



CITY COUNCIL REGULAR AGENDA

Tuesday, July 26, 2022

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, July 26, 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 | Moore |
| 2. Invocation | Moore |
| 3. Pledge of Allegiance to the United States Flag and to the Texas State Flag | Moore |

Public Comment

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

4. **Public Comment**

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items **Prior** to any Action.

5. PUBLIC HEARING - Regarding a Zoning Change From SF-2, Single-Family Dwelling District to HI, Heavy Industrial District for Approximately 11.06 Acres Located on Lot 1, Block 1, Midtex Addition, also known as 1801 West I-20, in Big Spring, Howard County, Texas Bowles
6. PUBLIC HEARING - To Consider Abatement of Public Nuisances on the Following Properties in the City of Big Spring, Texas: Hagen
- a. 802 ANDREE, BIG SPRING, TEXAS 79720 – LT 15, BK 2, SETTLES HEIGHTS ADDITION – OWNER: NICHOLAS LOYA, 802 ANDREE, BIG SPRING, TEXAS 79720**
- b. 100 BROWN, BIG SPRING, TEXAS 79720 – LT 14, BK 4, BROWN ADDITION – OWNER: BOBBY RAY RAWLS, 100 N COTTONWOOD, BIG SPRING, TEXAS 79720**
- c. 1612 CARDINAL, BIG SPRING, TEXAS 79720 - LT 10, BK 4, AVION ADDITION – OWNER: GEORGE LUNA, 1612 CARDINAL, BIG SPRING, TEXAS.**
- d. 1615 CARDINAL, BIG SPRING, TEXAS 79720 – LT 8, BK 5, AVION ADDITION – OWNER: THE ESTATE OF FRANCIE CANDICE SMITH, 1615 CARDINAL, BIG SPRING, TEXAS 79720**
- e. 602 CIRCLE, BIG SPRING, TEXAS 79720 – LT 6, BK 5, PINER HEIGHTS ADDITION – OWNER: JOEL RODRIGUEZ, 602 CIRCLE DR., BIG SPRING, TEXAS 79720**
- f. 707 CREIGHTON, BIG SPRING, TEXAS 79720 – LT 4, BK 6, SETTLES HEIGHTS ADDITION – OWNER: ASHLEY DIAZ, 1111 RIDGEROAD, BIG SPRING, TEXAS 79720**
- g. 804 CREIGHTON, BIG SPRING, TEXAS 79720 – LTS 13-14, BK 8, SETTLES HEIGHTS ADDITION – OWNER: DIANE COLLINS, 3904 PARKWAY, BIG SPRING, TEXAS 79720**

h. 1507 JOHNSON ST., BIG SPRING, TEXAS 79720 – LTS 5-6 “A” AND 5’ ALLEY, BK 10, FAIRVIEW HEIGHTS ADDITION – OWNER: ALLEN DAVID GILBERT, 1507 JOHNSON, BIG SPRING, TEXAS 79720

i. 1606 E 6TH ST., BIG SPRING, TEXAS 79720 – LT 4, BK 1, HALL ADDITION – OWNER: PAULA JOLLEY, 6611 GOLF HILL DR., DALLAS, TEXAS 75232

j. 710 E 13TH ST., BIG SPRING, TEXAS 79720 – LT 6, BK 11, COLE AND STRAYHORN ADDITION – OWNER: ROSEMARY KNECHT, 710 E 13TH ST., BIG SPRING, TEXAS 79720

k. 1003 NW 3RD ST., BIG SPRING, TEXAS 79720 – LT 2, BK H MOORE HEIGHTS ADDITION – OWNER: MARCUS C POWELL, 321 SWEETLEAF DR., ROCKWALL, TEXAS 75087

l. 610 NW 8TH ST., BIG SPRING, TEXAS 79720 – LT 7, BK 23 BAUER ADDITION – OWNER: DANIEL MARQUEZ, 610 NW 8TH ST., BIG SPRING, TEXAS 79720

m. 604 W 3RD ST., BIG SPRING, TEXAS 79720 – PART W/2 OF SC 43, BK 32 1N CONSISTING OF 1.074 ACRES – OWNER: DAVID AND JANET HIGGINS, P.O. BOX 1001, BIG SPRING, TEXAS 79721

n. 101 VALLEY, BIG SPRING, TEXAS 79720 – LTS 1-5, BK 7, ADELL ADDITION – OWNER: JOE AND ISABEL FLORES, 101 VALLEY, BIG SPRING, TEXAS 79720

City Manager’s Report

- | | |
|---|--------|
| 7. Update on Large Item Pickup for District 1 | Darden |
| 8. Update on Seal Coat Project - August 1, 2022 | Darden |
| 9. Update on Street Lights - Gregg St. | Darden |
| 10. Update on the Landfill Fencing | Darden |
| 11. Update on the New Water Office Building | Darden |

Consent Items

- | | | |
|--|-------|---------|
| 12. Approval of the City Council Minutes of the Regular Meeting of July 12, 2022 | 8-15 | Davis |
| 13. Final Reading of an Ordinance Adopting a Water Conservation Plan; Establishing Reasonable Water Conservation Measures; Providing for Severability; and Providing an Effective Date | 16-65 | Bowles |
| 14. Final 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 | 66-67 | Ornelas |
| 15. Final 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 | 68 | Feeley |
| 16. Final 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 of the Airport; Providing for Severability; Providing for a Penalty not to Exceed \$500; Providing for Publication; and Providing an Effective Date | 69-72 | Feeley |
| 17. Final 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 | 73-78 | Feeley |

Vouchers

18. Vouchers for 07/14/22	\$ 996,766.16	Ornelas
Vouchers for 07/21/22	\$ 228,460.23	
Manual Cks & Drafts	\$ 900,074.70	

New Business

19. Acknowledge Receipt of the Big Spring Economic Development Board Minutes for the Regular Meetings of May 17, 2022 and June 21, 2022	79-82	Mark Willis
20. Consideration and Possible Action to Post a Notice and Seek Applicants for Municipal Court Judge		Darden
21. Acknowledge Receipt of the Investment Report for the Quarter Ending June 30, 2022	83-84	S. Smith
22. Acknowledge Receipt of the Quarterly Financial Report		S. Smith
23. Emergency Reading of a Resolution Supporting and Accepting the "22 ALBIGSP Project;" Requesting Financial Assistance from the Texas Department of Transportation for Airport Improvements; and Authorizing the City Manager to Act as the City's Executive Officer and Authorized Representative in all Matters Pertaining to the City's Participation in Making Improvements to the Big Spring McMahon-Wrinkle Airport; and Providing an Effective Date	85-86	Feeley
24. Emergency Reading of a Resolution Authorizing the Mayor and Director of Finance to Apply for and Use a Secure Credit Card Account in the Name of the City of Big Spring for Use in Making Official City Purchases Under Limited Conditions; and Providing an Effective Date	87-88	S. Smith
25. First Reading of an Ordinance Authorizing and Directing the City Manager to Erect Two Disabled Parking Signs on the East Side of the 300 Block of Runnels Street Directly in Front of the West Entrance of the Hotel Settles; Directing the Marking of Said Corresponding Spaces as Disabled Parking Spaces; Providing for Severability; and Providing an Effective Date	89-90	Bowles
26. First Reading of an Ordinance Authorizing Z-22-02, Amending the Big Spring Zoning Ordinance by Rezoning Lot 1 Blk 1 Midtex Addition, Approximately 11.06 Acres in Big	91-92	Bowles

Spring, Howard County, Texas, Also Known as 1801 West I-20, From SF-2, Single-Family Dwelling District to HI, Heavy Industrial District, Providing for Severability; Providing for Publication; and Providing an Effective Date

- | | | | |
|-----|---|--------|----------|
| 27. | Consideration and Possible Action on a Release and Settlement Agreement between AT&T Corporation and the City of Big Spring and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 93-95 | S. Smith |
| 28. | Consideration and Possible Action to Purchase a Bluebeam Construction Blueprint Software for Building Permit Reviews in Connection with Smartgov Permit Software Project and Authorizing the City Manager or His Designee to Execute any Necessary Documents not more than \$5,000.00 | 96-103 | Bowles |
| 29. | Boards & Committees
McMahon/Wrinkle Aviation Advisory Board
Appoint -Jim Little
Nominated by Councilmember McDonald, Dist. 4 | | Moore |

Council Input

30. Input

Executive Session

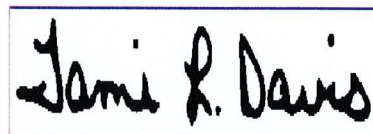
- | | | | |
|-----|--|--|-------|
| 31. | Adjourn into Executive Session in accordance with the purposes permitted by the Open Meetings Act, Section 551.072, Texas Government Code, "Deliberation Regarding Real Property; Closed Meeting," to deliberate the sale, lease or value of real property where deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party. | | Moore |
| 32. | Reconvene into Open Session and Take Any Necessary Action on Executive Session Items | | Moore |
| 33. | ADJOURN | | Moore |

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

I hereby certify that this agenda was posted on the official bulletin board at the City of

Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and Posted on **Friday, July 22, 2022 at 5:00 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

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

A handwritten signature in black ink that reads "Tami L. Davis". The signature is enclosed in a thin black rectangular border.

Tami L. Davis, City Secretary

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

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

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 p.m., July 12, 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
TROY TOMPKINS	Councilmember

Same and constituting a quorum, for which four Councilmembers must be present; and the following staff in person;

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
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

Councilmember Smith gave the invocation and Mayor Moore led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENT

A couple of citizens spoke regarding a proposal for a transition period for veterans

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

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

Minutes 07-12-2022

Motion was made by Councilmember McDonald to open the above captioned public hearing, seconded by Councilmember Smith, 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 Tompkins, 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 1 on July 20, 2022
- Update on Large Item Pickup for District 6 on June 15, 2022
- Update on FEMA Funds received
- Update on EDA Grant

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF JUNE 14, 2022

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, AGRECULTURE DISTRICT TO HC, HAVY COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

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

VOUCHERS

Councilmember Smith reviewed the following vouchers:

VOUCHERS FOR 06/16/2022	\$	507,267.95
VOUCHERS FOR 06/23/2022	\$	214,210.26
VOUCHERS FOR 06/30/2022	\$	228,950.72
DRAFTS & MANUAL CKS.	\$	1,304,554.43

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.”

Mayor Pro Tem Ornelas reviewed the following vouchers:

VOUCHERS FOR 07/07/2022	\$	400,169.24
DRAFTS	\$	133,800.74

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

BIDS

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

Motion was made by Councilmember Hughes to award the above captioned bid to Broadhead Boring in the amount of \$55,780.00, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

NEW BUSINESS

ACKNOWLEDGE RECEIPT OF THE QUARTERLY CLAIMS AND LITIGATION REPORT FROM THE CITY ATTORNEY

Councilmembers acknowledged the above captioned report.

FIRST READING OF AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN; ESTABLISHING REASONABLE WATER CONSERVATION MEASURES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

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

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

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

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

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 TAXING 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 \$500.00; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

EMERGENCY READING OF A RESOLUTION AUTHORIZING DEPOSITORY ACCOUNT SIGNATORIES; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember McDonald to approve the above captioned resolution as an emergency reading, seconded by Councilmember Hughes. After a brief discussion, motion was made by Councilmember Tompkins to amend the resolution by removing the words “to be in the best interest of” in the first paragraph and replace it with “is appropriate for”, seconded by Councilmember Hughes, with all members of the Council present voting “aye.” Final motion was made by Councilmember McDonald to approve the above captioned resolution as amended as an emergency reading, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

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

Motion was made by Councilmember McDonald to approve the above captioned resolution as an emergency reading, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

Mayor Moore adjourned the meeting for a break at 6:50 p.m.

Mayor Moore reconvened into open session at 7:00 p.m.

CONSIDERATION AND POSSIBLE ACTION AUTHORIZING AN EVENT FUNDING REQUEST FROM CVB TO POPS IN THE PARK

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

CONSIDERATION AND POSSIBLE ACTION OF A LEASE AGREEMENT WITH PRIME ECO POLYCHEM, LLC (CUSTOM CHEMICAL SERVICES) AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

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

CONSIDERATION AND POSSIBLE ACTION REGARDING THE PURCHASE OF A JET “A” SELF-SERVE FUEL DISPENSER WHICH EXCEEDS THE AMOUNT THE CITY MANAGER CAN APPROVE

Motion was made by Councilmember Tompkins to approve the above captioned purchase, seconded by Councilmember Hughes, with all members of the Council present voting “aye.”

CONSIDERATION AND POSSIBLE ACTION REGARDING A REQUEST FROM HOTEL SETTLES FOR TWO HANDICAP PARKING SPOTS

Motion was made by Councilmember Tompkins to approve the above captioned request, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

DISCUSSION AND POSSIBLE ACTION REGARDING THE FENCING AT BIG SANDY LANDFILL

Shane Bowles, Public Works Director, gave an update on the status of the fencing project at Big Sandy Landfill. No action was taken.

DISCUSSION AND POSSIBLE ACTION REGARDING A SPLASH PAD

Councilmember Yanez reminded the staff that she was still interested in putting a splash pad at the Bert Andries Park. Staff recommended putting a proposal together for the Budget Work Sessions.

DISCUSSION AND POSSIBLE ACTION REGARDING TRASH PICKUP TWICE A WEEK

After a brief discussion, Councilmember Yanez asks the staff to do a study regarding the cost of picking up citizen’s trash twice a week.

DISCUSSION AND POSSIBLE ACTION REGARDING THE MASTER PLAN BOARD

Councilmember Yanez expressed that she would like to move forward with this board and a motion was made by Councilmember Yanez to create a master plan board, seconded by Mayor Pro Tem Ornelas. After a brief discussion, Councilmember Yanez withdrew her motion.

BOARDS AND COMMITTEES

Big Spring Economic Development Corporation

Remove – Shane Seaton

Appoint – Anna Scott

Nominated by Councilmember Yanez, Dist. 2

Motion was made by Councilmember Yanez to remove Shane Seaton and appoint Anna Scott to the Big Spring Economic Development Corporation, seconded by Mayor Pro Tem Ornelas, with Councilmembers Ornelas and Yanez voting “aye.” Councilmembers Hughes, Moore, McDonald, Tompkins and Smith, being opposed, voting “nay,” for passage of same. Motion **fails** two to five.

Zoning Board of Adjustments

Appoint – Debbie Ramirez

Nominated by Mayor Pro Tem Ornelas, Dist. 1

Appoint – Julie Ramirez

Nominated by Councilmember Yanez, Dist. 2

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

McMahon/Wrinkle Airpark Development

Appoint – Adriel Saldivar

Nominated by Councilmember Yanez, Dist. 2

The above listed nominee’s are appointed to the above listed boards by acclamation of the City Council.

COUNCIL INPUT

Mayor Pro Tem Ornelas reminded everyone of the Large Item Pickup for District 1 will be on July 20 and he will have the Young Marines helping citizens and also the Kite Day for a Back to School event will be held on August 6, 2022.

EXECUTIVE SESSION

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

In open session the Council accepted Judge Green’s Letter of Retirement and thanked him for 22 years of service.

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 AT 8:02 P.M.

RECONVENE INTO OPEN SESSION AND TAKE NAY NECESSARY ACTION ON EXECUTIVE SESSION ITEMS AT 8:40 P.M.

No action was taken at this time.

ADJOURN

Motion was made by Councilmember Tompkins to adjourn the meeting at 8:41 p.m., seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

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 **12th** 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 26th 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



WATER CONSERVATION PLAN

CITY OF BIG SPRING, TEXAS

Parkhill

July | 2022
Parkhill Project # 01.0314.18

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	Purpose	1
1.2	General.....	1
1.3	Goals	1
1.4	Drought Contingency Plan (DCP)	1
1.5	Conservation Methods	1
2.0	UTILITY EVALUATION DATA	2
2.1	Public Utility Profile	2
3.0	WATER CONSERVATION PLAN.....	4
3.1	Conservation goals	4

TABLES

Table 1:	Water Use Projections.....	2
Table 2:	Annual Water Sales by User	2
Table 3:	Conservation Goals.....	4

APPENDICIES

APPENDIX A:	EXAMPLE ORDINANCE
APPENDIX B:	UTILITY PROFILE
APPENDIX C:	DROUGHT CONTINGENCY PLAN
APPENDIX D:	TWDB WCP GOALS

1.0 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

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

- | *Education and information.*
- | *Plumbing Codes.*
- | *Retrofit Programs.*
- | *Water Rate Structures.*
- | *Universal Meter and Meter Repair.*
- | *Water Conservation Landscaping.*
- | *Leak Detection and Repair.*
- | *Recycling and Reuse.*
- | *Means of Implementation and Enforcement.*

2.0 UTILITY EVALUATION DATA

2.1 PUBLIC UTILITY PROFILE

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

Table 1: Water Use Projections

	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).

Number and Type of Connections in Service Area

- Residential: 7,876
- Industrial: 21
- Commercial: 787
- Public/Institutional: 336
- Agricultural: 2
- Total: 9,022

Recent Population and Water Usage

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

Water Use Information

- Average Water Production for Last Two Years: 1,794,551 (1,000 gal/yr.)
- Peak Annual Use: 641,288 (1000 gal/yr)
- Estimated 2017-2021 Annual Water Sales by User Category (1,000 gal):

Table 2: Annual Water Sales by User

Year	Total Gallons of Retail Water (1,000 gal)						Total Produced
	Residential-Single Family	Residential-Multi-Family	Industrial	Commercial	Institutional	Agricultural	
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
TOTAL	2,321,023.30	332,230	2,440,308	912,375	2,357,771	5,032	8,368,739.30

Wastewater Information

- Percent of water serviced by the wastewater system: 100%.

- Percent of potable water customers who have septic tanks or other privately operated sewage disposal systems: 7%.
- Percent of potable water customers serviced by another wastewater treatment utility: 0%.
- Percent of total potable water sales to the category types described in Section 2.1:
 - Percent of total sales to customers served: 96%.
 - Percent of total sales to customers who are on septic tanks or private disposal systems: 4%.
 - Percent of total sales to customers who are on other wastewater treatment systems: 0%.
- Average daily volume of wastewater treated: 1,890,000 (gal).
- Peak daily wastewater volumes: 3,561,000 (gal).
- Estimated percent of wastewater flows to the treatment plant that originate from the following categories:
 - Residential: 90%
 - Commercial: 5%.
 - Public and Institutional: 3%.
 - Stormwater: 2%.
 - Other: 0%.
 - Safe Annual Yield of Water Supply: 3,723,000 (x 1,000 gal).
 - Peak Daily Capacity of Water Treatment Plant: 12,000,000 (gpd).
 - Major High-Volume Customers (50,000 gpd or greater):
 - City of Big Spring.
 - Federal Prison Camp.
 - Cornell Corrections.
 - Percent of Water Supply Connections in System Metered:
 - Residential: 100%.
 - Commercial: 100%.
 - Industrial: 100%.

| 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.

| 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.

| Applicable Local Regulations

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

| Applicable State, Federal or other Regulations

- The City of Big Spring abides by the rules and regulations of the following agencies:
 - Texas Natural Resource Conservation Commission.
 - Texas Department of Health.
 - Environmental Protection Agency

3.0 WATER CONSERVATION PLAN

3.1 CONSERVATION GOALS

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:

Table 3: Conservation Goals

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

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

- | 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.

- | 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: $(196 \times 2\%) = 3.92 \text{ GPCD}$.

- | 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: $(196 \times 25\%) = 49 \text{ GPCD}$.
 - Potential reduction in seasonal use: $(49 \times 7\%) = 3.43 \text{ GPCD}$.

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

- | Metering Devices
 - All metering devices will be accurate within 5% (+/-) and will be used to measure and account for water for public water distribution.

| 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:

Meter Type	Test Period
Master Meter	Annually
Greater than 2 inches	Annually
2 inches 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.

| Monitoring

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

| 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.

| 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
Austin, Texas 78711-3231

| Articles

- 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.

- | 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.

- | 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.

- | 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.

- | 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.

- | 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.
 - 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:
 - Service tap will not be provided to customers not meeting the plan requirements.
 - The existing rate structure should encourage retrofitting of old plumbing fixtures which use copious quantities of water.
 - Customers who do not pay their water bills will have service discontinued.
 - The building inspection will not certify new construction which fails to meet the plan requirements.

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

| 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.

| 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.

| 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.

| 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

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 al 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 **12th** 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 26th 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

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
Historic Average	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
----------	--------------------	------------------	----------------

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 %
Total	9,022	100.00 %

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

Year	Net Number of New Retail Connections						Total
	Residential - Single Family	Residential - Multi-Family	Industrial	Commercial	Institutional	Agricultural	
2021	487	7	0	44	6	0	544
2020	288	0	0	43	2	0	333
2019	355	1	0	41	4	0	401
2018	523	7	0	58	10	0	598
2017	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
January	4,355,000	3,120,000	3,450,000	3,855,000	3,143,000
February	4,842,000	3,092,000	3,439,000	2,954,000	3,108,000
March	3,941,000	3,148,000	3,580,000	3,719,000	3,357,000
April	4,088,000	3,267,000	3,757,000	3,816,000	3,300,000
May	4,147,000	4,250,000	3,886,000	4,416,000	3,873,000
June	4,493,000	4,724,000	3,913,000	4,735,000	4,024,000
July	4,370,000	4,731,000	4,775,000	4,550,000	4,339,000
August	4,067,000	4,771,000	4,816,000	4,382,000	4,066,000
September	3,808,000	4,002,000	4,279,000	3,901,000	4,011,000
October	4,653,000	3,616,000	3,947,000	3,878,000	3,750,000
November	2,548,000	3,474,000	3,284,000	3,483,000	3,611,000
December	2,933,000	3,506,000	3,016,000	3,525,000	3,353,000
Total	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
Total	447,568,000	518,109,000	489,420,000	433,514,000	75,183,000

3. Summary of seasonal and annual water use.

	Summer RETAIL (Treated + Raw)	Total RETAIL (Treated + Raw)
2021	139,298,000	495,813,000
2020	168,033,000	563,810,000
2019	168,061,000	535,562,000
2018	212,516,000	480,728,000
2017	12,429,000	119,118,000
Average in Gallons	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 %
Average	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
Residential - Single Family	464,204,660	85.18 %	27.73 %
Residential - Multi-Family	66,446,000	2.12 %	3.97 %
Industrial	488,061,600	0.23 %	29.16 %
Commercial	182,475,000	8.72 %	10.90 %
Institutional	471,554,200	3.72 %	28.17 %
Agricultural	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
Municipal			0	0.00 %
Industrial			0	0.00 %
Commercial			0	0.00 %
Institutional			0	0.00 %
Agricultural			0	0.00 %
Total			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
Total	1,123,328,858	1,187,679,621	1,370,291,186	1,360,707,910	1,242,323,385

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	
Total	0

UTILITY PROFILE FOR RETAIL WATER SUPPLIER

C. Wastewater System Data Comment

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

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.

BIG SPRING CITY CODE

(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

BIG SPRING CITY CODE

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.

BIG SPRING CITY CODE

- (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

BIG SPRING CITY CODE

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.

BIG SPRING CITY CODE

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;

BIG SPRING CITY CODE

- 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.

- Page 16B:15 -

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

- (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

	Historic 5yr Average	Baseline	5-yr Goal for year <u>2027</u>	10-yr Goal for year <u>2032</u>
Total GPCD ¹	196	196	195	193
Residential GPCD ²	52	52	50	48
Water Loss (GPCD) ³	31	31	31	31
Water Loss (Percentage) ⁴	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 **12th** 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 **26th** 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 **12th** 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 **26th** 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



MEMORANDUM

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 McMahan-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 12th 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 26th 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



CITY OF
Big Spring

MEMORANDUM

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.

Sec. 2-254. Purpose.

~~An airpark development 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.~~

Sec. 2-255. Organization and membership.

- ~~(a) — The airpark development board shall consist of seven members, all of which shall be citizens of the city and appointed by a majority vote of the city council for a term of three years. The council will consider for appointment only those members of the community who have demonstrated their interest and knowledge of aeronautical activities, business, industry and real estate. One member of the airpark development board, who has an aviation background, shall be appointed by the board as the safety outreach liaison. All members of the advisory board shall serve without compensation. If any voting member of the advisory board shall be absent more than three times, without prior notification, during any 12-month period, said third absence shall be construed as the member's resignation from the advisory board for all purposes. The board shall serve as the standing safety committee for the Big Spring McMahon Wrinkle AirPark.~~
- ~~(b) — The chairperson, vice-chairperson, and safety outreach liaison shall be elected annually, during the first annual meeting by the board from its official members. A vacancy in an unexpired term of the appointed members shall be filled by a majority vote of the city council.~~

(c) — In addition to the seven members above, the mayor, the city manager, and the executive director of the Big Spring Economic Development Corporation and/or their designees, shall sit on the board as ex-officio members. The ex-officio members shall not have voting power, but shall assist the board in its various functions. The airpark administrative assistant shall serve as secretary to the board.

(d) — Sections 2-241 and 2-242 shall apply to this board, except that the members of the board as of May 1, 2021 shall retain their current terms according to their appointments under the prior language of this section, regardless of section 2-241 eligibility requirements relating to city council district, unless removed earlier by city council. Subsequent appointments to the board shall be pursuant to section 2-241.

Sec. 2-256. Duties and responsibilities.

(a) — The airpark development board shall recommend to the council such policies as it may deem necessary, including, but not limited to, the preparation and maintenance of a comprehensive airpark improvement program, the airpark master plan, and matters pertaining to the economics of leases, potential business growth, security and safety.

(b) — The chairperson of the board shall present a report to city council at least once per quarter of a year.

Sec. 2-257. Vacancies.

The terms of the seven appointed members shall be deemed extended until a successor is appointed to the board.

Sec. 2-258. Rules of procedure and quorum.

The airpark development board shall adopt its own rules of order and procedures to regulate meetings and activities directly related thereto. The rules shall deal only with procedural matters and shall be available to the public and kept on file. A quorum for the transaction of business shall consist of no less than four members. An affirmative vote of a majority of the members present shall be necessary for approval of motions before the board. Members must be present to vote at the meeting.

Sec. 2-259. Public meeting.

All meetings of the airpark development board shall be open to the public, except as the Texas Open Meetings Act allows. Regular meetings shall be scheduled at least bi-monthly and the city manager shall call together the airpark development board to consider official business as needed. Additional meetings may be held upon the call of the chairperson, or the vice-chairperson in the absence of the chairperson, or upon petition of a simple majority of airpark development board members.

Sec. 2-260. Records.

The airpark development board shall keep minutes of its proceedings, showing the vote upon each question. Such minutes shall be approved by the board, subject to the approval of city council, and filed with the city records management officer. Approved minutes of the board shall

~~be a public record. Upon the board's approval of the minutes of the airpark development board, the board shall transmit such approved minutes to the city council for its consideration.~~

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.”

DIVISION 2. AIRPARK DEVELOPMENT BOARD AVIATION ADVISORY BOARD

SECTION 3. The Big Spring City Code, Chapter 2 entitled “Administration,” Division 2 “~~Aviation Advisory Board~~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.

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

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 **12th** 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 26th 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

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, May 17, 2022, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:15 p.m. Tuesday, May 17, 2022, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on May 13, 2022, to all Directors, the news media, and duly posted on May 13, 2022, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday May 17, 2022, at 5:15p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Public Comment, Action on Minutes of the April 19, 2022, Regular Meeting, Action to Approve April Investment and Financials Report, Consideration/Action to Approve Right-of-Way Agreement between Medallion Pipeline Company LLC and Big Spring EDC and Authorize the Executive Director to Sign all Necessary Documents, Consideration/Action to Approve an Engagement Letter from Bolinger, Segars, Gilberts & Moss, LLP for the 2021-2022 Annual Audit, Directors Report, Board Comment, and Adjourn".

Directors Present:

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

Directors Absent:

Mr. Jeff Ward- Vice President

Staff Present:

Mr. Mark Willis

Guests that signed in: Roger Cline

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

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

ACTION ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action on Minutes of the April 19, 2022, Regular Meeting:

Mr. Seaton presented the Minutes. Motion to accept the Minutes was made by Mr. Benavides seconded by Mr. Williams. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #4- Action to Approve April Investment & Financial Report:

Mr. Benavides presented the Investment and Financials. Motion to approve the Investment & Financial Report was made by Mr. Benavides seconded by Mr. Odom. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #5- Consideration/Action to Approve Right-of-Way Agreement between Medallion Pipeline Company LLC and Big Spring EDC and Authorize the Executive Director to sign all Necessary Documents:

Mr. Willis presented the agreement for right-of-way located on the EDC property on Midway Rd. Motion to approve the Agreement, with the restriction of above ground structures, and authorize the Executive Director to sign all necessary document was made by Mr. Benavides seconded by Mr. Williams. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #6- Consideration/Action to Approve an Engagement Letter from Bolinger, Segars, Gilbert & Moss LLP for the 2021-2022 Annual Audit:

Mr. Willis presented the Engagement Letter. Motion to approve the Engagement Letter was made by Mr. Odom seconded by Mr. Benavides. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #7- Directors Report:

Projects:

The City and EDC have been informed that the EDA has received significant additional funding, is viewing the Big Spring request favorably and suggested an increased grant request to \$3.2 million. The EDC is coordinating a tax abatement agreement between Howard College and Recover Howard, LLC in regards to a project in the County that will involve a company investment of at least \$20 million and creation of at least 20 jobs with a payroll of \$2 million. EDC staff continues working with the city and a prospect(s) involving the potential of a +\$10 million investment following the demolition of the former prison property on I-20 and Highway 176 (Andrews Highway). The EDC is assisting Howard County in negotiations concerning Recover Howard and a potential incentive agreement. Staff continues to work with a second substantial potential County industrial prospect. The new Leading EDG representative made a presentation to the Big Spring City Council on May 10th. Staff continues to play a supporting role in the negotiations for cotton seed shipping at the Airpark. The Associate Director completed the CDFA TIF training course. Meetings: The EDC Director and Associate Director attended the Industrial Asset Management Council spring forum. The EDC Director attended the High Ground Consultant Forum. The EDC Director attended the monthly Chamber of Commerce Board meeting. The EDC Director attended the monthly County Leadership forum. The EDC Director participated in four City staff meetings. Staff attended two City Council meetings. The EDC Director attended two Howard County Commissioner Court Meetings. The EDC Director two monthly radio interviews. The next Board meeting will be June 21st.

AGENDA ITEM #8- Board Comments:

None

AGENDA ITEM #9- Adjourn:

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

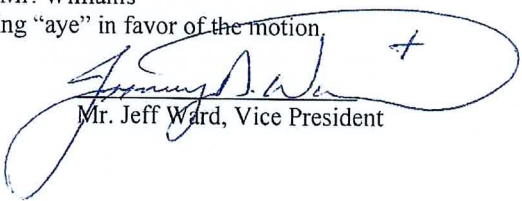
The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 5:43 pm on May 17, 2022.

ATTEST:



Mr. Pascal Odom, Board Member



Mr. Jeff Ward, Vice President

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, June 21, 2022, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:15 p.m. Tuesday, June 21, 2022, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on June 17, 2022, to all Directors, the news media, and duly posted on June 17, 2022, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday June 21, 2022, at 5:15p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Public Comment, Action on Minutes of the May 17, 2022, Regular Meeting, Action to Approve May Investment and Financials Report, Directors Report, Executive Session, Action as a Result of Executive Session, Board Comment, and Adjourn".

Directors Present:

Mr. Jeff Ward- Vice President
Mr. Cody Williams
Mr. Paschal Odom

Directors Absent:

Mr. Shane Seaton- President
Mr. Raul Benavides- Secretary/Treasurer

Staff Present:

Mark Willis, Teresa Morris

Guests that signed in:

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

Mr. Ward called the meeting to order at 5:18 p.m. Mr. Ward led the invocation and pledge.

ACTION ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action on Minutes of the May 17, 2022, Regular Meeting:

Mr. Ward presented the Minutes. Motion to accept the Minutes was made by Mr. Odom seconded by Mr. Williams. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #4- Action to Approve May Investment & Financial Report:

Ms. Morris presented the Investment and Financials, noting that all payroll credit loans have met their obligations and contracts are complete. Motion to approve the Investment & Financial Report was made by Mr. Williams seconded by Mr. Odom. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #5- Directors Report:

Projects:

The City and EDC have been informed that the EDA has tentatively approved Big Spring's adjusted grant request for \$3.2 million, pending addressing some scope of work and contracting questions the EDA has posed. The tax abatement agreement with Howard College and the 381 Agreement with Howard County to facilitate the Recover Howard, LLC project in western Howard County have been approved by both governing groups. The project will involve a company investment of at least \$20 million and creation of at least 20 jobs with a payroll of \$2 million. The RFP involving the demolition of the former prison property on I-20 and Highway 176 (Andrews Highway) and potential purchasers of the property has been posted. EDC staff is playing a leading role in the planning of the Ports to Plain annual meeting to be held in Big Spring this September. Staff continues to work with a second substantial potential County industrial prospect. EDC and City staff are working with two restaurants, a truck stop and a hotel prospect interested in Big Spring locations. Negotiations for cotton seed shipping at the Airpark continue.

Meetings: Staff attended the TEDC midyear conference, the GridNEXT Forum, a Permian Basin energy summit, the monthly Chamber of Commerce Board meeting, the monthly County Leadership forum, participated in four City staff meetings, two City Council meetings, two Howard County Commissioner Court Meetings, two monthly radio interviews, four Chamber functions. The next Board meeting will be July 19th.

AGENDA ITEM #6- Executive Session in accordance with Texas Government Code, Section 551.087 to discuss or deliberate regarding prospect activity:

Mr. Ward adjourned the Board into Executive Session at 5:31 pm., June 21, 2022. Mr. Ward called the Executive Session to order at 5:33 pm., June 21, 2022. Mr. Ward adjourned out of executive session at 5:55 pm., June 21, 2022. Mr. Ward reconvened into open session at 5:56 pm., June 21, 2022

ACTION ITEM #7- Action as a Result of Executive Session:

None

AGENDA ITEM #8- Board Comments:

Mr. Ward expresses his excitement for the economic future of Big Spring and Howard County.

AGENDA ITEM #9- Adjourn:

Mr. Odom made a motion to adjourn, seconded by Mr. Williams

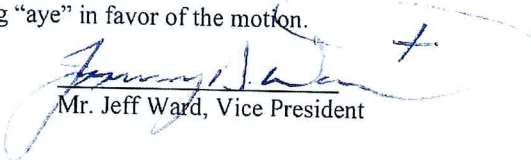
The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 5:56 pm on June 21, 2022.

ATTEST.



Mr. Paschal Odom, Board Member


Mr. Jeff Ward, Vice President

**City of Big Spring
Cash and Texpool Account Balances
Quarter Ending June 30, 2022**

	Market Value 3/31/22	Quarterly Interest Income	Net Additions/ Decreases	Market Value 6/30/22
Checking Accounts				
Operating Checking Account	\$ 12,324,510.77	\$ -	\$ 5,099,136.23	\$ 17,423,647.00
Payroll Checking Account	\$ (341.41)	\$ -	\$ 626,129.39	\$ 625,787.98
Health Insurance Checking Account	\$ 851,820.61	\$ -	\$ 154,951.22	\$ 1,006,771.83
Worker's Comp Insurance Account	\$ 1,347,645.17	\$ -	\$ 298,396.77	\$ 1,646,041.94
Total Checking	\$ 14,523,635.14	\$ -	\$ 6,178,613.61	\$ 20,702,248.75
TexPool Funds				
Utility Escrow	\$ -	\$ -	\$ -	\$ -
Airpark	\$ 526,694.65	\$ 844.15	\$ -	\$ 527,538.80
Landfill Closure	\$ 4,413,115.56	\$ 7,073.16	\$ -	\$ 4,420,188.72
Operating Account	\$ 3,071,990.30	\$ 4,923.61	\$ -	\$ 3,076,913.91
Cemetery	\$ 372,284.30	\$ 596.67	\$ -	\$ 372,880.97
Health Insurance	\$ -	\$ -	\$ -	\$ -
Total TexPool	\$ 8,384,084.81	\$ 13,437.59	\$ -	\$ 8,397,522.40
Prosperity Bank				
CD - Maturity 12/11/20	\$ 13,020.96	\$ 1.09	\$ -	\$ 13,022.05
Total Prosperity Bank	\$ 13,020.96	\$ 1.09	\$ -	\$ 13,022.05
BBVA Compass				
Money Market - 6748561224	\$ 6,750,085.36	\$ 2,576.29	\$ -	\$ 6,752,661.65
Total BBVA Compass	\$ 6,750,085.36	\$ 2,576.29	\$ -	\$ 6,752,661.65
Brokerage CD's				
Beginning Date 3/13/20				
1st Jackson Bank	\$ 249,000.00	\$ 721.76	\$ -	\$ 249,000.00
1st Source Bank	\$ 247,000.00	\$ -	\$ -	\$ 247,000.00
American Express	\$ 248,000.00	\$ -	\$ -	\$ 248,000.00
Balboa Thrift Bank	\$ 249,000.00	\$ 248.31	\$ -	\$ 249,000.00
Bank United National Assn	\$ 247,000.00	\$ 217.89	\$ -	\$ 247,000.00
Bankwell Bank	\$ 249,000.00	\$ -	\$ -	\$ 249,000.00
Belmont Bank	\$ 249,000.00	\$ 282.44	\$ -	\$ 249,000.00
BMW Bank	\$ 248,000.00	\$ -	\$ -	\$ 248,000.00
Capital One Bank	\$ 248,000.00	\$ -	\$ -	\$ 248,000.00
Eagle Bank	\$ 249,000.00	\$ 972.80	\$ -	\$ 249,000.00
Encore Bank	\$ 249,000.00	\$ 282.44	\$ -	\$ 249,000.00
Evergreen Bank	\$ 249,000.00	\$ 627.62	\$ -	\$ 249,000.00
First Community Bank	\$ 249,000.00	\$ 313.81	\$ -	\$ 249,000.00
Five Nine Bank	\$ 249,000.00	\$ 313.81	\$ -	\$ 249,000.00
Luana Savings Bank	\$ 247,000.00	\$ -	\$ -	\$ 247,000.00
Minnesota West Bank	\$ 249,000.00	\$ 313.81	\$ -	\$ 249,000.00
Preferred Bank	\$ 249,000.00	\$ 658.99	\$ -	\$ 249,000.00
Romney Bank	\$ 249,000.00	\$ 721.76	\$ -	\$ 249,000.00
Sunwest Bank	\$ 249,000.00	\$ 282.44	\$ -	\$ 249,000.00
United States Treasury Notes	\$ 245,516.75	\$ -	\$ -	\$ 245,516.75
United States Treasury NTS	\$ 246,501.25	\$ 312.50	\$ -	\$ 246,501.25
US Treas Sec Stripped Int Pmt	\$ 487,876.50	\$ -	\$ -	\$ 487,876.50
Total Brokerage CD's	\$ 5,701,894.50	\$ 6,270.38	\$ -	\$ 5,701,894.50
Agency Bond	\$ 1,000,000.00	\$ -	\$ -	\$ 1,000,000.00
Total Cash & Investments	\$ 35,372,720.77	\$ 22,285.35	\$ 6,178,613.61	\$ 42,567,349.35

**City of Big Spring
Monthly Interest Rates
Quarter Ending June 30, 2022**

		<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>Average</u>
TexPool Funds		0.3042%	0.6228%	1.0013%	0.6425%
Prosperity Bank	12 month CD	0.0500%	0.0500%	0.0500%	0.0500%
PNC Bank	Money Market	0.0100%	0.0100%	0.0100%	0.0100%


 Sandra G Smith - Finance Director



 Todd Darden - City Manager

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF CITY OF BIG SPRING, TEXAS, SUPPORTING AND ACCEPTING THE “22 ALBIGSP PROJECT;” REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AIRPORT IMPROVEMENTS; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY’S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY’S PARTICPATION IN MAKING IMPROVEMENTS TO BIG SPRNG MCMAHON-WRINKLE AIRPORT; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of the City of Big Spring intends to make certain improvements to Big Spring McMahon-Wrinkle Airport; and

WHEREAS, the City Council of the City of Big Spring intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, it is in the best interest of the citizens of the City of Big Spring to expedite the support and acceptance of the “22 ALBIGSP project” in order to prepare and submit an application for financial assistance from the Texas Department of Transportation; and

WHEREAS, the total project costs are estimated to be \$365,000.00 and the City of Big Spring will be responsible for 10% of the total project costs currently estimated at \$36,500.00; and

WHEREAS, the timing of the grant opportunity requires that the second reading of this resolution be waived;

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

SECTION 1. The City Council authorizes the City Manager to facilitate a grant application for the following airport improvements: ALP Update Including Height Hazard Ordinance and Property Map, the general description being:

Airport Layout Plan (ALP) update with narrative.

1. Prepare and update the ALP with Narrative consistent with the most current FAA Advisory Circulars and Standard Operating Procedures;
2. Develop a Capital Improvement Plan, including a recommended phasing plan and financial overview that considers local, state, federal, and alternative funding sources;
3. Prepare and update the Airport Property Map (APM) consistent with the most current FAA Advisory Circulars and Standard Operating Procedures;

4. Establish attainable goals for airport improvements and development based on forecast for aviation demand and critical aircraft;

5. Develop a Height Hazard Zoning Map incorporating the airports Federal Aviation Regulations (FAR) Part 77 surface.

SECTION 2. The City Council supports and accepts this project. City Council hereby commits to paying 10% of the total project costs with City funds.

SECTION 3. The City of Big Spring names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

SECTION 4. The City Council hereby directs the City Manager to execute on behalf of City of Big Spring, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to Big Spring McMahon-Wrinkle Airport.

SECTION 5. The City Council finds that the passage of this ordinance constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City ordinances must be read at two separate meetings of the City Council be suspended and said rule is hereby suspended, and this ordinance 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 26th 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 AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPLY FOR AND USE A SECURE CREDIT CARD ACCOUNT IN THE NAME OF THE CITY OF BIG SPRING FOR USE IN MAKING OFFICIAL CITY PURCHASES UNDER LIMITED CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City Council of Big Spring, Texas, finds that credit cards are an efficient means for making certain purchases and placing reservations on behalf of the City; and

WHEREAS, the City Council finds that the Mayor and Director of Finance are the appropriate individuals to apply for and use credit cards for conducting legitimate City business; and

WHEREAS, the City Council concludes that there are adequate controls in place to prohibit the incurring of any illegal debts and to avoid the misuse of public funds; and

WHEREAS, the City Council finds that the City has sufficient funds and anticipates sufficient, continuing revenue to satisfy the balances accrued on such credit cards so that all credit charges are paid off within the same fiscal year they are incurred; and

WHEREAS, the City Council determines that it is in the public interest to authorize the Mayor and City Secretary to make application for and then selectively utilize a secure credit card account in the name of and for the benefit of the City of Big Spring; and

WHEREAS, the City is in the process of switching its depository to Prosperity Bank, and the requirement of two readings must be waived due to the need to quickly switch the procurement card used by the City to this new secured credit card solution the collateral of which will be held by the depository, Prosperity Bank;

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

SECTION 1. City Council authorizes the application for a secured business credit card account with Prosperity Bank in the amount of \$200,000.00 and authorizes Robert H. Moore, III, Mayor of the City of Big Spring, and Sandra G. Smith, Director of Finance of the City of Big Spring, to apply for this credit card account. The authorized administrators will be Assistant Director of Finance Gary Givens and the Director of Finance Sandra G. Smith.

SECTION 2. Cards on this account may be used for authorized expenditures including making purchases and reservations for budgeted items and services that benefit the City, and by officers and employees in their official capacities as authorized by the Director of Finance.

SECTION 3. City credit cards may only be used for official City business and are not to be used for personal transactions that do not relate to public matters or purchases made in an official capacity.

SECTION 4. To the extent possible, all credit card balances are to be paid off monthly as they become due. All credit card charges, including principle, interest, annual fees, and service charges, must be paid off entirely within the same fiscal year that they are incurred.

SECTION 5. All credit card receipts and invoices (i.e., billing statements) are subject to public scrutiny, review by the City Council, and must be submitted to the City auditor annually for review.

SECTION 6. The City Council finds that the passage of this ordinance constitutes an emergency and an imperative public necessity that the Charter Rule requiring that City ordinances must be read at two separate meetings of the City Council be suspended and said rule is hereby suspended, and this ordinance 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 26th 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

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AUTHORIZING AND DIRECTING THE CITY MANAGER TO ERECT TWO DISABLED PARKING SIGNS ON EAST SIDE OF THE 300 BLOCK OF RUNNELS STREET DIRECTLY IN FRONT OF THE WEST ENTRANCE OF THE HOTEL SETTLES; DIRECTING THE MARKING OF SAID CORRESPONDING SPACES AS DISABLED PARKING SPACES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, the governing body of the City of Big Spring, a municipal corporation and a political subdivision of the State of Texas, finds it necessary to provide two disabled parking spaces on the east side of the 300 block of Runnels Street directly in front of the west entrance to the Hotel Settles, on the City street, in order to provide improved accessibility to disabled persons; and

WHEREAS, “A political subdivision... who owns or controls property used for parking may designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities,” Section 681.009(a), Texas Transportation Code; and

WHEREAS, “A political subdivision must designate a parking space or area by conforming to the standards and specifications adopted by the Texas Commission of Licensing and Regulation under Section 469.052, Government Code, relating to the identification and dimensions of parking spaces for persons with disabilities...” Section 681.009(b), Texas Transportation Code; and

WHEREAS, the Texas Commission of Licensing and Regulation is the governing board of the Texas Department of Licensing and Regulation under Chapter 51, Texas Occupations Code;

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

SECTION 1. The City Manager is hereby authorized and directed to erect two disabled parking signs on the east side of the 300 block of Runnels Street directly in front of the west entrance to the Hotel Settles and marking the corresponding spaces as disabled parking spaces, at least one of which shall be specifically for van accessible disabled parking. The parking space shall conform to the standards and specifications adopted by the Texas Commission on Licensing and Regulation under Section 469.052, Texas Government Code.

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 such conflict.

SECTION 5. This ordinance shall take effect in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

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

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **9th** day of **August, 2022** with all members present voting “aye” for passage of the same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING Z-22-02, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING LOT 1 BLK 1 MIDTEX ADDITION, APPROXIMATELY 11.06 ACRES IN BIG SPRING, HOWARD COUNTY, TEXAS, ALSO KNOWN AS 1801 WEST I-20, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT TO HI, HEAVY INDUSTRIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission held a public hearing during a regular meeting on June 21, 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 July 26, 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-22-02, a rezone of approximately 11.06 acres located in Lot 1, Block 1, Mid Tex Addition, in Big Spring, Howard County, Texas, also known as 1801 W I-20, from SF2, Single Family Dwelling District to HI, Heavy Industrial 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 HI, Heavy Industrial 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 **26th** day of **July, 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 **9th** day of **August, 2022**, with all members present voting "aye" for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

RELEASE AND SETTLEMENT AGREEMENT

This document is a Release and Settlement Agreement (**Agreement**) between AT&T Corp. (**AT&T**) and **CITY OF BIG SPRING (CUSTOMER)** (each of which is a **Party** and both of which together are the **Parties**).

BACKGROUND

CUSTOMER subscribes to AT&T service under Account Number 806A400693119 (the **Accounts**);

CUSTOMER disputes the billing and payment of charges on the Account prior to 10/13/2021 (the **Dispute**); and

AT&T and CUSTOMER now wish to resolve the Dispute.

AGREEMENT

The Parties agree as follows:

1. AT&T Credit

Within 2 bill cycles of when both parties have signed this agreement, AT&T will credit the Account as with **\$303,776.60** plus any applicable taxes and regulatory surcharges, in full settlement of the Dispute.

2. Release

Provided that CUSTOMER will owe no further unpaid charges from this Dispute after AT&T has issued the above credit, AT&T & CUSTOMER knowingly and voluntarily release each other from any further liability or claim regarding this Dispute.

Each Party acknowledges that this Agreement expressly gives up every right it has against the other regarding this Dispute, other than the right to enforce this Agreement.

3. Entire Agreement

This Agreement is the Parties complete agreement regarding the Dispute's resolution. There are no other agreements or promises not stated in this Agreement. This Agreement supersedes the Parties' prior negotiations. However, this Agreement is not intended to, and shall not, modify the terms of the CUSTOMER's Master Agreement with AT&T.

4. Ownership of Claim

Each Party represents that it owns the claims asserted here and has not assigned or transferred those claims to anyone else.

5. No Admission of Liability

The Parties enter into this Agreement to resolve this Dispute. Neither Party admits liability for claims the other Party has asserted.

6. Legal Counsel

Each Party acknowledges that it had the opportunity to consult an attorney. Before the Party executed this Agreement, the Party's attorney, if any, reviewed the Agreement and made any desired changes or recommendations.

7. Applicable Law

If this Agreement requires interpretation according to established law legal principles, the Parties agree to interpret this Agreement in accordance with New York law in effect on the date by which both Parties signed the Agreement.

8. Enforcement of Agreement

While the Parties intend to perform their respective obligations in good faith, in the event of a lawsuit to enforce or interpret the provisions of this Agreement the prevailing Party may recover all its costs in prosecuting or defending the lawsuit, including reasonable attorney fees.

9. Confidentiality

Except as applicable law or legal/accounting purposes may require, the Parties agree to keep the terms of this Agreement confidential and will not disclose such terms to others.

10. Miscellaneous

(a) If a Party delays or fails to exercise a right under this Agreement or fails to strictly enforce any breach or default, that failure does not waive the other Party's obligation to perform its obligations under this Agreement. Similarly, if a Party excuses a breach or default on one

occasion, that does not excuse the other Party from performing that obligation in the future unless the excusing Party states that in writing.

(b) If a court rules that any provision of this Agreement is invalid or unenforceable, the remaining provisions of the Agreement will continue in full force.

(c) This Agreement must be signed and returned to AT&T on or before **07/18/2022** to avoid closure of this Dispute with no action taken.

AT&T CORP.

CUSTOMER

CITY OF BIG SPRING

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



MEMORANDUM

Date: July 22, 2022
To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager
From: Shane Bowles, Public Works Director
Re: Bluebeam Software Contract

The city of Big Spring is requesting to award contract services with Bluebeam Inc for permitting review. This program goes hand in hand with our new permitting software where we will be able to review plans more efficiently and get responses back to customers in a timely manner. All three departments will be able review plans simultaneously instead of how we currently review plans. This program will be utilized in the building official's office, the fire marshal's office as well as the city engineer's office.



We have prepared a quote for you

Standard (5) + Studio Prime

Quote # 023961
Version 1

Prepared for:

City of Big Spring, TX

Miklos Szabo
mszabo@mybigspring.com

U.S. CAD
18831 Bardeen, Suite 200
Irvine, CA 92612
www.uscad.com
877.64.USCAD



Products

Description	Price	Qty	Ext. Price
859463006414 Bluebeam Revu Standard New Perpetual License, Windows OS.	\$315.00	5	\$1,575.00
859463006513 1- Bluebeam Revu Standard New Maintenance & Support, Subscription, Windows OS. 49	\$90.00	5	\$450.00
893645001514 Bluebeam Studio Prime Level 1, Subscription, Cloud.	\$2,059.00	1	\$2,059.00
Subtotal:			\$4,084.00

U.S. CAD
18831 Bardeen, Suite 200
Irvine, CA 92612
www.uscad.com
877.64.USCAD



Standard (5) + Studio Prime

Prepared by:

U.S. CAD

Charles
877-648-7223
Fax 949-679-0227
charles.smith@uscad.com

Prepared for:

City of Big Spring, TX

310 Nolan Street
Big Spring, TX 79720
Miklos Szabo
(432) 264-2518
mszabo@mybigspring.com

Quote Information:

Quote #: 023961

Version: 1
Delivery Date: 06/09/2022
Expiration Date: 06/29/2022

Quote Summary

Description	Amount
Products	\$4,084.00
Total: \$4,084.00	

Terms & Conditions:

- 1.) Please sign below as orders will not be accepted without a signed quotation.
- 2.) Product returns will be allowed within 30 days of invoice date. A restocking fee of 15% plus original shipping fee may be charged.
- 3.) Customer is eligible to receive free technical support. To submit a support case, visit <https://uscad.com/support/> or call our technical support department.
- 4.) If shipping charges do not appear on this quote, shipping charges for physical media shipments, if applicable, will appear on the invoice.
- 5.) Customer has one year from date of purchase to receive training or services that have been prepaid, unless otherwise agreed upon by management, after which time customer has forfeited rights to receive such training or services.
- 6.) Payment is due in advance unless a credit limit has been established with U.S. CAD.
- 7.) If sales tax charges do not appear on this quote, but are determined to be applicable, they will appear on the invoice.

Please mail checks to:
U.S. CAD 18831 Bardeen Ave., #200
Irvine, CA 92612

U.S. CAD

City of Big Spring, TX

Signature: _____

Name: Charles Smith

Title: Bluebeam Business Development Specialist

Date: 06/09/2022

Signature: _____

Name: Miklos Szabo

Date: _____

STUDIO PRIME LICENSE AND SUBSCRIPTION AGREEMENT

This Studio Prime License and Subscription Agreement (the "Agreement") is entered into by and between Bluebeam, Inc. ("Bluebeam") and the undersigned ("Licensee") and made effective as of the date signed by Bluebeam below.

1. DEFINITIONS.

- a. "Documentation" includes the Studio Terms of Use (www.bluebeam.com/legal/studio-terms-of-use), this Agreement, Bluebeam's Privacy Policy (www.bluebeam.com/legal/privacy-policy), and the documentation published by Bluebeam on its website (www.bluebeam.com) with regard to the Studio Prime services.
- b. "Licensed User" means Licensee or any employee, agent or other individual that Licensee has duly authorized to access and use the Software pursuant to the applicable end-user license agreement for the Software.
- c. "Prime Administrator" means one or more persons designated by Licensee to administer Licensee's Studio Prime Account.
- d. "Prime Collaborator" means any Studio User who is invited by a Prime Member to be an Attendee in a Project or Session as such terms are defined in the Studio Terms of Use.
- e. "Prime Member" means a Licensed User who is invited by a Prime Administrator to join Licensee's Studio Prime Account. Upon the Licensed User's acceptance to join a Studio Prime Account, that licensed User's Studio account becomes a managed account under the Studio Prime Account to be managed and controlled by Licensee.
- f. "Prorated Subscription Fees" mean the Subscription Fees in effect on the date the User Level is increased that is prorated over the remainder of the Initial Term or Renewal Term, as applicable.
- g. "Renewal Date" is the date that is one (1) year following the Effective Date and each annual reoccurrence thereof.
- h. "Reseller" means a third party reseller who has entered into a contractual relationship with Bluebeam to market, promote and facilitate the license of Bluebeam's Studio Prime service.
- i. "Software" means the Revu® software application for editing, managing, marking-up, designing and sharing PDF documents.
- j. "Studio" means a cloud-based collaboration platform accessible via the Software that connects Studio Users and gives them the ability to communicate and markup and review documents in real-time.
- k. "Studio Prime" means the optional, paid subscription service that provides Licensee with advanced administrative functionality and visibility over the Licensed User's Studio usage activity and access to third party application integrations.
- l. "Studio Prime Account" means the account created for Licensee upon the execution of this Agreement.
- m. "Studio User" means any individual who has established a Bluebeam user account, has agreed to the Studio Terms of Use, and thereafter accesses and uses the Studio services.
- n. "Subscription Fees" are the annual subscription fees due in exchange for access and use of Studio Prime.
- o. "User Level" means a combination of Licensee's Prime Administrators and Prime Members.

2. **LICENSE TO USE STUDIO PRIME.** Subject to Licensee's acceptance of and on-going compliance with this Agreement, Bluebeam grants Licensee a limited, non-sublicensable, non-transferable, non-exclusive, revocable right and license to access and use the Studio Prime services during the Initial Term and any applicable Renewal Term in accordance with the Documentation. The Studio Prime services may only be used by Licensee and Licensee's Prime Administrator, Prime Members and Prime Collaborators and only for Licensee's own lawful business purposes.

3. **RESERVATION OF RIGHTS.** All right, title, and interest in and to Studio Prime and the related services and

Documentation, including, without limitation, all copyrights, patents (whether pending or issued), trade secret rights, trademarks, and other intellectual property, are owned and retained by Bluebeam. All rights not expressly granted or licensed to Licensee herein are reserved.

4. GENERAL TERMS.

- a. Modifications. Bluebeam reserves the right to revise, modify or update Studio Prime from time to time in its sole discretion to add new features or functionality or modify existing features or functionality.
- b. User Level Restrictions. Licensee may only have such number of Prime Administrators and Prime Members access and use Licensee's Studio Prime account that equals the User Level paid for by Licensee. Licensee may increase the User Level at any time upon written notice to Bluebeam and payment of the Prorated Subscription Fees. Licensee may decrease the User Level upon written notice to Bluebeam made at least thirty (30) days prior to each applicable Renewal Date. Any such decrease shall be effective on the Renewal Date for the following Renewal Term.
- c. Prime Administrators. Licensee acknowledges and agrees that Prime Administrator are solely responsible for (a) inviting Studio Users to become Prime Members or Prime Collaborators; (b) managing all Prime Member and Prime Collaborator accounts (including, without limitation, access and permissions to Projects and Sessions for which they are Attendees); (c) assign, create, modify and remove Prime Member and Prime Collaborator permission and restrictions; (d) managing and controlling all content (including, without limitation, Project Files and Sessions Files) created or uploaded into or used in connection with the Studio Prime Account.
- d. Prime Members. Licensee acknowledges and agrees that it shall inform and instruct all Prime Members under Licensee's Studio Prime Account of the following: (a) the Prime Member's Studio account will be under the exclusive control of the Prime Administrator; (b) the Prime Administrator can and will access the account and related content, create and modify permissions related to the account and otherwise monitor the Prime Members usage of the account; and (c) the Prime Member may only have one Studio account, which is the Prime Member account.

5. SUBSCRIPTION FEES AND PAYMENT TERMS.

- a. Subscription Fees. Licensee agrees to pay Reseller the Subscription Fees for the Initial Term and each applicable Renewal Term. Provided there is a change in the User Level during the Initial Term or any Renewal Term, Licensee agrees to pay Reseller the Prorated Subscription Fees.
- b. Payment Terms. Subscription Fees and Prorated Subscription Fees, if applicable, are due and payable on such terms as mutually agreed upon by Licensee and Reseller. Subscription Fees and Prorated Subscription Fees are non-transferable and non-refundable.
- c. Past Due Accounts. Failure for Bluebeam to receive confirmation of payment required hereunder within forty-five (45) days of the Renewal Date will cause this Agreement to terminate without notice and further access to the Studio Prime services will cease.

6. TERM AND TERMINATION.

- a. Term. This Agreement shall commence upon the Effective Date and continue for a period of one (1) year (the "Initial Term"). The Initial Term shall renew for additional periods of one (1) year (each a "Renewal Term") upon Licensee's payment of the Subscription Fees on or before the Renewal Date. Unless otherwise notified in writing at least thirty (30) days prior to each Renewal Date, this Agreement shall renew at the same User Level as the Initial Term or previous Renewal Term as applicable. The Initial Term and all Renewal Terms are collectively referred to herein as the "Term".
- b. Termination. This Agreement may be terminated (a) by either party providing written notice of termination to the other party at least forty-five (45) days prior to the end of the Initial Term or any applicable Renewal Term; or (b) pursuant to the terms of Section 5.c.; or (c) pursuant to the terms of Section 7.
- c. Effective of Termination. Upon the termination of this Agreement, the license provided herein and

Licensee's access and use of the Studio Prime services shall immediately cease.

7. **RIGHT TO AUDIT.** Bluebeam reserves the right to periodically conduct audits of Licensee's use of the Studio Prime services to verify compliance with the terms of this Agreement (each an "Audit"). Licensee shall be given no less than ten (10) days prior written notice of Bluebeam's intent to conduct an Audit. Audits will be conducted during Licensee's normal business hours and will occur no more than once in any twelve (12) month period. In the event an Audit shows that Licensee's actual use of the Studio Prime services exceeds the User Level paid for, Bluebeam shall have the right to immediately invoice Licensee for the unauthorized use, including applicable late fees and interest at the legally allowable rate, and the reasonable costs of the Audit. If Licensee fails to pay such invoice on Net 15 day terms, Bluebeam may terminate this Agreement in addition to all other remedies that may be available to it in law or in equity.
8. **DISCLAIMERS OF WARRANTY; LIMITATION OF LIABILITY.**
 - a. **DISCLAIMER OF WARRANTIES.** STUDIO AND STUDIO PRIME ARE PROVIDED "AS IS" AND "AS AVAILABLE" AND WITHOUT WARRANTY OF ANY KIND WHATSOEVER. BLUEBEAM DOES NOT WARRANT THAT THE FEATURES AND FUNCTIONS WILL MEET YOUR REQUIREMENTS OR THAT THE OPERATION OF SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. BLUEBEAM EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF NON-INFRINGEMENT, LACK OF VIRUSES, ACCURACY OR COMPLETENESS OF RESPONSES OR RESULTS, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. LICENSEE ACKNOWLEDGES THAT BLUEBEAM DOES NOT WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED, TIMELY, SECURE OR ERROR-FREE.
 - b. **LIMITATION OF LIABILITY.** OTHER THAN IN CONNECTION WITH A PARTY'S INDEMNIFICATION OBLIGATIONS HEREUNDER, AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, IN NO EVENT SHALL LICENSEE OR BLUEBEAM BE LIABLE FOR ANY LIABILITY, LOST REVENUES, LOST PROFITS, OR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE OR CONSEQUENTIAL DAMAGES WHATSOEVER OR HOWEVER CAUSED ARISING OUT OF OR IN ANY WAY RELATED TO THESE SERVICES WHETHER OR NOT THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
9. **CONFIDENTIALITY.** This Agreement and the terms and conditions contained herein are strictly confidential and shall not be disclosed to any person, entity or third party except (a) as may be necessary to comply with applicable law or to confer with a financial, tax or legal advisor with regard to the subject matter of this Agreement, or (b) to either party's employees who have a legitimate need-to-know and who agree to uphold the confidentiality obligations set forth herein.
10. **GOVERNING LAW AND ARBITRATION.** This Agreement shall be governed and construed in accordance with the laws of the State of California, excluding California's choice-of-law principles, and all claims relating to or arising out of this contract, or the breach thereof, whether sounding in contract, tort or otherwise, shall likewise be governed by the laws of the State of California, excluding California's choice-of-law principles. The application of the United Nations Convention of Contracts for the International Sale of Goods is expressly excluded. Any controversy or claim, whether in law or in equity, arising out of or relating to this EULA, or the breach thereof, shall be settled by arbitration in Los Angeles County administered by JAMS in accordance with its Streamlined Arbitration Rules & Procedures, and judgment on the award rendered by the arbitrator(s) is final and not appealable and may be entered in any court having jurisdiction thereof.
11. **CONTROLLING LANGUAGE.** This Agreement has been prepared in the English language and the English language shall control its interpretation. All notices to be provided by either party hereto shall be in the English language. In the event of any conflict between the English language version and any translation of this EULA that may be provided for convenience only, the English language meaning shall control.
12. **NOTICES.** Any notice or other communications required by this Agreement shall be in writing and sent as

follows: If to Licensee to the Prime Administrator via email.
If to Bluebeam via email to legal@bluebeam.com.

Notices will be considered given and received the date an email is sent unless the actual date sent is not a business day (based on the recipient's time zone) then the next business day in the jurisdiction in which the recipient is located shall be considered the date of delivery.

13. **NO ASSIGNMENT.** This Agreement may not be transferred or assigned, voluntarily, by operation of law or otherwise, without Bluebeam's express written consent which may be withheld, delayed or conditioned in the sole discretion of Bluebeam. Provided Bluebeam grants such consent, this Agreement shall be binding upon the assignee in the same manner that it is binding upon Licensee.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their respective authorized representatives.

For and on behalf of Licensee: _____

Licensee's Address: _____

Signed: _____

Print Name: John Medina Title: ACM

Date Signed: _____ Telephone: _____

Email: jmedina@mybigspring.com

Prime Administrator Information:

Licensee is required to name a Studio User as the Prime Administrator and the account to which this Studio Prime license will be established. It can be changed by Licensee at a later time.

Name: _____

Telephone: _____

Studio User ID: _____

For and on behalf of Bluebeam, Inc.

A Delaware corporation located at 443 S. Raymond Avenue, Pasadena, California 91105 USA

Signed: _____

Print Name: _____ Title: _____

Date Signed: _____