in the Big Spring newspaper. These publications will correspond to the mailouts or more often if conditions warrant.

New customers will be provided with general conservation literature when applying for service.

#### 3.1.1.9 Contracts with other Political Subdivisions

The City of Big Spring will, as part of contract for sale of water to any other political subdivision, require that entity to adopt applicable provisions of the City's water conservation plan or to have a plan in effect previously approved by the TWDB. These provisions will be through contractual agreement prior to the sale of any water to the political subdivision. Contracts for the sale of water that are already in effect will be revised to reflect the applicable programs of the water conservation plan when the contracts are renewed.

#### 3.1.1.10 Contracts with Wholesale Customers

The City of Big Spring will require in every water supply contract entered or renewed after official adoption of the WCP, including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of this WCP. If the customer intends to resell the water, then the contract between the City of Big Spring and the customer must provide that the contract for resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of this WCP.

#### 3.1.1.11 Water Rate

The City of Big Spring maintains rate structures for public consumption is cost-based and does not encourage the excessive use of water.

#### 3.1.1.12 Reservoir Systems Operations Plan

The City of Big Spring owns no reservoir within a common watershed or river basin. A reservoir systems operations plan is not applicable. If the City becomes an owner of such a reservoir, it will develop an operations plan.

#### 3.1.1.13 Implementation/Enforcement

The City Manager for the City of Big Spring or his/her designee will function as the Administrator of the Water Conservation Program. The Administrator will oversee the execution and implementation of all elements of the program. He will supervise the keeping of adequate records for program verification. The city will adopt the final approved plan and commit to maintain the program. A sample resolution of adoption is included in the Appendix.

3.1.1.14 The plan will be enforced through adoption of the Water Conservation Plan by ordinance of the City Council of the City of Big Spring in the following manner:

3.1.1.14.1 Service tap will not be provided to customers not meeting the plan requirements.

3.1.1.14.2 The existing rate structure should encourage retrofitting of old plumbing fixtures which use copious quantities of water.

3.1.1.14.3 Customers who do not pay their water bills will have service discontinued.

3.1.1.14.4 The building inspection will not certify new construction which fails to meet the plan requirements.

#### 3.1.1.15 Coordination

This WCP has been sent to Regional Water Planning Group F, the Colorado River Municipal Water District. Neither entity had any comments.

#### 3.1.1.16 Plumbing Codes

In accordance with SB 587, the City of Big Spring requires that all new construction and rehabilitation utilize water conserving sinks and lavatory faucets, showerheads, drinking water fountains, urinals, toilets, flush valve toilets and other plumbing fixtures. SB 587 has been distributed to the City's plumbing inspection department as a guideline for inspecting and approving all new plumbing fixtures. In addition, City plumbing inspectors require that all new swimming pools have recirculation filtration equipment.

#### 3.1.1.17 Retrofit Program

The City of Big Spring will continue to make available, through its education and information programs, information for water customer's use when purchasing and installing plumbing fixtures, lawn watering equipment, or using appliances. The advertising program will inform existing users of the advantages of installing water savings devices. The city will contact local plumbing and hardware stores and encourage them to stock water conserving fixtures including retrofit devices.

#### 3.1.1.18 Water Conserving Landscaping

To reduce the demands placed on the water system by landscape watering, the City of Big Spring, through its information and education program, will encourage customary and local landscaping companies to utilize water saving practices in installation of landscaping for residential and commercial installations.

Some of the methods to be promoted by the education and information program are as follows:

Encourage landscape architects to use low-water-using plants and grasses and efficient irrigation systems.

Encourage licensed irrigation contractors to use drip irrigation systems, where possible, and to design all irrigation systems with water conservation features, such as sprinklers which emit large drops rather than a fine mist and a sprinkler layout which accommodates prevailing wind patterns.

Encourage commercial establishments to use drip irrigation for landscape watering, when practical, and to install only ornamental fountains that recycle and use minimal quantities of water.

Encourage local nurseries to offer adapted, low water using plants and grasses and efficient water devices.

#### 3.1.1.19 Recycle and Reuse

The City of Big Spring owns and operates the wastewater treatment plant east of the city. The city currently discharges treated effluent into Beal's Creek. Because of the high mineral content of the treated effluent and the location of the plant in relation to industrial users, wastewater reuse is not being utilized at this time. With implementation of this plan, all industrial users will be contacted to determine if reuse and recycle is being utilized or could be utilized.

**APPENDIX A**  
**EXAMPLE ORDINANCE**

**EXAMPLE ORDINANCE FOR ADOPTION  
OF A WATER CONSERVATION PLAN**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS,  
ADOPTING A WATER CONSERVATION PLAN; ESTABLISHING  
REASONABLE WATER CONSERVATION MEASURES; AND  
PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring, Texas recognizes that the amount of water available to the city, to its water utility customers and to its wholesale water customers is limited.

WHEREAS Section 11.1271 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to develop, submit and implement a water conservation plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens and the customers of Big Spring, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies.

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

SECTION 1.

That the City of Big Spring, Texas Water Conservation Plan attached hereto as Exhibit A and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City of Big Spring.

SECTION 2.

That all ordinances that conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF BIG SPRING, TEXAS, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTESTED TO:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**APPENDIX B**  
**UTILITY PROFILE**

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### CONTACT INFORMATION

Name of Utility: CITY OF BIG SPRING

Public Water Supply Identification Number (PWS ID): TX1140001

Certificate of Convenience and Necessity (CCN) Number: \_\_\_\_\_

Surface Water Right ID Number: \_\_\_\_\_

Wastewater ID Number: \_\_\_\_\_

Contact: First Name: Shane Last Name: Bowles

Title: Public Works Director

Address: 310 Nolan City: Big Spring State: TX

Zip Code: 79720 Zip+4: \_\_\_\_\_ Email: sbowles@mybigspring.com

Telephone Number: 4322642500 Date: 4/11/2022

Is this person the designated Conservation Coordinator?  Yes  No

Regional Water Planning Group: F

Groundwater Conservation District: \_\_\_\_\_

Our records indicate that you:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

#### A. Population and Service Area Data

1. Current service area size in square miles: 19

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. Historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Water Service
2021	29,189	0	29,189
2020	27,282	0	27,282
2019	27,282	0	27,282
2018	27,905	2	27,905
2017	28,532	2	28,532

3. Projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Water Service
2030	30,340	0	30,340
2040	30,860	0	30,860
2050	30,860	0	30,860
2060	30,860	0	30,860
2070	30,860	0	30,860

4. Described source(s)/method(s) for estimating current and projected populations.

Based on US Census
--------------------

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### B. System Input

System input data for the previous five years.  
 Total System Input = Self-supplied + Imported – Exported

Year	Water Produced in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2021	1,476,215,152	0	0	1,476,215,152	139
2020	2,112,885,980	0	0	2,112,885,980	212
2019	2,494,293,750	0	0	2,494,293,750	250
2018	2,055,803,069	0	0	2,055,803,069	202
2017	1,861,355,001	0	0	1,861,355,001	179
<b>Historic Average</b>	2,000,110,590	0	0	2,000,110,590	196

### C. Water Supply System

1. Designed daily capacity of system in gallons 12,500,000
2. Storage Capacity
  - 2a. Elevated storage in gallons: 1,800,000
  - 2b. Ground storage in gallons: 11,470,000

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### D. Projected Demands

1. The estimated water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demand (gallons)
2023	31,334	2,015,980,000
2024	31,669	2,088,624,000
2025	32,008	2,162,643,000
2026	32,352	2,239,927,000
2027	32,702	2,319,974,000
2028	33,192	2,402,881,000
2029	33,690	2,488,752,000
2030	34,195	2,577,690,000
2031	34,708	2,669,808,000
2032	35,229	2,765,217,000

2. Description of source data and how projected water demands were determined.

1.5% growth 3.5% growth
----------------------------

### E. High Volume Customers

1. The annual water use for the five highest volume **RETAIL** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
Howard County Water Control	Residential	79,736,000	Treated
Cornell Corrections	Institutional	75,407,000	Treated
Federal Prison	Institutional	48,691,000	Treated
Cornell Corrections Cedar Hill	Institutional	34,377,000	Treated
City of Big Spring Water Treatment Plant	Commercial	34,327,000	Treated

2. The annual water use for the five highest volume **WHOLESALE** customers.

Customer	Water Use Category	Annual Water Use	Treated or Raw
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## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### F. Utility Data Comment Section

Additional comments about utility data.

City owned Data

### Section II: System Data

#### A. Retail Water Supplier Connections

1. List of active retail connections by major water use category.

Water Use Category Type	Total Retail Connections (Active + Inactive)	Percent of Total Connections
Residential - Single Family	7,685	85.18 %
Residential - Multi-Family	191	2.12 %
Industrial	21	0.23 %
Commercial	787	8.72 %
Institutional	336	3.72 %
Agricultural	2	0.02 %
<b>Total</b>	<b>9,022</b>	<b>100.00 %</b>

2. Net number of new retail connections by water use category for the previous five years.

Year	Net Number of New Retail Connections						
	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
<b>2021</b>	487	7	0	44	6	0	544
<b>2020</b>	288	0	0	43	2	0	333
<b>2019</b>	355	1	0	41	4	0	401
<b>2018</b>	523	7	0	58	10	0	598
<b>2017</b>	325	2	0	78	3	0	408

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### B. Accounting Data

The previous five years' gallons of RETAIL water provided in each major water use category.

Year	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	Total
2021	519,295,000	74,749,000	101,765,000	153,433,000	408,629,000	1,297,000	1,259,168,000
2020	615,129,000	85,222,000	641,288,000	164,734,000	438,334,000	1,716,000	1,946,423,000
2019	608,694,000	74,952,000	533,266,000	192,329,000	468,005,000	2,019,000	1,879,265,000
2018	58,291,300	42,892,000	613,243,000	215,867,000	521,055,000	0	1,451,348,300
2017	519,614,000	54,415,000	550,746,000	186,012,000	521,748,000	0	1,832,535,000

### C. Residential Water Use

The previous five years residential GPCD for single family and multi-family units.

Year	Total Residential GPCD
2021	56
2020	70
2019	69
2018	12
2017	55
Historic Average	52

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### D. Annual and Seasonal Water Use

1. The previous five years' gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Water				
	2021	2020	2019	2018	2017
<b>January</b>	4,355,000	3,120,000	3,450,000	3,855,000	3,143,000
<b>February</b>	4,842,000	3,092,000	3,439,000	2,954,000	3,108,000
<b>March</b>	3,941,000	3,148,000	3,580,000	3,719,000	3,357,000
<b>April</b>	4,088,000	3,267,000	3,757,000	3,816,000	3,300,000
<b>May</b>	4,147,000	4,250,000	3,886,000	4,416,000	3,873,000
<b>June</b>	4,493,000	4,724,000	3,913,000	4,735,000	4,024,000
<b>July</b>	4,370,000	4,731,000	4,775,000	4,550,000	4,339,000
<b>August</b>	4,067,000	4,771,000	4,816,000	4,382,000	4,066,000
<b>September</b>	3,808,000	4,002,000	4,279,000	3,901,000	4,011,000
<b>October</b>	4,653,000	3,616,000	3,947,000	3,878,000	3,750,000
<b>November</b>	2,548,000	3,474,000	3,284,000	3,483,000	3,611,000
<b>December</b>	2,933,000	3,506,000	3,016,000	3,525,000	3,353,000
<b>Total</b>	48,245,000	45,701,000	46,142,000	47,214,000	43,935,000

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

2. The previous five years' gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Water				
	2021	2020	2019	2018	2017
January	33,654,000	34,465,000	36,094,000		
February	39,434,000	20,544,000	26,020,000		
March	40,339,000	32,611,000	39,284,000	45,530,000	
April	35,512,000	40,298,000	43,881,000	43,424,000	
May	36,178,000	51,067,000	43,653,000	63,169,000	
June	37,235,000	43,862,000	44,543,000	71,110,000	
July	38,060,000	57,284,000	56,633,000	69,943,000	
August	51,073,000	52,661,000	53,381,000	57,796,000	
September	45,992,000	53,063,000	41,388,000	45,048,000	
October	31,975,000	56,564,000	35,509,000		
November	23,079,000	42,127,000	33,682,000		36,176,000
December	35,037,000	33,563,000	35,352,000	37,494,000	39,007,000
<b>Total</b>	<b>447,568,000</b>	<b>518,109,000</b>	<b>489,420,000</b>	<b>433,514,000</b>	<b>75,183,000</b>

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
<b>2021</b>	139,298,000	495,813,000
<b>2020</b>	168,033,000	563,810,000
<b>2019</b>	168,061,000	535,562,000
<b>2018</b>	212,516,000	480,728,000
<b>2017</b>	12,429,000	119,118,000
<b>Average in Gallons</b>	140,067,400.00	439,006,200.00

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### E. Water Loss

Water Loss data for the previous five years.

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2021	213,899,232	20	0.00 %
2020	166,462,980	17	0.00 %
2019	583,850,078	59	0.00 %
2018	578,757,231	57	0.00 %
2017	25,220,001	2	0.00 %
<b>Average</b>	313,637,904	31	0.00 %

### F. Peak Day Use

Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2021	1,358,391	1514108	1.1146
2020	1,544,684	1826445	1.1824
2019	1,467,293	1826750	1.2450
2018	1,317,063	2309956	1.7539
2017	326,350	135097	0.4140

### G. Summary of Historic Water Use

Water Use Category	Historic Average	Percent of Connections	Percent of Water Use
<b>Residential - Single Family</b>	464,204,660	85.18 %	27.73 %
<b>Residential - Multi-Family</b>	66,446,000	2.12 %	3.97 %
<b>Industrial</b>	488,061,600	0.23 %	29.16 %
<b>Commercial</b>	182,475,000	8.72 %	10.90 %
<b>Institutional</b>	471,554,200	3.72 %	28.17 %
<b>Agricultural</b>	1,006,400	0.02 %	0.06 %

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### H. System Data Comment Section

City own data

### Section III: Wastewater System Data

#### A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s) in gallons per day: 11,400,000

2. List of active wastewater connections by major water use category.

Water Use Category	Metered	Unmetered	Total Connections	Percent of Total Connections
<b>Municipal</b>			0	0.00 %
<b>Industrial</b>			0	0.00 %
<b>Commercial</b>			0	0.00 %
<b>Institutional</b>			0	0.00 %
<b>Agricultural</b>			0	0.00 %
<b>Total</b>			0	100.00 %

3. Percentage of water serviced by the wastewater system: 90.00 %

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

4. Number of gallons of wastewater that was treated by the utility for the previous five years.

Month	Total Gallons of Treated Water				
	2021	2020	2019	2018	2017
January	93,610,738	104,252,672	112,930,880	97,163,977	118,986,962
February	85,150,870	90,007,482	98,566,057	96,447,339	102,187,366
March	93,559,880	102,309,141	112,832,120	108,548,468	106,521,844
April	92,873,780	92,155,948	122,113,487	108,399,067	100,465,711
May	104,110,450	98,602,923	144,382,170	103,956,297	99,266,011
June	108,834,140	91,220,732	126,855,730	104,011,165	100,585,713
July	103,029,720	110,569,150	106,862,414	106,678,301	102,026,368
August	95,194,360	102,394,517	110,784,982	117,147,949	109,247,611
September	88,637,410	99,357,295	106,971,760	116,086,516	104,990,135
October	88,439,450	97,562,498	109,950,012	180,652,363	104,893,934
November	84,817,820	99,357,295	110,590,288	115,115,834	97,014,440
December	85,070,240	99,889,968	107,451,286	106,500,634	96,137,290
<b>Total</b>	<b>1,123,328,858</b>	<b>1,187,679,621</b>	<b>1,370,291,186</b>	<b>1,360,707,910</b>	<b>1,242,323,385</b>

5. Could treated wastewater be substituted for potable water?

Yes
  No

### B. Reuse Data

1. Data by type of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site Irrigation	
Plant wash down	
Chlorination/de-chlorination	
Industrial	
Landscape irrigation (park,golf courses)	0
Agricultural	
Discharge to surface water	0
Evaporation Pond	0
Other	
<b>Total</b>	<b>0</b>

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

### C. Wastewater System Data Comment

Additional comments and files to support or explain wastewater system data listed below.

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**APPENDIX C**  
**DROUGHT CONTINGENCY PLAN**

# **DROUGHT CONTINGENCY PLAN**

## **CHAPTER 16B**

### **Article 1. General Provisions**

#### **Sec. 16B-1. Declaration Of Policy, Purpose And Intent.**

In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit nonessential water usage. The purpose of the Drought Contingency Plan (DCP) is to encourage customer conservation in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority.

This DCP replaces the previously adopted Drought Contingency Plan (March 2002).

#### **Sec. 16B-2. Public Involvement.**

Opportunity for the public to provide input into the preparation of the DCP was provided by the City of Big Spring by:

- Scheduling and providing public notice of a public meeting to inform the public about preparation of the plan
- Providing opportunities for input at the City Council meetings held on

August 9, 2005 at 5:30 p.m.

April 12, 2011 at 5:30 p.m.

July 18, 2011 at 5:30 p.m.

#### **Sec. 16B-3. Public Education.**

##### **(A) Retail Customer/Public Education**

The City of Big Spring will periodically provide the public with information about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of:

- (1) Distribution of a fact sheet explaining elements of the DCP.
- (2) Annual distribution of educational materials, timed to correspond with peak summer demand periods.
- (3) Articles will be published in the Big Spring newspaper. These publications will correspond to the mail-outs or more often.

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### **(B) Wholesale Water Customer Education**

The City of Big Spring will periodically provide wholesale water customers with information about the DCP, including information about the conditions under which each stage of the DCP is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of periodically including information about the DCP with invoices for water sales.

### **Sec. 16B-4. Coordination With Regional Water Planning Groups.**

The service area of the City of Big Spring is located within the Regional Water Planning Group F and the City of Big Spring has provided a copy of this DCP to the Regional Water Planning Group F.

The City of Big Spring is a member city of the Colorado River Municipal Water District (CRMWD) and has provided a copy of this DCP to the CRMWD.

### **Sec. 16B-5. Notice Requirements.**

#### **(A) Retail Customer/Public.**

Public notification of the initiation or termination of drought response stages shall be by means of public notification in a newspaper of general circulation and announcements on radio and/or television. The public will be informed, in advance if possible, of the expected or actual conditions and will be given detailed instructions. They will be kept informed concerning the status, i.e., holding, improving, getting worse, etc. Also, water conservation information will be provided.

#### **(B) Wholesale Customers.**

Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

## **Article 2. Violations, Penalties And Exceptions**

### **Sec. 16B-6. Violations.**

#### **(A) Retail Customers/Public**

- (1)** No person shall knowingly or intentionally allow the use of water from the City of Big Spring for residential, commercial, industrial, agricultural, governmental, or any other

## DROUGHT CONTINGENCY PLAN

purpose in a manner contrary to any provision of this DCP, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City of Big Spring in accordance with provisions of this DCP.

- (2) Any person, including a person classified as a water customer of the City of Big Spring, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, and proof that a violation committed by a child occurred on property within the parent's control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this DCP and that the parent could not have reasonably known of the violation.
- (3) Any person who violates this DCP is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two Thousand and no/100 Dollars (\$2,000.00). Each day that one or more violations of this DCP occur shall constitute a separate offense. If a person is convicted of three or more distinct violations of this DCP, the Administrator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occurred. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, established by City policy and any other costs incurred by the City of Big Spring in discontinuing service and all assessed fines. In addition, suitable assurance must be given to the City of Big Spring that the same action shall not be repeated while the DCP is in effect. Compliance with this DCP may also be sought through injunctive relief in the District Court.
- (4) The Code Enforcement Official, Utility Supervisor, or Police Officer of the City of Big Spring designated by the City Manager may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in Municipal Court to enter a plea of guilty

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or not guilty for the violation of this DCP. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may

be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

### B) Wasting Of Water Prohibited.

It shall be unlawful for any person to permit, or to allow any other person under his or her control or authority to permit water to run or accumulate in any gutter or street within the City. It shall be a defense to prosecution for such violation that the running or accumulating water is the result of an emergency such as extinguishing a fire or the result of a water leak that has been reported to the City of Big Spring within a reasonable time.

### C) Wholesale Customers.

During any period when pro rata allocation of available water supplies is in effect, the City of Big Spring shall discontinue water delivery when the allocated quantity of water is reached

## **Sec. 16B-7. Exemptions Or Variances.**

The City Manager or his designee may grant any customer an exemption or variance from the drought contingency plan for good cause upon written request. A customer who is refused an exemption or variance may appeal such action in writing to the City Council. The City will treat all customers equally concerning exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

### A) Retail Customers/Public.

The City of Big Spring may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this DCP if it is determined that failure to grant such variance would cause an undue hardship or an emergency condition adversely affecting the public health, sanitation, or safety and if one or more of the following conditions are met:

- (1) Compliance with this DCP cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this ordinance shall file a written petition for variance with the City of Big Spring. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

## DROUGHT CONTINGENCY PLAN

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (3) Specific provision(s) of the DCP from which the petitioner is requesting relief.
- (4) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (5) Description of the relief requested.
- (6) Period of time for which the variance is sought.
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this DCP and the compliance date.
- (8) Other pertinent information.

Variations granted by the City shall be subject to the following conditions, unless expressly waived or modified by the City Manager or his/her designee:

- (1) Variations granted shall include a specific duration.
- (2) Variations granted shall expire when the DCP is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the variance.

### B) Wholesale Customers.

The City of Big Spring may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this DCP if it is determined that failure to grant such variance would cause an undue hardship or emergency condition adversely affecting the public health, sanitation or safety, and if one or more of the following conditions are met:

- (1) Compliance with this DCP cannot be technically accomplished during the duration of the water supply shortage or other condition for which the DCP is in effect.

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- (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this DCP shall file a petition for variance with the City of Big Spring within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

- (1) Name and address of the petitioner(s).
- (2) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (3) Description of the relief requested.
- (4) Period of time for which the variance is sought.
- (5) Alternative measures the petitioner is taking or proposes to take to meet the intent of this DCP and the compliance date.
- (6) Other pertinent information.

Variances granted by the City shall be subject to the following conditions, unless expressly waived or modified by the City Manager or his designee:

- (1) Variances granted shall include a specific duration.
- (2) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variances shall be retroactive or otherwise justify any violation of this DCP occurring prior to the issuance of the variance.

### **Article 3. Response Stages**

#### **Sec. 16B-8. General.**

The City of Big Spring shall monitor water supply and/or demand conditions on a weekly (or more often) basis and shall determine when conditions warrant initiation or termination of each stage of the DCP.

## **DROUGHT CONTINGENCY PLAN**

Unless there is an immediate and extreme reduction in water production, or other absolute necessity to declare an emergency or severe condition, the City of Big Spring will initially declare Stage II restrictions. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, reduce the risk of outages, or comply with restrictions required by a court, government agency or other authority, Stage III may be implemented with Stage IV to follow if necessary.

Under normal circumstances, the CRMWD provides raw water to the City of Big Spring from a combination of five (5) sources: (1) the Ivie Reservoir, (2) the Spence Reservoir, (3) Lake Thomas, (4) Moss Lake and (5) the Martin County Well Field. The Martin County Well Field is used intermittently. The CRMWD sets the ratio based on reservoir level, source water quality, economics and needs of its member cities and customer cities.

CRMWD has the capacity to deliver up to 21 mgd of water from Lake Thomas and up to 40 mgd of Spence water from Moss Lake to the 15 mg reservoir located at the Big Spring Pump Station north of the City. CRMWD can gravity flow up to 11 mgd of Ivie/Martin County water to this 15 mg reservoir from the west.

A 27-inch concrete cylinder line conveys water from the 15 mg reservoir to the Big Spring Roy C. Hester Water Treatment Plant. This line currently operates by gravity with a capacity of 12 mgd, but can be boosted to increase the capacity. The water treatment plant has a normal capacity of 12 mgd that can be pushed to 13 mgd for short periods of time.

### **Sec. 16B-9. Stage I - Customer Awareness.**

Stage I will begin:

Every April 1st. No notice to TCEQ required.

Stage I will end:

Every September 30th. No notice to TCEQ required.

### **City of Big Spring Measures**

Stage I public notification will be designed to increase customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public notification on water conservation awareness shall be kept on file available for inspection by the TCEQ.

### **Voluntary Water Use Restrictions**

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Water customers are requested to voluntarily limit the use of water for nonessential purposes and to practice water conservation.

### Sec. 16B-10. Stage II - Voluntary Water Conservation.

(A) Target.

Achieve a 5 percent reduction in total water use The water utility will implement Stage II when any one of the selected triggers is reached:

(B) Supply Based Triggers.

Wholesale supplier's (CRMWD) drought Stage II.

(C) Demand or Capacity Based Triggers.

- (1) Water treatment as % of capacity = 95% (11.4 mgd based on 12 mgd safe capacity) for seven (7) consecutive days, or
- (2) The water supply is still adequate, but the water levels or reservoir capacities are low enough that there is a real possibility that the supply situation may become critical if the drought or emergency continues. Historically, this occurs at approximately 41% of full capacity of combined reservoirs.

Upon initiation and termination of Stage II, the City of Big Spring will provide public notification to its customers, both retail/public and wholesale. No notice to TCEQ required.

(D) Requirements for Termination.

Stage II of the DCP may end when all of the conditions listed as triggering events have ceased to exist for a period of four (4) consecutive days. Upon termination of Stage II, Stage I becomes operative.

(E) City Of Big Spring Measures.

Visually inspect lines and repair leaks on a daily basis.

Review customer use records monthly and follow-up on unusually high usage.

Reduce or discontinue flushing of water mains.

## **DROUGHT CONTINGENCY PLAN**

Reduce or discontinue irrigation of public landscaped area.

(F) Voluntary Water Use Restrictions (Retail Customers).

- (1) **Restricted Days/Hours:** Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for water customers with a street address ending in an even number (0, 2 4 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9) and to irrigate only between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or drip irrigation system;
- (2) Water customers are requested to refrain from washing cars.
- (3) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(G) Voluntary Water Use Restrictions (Wholesale Customers).

- (1) City of Big Spring will contact wholesale water customers to discuss water supply and/or demand conditions and will request that the wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage II of the customer's drought contingency plan).
- (2) City of Big Spring, will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

**Sec. 16B-11. Stage III - Mandatory Water Use Restrictions.**

(A) Target.

Achieve a 10 percent reduction in total water use.

The water utility will implement Stage III when any one of the selected triggers is reached:

(B) Supply Based Triggers.

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Notification is received from CRMWD initiation of Stage III of the CRMWD's DCP pursuant to the requirements specified in the City of Big Spring's wholesale water purchase contract.

(C) Demand or Capacity Based Triggers.

- (1) Water demand for 15 consecutive days reaches or exceeds 95% of the system's safe capacity (95% of 12 mgd = 11.4 mgd), beyond which the failure of a pump or some other piece of equipment could cause a serious disruption of service to part or all of the system, or
- (2) Reservoir levels are low enough to disrupt some major economic activity or cause unacceptable damage to a vital ecosystem. Historically, this occurs when the reservoirs are at approximately 16.5% of combined full capacity.

Upon initiation and termination of Stage III, the City of Big Spring will provide notification to both retail/public and wholesale customers. Notice to TCEQ required.

(D) Requirements for Termination.

Stage III of the DCP may end when all of the conditions listed as triggering events have ceased to exist for a period of four (4) consecutive days. Upon termination of Stage III, Stage II becomes operative.

(E) City of Big Spring Measures.

- (1) Visually inspect lines and repair leaks on a regular basis
- (2) Reduce or discontinue flushing of water mains except for dead end mains.
- (3) Reduce or discontinue irrigation of public landscaped areas.

(F) Mandatory Water Use Restrictions (Retail Customers/Public).

- (1) Irrigation of landscaped areas by any means including but not limited to hose-end sprinklers, automatic irrigation systems, hand-held hoses or drip irrigation systems shall be limited to the specific days and times of the week designated by the City of Big Spring except that watering by means of a faucet filled bucket or watering can of five (5) gallons or less is allowed on any day between the hours of 6:00 p.m. and 10:00 p.m.
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other

## DROUGHT CONTINGENCY PLAN

vehicle is prohibited at all times except on the immediate premises of a commercial car wash or commercial service station. Washing of vehicles by so-called “mobile-wash” vendors is also allowed so long as it is performed in compliance with all other applicable rules and local laws. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public necessitate frequent vehicle cleansing, such as for garbage trucks and vehicles used to transport food and perishables.

- (3) Use of water to fill, refill, or add to any commercial or filtered indoor or outdoor swimming pool or “Jacuzzi” type pool is allowed only between the hours of 6:00 p.m. and 8:00 a.m. on any day. Use of water to fill, refill or add to any non-filtered wading or “kiddie” pool is allowed only during the days and times designated by the city for other outside watering.
- (4) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (5) Use of water from fire hydrants or flush valves shall be limited to fire fighting and related activities or other activities necessary to maintain public health, safety and welfare. Use of water necessary for construction purposes may be allowed under special permit from the City of Big Spring.
- (6) Use of water for the irrigation of golf courses, parks, and green belt area is prohibited except on designated watering days and times. However, if such area utilizes a water source other than potable water provided by the City of Big Spring, the facility shall not be subject to these regulations.
- (7) All restaurants are prohibited from serving water to its patrons except when requested.
- (8) The following uses of water are defined as nonessential and are prohibited:
  - a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
  - b) use of water to wash down buildings or structures for purposes other than immediate fire protection;
  - c) use of water other than well water for dust control;
  - d) flushing gutters or permitting water to run or accumulate in any gutter or street;

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- e) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s)
  
- (G) Mandatory Water Use Restrictions (Wholesale Customers).
  - (1) The City of Big Spring will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
  
  - (2) The City of Big Spring will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage III of the wholesale customer's drought contingency plan).
  
  - (3) The City of Big Spring will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer.
  
  - (4) The City of Big Spring will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

### **Sec. 16B-12. Stage IV - Critical Water Use Restrictions.**

(A) Target.

Achieve a minimal use of 35 percent reduction in total water use.

The water utility will implement Stage IV when any one of the selected triggers is reached:

(B) Supply Based Triggers.

Notification is received from CRMWD requesting initiation of drought Stage IV.

(C) Demand or Capacity Based Triggers.

- (1) Water levels are low enough in the distribution storage reservoirs to hinder adequate fire protection, or
  
- (2) Water demand is exceeding the system's safe capacity (12 mgd) for ten (10) consecutive days, thus presenting the real danger of a major system failure.

Upon initiation and termination of Stage IV, the utility will provide public notification to its customers, both retail/public and wholesale. Notice to TCEQ required.

## DROUGHT CONTINGENCY PLAN

(D) Requirements for Termination.

Stage IV of the DCP may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of four (4) consecutive days. Upon termination of Stage IV, Stage III becomes operative.

(E) City of Big Spring Measures.

- (1) The City of Big Spring shall visually inspect lines and repair leaks on a daily basis.
- (2) Reduce or discontinue flushing of water mains.
- (3) Begin water rationing if needed.

(F) Mandatory Water Use Restrictions (Retail Customers/Public).

- (1) All requirements of Stage III shall remain in effect during Stage IV except;
  - (a) Irrigation of landscaped areas shall be prohibited.
  - (b) Washing of any motor vehicle, motorbike, boat, trailer, airplane or other vehicle shall be prohibited.
  - (c) The watering of golf course tees, fairways or greens is prohibited unless the golf course utilizes a water source other than potable water provided by the City of Big Spring.
  - (d) The filling, refilling or adding water to swimming pools, wading pools and Jacuzzi-type pools shall be prohibited.
  - (e) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(G) Mandatory Water Use Restrictions (Wholesale Customers).

- (1) City of Big Spring will assess the severity of the problem and identify the actions needed and time required to solve the problem.

## **BIG SPRING CITY CODE**

- (2) City of Big Spring will inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
- (3) If appropriate, the City of Big Spring will notify county and/or state emergency response officials for assistance.
- (4) Undertake necessary actions, including repairs and/or cleanup as needed.
- (5) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

### **Sec. 16B-13. Stage V - System Outage Or Supply Contamination.**

(A) Target.

Achieve a minimal use of water.

The City of Big Spring will implement Stage V when any one of following triggers is reached:

(1) Supply Based Triggers:

Notification is received from CRMWD requesting initiation of Stage 5 of the DCP pursuant to requirements specified in the City of Big Spring's wholesale water purchase contract.

(2) Demand or Capacity Based Triggers:

A major water line breaks or equipment or system failure occurs which causes loss of ability to provide water service.

Contamination of water supply occurs.

(B) Notice.

Upon initiation and termination of Stage V, the City of Big Spring will provide public notification to its customers, both retail/public and wholesale. Notify TCEQ Regional Office immediately.

(C) Requirements for Termination.

## **DROUGHT CONTINGENCY PLAN**

Stage V of the DCP may be rescinded when all of the conditions listed as triggering events have ceased to exist. Upon termination of Stage V, another stage of the DCP may be operative based on the discretion of the City of Big Spring.

### **(D) City of Big Spring Measures.**

- (1) Discontinue flushing of water mains.
- (2) Discontinue irrigation of public landscaped areas.
- (3) Begin water rationing if necessary.
- (4) Distribute water-boil notices if necessary.
- (5) Seek another source of water.

### **(E) Mandatory Water Use Restrictions (Retail Customers/Public).**

All requirements of Stage IV will be implemented.

### **(F) Mandatory Water Use Restrictions (Wholesale Customers).**

- (1) Assess the severity of the problem and identify the actions needed and time required to solve the problem.
- (2) Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
- (3) If appropriate, notify county and/or state emergency response officials for assistance.
- (4) Undertake necessary actions, including repairs and/or cleanup as needed.
- (5) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

## **Article 4. Water Rationing**

### **Sec. 16B-14. Water Rationing Allocation Plan.**

## BIG SPRING CITY CODE

In the event that a triggering condition for Stage IV or Stage V conditions exists and the water shortage conditions threaten public health, safety and welfare, the City of Big Spring is hereby authorized to ration water according to the following water allocation plan:

(A) Retail Customers/Public.

Priority

The City of Big Spring will have the authority to stop industrial and commercial water uses so that remaining water is available for essential health- and safety-related uses. The priority list for water use during a severe drought will be the following:

- Priority 1 Hospitals
- Priority 2 Residential
- Priority 3 Schools
- Priority 4 Fire Protection
- Priority 5 Industrial
- Priority 6 Commercial
- Priority 7 Recreation/Aesthetics

(B) Pro Rata Water Allocation For Wholesale Customers.

The City of Big Spring will include in contracts references to pro rata water allocation as per Texas Water Code 11.039. In the event that the triggering criteria specified in this DCP for Stage IV – Critical Water Use Restriction or for Stage V – System Outage or Supply Contamination Conditions have been met, the City Manager or his/her designee is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

- (1) A wholesale customer's monthly allocation shall be a percentage of the customer's water usage baseline. The percentage will be set by resolution of the City of Big Spring based on the City Manager's, or his/her designee's, assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries to each wholesale customer shall be limited to the allocation established for each month.
- (2) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's water usage baseline will be computed on the average water usage by month for the 1997-2001 periods as shown in the example given below. If the wholesale water customer's billing history is

## DROUGHT CONTINGENCY PLAN

less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

	1997	1998	1999	2000	2001	SUM	AVE	ALLOCATION %	MONTHLY ALLOCATION
<b>Jan</b>	133	137	146	148	156	719	144	75%	108
<b>Feb</b>	115	122	133	133	147	650	130	75%	98
<b>March</b>	130	150	146	149	159	734	147	75%	110
<b>April</b>	130	167	168	157	187	808	162	75%	122
<b>May</b>	160	152	179	183	171	845	169	75%	127
<b>June</b>	226	184	172	205	249	1,035	207	75%	155
<b>July</b>	235	274	232	314	246	1,301	260	75%	195
<b>Aug</b>	222	203	206	337	309	1,277	255	75%	191
<b>Sept</b>	199	160	196	229	198	982	196	75%	147
<b>Oct</b>	165	172	197	165	185	884	177	75%	133
<b>Nov</b>	139	142	149	153	162	745	149	75%	112
<b>Dec</b>	142	143	150	156	165	755	151	75%	113
<b>TOTAL</b>	<b>1,995</b>	<b>2,006</b>	<b>2,072</b>	<b>2,330</b>	<b>2,333</b>	<b>10,735</b>	<b>2,147</b>		

- (3) The City Manager or his/her designee shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Natural Resource Conservation Commission upon initiation of pro rata water allocation.
- (4) Upon request of the customer or at the initiative of the City Manager, or his/her designee, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the wholesale customer's normal water usage, (2) the customer agrees to transfer part of its allocation to another wholesale customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council of the City of Big Spring.

### Article 5. Administration Of Drought Contingency Plan

#### Sec. 16B-15. Authorization.

The Mayor, or his/her designee, is hereby authorized and directed to implement the applicable provisions of this DCP upon determination that such implementation is necessary to protect public health, safety and welfare. The Mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this DCP.

## **BIG SPRING CITY CODE**

### **Sec. 16B-16. Application.**

The provisions of this DCP shall apply to all persons, customers, and property utilizing water provided by the City of Big Spring. The terms “person” and “customer” as used in the DCP include individuals, corporations, partnerships, associations and all other legal entities.

### **Sec. 16B-17. Plan Review.**

The DCP will be reviewed every five (5) years. The DCP will be updated as appropriate based on new or updated information, such as the adoption of revision of the regional water plan.

### **Sec. 16B-18. Definitions.**

For the purpose of this DCP, the following definitions shall apply:

- (A) **Recreational/Aesthetic Water Use:** Water use for non-consumptive, pleasure; ornamental or decorative purposes such as swimming/wading pools, fountains, reflecting pools and water gardens.
- (B) **Commercial and Institutional Water Use:** Water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants and office buildings.
- (C) **Conservation:** Those practices, techniques and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
- (D) **Customer:** Any person, company or organization using water supplied by the City of Big Spring.
- (E) **Domestic Water Use:** Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.
- (F) **Even Numbered Address:** Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8, and locations without addresses.
- (G) **Industrial Water Use:** The use of water in processes designed to convert materials of lower value into forms having greater usability and value.
- (H) **Landscape Irrigation Use:** Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks and rights-of-way and medians.

## DROUGHT CONTINGENCY PLAN

- (I) Non-essential Water Use: Water uses that are neither essential nor required for the protection of public, health, safety and welfare, including:
- (1) Irrigation of landscape areas, including parks, athletic fields and golf courses, except otherwise provided under this DCP.
  - (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle.
  - (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas.
  - (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - (5) Flushing gutters or permitting water to run or accumulate in any gutter or street.
  - (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools.
  - (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life.
  - (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
  - (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.
- (J) Odd Numbered Address: Street addresses, box numbers or rural postal route numbers ending in 1, 3, 5, 7 or 9.

### **Sec. 16B-19. Severability.**

It is hereby declared to be the intention of the City of Big Spring that the sections, paragraphs, sentences, clauses and phrases of this DCP are severable and, if any phrase, clause, sentence, paragraph or section of this DCP shall be declared unconstitutional, invalid, illegal or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such determination shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this DCP. This DCP will be construed as if the unconstitutional, invalid, illegal, or unenforceable provision had never been contained in it.

(Chapter 16B-Ord. of 4-12-11, Ord. of 7-18-11)

**APPENDIX D**  
**TWDB WCP GOALS**

## WATER CONSERVATION PLAN 5- AND 10-YR GOALS FOR WATER SAVINGS

Facility Name: Roy C. Hester WTP

Water Conservation Plan Year: 2022

	<b>Historic 5yr Average</b>	<b>Baseline</b>	<b>5-yr Goal for year <u>2027</u></b>	<b>10-yr Goal for year <u>2032</u></b>
Total GPCD <sup>1</sup>	196	196	195	193
Residential GPCD <sup>2</sup>	52	52	50	48
Water Loss (GPCD) <sup>3</sup>	31	31	31	31
Water Loss (Percentage) <sup>4</sup>	16%	16%	16%	16%

1. Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

2. Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

3. Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

4. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," BY ADDING A NEW SECTION 2-29 ENTITLED "NOTICE OF POSSIBLE QUORUM" TO REQUIRE THE CITY SECRETARY OR THE CITY MANAGER'S DESIGNEE TO PUBLISH A NOTICE OF POSSIBLE QUORUM OF CITY COUNCIL FOR EACH MEETING OF A BOARD OR COMMITTEE CREATED BY AN ACTION OF CITY COUNCIL, THE BIG SPRING HOUSING AUTHORITY, AND THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, members of the City Council have a vested interest in the business and duties of the boards and committees established to serve the citizens of Big Spring; and

**WHEREAS**, pursuant to the Open Meetings Act, each meeting in which a quorum of City Council could be present and engage in the business of the board or committee is required to be posted; and

**WHEREAS**, City Council desires the choice to attend these meetings without barriers to their participation in the business of the boards and committees;

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

**SECTION 1.** Chapter 2 of the Big Spring City Code entitled "Administration," Article II entitled "City Council" is hereby amended to add a new Section 2-29 entitled "Notice of possible quorum" to read in its entirety as follows:

**Section 2-29. – Notice of possible quorum.**

The City Secretary or the City Manager's designee shall publish a notice of possible quorum for City Council for each meeting of a board or commission created under Article VII, Chapter 2, Big Spring City Code; for each meeting of the Big Spring Housing Authority; and for each meeting of the Big Spring Economic Development Corporation, unless time constraints do not allow it.

**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 **12<sup>th</sup>** day of **July, 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 **26<sup>th</sup>** day of **July, 2022** with all members of the Council voting “aye” for the passage of same.

\_\_\_\_\_  
Robert H. Moore, III, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, City Secretary

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CITY OF  
**Big Spring**

## MEMORANDUM

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Date: July 7, 2022  
To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager  
From: Mike Feeley A.A.E., Airport Director  
Re: Proposal to disestablish the Airpark Development Board and establish an Aviation Advisory Board

---

Staff is proposing to disestablish the Airpark Development Board and establishing an Aviation Advisory Board consistent with industry standards. The board would serve in an advisory capacity with representation from each council district much like the Airpark Development Board. The primary difference in the two boards is the advisory nature of the Aviation Advisory Board and the general duties.

The duties of the Aviation Advisory Board would include:

The Aviation Advisory Board shall have the authority to review and recommend to the City Manager and City Council all plans of extensions, improvements, and additions to the airport master plan. The board may also:

1. Recommend the adoption of rules and regulations for the airport
2. Review and comment on the annual operating budget and capital improvement requests
3. Make recommendations concerning the leasing of lands and granting concessions for the privilege of doing business in or on the property of the airport where such leases or concessions may have an impact on the development of the airport and its master plan; and
4. Review and recommend a schedule of rental rates and charges and other fees or charges for tenants and other lessees of aviation property

Staff desires that the Aviation Advisory Board play an active role in the promotion and development of Big Spring McMahon-Wrinkle Airport so that the citizens of Big Spring realize the full benefit of the public use airport. The selected board members should represent a cross representation of the citizens of Big Spring with a primary focus on business acumen with an interest in aviation activities.

Staff is in support of this proposal.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," DIVISION 2 "AIRPARK DEVELOPMENT BOARD," ARTICLE VII "BOARDS AND COMMISSIONS," REPEALING SECTIONS 2-254 THROUGH 2-260 TO DISESTABLISH THE AIRPARK DEVELOPMENT BOARD, AND ADOPTING SECTIONS 2-261 AND 2-262 TO FORM A NEW AVIATION ADVISORY BOARD TO ADVISE ON THE BIG SPRING MCMAHON-WRINKLE AIRPORT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, City Council wishes to disestablish the Airpark Development Board and to create a new committee to advise on the Big Spring McMahon-Wrinkle Airport;

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

**SECTION 1.** The Big Spring City Code, Chapter 2 entitled "Administration," Division 2 "Airpark Development Board," Article VII, "Boards and Commissions," Sections 2-254, 2-255, 2-256, 2-257, 2-258, 2-259, and 2-260 are hereby repealed.

**SECTION 2.** The Big Spring City Code, Chapter 2 entitled "Administration," Division 2 "Airpark Development Board," Article VII, "Boards and Commissions," is hereby retitled "Aviation Advisory Board."

**SECTION 3.** The Big Spring City Code, Chapter 2 entitled "Administration," Division 2 "Administration Division," Article VII, Boards and Commissions, Sections 2-261 and 2-262 are hereby adopted:

**Sec. 2-261. Aviation Advisory Board.**

- (a) An Aviation Advisory Board is hereby created to provide emphasis, assistance, information, and support to the Council to ensure the efficient and effective operation of the Big Spring McMahon Wrinkle Airpark while maximizing its growth potential. The board shall be advisory in nature.
- (b) Section 2-241 shall apply to the board.
- (c) The Council will consider for appointment only those members of the community who have demonstrated their interest and knowledge of business, industry, and real estate. All members of the Advisory shall serve without compensation.

- (d) The Airpark Director or the Airpark's designee, and the Executive Director of the Big Spring Economic Development Corporation or Executive Director's designee shall be additional ex-officio members.
- (e) Regular meetings shall be scheduled at least bi-monthly, and the City Manager shall call together the Aviation Advisory Board to consider official business as needed. Additional meetings may be held upon the call of the Chairman, or the Vice-Chairman in the absence of the Chairman, or upon petition of a simple majority of Aviation Advisory Board members.
- (f) If a member of the Aviation Advisory Board shall be absent more than three (3) times, without prior notification, during any twelve (12) month period, said third (3rd) absence shall be construed as the member's resignation from the Board for all purposes.

**Sec 2-262. Duties and Responsibilities.**

The Aviation Advisory Board shall have the authority to review and recommend to the City Manager and City Council all plans of extensions, improvements, and additions to the airport master plan. The board may also:

- (a) Recommend the adoption of rules and regulations for the airport;
- (b) Review and comment on the annual operating budget and capital improvement requests;
- (c) Make recommendations concerning the leasing of lands and granting concessions for the privilege of doing business in or on the property of the airport where such leases or concessions may have an impact on the development of the airport and its master plan; and
- (d) Review and recommend a schedule of rental rates and charges and other fees or charges for tenants and other lessees of aviation property.

**SECTION 4.** Former members of the disestablished Airpark Development Board are not hereby appointed to the Aviation Advisory Board.

**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 6.** 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 7.** 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 **12<sup>th</sup>** day of **July, 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 **26<sup>th</sup>** day of **July, 2022** with all members of the Council voting “aye” for the passage of same.

\_\_\_\_\_  
Robert H. Moore, III, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, City Secretary

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CITY OF  
**Big Spring**

## MEMORANDUM

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Date: July 7, 2022  
To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager  
From: Mike Feeley A.A.E., Airport Director  
Re: Proposal change to City Code, Chapter 10, Aviation, Article 1

---

Staff is proposing to make a revision to the City Code, Chapter 10, Aviation, Article 1, adding a section that makes it unlawful for any person to walk or drive a vehicle on or across any portion of the airports movement area unless that person has received proper authorization from the director or authorized designee to walk or drive on or across any portion of the movement area. Authorized vehicles will be required to maintain contact on the UNICOM Frequency via two-way radio. Violations of this section of the ordinance shall constitute a misdemeanor criminal offense punishable by a fine not to exceed \$500.

Staff is in support of this proposed change to since we have experienced unauthorized vehicles crossing active runways and taxiways at Big Spring McMahon-Wrinkle Airport.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 10 ENTITLED "AVIATION," ARTICLE I "IN GENERAL," TO ADD A NEW SECTION 10-2 ENTITLED "VEHICLE PEDESTRIAN COMMUNICATIONS IN AIRPORT MOVEMENT AREAS" TO ADD DEFINITIONS; ESTABLISH RIGHT-OF-WAY ON FOR TAXIING AIRCRAFT; AND REQUIRE A PEDESTRIAN OR DRIVER OF ANY MOTOR VEHICLE TO ACQUIRE THE AUTHORIZATION OF THE AIRPARK DIRECTOR PRIOR TO WALKING OR DRIVING ON THE MOVEMENT AREAS OF THE AIRPORT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED \$500; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council finds it necessary to adopt the following ordinance concerning rules and regulations at the Big Spring McMahon-Wrinkle Airpark;

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

**SECTION 1.** In the Big Spring City Code, Chapter 10, Aviation, Article I, In General, there is hereby adopted Section 10-2 as follows.

**Sec. 10-2 Vehicle and Pedestrian Communications in Airport Movement Areas.**

(a) Definitions. In this section:

1. "Aircraft" means any weight-carrying structure for navigation in the air and which obtains support by the dynamic reaction of the air to any obstruction connected with the structure. Gliders or ultralights, either powered or unpowered, helicopters, hot air balloons and airships will be considered aircraft.
2. "Airport" means all of the land, improvements, facilities and development of the Big Spring McMahon-Wrinkle Airpark.
3. "Director" means the director of the Airport.
4. "Movement Area" means the runways, taxiways and other landing areas of the airport which are utilized for taxiing, hover taxiing, air taxiing and landings and takeoffs of aircraft, exclusive of ramp areas.

5. “Vehicle” or “motor vehicle” means any automobile, golf cart, truck, bus, motorcycle, recreational vehicle, bicycle, pushcart, fuel servicing vehicle, tug, or any other device in or by which a person or property is or may be transported or drawn on a roadway, other than a device used exclusively on stationary rails or tracks.
- (b) Taxiing aircraft shall have the right-of-way in preference over pedestrians and all other motor vehicles at the airport.
- (c) It shall be unlawful for any person to walk or drive a vehicle on or across any portion of the movement area unless that person has received proper authorization from the director or authorized designee to walk or drive on or across any portion of the movement area and:
1. Is in and maintains constant contact with the authorized UNICOM operator by way of two-way radio; or
  2. Is under escort by an individual who is in and maintains constant contact with the authorized UNICOM operator by way of two-way radio.
- (d) A violation of this section shall constitute a misdemeanor criminal offense punishable by a fine not to exceed \$500.

**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.** The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

**SECTION 5.** This ordinance shall take effect immediately after its publication in accordance with the provisions of Section 52.013, Texas Local Government Code, and it is accordingly so ordained.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the 12<sup>th</sup> day of July, 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 26<sup>th</sup> day of July, 2022 with all members of the Council voting “aye” for the passage of same.

\_\_\_\_\_  
Robert H. Moore, III, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, City Secretary

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF SAID CITY, A CONTRACT WITH THE STATE OF TEXAS, DEPARTMENT OF TRANSPORTATION, FOR A COST SHARING GRANT FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) FOR THE MCMAHON-WRINKLE AIRPORT; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Texas Department of Transportation, Aviation Division offers an annually recurring Routine Airport Maintenance Program grant on a 50/50 cost share basis with a maximum eligibility of \$100,000 dollars; and

**WHEREAS**, the agreement states the purpose, terms and services provided, and that work under the proposed grant must be accomplished by August 31, 2023;

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

**SECTION 1.** That the City Manager is hereby authorized and directed to execute on behalf of the City of Big Spring a cost sharing agreement with the State of Texas for a grant for fiscal year 2023 for projects to be accomplished on the McMahon-Wrinkle Airport.

**SECTION 2.** This Resolution 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 **12<sup>th</sup>** day of **July, 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 **26<sup>th</sup>** day of **July, 2022** with all members of the Council voting “aye” for the passage of same.

\_\_\_\_\_  
Robert H. Moore, III, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, City Secretary

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AUTHORIZING AN APPLICATION WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANTS MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PERMANENT PUBLIC PARK AND RECREATIONAL USE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City (“Applicant”) is fully eligible to receive assistance under the Program; and

**WHEREAS**, staff requests that City Council authorize an emergency reading of this Resolution to enable the application to be submitted in a timely manner; and

**WHEREAS**, the City is desirous of authorizing an official to represent and act for the City in dealing with the Department concerning the Program;

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

**SECTION 1.** The Applicant hereby certifies that it is eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

**SECTION 2.** The Applicant hereby certifies that the matching share for this application is readily available at this time.

**SECTION 3.** The Applicant hereby authorizes and directs the City Manager to act for the Applicant in dealing with the Department for the purposes of the Program, and that the City Manager is hereby officially designated as the representative in this regard.

**SECTION 4.** The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Comanche Trail Park Play Structure Update in the City of Big Spring or us as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreational purposes in perpetuity. Projects with federal monies may have differing requirements.

**SECTION 5.** The 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 12<sup>th</sup> day of July, 2022, with all members present voting “aye” for passage of the same.

\_\_\_\_\_  
Robert H. Moore, III, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, City Secretary



## Local Park Grant Program Applicant's Certification & Program Assurances

As the duly authorized representative of the sponsor designated in the Resolution Section 3, ***I certify that the Applicant:***

1. Has complied with all pertinent local and state laws, and Local Parks Grants Program requirements regarding public hearings, including floodplain development, if appropriate.
2. Has the required proportionate share of funds available and sufficient for the project as required by Section 13.309 of the Parks and Wildlife Code.
3. Will maintain and operate areas acquired or developed with program assistance at sponsor expense as required by Section 13.309 of the Parks & Wildlife Code.
4. Will permanently dedicate for public park and recreation use all project area(s) which receive program assistance, as required by Chapter 640.1.2 of the *Local Park Grant Program Manual*.
5. Has the legal authority to apply for program assistance and the institutional, managerial and financial capability to ensure proper planning, management and completion of the project described in this application.
6. Will give the State of Texas, hereafter referred to as "State," through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
7. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the Texas Parks & Wildlife Department, and will record any federal interest in the title of real property in accordance with U. S. Department of Interior directives.
8. Will dedicate and permanently maintain any property designated as a natural area, wetland, or open space to meet program guidelines.
9. Will comply with all provisions of the "Summary of Guidelines for Administration of Local Park Grant Acquisition & Development Projects."
10. Will comply with the requirements of the Department with regard to the drafting, review and approval of construction plans and specifications.
11. Will obtain all required state and/or federal permits related to project development.
12. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed work conforms to the approved plans and specifications.
13. Will furnish quarterly progress reports and such other information as may be required by the Department.
14. Will initiate and complete the work within the applicable time frame after receipt of approval from the Department.
15. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

**Applicant's Certification & Program Assurances - Continued**

16. Will comply with all State and Federal statues relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) any other non-discrimination provisions in the specific statute(s) under which application for program assistance is being made, and (f) the requirements of any other non-discrimination statute(s) which may apply to the application.
17. Will comply with the flood insurance purchase requirements of Section 4012(a) of the Flood Disaster Protection Act of 1973 which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance in an amount at least equal to its development or project cost.
18. Will comply with environmental standards which may be prescribed to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplain in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S. C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);(g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
19. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
20. Will assist the Department in assuring compliance with the Texas Antiquities Code.
21. Will cause to be performed the required financial and compliance audits in accordance with the state or federal Single Audit requirements.
22. Will comply with all applicable requirements of all other State and Federal laws, regulations and policies governing this program.

Comanche Trail Park Play Structure Upgrade

Sponsor/ Project Name

\_\_\_\_\_  
Signature of Official Authorized in Resolution

Todd Darden, City Manager

Print Name and Title of Official

\_\_\_\_\_  
Date

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING DEPOSITORY ACCOUNT SIGNATORIES; AND PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Council has determined it to be in the best interest of the City to establish a depository agreement with Prosperity Bank as the contract with BBVA and its successor in interest, PNC Bank, has expired and will terminate in a time to be determined; and

**WHEREAS**, the City of Big Spring has entered into a Depository Agreement with Prosperity Bank as per the City Charter; and

**WHEREAS**, the recency of the depository agreement with Prosperity Bank requires that the second reading of this Resolution be waived so as to give it immediate effect;

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

**SECTION 1.** The following officers and no others shall be signatories to all accounts with said depositories:

<b><u>Name of Officer</u></b>	<b><u>Title</u></b>
Robert H. Moore, III	Mayor
Tami L. Davis	City Secretary
Sandy G. Smith	Finance Director
Gary Givens	Assistant Finance Director
Gloria P. Blackburn	Senior Accountant

**SECTION 2.** Two (2) of the above signatories must sign any check drawn on such account, so long as one of which shall be the Mayor or Finance Director or City Secretary.

**SECTION 3.** The City Manager and the Finance Director are authorized to sign any payment card application with the depositories. City Manager, Finance Director, Assistant Finance Director, and Information Technology Specialist Miklos Szabo are the authorized administrators over payment card accounts with the depositories.

**SECTION 4.** The Finance Director shall deliver to said depositories copies of this resolution upon it being approved.

**SECTION 5.** This Resolution 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.

**SECTION 6.** Any prior resolution or minute order that is inconsistent with this Resolution is hereby repealed and declared to be of no further force or effect.

**SECTION 7.** Should any section, paragraph sentence, clause, phrase, or word of this Resolution be declared unconstitutional or invalid for any purpose, the remainder of this Resolution shall not be affected thereby.

**SECTION 8.** The 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 immediately.

**PASSED AND APPROVED** on emergency reading at a regular meeting of the City Council on the 12<sup>th</sup> day of July, 2022, with all members present voting “aye” for passage of the same.

\_\_\_\_\_  
Robert H. Moore, III, Mayor

ATTEST:

\_\_\_\_\_  
Tami L. Davis, City Secretary

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF BIG SPRING, TEXAS, AUTHORIZING SUPPORT FOR A STAFF PROPOSAL TO USE AVAILABLE RESOURCES FROM THE AVIATION FUND BALANCE FOR SEWER AND WATER UPGRADES TO SERVE THE BIG SPRING MCMAHON-WRINKLE AIRPORT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council of the City of Big Spring approved Resolution 05-2022 (which superseded Resolution 029-2021) in support of the grant request under the American Rescue Plan Act for sewer and water upgrades on commercial properties west of Big Spring McMahon-Wrinkle Airpark; and

**WHEREAS**, the City water connection to the Airpark is not looped leading to poor water quality and the Airpark is on a septic system which is suboptimal for supporting infrastructure needs relating to transporting persons and/or developing property for aviation use at the airport, and the City would therefore expend capital using available funds of the Airpark to remedy these issues at the airport, and these upgrades would be owned and operated by the City of Big Spring; and

**WHEREAS**, the timing of the water and sewer project that relates to the EDA grant application on the west side of the Airpark to benefit commercial properties is such that the Airpark must put forward an additional investment contemporaneously to upgrade its water and sewer facilities for the above-stated purposes and this timing will likely result in cost savings for the Airport; and

**WHEREAS**, the Airpark enterprise fund has sufficient fund balance to participate in the project to serve the airport; and

**WHEREAS**, time is of the essence for this project and this requires that the second reading of this resolution be waived;

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

**SECTION 1.** City of Big Spring, acting through its governing body, hereby confirms that it supports the proposed use of a portion of the Airpark fund balance to allow for the investment as stated herein; and

**SECTION 2.** The City of Big Spring, acting through its governing body, hereby approves and authorizes a commitment of funding for the project stated above which will be managed by the City of Big Spring using available funds from the Airpark fund balance to not exceed \$3,500,000.00; and

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

**SECTION 4.** This Resolution 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.

**SECTION 5.** The 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.

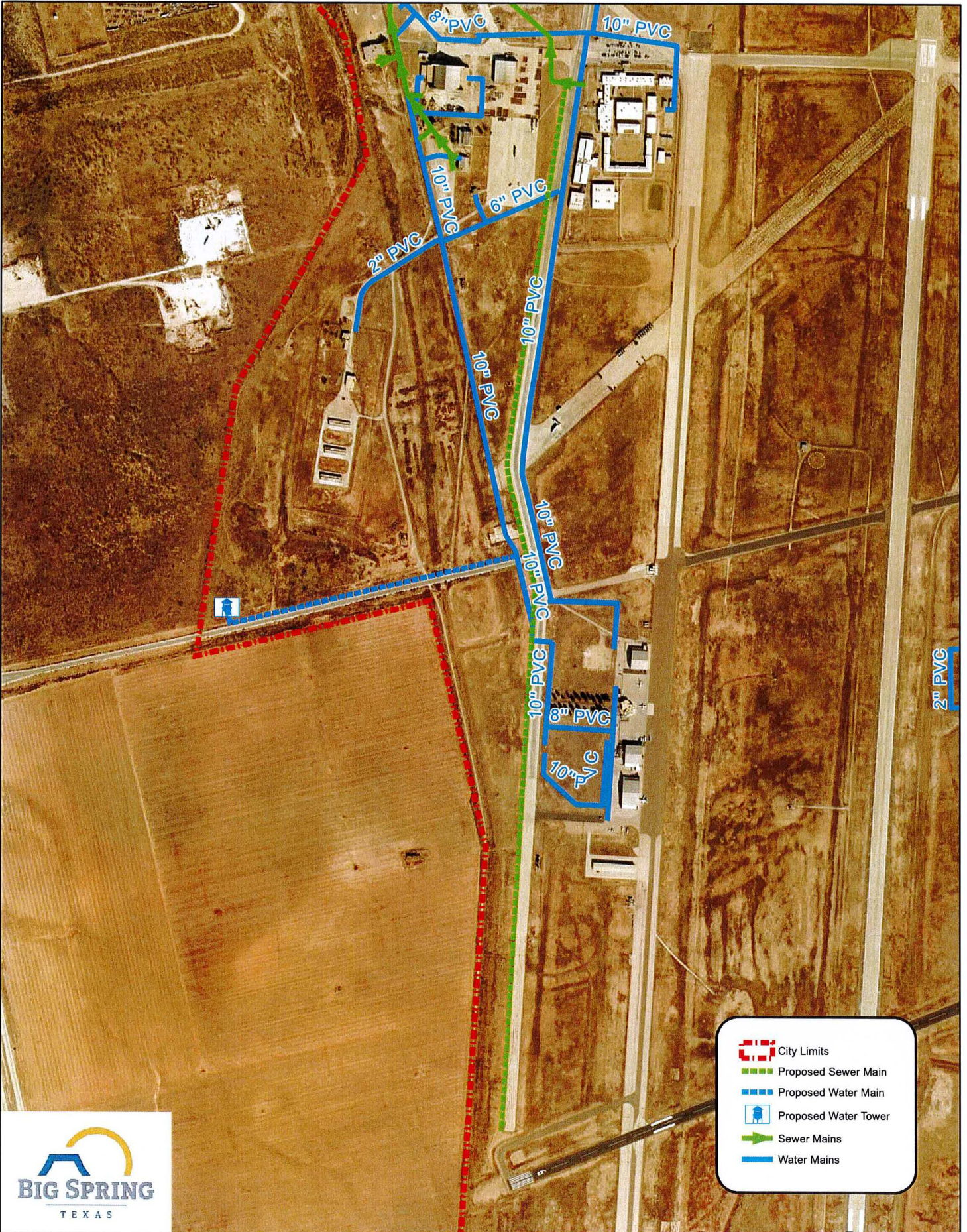
**PASSED AND APPROVED** on emergency reading at a regular meeting of the City Council on the 12<sup>th</sup> day of July 2022 with all members of the Council voting “aye” for passage of the same.

\_\_\_\_\_  
Robert Moore III, Mayor

**ATTEST:**

\_\_\_\_\_  
Tami L. Davis, Assistant City Secretary

# Proposed Airport Water and Sewer Improvement





**COMMUNITY SERVICES MEMORANDUM**

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Date: 06/28/22  
To: Mayor and City Council  
Todd Darden, City Manager  
From: Hayley Lewis, Community Services Director  
Subject: Event Funding Request

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We are respectfully requesting City Council approve the staff recommendation of \$3,000 for event funding for the 25<sup>th</sup> Annual Pops in the Park that will result in over 40 hotel rooms, which will be funded by Convention and Visitors Bureau Event Funding.

This request has not been taken to the CVB Committee due to the stipulations of funding being over the threshold for requiring City Council approval and the short timeline.

Event	Received	Event Date	Decision Date	Requested	Total Amount Approved	Event Funding	Advertising	Follow Up
Oktoberfest	9/23/2021	10/16/2021	10/6/2021	\$13,000.00	\$7,000.00	\$2,000.00	\$5,000.00	
Live Drive Through Nativity	9/28/2021	12/10-12/2021	10/6/2021	\$1,000.00	\$1,000.00	\$300.00	\$700.00	
Big Spring Classic & Big Spring Shoot Out	10/12/2021	4/29-5/1/2022 & 6/17-19/2022	11/3/2021	\$12,000.00	\$12,000.00	\$12,000.00	\$0.00	
A Joyful Season	10/26/2021	4/30-5/1/2022 & 11/5-6/2022	11/3/2021	\$2,500.00	\$2,500.00	\$1,500.00	\$1,000.00	
Coach Roy Training/ACES	5/10/2022	06/02-05/2022	5/10/2022	\$20,000.00	\$7,000.00	\$4,125.00	\$2,875.00	
2022 Points-to-Plains Alliane Conference	5/17/2022	09/14-16/2022	5/24/2022	\$5,000.00	\$5,000.00	\$5,000.00		
Pops in the Park	6/28/2022	7/3/2022		\$3,000.00				

\$56,500.00      \$34,500.00      \$24,925.00      \$9,575.00

Totals:

2021-2022 Event Funding Budget                      \$120,000.00

\$120,000.00

Total Funded YTD                                              \$34,500.00

Available Balance                                              \$85,500.00

Requested This Month                                      \$3,000.00

Pending Balance                                              \$82,500.00

Staff Recommendation                                      \$3,000.00

Pending Balance using Staff Recommendation      \$82,500.00

Event Funding June 28, 2022

Event	Hotel Rooms	\$150	50% of Hotel Revenue	Advertising	Total	Requesting	Staff Recommendation
Pops in the Park	40	\$6,000.00	\$3,000.00		\$3,000.00	\$3,000.00	\$3,000.00
			<b>Event Funding:</b>	<b>Advertising:</b>			<b>\$3,000.00</b>
Pops in the Park			\$3,000.00				

Event Funding Cap

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

**CVB Event Funding - Cover Sheet**

Event:	Pops in the Park
Event Date:	7/3/2022
Sponsoring Organization:	Pops in the Park Committee
Amount Requested:	\$3,000.00
Action:	
Date PO Issued:	
Date Follow up Report Received:	
Profit/Loss	\$28,746.55
Hotel Rooms	40

**5 Year Requests**

<b>Date Requested</b>	<b>Event Date</b>	<b>\$ Funded</b>	<b>Date Approved</b>	<b>Follow-up</b>	<b>Hotel Rooms</b>
6/24/2012	7/3/2015	\$12,500.00	7/1/2015	11/20/2015	40



Application

Date: \_\_\_\_\_

Organization Information

Name of Organization: Pops in the Park

Address: Po Box 1391

City, State, Zip: Big Spring, TX 79721

Contact Name: Emily McCann Contact Phone Number: 432-816-5450

Contact Email: popsinthepark@yahoo.com

Second Contact Name: Debbye ValVerde Second Contact Email: debbyev@bigspringchamber.com

Second Contact Phone Number: 432-263-7641

Web Site Address for Event or Sponsoring Entity https://www.facebook.com/PopsIntheParkBigSpringTX

Non-Profit or For-Profit status: Non-Profit Tax ID #: 75-6440949

Purpose of your organization: To promote patriotism and give thanks to our military personnel for their service and sacrifices

Event Information

Name of Event Pops in the Park

Date of Event July 3, 2022

Primary Location of Event: Comanche Trail Amphitheater

THLA Event Funding Formula:

# of Hotel Rooms 40 X \$150(amount per room)=\$ 6,000 X %50 of Hotel Revenue=

\$ 3,000

Outside of Howard County Advertising: \$ 0

Total Amount Requested: \$ 3,000



How will the funds be used:

Help pay for symphony and sound and staging,

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Description of Activities Planned (include schedule of events, samples of posters, flyers, ads, etc.)

Symphony, Patriotic video, Fireworks and Symphony

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**Questions for All Funding Request Categories:**

1. How many years have you held this Event 25

2. Expected Attendance: 2500

3. How many people attending the Event will use Big Spring hotels? 50+

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

4. Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels:

Days Inn, Holiday Inn Express

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5. Will you negotiate a special rate or hotel/event package to attract overnight stays?  
No

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6. How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc.)? Talking to hoteliers, Symphony performers

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7. Please list other organization, government entities, and grants that have offered financial support to your project:

See attached Donation List

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



No admission, donations accepted

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

Local:

Out of Area:

Newspaper:	
Radio:	
Tv:	
Other Paid Advertising:	

Number of Press Releases to Media 25+

Number Direct Mailings to out-of-town recipients \_\_\_\_\_

Other Promotions facebook, in kind radio advertising, email marketing

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

11. What new marketing initiatives will you utilize to promote hotel and convention activity for this event? Also include any marketing outside of Howard County.  
n/a

This event is:  Regional  Statewide  National  International

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

1. Heads in Beds?

a.  Yes

b.  No

Convention Centers/Visitor Information Center  Registration of Convention Delegates

Advertising  Promotions of Arts  Historical Restoration or Preservation  Sporting Events

Transportation  Signage

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

Signature

Debbye ValVerde

Printed Name

6/10/22

Date



**List of Donors for 2022:**

NuStar	\$2,500
H-E-B	\$5,000
Citizen's FCU	\$2,500
SMMC	\$1,000
Ward's Family Dental	\$1,000

**Expenses:**

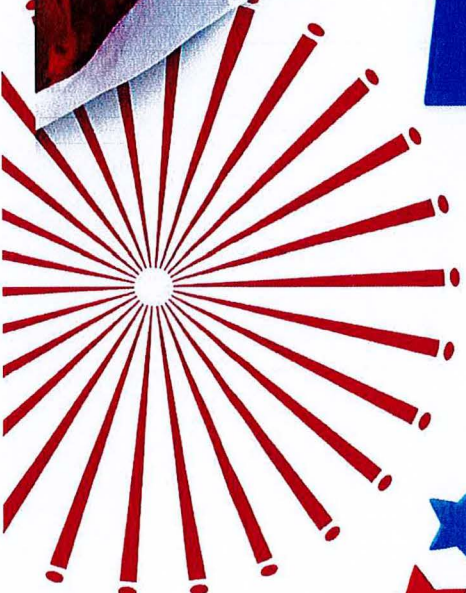
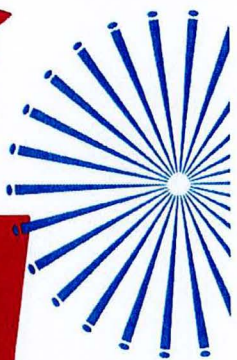
Fireworks:	\$25,000
Symphony:	\$12,500
Sound/Lights:	\$11,500
Porta-Pots:	\$1,300
Fly-Over:	\$2,000 (don't know with fuel cost this year)

(Expenses are rough estimates)



25th Annual

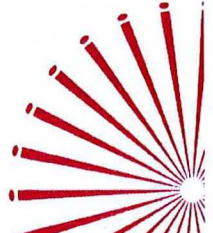
**POPS IN  
THE PARK**



**JULY 3, 2022  
COMANCHE TRAIL PARK  
AMPHITHEATER**



**FOOD VENDORS, LIVE MUSIC,  
& FIREWORKS SHOW**





**POPS**  
in the Park **25**

July 3, 2022 Comanche Trail Park Amphitheater

# Sponsorship Opportunities

## **Branding Sponsor**

**\$25,000**

Includes: custom banner, print and radio advertising, VIP seating for up to 20 people, assigned VIP parking for up to 6 vehicles.

## **Pops Presenter**

**\$10,000-\$24,999**

Includes: custom banner, print and radio advertising, VIP seating for up to 10 people, assigned VIP parking for up to 4 vehicles.

## **Patriot Sponsor**

**\$5,000-\$9,999**

Includes: custom banner, print and radio advertising, VIP seating for up to 8 people, 2 VIP Parking Passes.

## **Star & Stripes Sponsor**

**\$2,500-\$4,999**

Includes: custom banner, print and radio advertising, access to preferred seating.

## **Rocket Sponsor**

**\$1,000-\$2,499**

Includes: custom banner, print and radio advertising, name listed on program

## **Sparklers Sponsor**

**up to \$999**

Includes: name listed on program



## MEMORANDUM

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Date: July 7, 2022  
To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager  
From: Mike Feeley A.A.E., Airport Director  
Re: Proposed Lease Assignment City Contract C097-2014 Prime Eco PolyChem LLC to Custom Chemical Services, LLC

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Staff was approached by Mr. Felipe Guzman representing Prime Eco PolyChem LLC requesting consideration for an assignment of their lease agreement, Contract Number C097-2014, to Custom Chemical Services LLC.

Custom Chemical Services LLC (CCS) is a chemical blending company very similar to Prime Eco where they blend and mix products to service the oil and gas industry (amongst other industries). CCS is a privately held company where is offers contract blending, shipping and distribution of its products worldwide. They have been doing business in the Permian region for over 10 years and they are well known in the industry as a quality-oriented manufacturing company. Having a presence here in Big Spring is important to continuing CCS objectives in the Permian region.

Unlike Prime Eco, CCS plans on very quickly beginning to use rail as a method to import its raw materials across the US. Current demand projects 6 railcars per month with growing trend into 2023. Consistent with our agreement with Big Spring Rail (BSR) staff briefed them on this proposed assignment and received a favorable response.

Staff is in support of this request and recommends approval of the proposed assignment.

## Lease Assignment

**Date:** July 13, 2022

**Assignor:** Prime Eco PolyChem, LLC, a Delaware limited liability company  
PO Box 431  
Wharton, TX 77488

**Assignee:** Custom Chemical Services LLC, a Texas limited liability company  
P.O. Box 441  
Santa Fe, Texas 77510

**Lessor:** City of Big Spring, a Texas municipal corporation  
310 Nolan Street  
Big Spring, TX 79720

**Premises:** 4.45 Acres of Land  
1401 Bell Dr.  
Big Spring, TX 79720  
at McMahon-Wrinkle Airport and Industrial Park

Effective July 13, 2022, Assignor assigns to Assignee the Lessee's interest in the Industrial Park Lease Agreement dated of November 30, 2014 (Contract No. C097-2014) as amended by the Lease Assignment dated September 24, 2021 (Contract No. C070-2021) concerning the Premises by and between Lessor and Assignor (collectively, "the Lease").

Assignee agrees to assume Lessee's obligations under the Lease and to accept the premises in their present "AS IS" condition.

Landlord consents to this assignment.

Future notices to Lessee shall be sent to:

Ken Weems  
Custom Chemical Services LLC  
P.O. Box 441  
Santa Fe, Texas 77510

Prime Eco PolyChem, LLC, a Delaware limited liability company,

---

Felipe Guzman, President & CEO

Custom Chemical Services LLC, a Texas limited liability company,

\_\_\_\_\_  
Ken Weems, General Manager

City of Big Spring, Texas, a municipal corporation,

\_\_\_\_\_  
Robert H. Moore, III, Mayor

STATE OF TEXAS )

COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by Felipe Guzman, as the General Manager of Prime Eco PolyChem, LLC, a Texas limited liability company, on behalf of said company.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

STATE OF TEXAS )

COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by Ken Weems, General Manager of Custom Chemical Services, LLC, a Texas limited liability company on behalf of said company.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

STATE OF TEXAS )

COUNTY OF HOWARD )

This instrument was acknowledged before me on \_\_\_\_\_, 2022, by Robert H. Moore, III, the Mayor of Big Spring, Texas, on behalf of the City of Big Spring, Texas, a municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:

City Attorney  
City of Big Spring  
310 Nolan Street  
Big Spring, TX 79720  
Tel: (432) 264-2404  
Fax: (432) 263-8310



## MEMORANDUM

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Date: July 7, 2022  
To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager  
From: Mike Feeley A.A.E., Airport Director  
Re: Authorization to Purchase a Jet "A" Self-Serve Fuel Dispenser

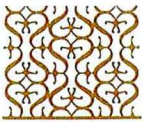
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Staff purchased an upgraded Self-Serve Fuel Dispenser (PET4000) to replace the PET3000 system that was previously installed on the airport and had outlived its life expectancy. The self-serve feature allows for aircraft fueling when the Fixed Base Operation (FBO) closes at 5 p.m. daily. Staff has contracted with BASSCO Services Inc. out of Dallas TX for the installation of the PET4000.

One feature of the upgraded self-serve fuel dispenser is the ability to add self-serve Jet "A" fuel to the already available 100LL self-serve fueling capability. The Jet "A" self-serve capability would enhance fueling capabilities for jet aircraft and rotary aircraft after the FBO has closed for the day. The airport at Big Spring would be the only airport with Jet "A" self-serve fueling in the region, which would help to support after hours medevac flights fueling capabilities as well as military rotary aircraft fueling.

Staff is bringing this forward for City Council consideration because the cost of purchasing the upgrade exceeds the amount the City Manager can approve without the action being ratified by city council. The upgrade including complete installation would cost \$51,200 and the installation would be completed by BASSCO during the PET4000 installation. The resources used to purchase this upgrade were already appropriated by city council when staff received approval for the 2022 Routine Airport Maintenance Program (RAMP) grant which is a 50/50 cost share with the Texas Department of Transportation. As a result, 50% of the cost of this upgrade would be eligible as a reimbursable expense consistent with the requirements of the RAMP grant.

Staff is in support of this request and recommends approval of the proposed upgrade.



HOTEL  
SETTLES



April 26<sup>th</sup>, 2022  
Mr. Todd Darden,  
310 Nolan St.  
Big Spring, TX 79720

The Hotel Settles is requesting the addition of two handicap accessible parking spots. We are requesting to have these designated spaces marked and available for our hotel and restaurant guests. We would like to have these parking spaces assigned to the Northwest side of the hotel on Runnels St. close to the existing ADA ramp.

Sincerely,

Emaan Sourjah Campbell  
Hotel Settles – General Manager  
200 E. Third St.  
Big Spring, TX 79705

200 EAST THIRD STREET  
BIG SPRING, TEXAS 79720  
MAIN: (432) 267-7500  
WWW.HOTELSETTLES.COM



Timothy E. Green  
Municipal Court Judge

Amanda Charlton  
Municipal Court Clerk

## The City of Big Spring Municipal Court

Howard County Courthouse #302  
Big Spring, Texas 79720  
PH. (432) 264-2530 \* FAX (432) 264-2410  
[www.mybigspring.com](http://www.mybigspring.com)



June 23, 2022

To: Mayor and City Councilmembers, City Manager, Asst. City Manager of the City of Big Spring

Re: Letter of Retirement


This is my letter of retirement, effective September 1, 2022. I have had the pleasure of serving as the Big Spring Municipal Court Judge for the past 22 years. My years on the bench have fulfilled a goal that was set decades ago. I feel that I have had a successful tenure as the Municipal Court Judge. The Municipal Court Clerks, Deputy Clerks, and Warrant Officers/Bailiffs that I have had the pleasure of working with gave me an opportunity to be successful as the Presiding Judge. We have had many accomplishments at the Municipal Court, and I thank God for the court staff.

I would also like to thank the various City Department Heads that I have had the pleasure of working with. I have worked with great City Managers, Police Chiefs, Fire Chiefs, Prosecutors, and other Department Heads. They have shaped me for the better while sitting on the Bench.

I would also like to thank the Mayors and City Councilmembers who have voted for me throughout the years. Thanks for your belief and support these past 22 years.

As, you know the Big Spring Municipal Court will be looking at a part-time Municipal Court Associate Judge. I have expressed to the City Manager, Asst. City Manager, City Attorney, and others that I would be happy to sit as the part-time Associate Judge. This will give me the chance to finish Graduate schools and still contribute to the Municipal Court. The Mayor and the City Council appoints the Associate Judge, and the term of office is the same as the Presiding Judge, 2-year term. Whether or not the Mayor and Council appoints me as part-time Associate Judge, I still promise to remain seated until the new Presiding Judge takes the bench.

Again Thanks,

  
Timothy Green  
Municipal Court Judge