

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., May 25, 2021, with the following members present in person:

SHANNON THOMASON	Mayor
NICK ORNELAS	Councilmember
DIANE YANEZ	Councilmember
CODY HUGHES	Councilmember
TROY TOMPKINS	Councilmember
MAURY SMITH	Councilmember

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

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire 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 McDonald gave the invocation and Mayor Thomason led the Pledge of Allegiance to the American and Texas Flags.

PUBLIC COMMENT

One citizen made a comment the donation of mattresses to the Fire Department.

ANNOUNCEMENTS, PRESENTATIONS AND PUBLIC HEARINGS

ADMINISTER THE OATH OF OFFICE TO DULY ELECTED COUNCILMEMBER FOR DISTRICT FOUR

Judge Green administered the oath of office to duly elected Gloria McDonald as Councilmember District Four and presented her with a certificate of election.

CITY MANAGER'S REPORT

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

- Update on Large Item Pickup for District 5

CONSENT ITEMS

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF MAY 11, 2021 AND OF THE SPECIAL MEETING OF MAY 12, 2021

FINAL READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR U.S. ECONOMIC DEVELOPMENT ADMINISTRATION, AMERICAN RESCUE PLAN ACT OF 2021 FUNDING ASSISTANCE FOR THE BIG SPRING INDUSTRIAL PARK DEVELOPMENT PROJECT AND MEET ALL ADMINISTRATIVE AND PLANNING REQUIREMENTS FOR APPROVAL BY THE U.S. ECONOMIC DEVELOPMENT

FINAL READING OF A RESOLUTION FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE

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

OLD BUSINESS

APPOINTMENTS TO THE CRMWD BOARD OF DIRECTORS 2 OPENINGS

Clif Talbot – Willing to Re-Serve

Jeff Brorman – Willing to Re-Serve

Motion was made by Councilmember McDonald to remove the above captioned item off the table, seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting "aye." Mr. Darden, City Manager, confirmed that both appointees reside and own property in the city limits. Motion was made by Councilmember McDonald to reappoint Clif Talbot and Jeff Brorman to the CRMWD Board of Directors.

VOUCHERS

Mayor Pro Tem Ornelas reviewed the following vouchers:

VOUCHERS FOR 05/14/2021	\$	576,470.32
VOUCHERS FOR 05/21/2021	\$	1,396,438.26

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

NEW BUSINESS

At this time Councilmember Tompkins requested that a couple of items be moved to be next on the agenda.

PRESENTATION OF DOWNTOWN PLAZA PROJECT

Brint Ryan presented the Downtown Plaza Project regarding a future park next to the Settles Hotel

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH CAPROCK HOLDINGS LLC

Motion was made by Mayor Thomason to approve the above captioned agreement, seconded by Councilmember McDonald, with all Councilmembers Hughes, Thomason, McDonald, Tompkins and Smith voting “aye.” Councilmembers Ornelas and Yanez, being opposed, voting “nay” for passage of same. Motion passed five to two.

ACKNOWLEDGE RECEIPT OF THE BIG SPRING ECONOMIC DEVELOPMENT CORPORATION MINUTES OF THE REGULAR MEETING OF APRIL 20, 2021

Councilmembers acknowledged receipt of the above captioned minutes.

ACKNOWLEDGE RECEIPT OF THE PARKS AND RECREATION BOARD MINUTES OF THE REGULAR MEETINGS OF FEBRUARY 19, 2020 AND OCTOBER 21, 2020

Councilmembers acknowledged receipt of the above captioned minutes.

DISCUSSION AND POSSIBLE ACTION REGARDING ROLLOUT CONTAINERS (WHEELED TRASH CONTAINERS)

Mayor Pro Tem Ornelas stated that he visits with his constituents on a regular basis and he is still concerned that some citizens have not yet received any notifications regarding the placement of rollout containers in his district. After a brief discussion on different ways to inform the community on public announcements, the Council directed the staff to bring back a budget amendment to cover the cost of mail out notifications regarding roll outs.

DISCUSSION AND POSSIBLE ACTION REGARDING POLICE/FIRE DEPARTMENT RADIO SYSTEM

Mayor Thomason expressed his concern regarding an agreement with Howard County in June, 2018 to upgrade police/fire department radio systems and it is not fully implemented as of this date. After a brief discussion, the Council directed the staff to have the company involved to come back along with the County and discuss the situation.

DISCUSSION REGARDING THE CITY OF BIG SPRING COMPREHENSIVE PLAN 2030

Todd Darden, City Manager, briefly explained the Comprehensive Plan 2030.

FIRST READING OF A RESOLUTION AMENDING THE AUTHORIZED REPRESENTATIVES EMPOWERED TO TRANSMIT AND WITHDRAW FUNDS FROM TEXPOOL; AND DECLARING AN EFFECTIVE DATE

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

FIRST READING OF A RESOLUTION AMENDING SECTION 9 OF THE PURCHASING POLICY ENTITLED "PURCHASE ORDERS" TO LIMIT PURCHASES FOR COUNCIL MEMBER TRAVEL EXPENSES; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned resolution, seconded by Councilmember Hughes. After a brief discussion Councilmember Hughes made a motion to amend the above captioned resolution. Mayor Thomason ruled the motion out of order and recommend that the above captioned resolution come back to the council as an ordinance for it to be effective.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 40 OF THE BIG SPRING CITY CODE ENTITLED "PARKS, RECREATION, AND CULTURAL AFFAIRS," BY ADDING A NEW ARTICLE XIV ENTITLED "ABC PARK," AND ADDING A NEW SECTION 40-701 ENTITLED "PJ" "THE DJ" PAVILION" THEREBY NAMING A NEWLY CONSTRUCTED ABC PARK PAVILION AFTER PJ "THE DJ" DOMINGUEZ; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Yanez, with Councilmembers Ornelas, Yanez, Hughes, Thomason, Tompkins and Smith voting "aye." Councilmember McDonald, being opposed, voting "nay" for passage of same. Motion passed six to one.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 40 OF THE BIG SPRING CITY CODE ENTITLED "PARKS, RECREATION, AND CULTURAL AFFAIRS" BY ADDING A NEW ARTICLE XIII ENTITLED "OSCAR GARCIA PARK,"; AND ADDING A NEW SECTION 40-525 ENTITLED "OSCAR GARCIA PARK" TO NAME A FUTURE

PARK PLANNED NEAR THE BENTON BRIDGE AND NE 1ST STREET “OSCAR GARCIA PARK”; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Thomason to approve the above captioned ordinance, seconded by Councilmember McDonald, with Councilmembers Thomason, McDonald and Smith voting “aye.” Councilmembers Ornelas, Yanez and Hughes, being opposed, voting “nay” for passage of same and Councilmember Tompkins abstained. Motion failed due to no majority vote.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED “ADMINISTRATION,” ARTICLE VII “BOARDS AND COMMISSIONS” BY ADDING A NEW SECTION 2-241 ENTITLED “APPOINTMENTS TO AND REMOVAL FROM BOARDS AND COMMITTEES CREATED BY ACTS OF CITY COUNCIL” TO PROVIDE FOR EQUAL, DISTRICT-LEVEL REPRESENTATION OF CITY BOARDS AND COMMITTEES; ADDING A NEW SECTION 2-242 ENTITLED “RULES AND PROCEDURES FOR BOARDS AND COMMITTEES” TO PROVIDE GENERAL RULES FOR EACH BOARD; MOVING THE SECTIONS OF THE CODE PERTAINING TO THE PARKS AND RECREATIONS BOARD AND TRAFFIC COMMISSION FROM THEIR RESPECTIVE CHAPTERS TO CHAPTER 2, ARTICLE VII FOR CONSISTENCY AND PROVIDING FOR RENUMBERING OF THOSE MOVED SECTIONS; PROVIDING THAT APPOINTMENTS MADE UNDER THE NEW RULES OF SECTION 2-241 ARE APPLICABLE AS TERMS FOR BOARD AND COMMISSION MEMBERS EXPIRE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Motion was made by Councilmember Tompkins to approve the above captioned ordinance, seconded by Councilmember Smith. After a brief discussion, motion was made by Councilmember Tompkins to change board members’ terms to expire on August 31st instead of September 30th, seconded by Councilmember Hughes. After another brief discussion, Councilmember Tompkins withdrew his motion. Final motion was made by Councilmember Tompkins to approve the above captioned ordinance, seconded by Councilmember Smith, with all members of the Council present voting “aye.”

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED “ADMINISTRATION,” SECTION 2-137 “EXEMPTION OF CITY FROM GARNISHMENT,” IN ORDER TO CORRECT A STATE LAW REFERENCE AND REMOVE EXTRANEOUS LANGUAGE FROM THE SECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED “ADMINISTRATION,” ARTICLE II “CITY COUNCIL,” SECTION 2-22 “ESTABLISHING THE AGENDA” SUBSECTION (e) AND (f) TO PROHIBIT THE CITY MANAGER FROM DELEGATING RESPONSIBILITY OF PREPARING OR REVISING THE CITY COUNCIL AGENDA TO THE MAYOR OR OTHER CITY

COUNCILMEMBER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Yanez. Mayor Pro Tem Ornelas mentioned that some items that had been requested by a Councilmember or a citizen to be on the agenda and was not. Mayor Thomason called Mayor Pro Tem out of order due to the fact that a citizen cannot request an item on the agenda. Motion was made by Mayor Pro Tem Ornelas to appeal the decision of the chair regarding the germaneness of an item under discussion, seconded by Councilmember Yanez. On the question of whether the decision of the chair should be sustained, Councilmembers Ornelas, Yanez, Thomason, McDonald and Tompkins voting "aye". Councilmember Hughes voting "nay" and Councilmember Smith abstained. The decision of the chair was sustained.

Original motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Yanez. After a brief discussion, Councilmember Tompkins called to move the previous question, Councilmembers Thomason, McDonald and Tompkins voting "nay", Councilmembers Ornelas, Yanez and Smith voting "nay" and Councilmember Hughes abstained. Motion fails due to no majority.

Final motion was made by Mayor Pro Tem Ornelas to approve the above captioned ordinance, seconded by Councilmember Yanez, with Councilmembers Ornelas and Yanez voting "aye". Councilmembers Thomason, McDonald, Tompkins and Smith, being opposed, voting "nay" for passage of same. Councilmember Hughes abstained. Motion fails four to two.

FIRST READING OF AN ORDINANCE CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2021 FOR THE PURPOSE OF AMENDING THE HOME RULE CHARTER; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION AND DECLARING 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."

CONSIDERATION AND POSSIBLE ACTION OF A RENEW AGREEMENT WITH BOLINGER, SEGARS, GILBERT & MOSS, L.L.P. FOR PROFESSIONAL SERVICES FOR AUDIT SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS

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

COUNCIL INPUT

Mayor Thomason announced that two House Bills (1927 & 2622) regarding firearms both passed the Senate are being sent to the governor's office and expressed to the citizens "Rights comes

with Responsibility”; and also asked citizens to “help control the pet population, spay or neuter your pets.”

Councilmember Ornelas asked that the Council meetings be uploaded on the City’s website.

Councilmember Yanez thanked John Medina and Shane Bowles for the ride along and for taking care of some issues.

Councilmember Hughes thanked city staff for a quick response on a water leak.

Councilmember Tompkins wanted to assure the citizens that the Charter Committee did not intend for current councilmembers to be unseated regarding the amendment for a councilmember to live in the district they represent.

Councilmember Smith thanked the staff.

EXECUTIVE SESSION

ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PURPOSES PERMITTED BY THE OPEN MEETINGS ACT, SECTION 551.074, TEXAS GOVERNMENT CODE, “PERSONNEL MATTERS; CLOSED MEETING” TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF CITY MANAGER; AND

ADJOURN INTO EXECUTIVE SESSION IN ACCORDNANCE 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 DISCUSS LITIGATION MATTERS; AND

ADJOURN INTO EXECUTIVE SESSION IN ACCORDNANCE WITH THE PURPOSES PERMITTED BY THE OPEN MEETINGS ACT, SECTION 551.074, TEXAS GOVERNMENT CODE, “PERSONNEL MATTERS; CLOSED MEETING” TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF CITY ATTORNEY

Motion was made by Councilmember Tompkins to adjourn into the above captioned executive sessions at 8:54 p.m., seconded by Mayor Pro Tem Ornelas, with all members of the Council present voting “aye.”

RECONVENE IN OPEN SESSION AND TAKE ANY NECESSARY ACTION ON EXECUTIVE SESSION ITEMS AT 10:54 P.M.

No action was taken.

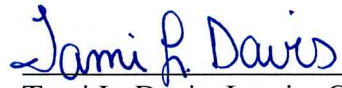
ADJOURN

Mayor Thomason adjourned the meeting at 10:55 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, Interim City Secretary