

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

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4<sup>th</sup> St., Big Spring, Texas, at 5:30 p.m., April 27, 2021, with the following members present in person:

SHANNON THOMASON	Mayor
NICK ORNELAS	Councilmember
CODY HUGHES	Councilmember
GLORIA MCDONALD	Councilmember
TROY TOMPKINS	Councilmember
MAURY SMITH	Councilmember

(Mayor Pro Tem Hartman 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
CRAIG FERGUSON	Fire Chief
CHAD WILLIAMS	Police Chief
SHANE BOWLES	Public Works Director
SANDY SMITH	Finance Director
HAYLEY HERRERA	Community Services Director
JIM LITTLE	Airpark Director
TAMI DAVIS	Interim City Secretary
TIM GREEN	Municipal Judge

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

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

#### **PUBLIC COMMENT**

No comments were made at this time.

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

Mayor Thomason announced that a former Councilmember, Carmen Harbour, had passed away and the Council sends its condolences to the family.

**PROCLAMATION – MOTORCYCLE SAFETY AND AWARENESS MONTH – MAY, 2021**

Mayor Thomason read a proclamation declaring May, 2021 as Motorcycle Safety and Awareness Month.

**PROCLAMATION – NATIONAL TRAVEL AND TOURISM WEEK – MAY 2-8, 2021**

Mayor Thomason read a proclamation declaring May 2-8, 2021 as National Travel and Tourism Week.

**CITY MANAGER’S REPORT**

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

- Seasonal Jobs – Aquatic Center, Sports Complex, Parks & Golf Course
- 2 Openings on the CRMWD Board of Directors
- Arrest Warrants are Starting Back Up
- Large Item Pickup for District 4 Update

**CONSENT ITEMS**

**APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF APRIL 13, 2021**

**ACKNOWLEDGE RECEIPT OF THE PLANNING AND ZONING COMMISSION MINUTES OF THE REGULAR MEETINGS OF JANUARY 5, 2021 AND MARCH 16, 2021**

**ACKNOWLEDGE RECEIPT OF THE CHARTER COMMITTEE MINUTES FOR THE MEETINGS OF DECEMBER 23, 2020, JANUARY 13, 2021, JANUARY 27, 2021, FEBRUARY 10, 2021, MARCH 10, 2021, MARCH 24, 2021 AND MARCH 31, 2021**

**FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 048-2020 WHICH ADOPTED THE REASONABLE ACCOMMODATIONS POLICY OF THE CITY OF BIG SPRING, IN ORDER TO ADD AUTHORITY TO THE CITY MANAGER TO WAIVE A LEGAL DUTY IMPOSED ON A CITIZEN BY AN ORDINANCE IF DOING SO WOULD RESULT IN A REASONABLE ACCOMMODATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**FINAL READING OF A RESOLUTION APPROVING A TRESPASS ENFORCEMENT AUTHORIZATION PROGRAM; AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO TRESPASS ENFORCEMENT AGREEMENTS WITH PRIVATE PROPERTY OWNERS; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE**

**FINAL READING OF A RESOLUTION AMENDING VARIOUS CHAPTERS OF THE CITY OF BIG SPRING PERSONNEL POLICIES AND PROCEDURES BY MODIFYING EQUAL**

OPPORTUNITY AND AFFIRMATIVE ACTION POLICIES TO CONFORM WITH FEDERAL AND STATE LAWS; ADDING A REASONABLE ACCOMMODATION AND MODIFIED JOB DUTIES POLICIES; EXCLUDING THE FIRE DEPARTMENT EMPLOYEES FROM PROBATIONARY STANDARDS ALREADY PROVIDED UNDER THE CIVIL SERVICE ACT AND LOCAL RULES; ELIMINATING VACATION TO EMPLOYEES TERMINATED FOR NON-DISCIPLINARY ACTION; REQUIRING THAT A MEDICAL EXCUSE BE PROVIDED FROM THE ISSUING HEALTH CARE PROVIDER; CLARIFYING EMPLOYEE LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT; UPDATING THE REFERENCES IN THE SOCIAL MEDIA POLICY; AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH STEPS AS ARE NECESSARY TO IMPLEMENT SUCH POLICIES AND PROCEDURES; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Ornelas to approve the above captioned resolutions, ordinance and minutes, seconded by Councilmember Tompkins, with all Councilmembers present voting "aye."

#### **OTHER BUSINESS**

FIRST READING OF A RESOLUTION EXPRESSING ITS SUPPORT OF THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION; ITS REFUSAL TO ACCEPT, FUND, OR PARTICIPATE IN UNCONSTITUTIONAL RESTRICTIONS ON LEGAL GUN OWNERSHIP; AND DECLARING THE CITY OF BIG SPRING, TEXAS TO BE A "SECOND AMENDMENT STRONGHOLD"; AND PROVIDING AN EFFECTIVE DATE

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

#### **OLD BUSINESS**

**TABLED** - FIRST READING OF AN ORDINANCE AUTHORIZING Z-21-01, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 18.141 ACRES OF AN APPROXIMATE 50 ACRE TRACT OUT OF SEC. 25, T & P R.R. CO. SURVEY, ABSTRACT NO. 314, IN BIG SPRING, HOWARD COUNTY, TEXAS, LOCATED ON THE WEST SIDE OF NORTH HWY 87, FROM LIGHT INDUSTRIAL (LI) TO PLANNED DEVELOPMENT (PD), TEMPORARY WORKFORCE HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Hughes to remove the above captioned item off the table, seconded by Mayor Thomason, with Councilmembers Ornelas, Hughes, Thomason, McDonald and Tompkins voting "aye." Councilmember Smith, being opposed, voting "nay". Motion to remove from the table passed five to one.

After a brief discussion, motion was made by Councilmember Hughes to approve the above captioned ordinance, seconded by Councilmember Smith, with Councilmember Ornelas voting

“aye.” Councilmembers Hughes, Thomason, McDonald, Smith and Tompkins, being opposed, voting “nay” for passage of same. Motion **fails** five to one.

## **VOUCHERS**

Councilmember Tompkins reviewed the following vouchers:

VOUCHERS FOR 04/15/2021	\$	756,225.67
VOUCHERS FOR 04/23/2021	\$	841,545.85

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

## **BIDS**

**AWARD THE BID FOR SEAL COAT AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Hughes to award the above captioned bid to Cox Paving of Texas, Inc. in the amount of \$550,020.67, seconded by Councilmember Smith, with all members of the Council present voting “aye.”

## **NEW BUSINESS**

**ACKNOWLEDGE RECEIPT OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION MINUTES OF THE REGULAR MEETING OF MARCH 16, 2021**

Councilmembers acknowledge receipt of the above captioned minutes.

**DISCUSSION ON BOARDS, COMMITTEES AND ENTITIES TO WHICH CITY COUNCIL ENJOYS APPOINTMENT AUTHORITY, INCLUDING MEMBERSHIP REQUIREMENTS, AND THE METHODS AVAILABLE TO CITY COUNCIL TO RENDER SUCH APPOINTMENTS**

Councilmember Tompkins expressed that he would like to see the boards and committees be more proactive and would like to start the process on appointing citizens to represent each district. After a brief discussion, the Council directed the City Attorney to come up with a policy and procedure ordinance to appoint board and committee members to represent each district one – six and an at large member for the Mayor.

**EMERGENCY READING OF A RESOLUTION FURTHER RENEWING AND EXTENDING A DECLARATION OF A PUBLIC HEALTH EMERGENCY/DISASTER ISSUED BY THE MAYOR ON FEBRUARY 13, 2021, FEBRUARY 20, 2021 AND FEBRUARY 27, 2021 IN RESPONSE TO WINTER STORMS, ELECTRICAL OUTAGES AND WATER SYSTEM ISSUES TO TAKE SUCH STEPS AS ARE NECESSARY TO SUPPORT THE**

DECLARATIONS THEREIN MADE; PROVIDING FOR AN EFFECTIVE DATE; AND  
DECLARING AN EMERGENCY

Motion was made by Councilmember Ornelas to approve the above captioned resolution, seconded by Councilmember Smith. Councilmember Ornelas requested that the extension did not last for more than 30 days. After a brief discussion motion was made by Councilmember Ornelas to amend the above captioned resolution to expire in 30 days on June 1, 2021, seconded by Councilmember Hughes, with Councilmembers Ornelas, Hughes, Thomason, Tompkins and Smith voting "aye." Councilmember McDonald, being opposed, voting "nay" for passage of same. The amendment passed five to one.

Final motion was made by Councilmember Ornelas to approve the above captioned amended resolution, seconded by Councilmember Smith, with all members of the Council present voting "aye."

FIRST READING OF A RESOLUTION DESIGNATING THE FOLLOWING AS NOMINEE  
TO FILL A VACANCY ON THE HOWARD COUNTY JOINT TAX APPRAISAL DISTRICT  
BOARD OF DIRECTORS FOR THE 2020-21 TERM; AND PROVIDING FOR AN  
EFFECTIVE DATE

Councilmembers nominated Jordan Partee and Bobby Barber. Motion was made by Mayor Thomason to approve the above captioned resolution nominating Jordan Partee by a verbal vote of the Council, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

FIRST READING OF AN ORDINANCE AMENDING THE BIG SPRING CODE OF  
ORDINANCES BY AMENDING CHAPTER 40 ENTITLED "PARKS, RECREATION, AND  
CULTURAL AFFAIRS," ARTICLE XII "HISTORIC SPRING," DIVISION 2 "MARIE HALL  
PLAZA AND PERFORMANCE STATE," SECTION 40-452, "RENTAL FEES AND  
RESERVATIONS; CONCESSIONS PROHIBITED" IN ORDER TO AMEND CURRENT  
FEES AND ESTABLISH FEES FOR SPECIAL EVENTS PAKAGES; PROVIDING FOR  
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING THE BIG SPRING CODE OF  
ORDINANCES BY AMENDING CHAPTER 40 ENTITLED "PARKS, RECREATION, AND  
CULTURAL AFFAIRS," ARTICLE XII "HISTORIC SPRING," DIVISION 3 "SM ENERGY  
PAVILION," SECTION 40-492, "RENTAL FEES AND RESERVATIONS; CONCESSIONS  
PROHIBITED" IN ORDER TO AMEND CURRENT FEES AND ESTABLISH FEES FOR  
THE PORTABLE RESTROOM TRAILER; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE

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

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

EMERGENCY READING OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

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

EMERGENCY READING OF A RESOLUTION DETERMINING THAT AN AREA OF THE CITY CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WILFARE OF THE COMMUNITY AND CONSTITUTES A SLUM/BLIGHTED AREA; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

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

EMERGENCY READING OF A RESOLUTION AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN REVITALIZATION PROGRAM FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

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

CONSIDERATION AND POSSIBLE ACTION OF AN AGREEMENT WITH THE YMCA FOR LIFEGUARDS AT THE RUSS MCEWEN AQUATIC CENTER AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

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

**DISCUSSION AND POSSIBLE ACTION TO APPROVE CITY STAFF TO PURSUE COST SHARING AIRPORT IMPROVEMENTS PROJECTS THROUGH TxDOT AVIATION AND ENGAGE A CONSULTING FIRM TO ASSIST IN PREPARING A "LETTER OF INTEREST" TO GO TO TxDOT, DEFINING AND PRIORTIZING PROJECTS, AND ACQUIRING TxDOT SUPPORT**

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

**COUNCIL INPUT**

Mayor Thomason gave an update on the local COVID-19 cases and vaccinations and also work is in progress to get vaccines to the home-bound citizens; and also asked citizens to "help control the pet population, spay or neuter your pets."

Councilmember Ornelas reminded everyone that he will be having a Town Hall meeting on April 29, 2021 at 605 N. Main St. from 6-8.

Councilmember McDonald thanked staff and reminded citizens to get out and vote on Election Day, May 1<sup>st</sup>.

Councilmember Smith commented on an effective council meeting and liked seeing the Council and Staff working together.

**ADJOURN**

Mayor Thomason adjourned the meeting at 7:10 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, Interim City Secretary