



CITY COUNCIL REGULAR AGENDA

Tuesday, August 9, 2022

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, August 9, 2022, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.
Thank you!

Open Session

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

Public Comment

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

4. **Public Comment**

Announcements, Presentations and Public Hearings

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

City Manager's Report

- | | |
|---|--------|
| 5. Large Item Pickup for District 2 - August 17, 2022 | Darden |
| 6. Budget Work Sessions - August 15-18, 2022 | Darden |
| 7. Update - Purple Heart Signage | Darden |
| 8. Update - Water Office Move | Darden |
| 9. Update - Seal Coat Project | Darden |
| 10. Update - Aquatic Center Closing | Darden |
| 11. 988 - Suicide Hotline Number | Darden |

Consent Items

- | | | |
|---|-------|--------|
| 12. Approval of the City Council Minutes of the Regular Meeting of July 26, 2022 | 6-14 | Davis |
| 13. Final Reading of an Ordinance Authorizing and Directing the City Manager to Erect Two Disabled Parking Signs on the East Side of the 300 Block of Runnels Street Directly in Front of the West Entrance of the Hotel Settles; Directing the Marking of Said Corresponding Spaces as Disabled Parking Spaces; Providing for Severability; and Providing an Effective Date | 15-16 | Bowles |
| 14. Final Reading of an Ordinance Authorizing Z-22-02, Amending the Big Spring Zoning Ordinance by Rezoning Lot 1 Blk 1 Midtex Addition, Approximately 11.06 Acres in Big Spring, Howard County, Texas, Also Known as 1801 West I-20, From SF-2, Single-Family Dwelling District to HI, Heavy Industrial District, Providing for Severability; Providing for Publication; and Providing an Effective Date | 17-18 | Bowles |

Vouchers

- | | | | |
|---------------------------|----|------------|---------|
| 15. Vouchers for 07/28/22 | \$ | 254,277.16 | Ornelas |
| Manual Cks & Drafts | \$ | 635,013.57 | |

16. Vouchers for 08/04/22 \$ 217,944.05 Yanez

Bids

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

18. Award Parcel 4754, 1111 Runnels St., to Cinthia Quezada & Fortino Quezada Camargo in the Amount of \$5,300.00 19-26 Hagen

19. Award Parcel 10037, 206 N. Nolan St., to Rosa Elia Avila, 1606 W. County Road 140, Midland, TX 79706 in the Amount of \$2,000.00 27-34 Hagen

20. Award Parcel 860, 1204 W 2nd St., to Rosa Elia Avila, 1606 W County Road 140, Midland, TX 79706 in the Amount of \$1,150.00 35-42 Hagen

New Business

21. First Reading of an Ordinance Amending Ordinance Number 039-2021 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; Increasing the Utility Fund for the Purpose of a 6-Inch Water Line; Providing for Repeal of Ordinance in Conflict Herewith; Providing for Publication; and Providing an Effective Date 43-45 Lewis

22. First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code "Administration," Article II "City Council," by Repealing Section 2-28 "No Office for Councilmembers"; Providing for Severability; and Providing for an Effective Date 46-47 Darden

23. First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code "Administration," Article VII "Boards and Commissions," Division 9 "Zoning Board of Adjustment" Section 2-314 "Organization and Procedure," Making Councilmembers Second Alternates to the Zoning Board of Adjustments to Serve When Both Their Respectively Appointed Members and First Alternates are not Present; Providing for Severability; and Providing an Effective Date 48-49 M. Smith

24. First Reading of a Resolution Approving a Negotiated Settlement Between the Executive Committee of Cities 50-67 Medina

Served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division Regarding the Company's 2022 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pensions and Retiree Medical Benefits; Requiring the Company to Reimburse Cities' Reasonalbe Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Resolution to the Company and the Cities' Legal Counsel

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|-----|--|---------|----------|
| 25. | Consideration and Possible Action to Approve a Memorandum of Understanding Concerning a Future Services Contract with The GEO Group, Inc. | Handout | Hagen |
| 26. | Consideration and Possible Action Regarding a Change Order #2 for the 2021 Water Line Replacement Project | 68-69 | Medina |
| 27. | Discussion on the Tax Rate for 2022-23 Fiscal Year | 70-71 | S. Smith |
| 28. | Discussion and Consideration of Recommended Amendments to the Policies, Procedures, and Ordinances Concerning the Operation of the Big Spring Animal Shelter and the Animal Population of Big Spring | 72-74 | Moore |
| 29. | Discussion and Consideration Concerning the Qualifications, Appointments, Policies, Procedures and Possible Consolidation of Boards and Committees | | M. Smith |
| 30. | Boards & Committees
McMahon/Wrinkle Aviation Advisory Board
Ratify Councilmember Yanez's Nomination, Adriel Saldivar, from the Airpark Development Board to the New Aviation Advisory Board | | Moore |

Zoning Board of Adjustments

Remove Erin Yeats
Appoint Mark Sheedy
Nominated by Councilmember Smith, Dist. 6

Council Input

31. Input

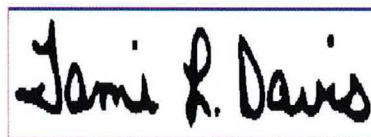
Executive Session

32. Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551 .071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to provide legal advice and counsel with respect to litigation.
33. Reconvene in Open Session and Take Any Necessary Action on Executive Session Items. Moore
34. **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 Thursday, August 4, 2022 at 6:00 p.m. in accordance with Title 5, Texas Government Code and Chapter 551.

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



Tami L. Davis, City Secretary

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

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

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 p.m., July 26, 2022, with the following members present in person:

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

(Councilmember Yanez was not present at this meeting.)

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

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
JAY HOLT	Deputy 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

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

PUBLIC COMMENT

A couple of citizens spoke regarding the items on the public hearings on properties.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

OPEN PUBLIC HEARINGS - Motion was made by Councilmember Tompkins to open both public hearings listed below, seconded by Mayor Pro Tem Ornelas with all members of the Council present voting "aye."

Minutes 07-26-2022

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

One citizens spoke regarding concerns on the water runoff onto his property once the above listed property is sold. No further comments at this time.

PUBLIC HEARINGS – TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON THE FOLLOWING PROPERTIES IN THE CITY OF BIG SPRING, TEXAS:

Andrew Hagen, City Attorney, and the Code Enforcement Officer's presented evidence and Council took any necessary action on each property listed below:

- A. 802 ANDREE, BIG SPRING, TEXAS 79720 – LT 15, BK 2, SETTLES HEIGHTS ADDITION – OWNER: NICHOLAS LOYA, 802 ANDREE, BIG SPRING, TEXAS 79720

Motion was made by Councilmember Hughes to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember Smith, with all members of the Council present voting "aye."

- B. 100 BROWN, BIG SPRING, TEXAS 79720 – LT 14, BK 4, BROWN ADDITION – OWNER: BOBBY RAY RAWLS, 100 N COTTONWOOD, BIG SPRING, TEXAS 79720

Motion was made by Councilmember McDonald to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

- C. 1612 CARDINAL, BIG SPRING, TEXAS 79720 – LT 10, BK 4, AVION ADDITION – OWNER: GEORGE LUNA, 1612 CARDINAL, BIG SPRING, TEXAS

Motion was made by Mayor Pro Tem Ornelas to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

- 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

Motion was made by Mayor Pro Tem Ornelas to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

- E. 602 CIRCLE, BIG SPRING, TEXAS 79720 – LT 6, BK 5, PINER HEIGHTS ADDITION – OWNER: JOEL RODRIGUEZ, 602 CIRCLE DR., BIG SPRING, TEXAS

Motion was made by Councilmember McDonald to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember Smith, with all members of the Council present voting “aye.”

F. 707 CREIGHTON, BIG SPRING, TEXAS 79720 – LT 4, BK 6, SETTLES HEIGHTS ADDITION – OWNER: ASHLEY DIAZ, 1111 RIDGEROAD, BIG SPRING, TEXAS 79720

Motion was made by Councilmember Smith to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember Tompkins, with all members of the Council present voting “aye.”

G. 804 CREIGHTON, BIG SPRING, TEXAS 79720 – LTS 13-14, BK 8, SETTLES HEIGHTS ADDITION – OWNER: DIANE COLLINS, 3904 PARKWAY, BIG SPRING, TEXAS 79720

Motion was made by Mayor Pro Tem Ornelas to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember Smith, with Ornelas, Hughes, Moore, McDonald and Smith voting “aye.” Councilmember Tompkins, being opposed, voting “nay” for passage of same. Motion **passed** five to one.

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

Motion was made by Councilmember Hughes to order a preliminary abatement of the above listed property for 30 days, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

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

Motion was made by Councilmember Hughes to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

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

Motion was made by Councilmember McDonald to **table** the above listed property until further notice, seconded by Councilmember Smith, with all members of the Council present voting “aye.”

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

Motion was made by Mayor Pro Tem Ornelas to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

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

Motion was made by Councilmember Smith to order a preliminary abatement of the above listed property for 30 days, seconded by Mayor Moore, with Councilmembers Hughes, Moore, McDonald and Smith voting “aye.” Councilmembers Ornelas and Tompkins, being opposed, voting “nay” for passage of same. Motion **passed** four to two.

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

Motion was made by Mayor Pro Tem Ornelas to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

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

Motion was made by Mayor Pro Tem Ornelas to order a preliminary abatement of the above listed property for 30 days, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

CLOSE PUBLIC HEARINGS - Motion was made by Councilmember Tompkins to close the above captioned public hearings, seconded by Councilmember McDonald, with all members of the Council present voting “aye.”

CITY MANAGER’S REPORT

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

- Update on Large Item Pickup for District 1 on July 20, 2022
- Update on Seal Coat Project beginning on August 1, 2022
- Update on Street Lights on Gregg Street
- Update on the Landfill Fencing Project
- Update on the New Water Office Building to Open on August 1, 2022

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF JULY 12, 2022

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

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

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

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 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

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

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

VOUCHERS

Mayor Pro Tem Ornelas reviewed the following vouchers:

VOUCHERS FOR 07/14/2022	\$	996,766.16
VOUCHERS FOR 07/21/2022	\$	228,460.23
MANUAL CKS & DRAFTS	\$	900,074.70

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned vouchers, seconded by Councilmember Tompkins, 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 BIG SPRING ECONOMIC DEVELOPMENT BOARD MINUTES FOR THE REGULAR MEETINGS OF MAY 17, 2022 AND JUNE 21, 2022

Councilmembers acknowledged the above captioned minutes with no changes.

CONSIDERATION AND POSSIBLE ACTION TO POST A NOTICE AND SEEK APPLICANTS FOR MUNICIPAL COURT JUDGE

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

ACKNOWLEDGE RECEIPT OF THE INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2022

Councilmembers acknowledged the above captioned report given by Sandy Smith, Finance Director.

ACKNOWLEDGE RECEIPT OF THE QUARTERLY FINANCIAL REPORT

Councilmembers acknowledged the above captioned report given by Sandy Smith, Finance Director.

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

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

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

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."

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

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

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 SPRING, HOWARD COUNTY, TEXAS, ALSO KNOWN AS 1801 WEST I-20, FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT TO HI, HEAVY INDUSTRIAL DISTRICT, PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

BOARDS AND COMMITTEES

McMahon/Wrinkle Aviation Advisory Board

Appoint – Jim Little

Nominated by Councilmember McDonald, Dist. 4

Motion was made by Councilmember McDonald appointing Jim Little to the McMahon/Wrinkle Aviation Advisory Board, seconded by Councilmember Hughes, with Councilmembers Hughes, Moore, McDonald, Tompkins and Smith voting “aye.” Mayor Pro Tem Ornelas abstained. Motion **passed** five to one.

COUNCIL INPUT

Mayor Pro Tem Ornelas thanked everyone who helped with the Large Item Pickup for District 1 and also reminded the citizens of the Kite Day for a Back to School event will be held on August 6, 2022.

Councilmember McDonald asked about increasing the street lights on Martin Luther King.

Councilmember Tompkins thanked Code Enforcement for their hard work regarding the public hearings.

Councilmember Smith asked for a traffic study to be done on Washington Blvd.

Mayor Moore updated everyone regarding the public input on the animal situation by stating that he received numerous responses and will be meeting with staff and hopefully come up with a plan.

EXECUTIVE SESSION

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

Motion was made by Councilmember Hughes to adjourn into executive session at 8:00 p.m., seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION ON EXECUTIVE SESSION ITEM AT 8:21 P.M.

No action was taken at this time.

ADJOURN

Mayor Moore adjourned the meeting at 8:22 p.m.

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

“NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.”

TAX DEED

STATE OF TEXAS §
 §

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6943 styled City of Big Spring, et al, vs. Owners of Various Properties located within the City Limits of Big Spring, Howard County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of March, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of March, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff’s sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **FIVE THOUSAND THREE HUNDRED DOLLARS AND 00/100 (\$5,300.00)**, said amount being the highest and best offer received from **Cinthia Quezada and Fortino Quezada Camargo, 703 Tulane Ave, Big Spring, TX 79720**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

Lots One (1) and Two A (2A), in Block Twenty-seven (27), Fairview Heights Addition, to the City of Big Spring, Howard County, Texas (R000004754)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months after expiration of the redemption period. An affidavit stating that the condition has been fulfilled recorded within six months after expiration of the redemption period, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Cinthia Quezada and Fortino Quezada Carmargo, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Cinthia Quezada

Fortino Quezada Camargo

This instrument was acknowledged before me on the _____ day of _____,
_____, by _____.

Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By: _____
Robert H. Moore, III, Mayor

ATTEST:

City Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Robert H. Moore, III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

Notary Public, State of Texas



HOWARD COUNTY

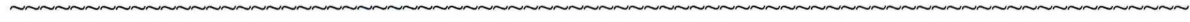
By: _____
Kathryn Wiseman, County Judge

ATTEST:

Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, _____, by Kathryn Wiseman, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

Notary Public, State of Texas



BIG SPRING INDEPENDENT SCHOOL DISTRICT

By: _____
Fabian Serrano, Board President

ATTEST:

Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

Notary Public, State of Texas

~~~~~

**HOWARD COLLEGE**

By: \_\_\_\_\_  
John E. Freeman, Board Chairman

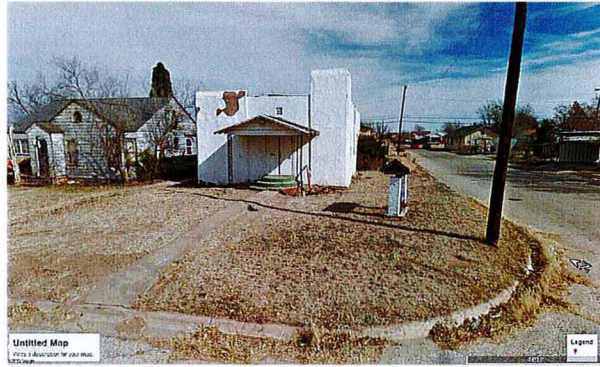
ATTEST:

\_\_\_\_\_  
Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

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

~~~~~



Management Info:

Status: Trust

Best Process: Sold Best Process Type:

Progress: pending bid to Cinthia and Fortino 7/19

confirmed no previous homestead w/ CAD 7/28/22

Property Info:

City: Big Spring

Cad Property Id: 4754 CAD Value: 15,310

Site Description: 1111 Runnels St, Big Spring, TX 79720, USA

Owner Info: City of Big Spring, In Trust

Previous Owner:
BUCHANAN DAVID

Legal Description: Lots One (1) and Two A (2A), in Block Twenty-seven (27), Fairview Heights Addition, to the City of Big Spring, Howard County, Texas (R000004754)

Homestead: No Site Structure: Yes Non Affixed Material: Yes

Litigation Info:

Case Number: 6943

Judgement Date: 03/10/2022 Sale Date: 04/05/2022

Sheriff's Deed Date: 04/25/2022 Redemption Date: 11/01/2022

Court: 118th

Style Plaintiff: City of Big Spring, et al

Style Defendant: Owners of Various Properties, located within the City Limits of Big Spring, Howard County, Texas

Sheriff's Deed Volume: 2022-00003529 Vol 2074 Pg 232

Tax Due: No

Delinquent: Yes Litigation: No

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TAX DEED

STATE OF TEXAS §
 §

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6943 styled City of Big Spring, et al, vs. Owners of Various Properties located within the City Limits of Big Spring, Howard County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of March, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of March, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **TWO THOUSAND DOLLARS AND 00/100 (\$2,000.00)** said amount being the highest and best offer received from **Rosa Elia Avila, 1606 W County Road 140, Midland, TX 79706**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

Lot Four (4), in Block Six (6), Tennyson Addition, to the City of Big Spring, Howard County, Texas (R000010037)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months after expiration of the redemption period. An affidavit stating that the condition has been fulfilled recorded within six months after expiration of the redemption period, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Rosa Elia Avila, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Rosa Elia Avila

This instrument was acknowledged before me on the _____ day of _____,
_____, by _____.

Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By: _____
Robert H. Moore, III, Mayor

ATTEST:

City Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Robert H. Moore, III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

Notary Public, State of Texas



HOWARD COUNTY

By: _____
Kathryn Wiseman, County Judge

ATTEST:

Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, _____, by Kathryn Wiseman, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

Notary Public, State of Texas



BIG SPRING INDEPENDENT SCHOOL DISTRICT

By: _____
Fabian Serrano, Board President

ATTEST:

Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

Notary Public, State of Texas



HOWARD COLLEGE

By: _____
John E. Freeman, Board Chairman

ATTEST:

Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

Notary Public, State of Texas





Management Info:

Status: Trust

Best Process: Sold Best Process Type:

Progress: pending bid to rosa elia avila 7/19

Property Info:

City: Big Spring

Cad Property Id: 10037 CAD Value: 1,800

Site Description: 206 N Nolan St, Big Spring, TX 79720, USA

Owner Info: City of Big Spring, In Trust

Legal Description: Previous Owner:
RODRIQUEZ NATIVIDAD MRS
Lot Four (4), in Block Six (6), Tennyson Addition, to the City of Big Spring, Howard County,
Texas (R000010037)

Homestead: No Site Structure: No Non Affixed Material: No

Litigation Info:

Case Number: 6943

Judgement Date: 03/10/2022 Sale Date: 04/05/2022

Sheriff's Deed Date: 04/25/2022 Redemption Date: 11/01/2022

Court: 118th

Style Plaintiff: City of Big Spring, et al

Style Defendant: Owners of Various Properties located within the City Limits of Big Spring, Howard County, Texas

Sheriff's Deed Volume: 2022-00003529 Vol 2074 Pg 232

Tax Due: No

Delinquent: Yes Litigation: No

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TAX DEED

STATE OF TEXAS §
 §

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6943 styled City of Big Spring, vs. Coates Bernice DMR , and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of March, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of March, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **ONE THOUSAND ONE HUNDRED FIFTY DOLLARS AND 00/100 (\$1,150.00)**, said amount being the highest and best offer received from **Rosa Elia Avila, 1606 W County Road 140, Midland, TX 79706**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, and further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

Lot Seven (7), in Block One (1), Bowser Addition, to the City of Big Spring, Howard County, Texas (R000000860)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months after expiration of the redemption period. An affidavit stating that the condition has been fulfilled recorded within six months after expiration of the redemption period, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Rosa Elia Avila, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

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This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Rosa Elia Avila

This instrument was acknowledged before me on the _____ day of _____,
____, by _____.

Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By: _____
Robert H. Moore, III, Mayor

ATTEST:

City Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Robert H. Moore, III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

Notary Public, State of Texas



HOWARD COUNTY

By: _____
Kathryn Wiseman, County Judge

ATTEST:

Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, _____, by Kathryn Wiseman, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

Notary Public, State of Texas

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**BIG SPRING INDEPENDENT SCHOOL DISTRICT**

By: \_\_\_\_\_  
Fabian Serrano, Board President

ATTEST:

\_\_\_\_\_  
Tom Olague, Board Secretary

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

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

~~~~~



HOWARD COLLEGE

By: _____
John E. Freeman, Board Chairman

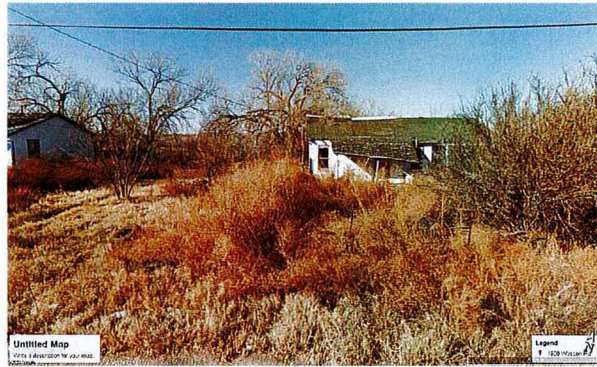
ATTEST:

Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

Notary Public, State of Texas

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**Management Info:**

Status: Trust

Best Process: Sold Best Process Type:

Progress: pending bid to Rosa Elia Avila 7/25/22

**Property Info:**

City: Big Spring

Cad Property Id: 860 CAD Value: 1,000

Site Description: 1204 W 2nd St, Big Spring, TX 79720, USA

Owner Info: City of Big Spring, In Trust

Legal Description: COATES BERNICE  
 Lot Seven (7), in Block One (1), Bowser Addition, to the City of Big Spring, Howard County,  
 Texas (R000000860)

Homestead: No Site Structure: No Non Affixed Material: No

**Litigation Info:**

Case Number: 6943

Judgement Date: 03/10/2022 Sale Date: 04/05/2022

Sheriff's Deed Date: 04/25/2022 Redemption Date: 11/01/2022

Court: 118th

Style Plaintiff: City of Big Spring

Style Defendant: Coates Bernice DMR

Sheriff's Deed Volume: 2022-00003529 Vol 2074 Pg 232

Tax Due: No

Delinquent: Yes Litigation: No



**COMMUNITY SERVICES  
MEMORANDUM**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
MR. TODD DARDEN, CITY MANAGER

**FROM:** HAYLEY LEWIS, COMMUNITY SERVICES DIRECTOR

**SUBJECT:** BUDGET AMENDMENT-ROY ANDERSON SPORTS COMPLEX

**DATE:** AUGUST 9, 2022

---

At this time, we are respectfully requesting permission to make the following budget amendment so we can complete the 6-inch water line- gas pipeline horizontal directional drill project at Roy Anderson Sports Complex so that we can continue to keep the sports fields in the condition needed for the citizens of Big Spring. The staff at Roy Anderson Sports Complex has not been able to properly water our fields for over a year due to the current wells that we use for our irrigation being almost dried up. The City has been looking for alternative ways to properly care for our fields and this project will let us properly take care of the fields.

To continue and complete the project that will happen in conjunction with CRMWD for a raw water tap we must bore under several pipelines to be able to reach the raw water tap that will be put in by CRMWD. Once the bore and water tap are both complete, we will be able to water and irrigate the fields more effectively since our current wells are not usable.

Increasing the Expense Account 405-021-710-6316 by \$56,000

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 039-2021 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; INCREASING THE UTILITY FUND FOR THE PURPOSE OF A 6-INCH WATER LINE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS** the laying of a new 6-inch waterline tapping into a CRMWD raw water line for delivery of water to the Roy Anderson Complex and was not included in such Budget; and

**WHEREAS** the City Manager and Finance Director recommend that the City Council increase the utility fund and amend the Budget previously approved; and

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

**SECTION 1.** The Utility Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022 is hereby increasing the amount of \$56,000.00 to the expense account number 405-021-710-6316 for the purpose of laying a new 6-inch waterline. The net increase will be funded through the existing fund balance.

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

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

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

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

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

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

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the **23<sup>rd</sup>** day of **August, 2022** with all members of the Council voting “aye” for the passage of same.

---

Robert H. Moore, Mayor

ATTEST:

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Tami L. Davis, City Secretary

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE “ADMINISTRATION,” ARTICLE II “CITY COUNCIL,” BY REPEALING SECTION 2-28 “NO OFFICE FOR COUNCILMEMBERS”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds it necessary to repeal this section of the Big Spring City Code;

**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,” Article II entitled “City Council” shall be amended to repeal Sec. 2-28 entitled “No office for councilmembers” in its entirety and reserve the section for future expansion.

**Sec. 2-28. — No office for councilmembers. Reserved.**

~~No councilmember shall be issued a permanent or semi-permanent office in any city building.~~

**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 9<sup>th</sup> day of August, 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 23<sup>rd</sup> day of August, 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

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE "ADMINISTRATION," ARTICLE VII "BOARDS AND COMMISSIONS," DIVISION 9 "ZONING BOARD OF ADJUSTMENT" SECTION 2-314 "ORGANIZATION AND PROCEDURE," MAKING COUNCILMEMBERS SECOND ALTERNATES TO THE ZONING BOARD OF ADJUSTMENTS TO SERVE WHEN BOTH THEIR RESPECTIVELY APPOINTED MEMBERS AND FIRST ALTERNATES ARE NOT PRESENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the ordinance was recently amended by Ordinance 009-2022;

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

**SECTION 1.** The Big Spring Code of Ordinances, Chapter 2 entitled "Administration," Article VII entitled "Boards and Commissions," Division 9 entitled "Zoning Board of Adjustments," Section 2-314 "Organization and procedure" is hereby amended to read as follows:

**Sec. 2-314. Organization and procedure.**

- (a) Organization. There is hereby created a zoning board of adjustment consisting of seven members, removable for cause by the appointing authority upon written charges and after public hearing. All cases to be heard by the zoning board of adjustment will always be heard by a minimum of at least two-thirds of the members.
- (b) Any member of the council shall have the right to speak at meetings.
- (c) Section 2-241 shall apply to this board, except that the members of the boards as of June 1, 2021 shall retain their current terms according to their appointments under the prior language of the zoning ordinance 5-2, regardless of section 2-241 eligibility requirements relating to city council district, unless removed earlier by city council. Subsequent appointments to the boards shall be pursuant to section 2-241.
- (d) There shall be seven alternate members for the Zoning Board of Adjustment. Each alternate member shall be nominated and appointed in the same manner as a regular member. An alternate member is subject to the same eligibility requirements as a regular member. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

- (e) An alternate member of the Zoning Board of Adjustment shall only serve in the place of a regular member upon:
  - (1) the absence of the regular member of the Board who was nominated from the same Council Member seat as was the alternate, and
  - (2) the request of the Mayor or the City Manager.
- (f) A regular or alternate member of the Zoning Board of Adjustment may only be removed for cause, as found by City Council, on a written charge after a public hearing.
- (g) Each Member of City Council are second alternate members. Second alternates are not subject to appointment, eligibility, or removal rules. Second alternates serve on the Zoning Board of Adjustment when both the appointed board member and the first alternate nominated from that Council Member's seat are not present.

**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 9<sup>th</sup> day of August, 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 23<sup>rd</sup> day of August, 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: August 3, 2022  
To: Mayor Robert H. Moore, Big Spring City Council Members and City Manager  
From: John Medina, Assistant City Manager  
Re: Staff Report for Ordinance Background and Summary

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The City, along with 70 other West Texas cities served by Atmos Energy Corporation, West Texas Division (“Atmos West Texas” or “Company”), is a member of Cities Served by Atmos West Texas (“Cities”). In 2007, the Cities and Atmos West Texas settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by Cities in 2018. On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by Cities. The Company claimed that its cost of service in a test year ending December 31, 2021, entitled it to additional revenues system-wide of \$8.77 million.

After a review of Cities’ consultants’ report and negotiations with Cities’ Executive Committee, Atmos agreed to a rate increase of \$6.72 million plus revenue related taxes within the Cities, with an Effective Date of October 1, 2022.

### RATE TARIFFS

Atmos generated rate tariffs associated with the Resolution/Ordinance. These tariffs are Attachment 1 to this Staff Report. Atmos also provided a proof of revenues associated with the new rates. The Cities’ consultants have confirmed the accuracy of the proof.

### BILL IMPACT

The impact of this increase in revenues to an average residential customer’s bill is an increase of approximately \$3.36 per month. Atmos provided a bill impact estimate for each customer class reflecting the new rates. Comparison of the new rates to rates in effect for areas not under the RRM process reveals that settling Cities will maintain an economic monthly advantage over rates in effect in Lubbock, and environs.

### CITIES’ OBJECTION TO THE SECTION 104.301 GRIP PROCESS

Cities strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues and rewarding the Company for increasing capital investment. The GRIP process does not allow any review of the reasonableness of capital investment

and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow Cities to recover their rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing), and rate increases go into effect without any material adjustments. In the Executive Committee's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

#### EXPLANATION OF "BE IT RESOLVED" PARAGRAPHS

1. This section approves all findings in the Resolution.
2. This section adopts the attached RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos West Texas to recover an additional \$6.72 million over a 12-month period.
4. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate settings.
5. This section requires the Company to reimburse the City for expenses associated with adoption of the Resolution.
6. This section repeals any resolution or ordinance that is inconsistent with this Resolution.
7. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
8. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
9. This section provides for an effective date upon passage.
10. This section directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for the Executive Committee.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE CITIES’ LEGAL COUNSEL.**

**WHEREAS**, the City of Big Spring, Texas (“City”) is a gas utility customer of Atmos Energy Corp., West Texas Division (“Atmos West Texas” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos West Texas; and

**WHEREAS**, the City is a member of Cities Served by Atmos West Texas (“Cities”), a coalition of similarly-situated cities served by Atmos West Texas that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos West Texas service area; and

**WHEREAS**, Cities and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for Cities based on the system-wide cost of serving the Atmos West Texas service area; and

**WHEREAS**, the RRM tariff was adopted by the City in a rate ordinance in 2018; and

**WHEREAS**, on about April 1, 2022, Atmos West Texas filed its 2022 RRM rate request with Cities based on a test year ending December 31, 2021; and

**WHEREAS**, Cities coordinated its review of the Atmos West Texas 2022 RRM filing through its Executive Committee, assisted by Cities’ attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

**WHEREAS**, the Executive Committee, as well as Cities' counsel and consultants, recommends that Cities approve an increase in base rates for Atmos West Texas of \$6.72 million with an Effective Date of October 1, 2022; and

**WHEREAS**, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the Cities' Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

**WHEREAS**, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2) and

**WHEREAS**, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM applications;

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

**SECTION 1.** The findings set forth in this Resolution are hereby in all things approved.

**SECTION 2.** Without prejudice to future litigation of any issue identified by Cities, the City Council finds that the settled amount of an increase in revenues of \$6.72 million for Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos West Texas within the municipal limits arising from Atmos West Texas' 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

**SECTION 3.** The existing rates for natural gas service provided by Atmos West Texas are unreasonable. The new tariffs, attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos West Texas to recover annually an additional \$6.72 million in revenue from customers in Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

**SECTION 4.** The ratemaking treatment for pensions and retiree medical benefits in Atmos West Texas' next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

**SECTION 5.** Atmos West Texas shall reimburse the reasonable ratemaking expenses of the Cities in processing the Company's 2022 RRM filing.

**SECTION 6.** To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

**SECTION 7.** The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**SECTION 8.** If any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

**SECTION 9.** Consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

**SECTION 10.** A copy of this Resolution shall be sent to Atmos West Texas, care of Philip Littlejohn, Vice President of Rates and Regulatory Affairs, West Texas Division, 6606 66th Street, Lubbock, Texas 79424, and Thomas Brocato, General Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the **9<sup>th</sup>** day of **August, 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 **23<sup>th</sup>** day of **August, 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

**WEST TEXAS DIVISION  
ATMOS ENERGY CORPORATION**

|                        |                                                                  |  |
|------------------------|------------------------------------------------------------------|--|
| <b>RATE SCHEDULE:</b>  | <b>RESIDENTIAL GAS SERVICE</b>                                   |  |
| <b>APPLICABLE TO:</b>  | <b>WEST TEXAS CITIES SERVICE AREA – Inside City Limits (ICL)</b> |  |
| <b>EFFECTIVE DATE:</b> | <b>Bills Rendered on and after 10/01/2022</b>                    |  |

Availability

This schedule is applicable to general use by Residential customers for heating, cooking, refrigeration, water heating and other similar type uses. This schedule is not available for service to premises with an alternative supply of natural gas.

Monthly Rate

| <b>Charge</b>      | <b>Amount</b>      |
|--------------------|--------------------|
| Customer Charge    | \$ 18.27           |
| Consumption Charge | \$ 0.33076 per Ccf |

The West Texas Division Gas Cost Adjustment Rider applies to this schedule.

The West Texas Division Weather Normalization Adjustment Rider applies to this schedule.

The West Texas Division Rider TAX applies to this schedule.

The West Texas Division Rider FF applies to this schedule.

The West Texas Division Rider RRM applies to this schedule.

Miscellaneous Charges: Plus an amount for miscellaneous charges calculated in accordance with the applicable rider(s).

**WEST TEXAS DIVISION  
ATMOS ENERGY CORPORATION**

|                        |                                                                  |  |
|------------------------|------------------------------------------------------------------|--|
| <b>RATE SCHEDULE:</b>  | <b>COMMERCIAL GAS SERVICE</b>                                    |  |
| <b>APPLICABLE TO:</b>  | <b>WEST TEXAS CITIES SERVICE AREA – Inside City Limits (ICL)</b> |  |
| <b>EFFECTIVE DATE:</b> | <b>Bills Rendered on and after 10/01/2022</b>                    |  |

Availability

This schedule is applicable to Commercial customers, including hospitals and churches, for heating, cooking, refrigeration, water heating and other similar type uses. This schedule is not available for service to premises with an alternative supply of natural gas.

Monthly Rate

| <b>Charge</b>      | <b>Amount</b>      |
|--------------------|--------------------|
| Customer Charge    | \$ 57.08           |
| Consumption Charge | \$ 0.18234 per Ccf |

The West Texas Division Gas Cost Adjustment Rider applies to this schedule.

The West Texas Division Weather Normalization Adjustment Rider applies to this schedule.

The West Texas Division Rider TAX applies to this schedule.

The West Texas Division Rider FF applies to this schedule.

The West Texas Division Rider RRM applies to this schedule.

Miscellaneous Charges: Plus an amount for miscellaneous charges calculated in accordance with the applicable rider(s).

**WEST TEXAS DIVISION  
ATMOS ENERGY CORPORATION**

|                        |                                                                  |  |
|------------------------|------------------------------------------------------------------|--|
| <b>RATE SCHEDULE:</b>  | <b>INDUSTRIAL GAS SERVICE</b>                                    |  |
| <b>APPLICABLE TO:</b>  | <b>WEST TEXAS CITIES SERVICE AREA – Inside City Limits (ICL)</b> |  |
| <b>EFFECTIVE DATE:</b> | <b>Bills Rendered on and after 10/01/2022</b>                    |  |

Availability

This schedule is applicable to the sales to any industrial or commercial customer whose predominant use of natural gas is other than space heating, cooking, water heating or other similar type uses. Service under this schedule is available to eligible customers following execution of a contract specifying the maximum hourly load. This schedule is not available for service to premises with an alternative supply of natural gas.

Monthly Rate

| <b>Charge</b>      | <b>Amount</b>      |
|--------------------|--------------------|
| Customer Charge    | \$ 616.30          |
| Consumption Charge | \$ 0.10802 per Ccf |

The West Texas Division Gas Cost Adjustment Rider applies to this schedule.

The West Texas Division Rider TAX applies to this schedule.

The West Texas Division Rider FF applies to this schedule.

The West Texas Division Rider RRM applies to this schedule.

Miscellaneous Charges: Plus an amount for miscellaneous charges calculated in accordance with the applicable rider(s).

**WEST TEXAS DIVISION  
ATMOS ENERGY CORPORATION**

|                        |                                                                  |  |
|------------------------|------------------------------------------------------------------|--|
| <b>RATE SCHEDULE:</b>  | <b>PUBLIC AUTHORITY GAS SERVICE</b>                              |  |
| <b>APPLICABLE TO:</b>  | <b>WEST TEXAS CITIES SERVICE AREA – Inside City Limits (ICL)</b> |  |
| <b>EFFECTIVE DATE:</b> | <b>Bills Rendered on and after 10/01/2022</b>                    |  |

Availability

This schedule is applicable to general use by Public Authority type customers, including public schools, for heating, cooking, refrigeration, water heating and other similar type uses. This schedule is not available for service to premises with an alternative supply of natural gas.

Monthly Rate

| <b>Charge</b>      | <b>Amount</b>      |
|--------------------|--------------------|
| Customer Charge    | \$ 159.26          |
| Consumption Charge | \$ 0.15885 per Ccf |

The West Texas Division Gas Cost Adjustment Rider applies to this schedule.

The West Texas Division Weather Normalization Adjustment Rider applies to this schedule.

The West Texas Division Rider TAX applies to this schedule.

The West Texas Division Rider FF applies to this schedule.

The West Texas Division Rider RRM applies to this schedule.

Miscellaneous Charges: Plus an amount for miscellaneous charges calculated in accordance with the applicable rider(s).

**WEST TEXAS DIVISION  
ATMOS ENERGY CORPORATION**

|                        |                                                                  |  |
|------------------------|------------------------------------------------------------------|--|
| <b>RATE SCHEDULE:</b>  | <b>TRANSPORTATION SERVICE</b>                                    |  |
| <b>APPLICABLE TO:</b>  | <b>WEST TEXAS CITIES SERVICE AREA – Inside City Limits (ICL)</b> |  |
| <b>EFFECTIVE DATE:</b> | <b>Bills Rendered on and after 10/01/2022</b>                    |  |

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., West Texas Division Distribution System for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility with an estimated annual usage greater than 100,000 Ccf per meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and Ccf charges to the amounts and quantities due under the riders listed below:

| <b>Charge</b>             | <b>Amount</b>       |
|---------------------------|---------------------|
| Customer Charge per Meter | \$ 616.30 per month |
| Consumption Charge        | \$ 0.10802 per Ccf  |

**Upstream Transportation Cost Recovery:** The customer is responsible for all upstream transportation costs.

**Retention Adjustment:** Plus a quantity of gas equal to the Company's most recently calculated financial L&U percentage for the twelve months ended September multiplied by the gas received into Atmos Energy Corporation's West Texas Division for transportation to the customer.

**Franchise Fee Adjustment:** Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

**Tax Adjustment:** Plus an amount for tax calculated in accordance with Rider TAX.

**Surcharges:** Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Miscellaneous Charges:** Plus an amount for miscellaneous charges calculated in accordance with the applicable rider(s).

The West Texas Division Rider RRM applies to this schedule.

**Conversions:** Units may be converted from Ccf to Mcf or Mmbtu as necessary to comply with the underlying transportation agreement.

**WEST TEXAS DIVISION  
ATMOS ENERGY CORPORATION**

|                        |                                                                  |  |
|------------------------|------------------------------------------------------------------|--|
| <b>RATE SCHEDULE:</b>  | <b>TRANSPORTATION SERVICE</b>                                    |  |
| <b>APPLICABLE TO:</b>  | <b>WEST TEXAS CITIES SERVICE AREA – Inside City Limits (ICL)</b> |  |
| <b>EFFECTIVE DATE:</b> | <b>Bills Rendered on and after 10/01/2022</b>                    |  |

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company a monthly imbalance fee at the end of each month as defined in the applicable Transportation Agreement,

Curtailed Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the "Index" price reported for the month of delivery in Inside FERC's Gas Market Report under the heading "West Texas Waha".

Replacement Index

In the event the "Index" price reported for the month of delivery in Inside FERC's Gas Market Report under the heading "West Texas Waha" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive transportation service under this tariff, customer must have the type of meter, instrumentation, and communication required by Company. Customer must pay Company all costs associated with the acquisition and installation of the required equipment.

**ATMOS ENERGY CORPORATION**  
**WEST TEXAS CITIES ("WTX CITIES") RATE REVIEW MECHANISM**  
**PENSIONS AND RETIREE MEDICAL BENEFITS FOR APPROVAL**  
**TEST YEAR ENDING DECEMBER 31, 2021**

| Line No. | Description                                                                                              | Shared Services      |                              | WTX                  |                              |                                     | Total      |
|----------|----------------------------------------------------------------------------------------------------------|----------------------|------------------------------|----------------------|------------------------------|-------------------------------------|------------|
|          |                                                                                                          | Pension Account Plan | Post-Employment Benefit Plan | Pension Account Plan | Post-Employment Benefit Plan | Supplemental Executive Benefit Plan |            |
|          | (a)                                                                                                      | (b)                  | (c)                          | (d)                  | (e)                          | (f)                                 | (g)        |
| 1        | Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson Report                               | \$ 1,706,906         | \$ 977,886                   | \$ 617,568           | \$ (484,411)                 | \$ 62,739                           |            |
| 2        | Allocation Factor                                                                                        | 7.99%                | 7.99%                        | 96.39%               | 96.39%                       | 96.39%                              |            |
| 3        | Proposed Benefits Benchmark Costs (Excluding Removed Cost Centers) Allocated to West Texas (Ln 1 x Ln 2) | \$ 136,399           | \$ 78,143                    | \$ 595,286           | \$ (466,933)                 | \$ 60,475                           |            |
| 4        | O&M and Capital Factor                                                                                   | 100.00%              | 100.00%                      | 100.00%              | 100.00%                      | 100.00%                             |            |
| 5        | Proposed Benefits Benchmark Costs To Approve (Excluding Removed Cost Centers) (Ln 3 x Ln 4)              | \$ 136,399           | \$ 78,143                    | \$ 595,286           | \$ (466,933)                 | \$ 60,475                           | \$ 403,370 |
| 6        |                                                                                                          |                      |                              |                      |                              |                                     |            |
| 7        |                                                                                                          |                      |                              |                      |                              |                                     |            |
| 8        | Summary of Expense Costs to Approve:                                                                     |                      |                              |                      |                              |                                     |            |
| 9        |                                                                                                          |                      |                              |                      |                              |                                     |            |
| 10       | O&M Expense Factor (WP_F-2.3, Ln 2)                                                                      | 75.64%               | 75.64%                       | 51.20%               | 51.20%                       | 100.00%                             |            |
| 11       |                                                                                                          |                      |                              |                      |                              |                                     |            |
| 12       | Total Pension Account Plan                                                                               | \$ 103,177           |                              | \$ 304,774           |                              |                                     | \$ 407,950 |
| 13       | Total Post-Employment Benefit Plan                                                                       |                      | \$ 59,110                    |                      | \$ (239,060)                 |                                     | (179,950)  |
| 14       | Total Supplemental Executive Benefit Plan                                                                |                      |                              |                      |                              | \$ 60,475                           | 60,475     |
| 15       | Total (Sum Ln 12 through Ln 14)                                                                          | \$ 103,177           | \$ 59,110                    | \$ 304,774           | \$ (239,060)                 | \$ 60,475                           | \$ 288,476 |

**ATMOS ENERGY CORPORATION  
WEST TEXAS CITIES ("WTX CITIES") RATE REVIEW MECHANISM  
AVERAGE BILL COMPARISON  
TEST YEAR ENDING DECEMBER 31, 2021**

| Line No. | Description          |       |        |   |    |         | Change  |          |        |                |
|----------|----------------------|-------|--------|---|----|---------|---------|----------|--------|----------------|
|          |                      |       |        |   |    |         | Current | Proposed | Amount | Percent        |
|          | (a)                  |       |        |   |    |         | (b)     | (c)      | (d)    | (e)            |
| 1        | <b>RESIDENTIAL</b>   |       |        |   |    |         |         |          |        |                |
| 2        | Customer Charge      |       |        |   |    |         | \$      | 17.52    |        |                |
| 3        | Consumption Charge   | 44.9  | CCF    | X | \$ | 0.27674 | =       | 12.43    |        |                |
| 4        | Rider GCA            | 44.9  | CCF    | X | \$ | 0.47208 | =       | 21.20    |        |                |
| 5        | Subtotal             |       |        |   |    |         |         | \$       | 51.14  |                |
| 6        | Rider FF & Rider TAX | \$    | 51.14  | X |    | 5.84%   | =       | 2.99     |        |                |
| 7        | Total                |       |        |   |    |         |         | \$       | 54.13  |                |
| 8        |                      |       |        |   |    |         |         |          |        |                |
| 9        | Customer Charge      |       |        |   |    |         |         | \$       | 18.27  |                |
| 10       | Consumption Charge   | 44.9  | CCF    | X | \$ | 0.33076 | =       | 14.85    |        |                |
| 11       | Rider GCA            | 44.9  | CCF    | X | \$ | 0.47208 | =       | 21.20    |        |                |
| 12       | Subtotal             |       |        |   |    |         |         | \$       | 54.32  |                |
| 13       | Rider FF & Rider TAX | \$    | 54.32  | X |    | 5.84%   | =       | 3.17     |        |                |
| 14       | Total                |       |        |   |    |         |         | \$       | 57.49  | \$ 3.36 6.21%  |
| 15       |                      |       |        |   |    |         |         |          |        |                |
| 16       | <b>COMMERCIAL</b>    |       |        |   |    |         |         |          |        |                |
| 17       | Customer Charge      |       |        |   |    |         |         | \$       | 51.61  |                |
| 18       | Consumption Charge   | 213.4 | CCF    | X | \$ | 0.16312 | =       | 34.81    |        |                |
| 19       | Rider GCA            | 213.4 | CCF    | X | \$ | 0.47208 | =       | 100.74   |        |                |
| 20       | Subtotal             |       |        |   |    |         |         | \$       | 187.16 |                |
| 21       | Rider FF & Rider TAX | \$    | 187.16 | X |    | 5.84%   | =       | 10.93    |        |                |
| 22       | Total                |       |        |   |    |         |         | \$       | 198.10 |                |
| 23       |                      |       |        |   |    |         |         |          |        |                |
| 24       | Customer Charge      |       |        |   |    |         |         | \$       | 57.08  |                |
| 25       | Consumption Charge   | 213.4 | CCF    | X | \$ | 0.18234 | =       | 38.91    |        |                |
| 26       | Rider GCA            | 213.4 | CCF    | X | \$ | 0.47208 | =       | 100.74   |        |                |
| 27       | Subtotal             |       |        |   |    |         |         | \$       | 196.73 |                |
| 28       | Rider FF & Rider TAX | \$    | 196.73 | X |    | 5.84%   | =       | 11.49    |        |                |
| 29       | Total                |       |        |   |    |         |         | \$       | 208.23 | \$ 10.13 5.11% |
| 30       |                      |       |        |   |    |         |         |          |        |                |

**ATMOS ENERGY CORPORATION  
WEST TEXAS CITIES ("WTX CITIES") RATE REVIEW MECHANISM  
AVERAGE BILL COMPARISON  
TEST YEAR ENDING DECEMBER 31, 2021**

| Line No. | Description           |             |     |   |            |   | Change                    |                  |              |         |
|----------|-----------------------|-------------|-----|---|------------|---|---------------------------|------------------|--------------|---------|
|          |                       |             |     |   |            |   | Current                   | Proposed         | Amount       | Percent |
|          | (a)                   |             |     |   |            |   | (b)                       | (c)              | (d)          | (e)     |
| 31       | <b>INDUSTRIAL</b>     |             |     |   |            |   |                           |                  |              |         |
| 32       | Customer Charge       |             |     |   |            |   | \$ 530.85                 |                  |              |         |
| 33       | Consumption Charge    | 3,835.8     | CCF | X | \$ 0.10081 | = | 386.69                    |                  |              |         |
| 34       | Rider GCA             | 3,835.8     | CCF | X | \$ 0.47208 | = | 1,810.82                  |                  |              |         |
| 35       | Subtotal              |             |     |   |            |   | <u>\$ 2,728.35</u>        |                  |              |         |
| 36       | Rider FF & Rider TAX  | \$ 2,728.35 |     | X | 5.84%      | = | 159.37                    |                  |              |         |
| 37       | Total                 |             |     |   |            |   | <u><u>\$ 2,887.73</u></u> |                  |              |         |
| 38       |                       |             |     |   |            |   |                           |                  |              |         |
| 39       | Customer Charge       |             |     |   |            |   |                           | \$ 616.30        |              |         |
| 40       | Consumption Charge    | 3,835.8     | CCF | X | \$ 0.10802 | = | 414.34                    |                  |              |         |
| 41       | Rider GCA             | 3,835.8     | CCF | X | \$ 0.47208 | = | 1,810.82                  |                  |              |         |
| 42       | Subtotal              |             |     |   |            |   | <u>\$ 2,841.46</u>        |                  |              |         |
| 43       | Rider FF & Rider TAX  | \$ 2,841.46 |     |   | 5.84%      | = | 165.98                    |                  |              |         |
| 44       | Total                 |             |     |   |            |   | <u><u>\$ 3,007.44</u></u> | <u>\$ 119.71</u> | <u>4.15%</u> |         |
| 45       |                       |             |     |   |            |   |                           |                  |              |         |
| 46       | <b>TRANSPORTATION</b> |             |     |   |            |   |                           |                  |              |         |
| 47       | Customer Charge       |             |     |   |            |   | \$ 530.85                 |                  |              |         |
| 48       | Consumption Charge    | 22,773.5    | CCF | X | \$ 0.10081 | = | 2,295.80                  |                  |              |         |
| 49       | Rider GCA (1)         | 22,773.5    | CCF | X | \$ -       | = | -                         |                  |              |         |
| 50       | Subtotal              |             |     |   |            |   | <u>\$ 2,826.65</u>        |                  |              |         |
| 51       | Rider FF & Rider TAX  | \$ 2,826.65 |     | X | 5.84%      | = | 165.12                    |                  |              |         |
| 52       | Total                 |             |     |   |            |   | <u><u>\$ 2,991.76</u></u> |                  |              |         |
| 53       |                       |             |     |   |            |   |                           |                  |              |         |
| 54       | Customer Charge       |             |     |   |            |   |                           | \$ 616.30        |              |         |
| 55       | Consumption Charge    | 22,773.5    | CCF | X | \$ 0.10802 | = | 2,459.99                  |                  |              |         |
| 56       | Rider GCA (1)         | 22,773.5    | CCF | X | \$ -       | = | -                         |                  |              |         |
| 57       | Subtotal              |             |     |   |            |   | <u>\$ 3,076.29</u>        |                  |              |         |
| 58       | Rider FF & Rider TAX  | \$ 3,076.29 |     |   | 5.84%      | = | 179.70                    |                  |              |         |
| 59       | Total                 |             |     |   |            |   | <u><u>\$ 3,255.99</u></u> | <u>\$ 264.23</u> | <u>8.83%</u> |         |
| 60       |                       |             |     |   |            |   |                           |                  |              |         |

**ATMOS ENERGY CORPORATION  
WEST TEXAS CITIES ("WTX CITIES") RATE REVIEW MECHANISM  
AVERAGE BILL COMPARISON  
TEST YEAR ENDING DECEMBER 31, 2021**

| Line No. | Description                    |           |     |   |            |   | Current   | Proposed  | Change |     |
|----------|--------------------------------|-----------|-----|---|------------|---|-----------|-----------|--------|-----|
|          |                                |           |     |   |            |   |           |           | (a)    | (b) |
| 61       | <b><u>PUBLIC AUTHORITY</u></b> |           |     |   |            |   |           |           |        |     |
| 62       | Customer Charge                |           |     |   |            |   | \$ 145.17 |           |        |     |
| 63       | Consumption Charge             | 594.3     | CCF | X | \$ 0.14227 | = | 84.55     |           |        |     |
| 64       | Rider GCA                      | 594.3     | CCF | X | \$ 0.47208 | = | 280.56    |           |        |     |
| 65       | Subtotal                       |           |     |   |            |   | \$ 510.28 |           |        |     |
| 66       | Rider FF & Rider TAX           | \$ 510.28 |     | X | 5.84%      | = | 29.81     |           |        |     |
| 67       | Total                          |           |     |   |            |   | \$ 540.09 |           |        |     |
| 68       |                                |           |     |   |            |   |           |           |        |     |
| 69       | Customer Charge                |           |     |   |            |   |           | \$ 159.26 |        |     |
| 70       | Consumption Charge             | 594.3     | CCF | X | \$ 0.15885 | = | 94.40     |           |        |     |
| 71       | Rider GCA                      | 594.3     | CCF | X | \$ 0.47208 | = | 280.56    |           |        |     |
| 72       | Subtotal                       |           |     |   |            |   | \$ 534.22 |           |        |     |
| 73       | Rider FF & Rider TAX           | \$ 534.22 |     |   | 5.84%      | = | 31.21     |           |        |     |
| 74       | Total                          |           |     |   |            |   | \$ 565.43 | \$ 25.34  | 4.69%  |     |
| 75       |                                |           |     |   |            |   |           |           |        |     |

Note:

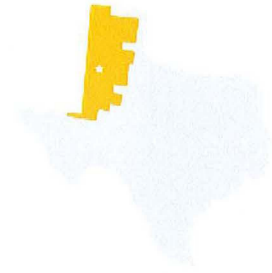
1. Rider GCA does not apply to the Transportation Tariff. Therefore, the GCA Rate has been set to zero.



Guided by  
**SAFETY**  
2022 RRM FILING

# West Texas Division Highlights

In 2021, Atmos Energy spent more than \$133 million in capital expenditures in the West Texas Division, and more than 85% was spent to enhance the safety and reliability of our natural gas system.



This investment in system modernization also reduces our environmental impact. Our goal of reducing methane emissions by 50 percent from 2017 to 2035 is essential to our environmental commitment.

Atmos Energy submitted a RRM (Rate Review Mechanism) filing to the West Texas Cities Coalition on April 1, 2022 requesting an increase in annual revenues of approximately \$8.7 million. This requested increase does not include the recovery of natural gas costs related to the winter weather event of February 2021 that were approved for securitization in Docket Case No. 00007061.

## DRIVERS BEHIND OUR \$8.7M FILING

80

Miles of steel replaced

4.8k

Steel service lines replaced

96.6k

Lines located

359

Hazardous leaks caused by excavation damage

5.6k

Miles surveyed

## FUELING SAFE AND THRIVING COMMUNITIES



In partnership with hundreds of organizations, Atmos Energy’s Fueling Safe and Thriving Communities outreach benefits school districts, nonprofits, after school programs, and food banks to everything from backpacks and laptops to nutritious breakfasts and books that help early childhood learners read on level by third grade. Vulnerable households also have access to funds through local energy assistance agencies that provide support with utility bills, weatherization, customer natural gas line repairs, and natural gas appliance repairs and replacements.

In 2021, Atmos Energy contributed approximately \$1.1 million to community partners in the West Texas Division.

# Our Customer Bill



The average residential customer will see an increase of \$4.39 per month.



The average commercial customer will see an increase of \$13.25 per month.

## 2022 Timeline

From January 2021 and December 2021, more than \$133 million was spent to further increase the safety and reliability of our natural gas system.



## RRM FAQs

### WHY IS ATMOS ENERGY ASKING FOR A RATE ADJUSTMENT?

Current rates don't allow us to recover our spending on safety and modernization. The rates we charge customers – coupled with investor and creditor capital – allow us to enhance the safety and reliability of our natural gas system through pipeline replacement and system modernization. We are requesting an increase in annual revenue of \$8.7 million to help recover more than \$133 million of capital spent from January 2021 through December 2021.

### WHAT ROLE DOES THE CITY PLAY IN SETTING NATURAL GAS RATES?

The City Council reviews the rates we charge our customers in their cities. In Texas, cities have original jurisdiction over natural gas rates. In order to recover costs after they've been spent, natural gas utilities must file directly with the cities for approval to adjust rates. The Railroad Commission of Texas is the regulatory body for natural gas companies in Texas, with appellate jurisdiction over cities and jurisdiction over areas outside of city limits.

### WHAT IS THE RRM?

The Rate Review Mechanism (RRM) is a fully transparent annual review of the rates we charge our customers in the West Texas Division. This mechanism was developed by the West Texas Cities Coalition and Atmos Energy to ensure all of our spending is reviewed annually. It takes into consideration precedent decided by the Railroad Commission of Texas and outlines specific factors such as return on equity, capital structure and other administrative items, reducing the need for costly litigation that is ultimately borne by our customers.

### WHAT IS A CAPITAL EXPENDITURE?

Capital Expenditures are the costs associated with enhancing the safety and reliability of our natural gas system. Just like highways, bridges and other utility lines across the country, natural gas pipelines must be modernized over time. The associated costs, or capital expenditures, primarily include pipe replacement and repair, service line replacement, growth and fortification of the natural gas distribution system and overall pipeline integrity.



## INTEROFFICE MEMORANDUM

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Date: August 3, 2022  
To: Mayor Robert H. Moore and Big Spring City Council Members  
From: John Medina, Assistant City Manager  
Re: Change Order #2 for Water Line Replacement

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On February 9, 2022, the City of Big Spring received four (4) bids for the 2021 Water Line Replacement project. The low total base bid was \$1,298,288.00 submitted by Whitewater Construction, Inc. from Waco, Texas. This project is funded by the American Rescue Plan Act (ARPA) and the allocated budget is \$1.7 million dollars.

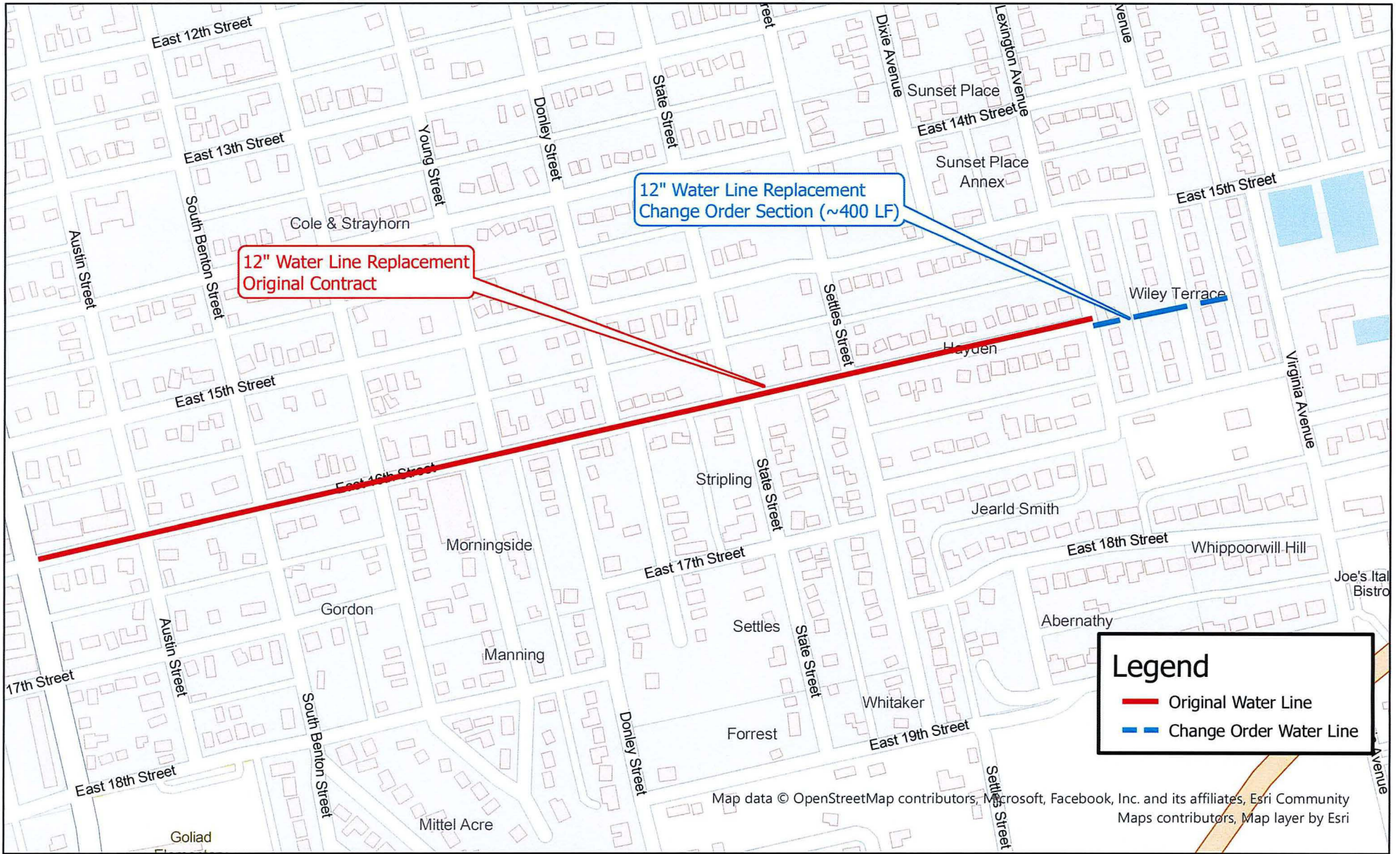
Pursuant to Texas Local Government Code Sec. 271.060 (c) A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, subsequent change orders may not increase the revised contract amount by more than 25 percent.

The City's available change order capacity based on a \$1,298,288.00 contract is \$324,572.00. The City Council approved change order #1 for water line replacement on Anna Street in the amount of \$200,680.00 leaving \$123,892.00 available for additional change orders. If the City opts to use the entire change order capacity, the total project amount would be \$1,622,860.00. That is still below the \$1.7 million dollars allocated for the project.

### Recommendation

The current waterline replacement includes 3,300 linear feet of 12" water line replacement on west 16<sup>th</sup> Street from Austin Street to Lexington Street. Our contractor found approximately 400 linear feet of 12" line on Lexington Street that needs to be replaced at the end of the project.

Staff recommends replacing the 12" water line all the way to the water treatment plant. Staff is requesting approval for change order #2 in the amount of \$76,000.00 for the additional 400 feet of 12" waterline replacement leaving \$47,892.00 available for additional change orders.



**City of Big Spring  
2021 Water System Improvements  
American Rescue Plan Funding  
Project Map - Change Order #1**



0 200 400 800



Feet





## Memorandum

Date: 08/09/2022  
From: Sandy Smith, Finance Director  
To: Mayor and City Council  
Re: 2022-2023 Proposed Tax Rate

The proposed tax rates for the 2022-2023 have been delivered to the City by the Tax Assessors office. The rate that staff is proposing to use this year is the De Minimis Rate. This rate is allowed by State Statute for cities with a population less than 30,000. It adds an additional \$500,000 to the operations and maintenance budgets.

Property tax is a revenue to the General Fund, and with the De Minimis Rate, the additional revenue will help partially offset the increased costs of operations due to the current inflation rate of 9.06%.

# 2022 Governing Body Summary #1A\*

## Benchmark 2022 Tax Rates

### City of Big Spring

Date: 07/27/2022 01:53 PM

| DESCRIPTION OF TAX RATE                    | TAX RATE PER \$100 | THIS YEAR'S TAX LEVY** | ADDITIONAL TAX LEVY |
|--------------------------------------------|--------------------|------------------------|---------------------|
| No-New-Revenue Tax Rate                    | \$0.601802         | \$7,739,728            |                     |
| One Percent \$100 Tax Increase***          | \$0.607820         | \$7,817,125            | \$77,397            |
| One Cent per \$100 Tax Increase***         | \$0.611802         | \$7,868,337            | \$128,609           |
| De Minimis Rate                            | \$0.647682         | \$8,329,787            | \$590,059           |
| VAR NOT adjusted for Unused Increment Rate | \$0.634994         | \$8,166,608            | \$426,880           |
| VAR adjusted for Unused Increment Rate     | \$0.691314         | \$8,890,935            | \$1,151,207         |
| Last Year's Tax Rate                       | \$0.673163         | \$8,657,496            | \$917,768           |
| Proposed Tax Rate                          | \$0                | \$0                    | \$-7,739,728        |

\*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

\*\*Tax levies are calculated using line 21 of the No-New-Revenue Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

\*\*\*Tax increase compared to no-new-revenue tax rate.



## AGENDA MEMO

To: City Council

Date: August 4, 2022

From: Robert H. Moore, III, Mayor

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

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Following my address to the City on July 11, 2022, the City received several comments and suggestions from the local community and also from those with an interest in the matter of the Big Spring Animal Shelter and the animal population of Big Spring.

I have met with City Staff and we have discussed the myriad of suggestions we received and present the following suggestions to this Council for its consideration. It is the position of myself and City staff that the attached suggested amendments to the City's policies and ordinances is an effort to strike a balance between the City, in its duty to provide animal control services to the citizens of Big Spring, and our citizens that have an interest in this issue.

These suggestions do not represent the entirety of the efforts the City Manager, the Chief of Police, and I intend to dedicate to this matter. It is my hope that we are able to move persistently towards a solution that is reasonable.

## RECOMMENDED REPEAL OF RESOLUTION 003-2016

The City of Big Spring City Council hereby adopts the goal of ending the euthenization of homeless pets in the City of Big Spring's animal shelter by January 1, 2017.

## RECOMMENDED AMENDMENTS TO CITY ORDINANCES

### **Sec. 2-308.- Duties of the Committee.**

The committee shall be charged with organizing quarterly public awareness events, working with animal rescue organizations to facilitate adoptions from the city animal shelter, using social media (or other means) to increase exposure of animals in need of adoption, recruiting qualified volunteers to assist the city in areas relating to animals in need of adoption and animal control, ~~assisting the city in its goal to become a no-kill shelter,~~ promoting low-cost spay and neuter programs, acting as public relations liaison between the public and city officials to advance the common interest of animal welfare issues and reconcile public concerns, and review and make recommendations to the city council in an advisory capacity on matters concerning the adoption of animals.

**Sec. 8-5. - Penalty. Reserved.** *(Surplus language. Penalty established elsewhere in Big Spring City Code.)*

~~Any person violating any prohibition, requirement, duty or provision of this chapter shall, upon conviction, be punished by a fine not to exceed \$2,000.00, provided that the violation is a violation of a provision governing fire safety, zoning, or public health and sanitation. If the violation does not govern fire safety zoning, or public health and sanitation, the fine shall not exceed \$500.00. If the violation is continuing, each day's violation shall be deemed a separate offense. If any person is found guilty of cruelty to any animal under municipal, state or federal law, his permit to own, keep, or harbor or have custody of such animal shall be deemed automatically revoked, and no new permit or license may be issued.~~

### **Section 8-6. Microchipping events.**

Within the limits of the budget and purchasing authority, the ACD, upon approval from the City Manager, may hold one or more events offering microchipping of dogs or cats to members of the public who pay the Microchipping Fee.

### **Article III. Dog and Cat Vaccination and Licensing- Dog and Cat Vaccination.**

#### **Sec. 8-249. - Redemption and adoption of animals.**

- (a) Redemption. The owner or person authorized by the owner of any animal impounded under the provisions of this article chapter may redeem, reclaim, and receive possession

of such animal upon payment of the applicable fees and proof that the person has previously had the animal vaccinated and/or licensed and microchipped. If such person cannot establish such proof, the animal may only be released if adopted in accordance with this article.

- (b) Adoption. Any impounded animal that is not redeemed in accordance with this article may be adopted in accordance with the Texas Health and Safety Code and ACD policies.

**Sec. 8-250. - Disposition of unclaimed animals.**

Should any impounded animal not be redeemed, as provided in section 8-249, within ~~72 hours~~ five (5) days, or the owner of the animal signs a certificate of animal release and euthanasia form, the animal may be destroyed by the ACD in a manner approved by the American Humane Society. No animal wearing a license an identification tag or microchip when impounded will be destroyed until ~~72 hours~~ fifteen (15) days after the ACD notifies the license holder of record of such animal, by mailing to such person a notice of impoundment to the mailing address furnished to the city when the license was issued. The ACD should attempt to promptly contact the license holder using any additional reasonable means. At any time after the expiration of the redemption period, the ACD may allow adoption of the animal so impounded by the first person tendering to the city any applicable adoption fees.

**Sec. 8-251. Disposition of unpermitted/unlicensed animals. Reserved.**

~~If any animal required to be permitted and/or licensed is not permitted because of non-issuance or revocation of the permit and/or license after official notice, it must be humanely disposed of if it cannot be legally relocated under state law or this article, or it will be seized and disposed of by the ACD.~~

**Sec. 8-252. Humane euthanization of sick, severely injured, or dangerous animals**

Any impounded animal which appears to be suffering from serious injury or disease and which is in great pain and suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals in the opinion of the ACD or which, due to its extremely violent nature, poses a substantial risk of bodily harm to the safety of ACD staff, may be humanely euthanized at any time during its holding period. In the event such an animal is wearing an identification tag or is microchipped, the ACD shall attempt to notify the owner by telephone before taking action.