

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., February 8, 2022, with the following members present in person:

SHANNON THOMASON	Mayor
NICK ORNELAS	Mayor Pro Tem
DIANE YANEZ	Councilmember
CODY HUGHES	Councilmember
GLORIA MCDONALD	Councilmember
MAURY SMITH	Councilmember

(Councilmember Tompkins 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
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
HAYLEY HERRERA	Community Services Director
TAMI DAVIS	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 citizens spoke on a few issues with the City.

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

No announcements, presentations or public hearings at this time.

## **CITY MANAGER'S REPORT**

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

- Large Item Pickup Reminder for District 2 – February 16, 2022
- City Holiday on February 21, 2022 for President's Day
- Update on the Bond Refunding – 9% Savings
- Update on Vector Profit Sharing - \$72,000 Refund for the City

## **CONSENT ITEMS**

APPROVAL OF THE CITY COUNCIL MINUTES OF THE REGULAR MEETING OF JANUARY 25, 2022

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," SECTION 2-196 "PAYMENT CARD FEES AND SERVICE CHARGES" BY ADDING A NEW SUBSECTION (C-2) ESTABLISHING THAT CARD REIMBURSEMENT FEES SHALL BE ENACTED BY OFFICIAL ACTION OF THE CITY COUNCIL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 32 OF THE BIG SPRING CITY CODE ENTITLED "LICENSES, TAXATION, AND MISCELLANEOUS BUSINESS REGULATIONS," ARTICLE 5, SECTION 32-356 BY ADDING A NEW SUBSECTION (E) TO AUTHORIZE THE CITY MANAGER TO WAIVE FEES FOR PRODUCTIONS THAT ADVANCE A PUBLIC PURPOSE; AMENDING SECTION 32-258 TO CLARIFY APPLICATION REQUIREMENTS; AND BY ADDING A NEW SECTION 32-263 ENTITLED "LIMITATION OF PERMIT" TO PROHIBIT THE ISSUANCE OF PERMITS OTHERWISE ILLEGAL UNDER STATE OR FEDERAL LAW, INCLUDING FEDERAL AVIATION REGULATIONS ON DRONE OPERATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 7, 2022 FOR THE PURPOSE OF ELECTING ONE PERSON TO SERVE AS MAYOR OF THE CITY OF BIG SPRING AND ONE PERSON TO SERVE AS CITY COUNCILMEMBER FOR DISTRICT FIVE; PROVIDING FOR THE CONDUCT OF THE ELECTION; DESIGNATING SEVERAL POLLING PLACES WITHIN THE CITY; AUTHORIZING THE MAYOR TO EXECUTE NOTICE AND HAVE THE NOTICE POSTED FOR THE PURPOSE OF NOTIFYING THE PUBLIC OF SAID ELECTION; AND PROVIDING FOR SEVERABILITY

Motion was made by Councilmember McDonald to approve the above captioned minutes, resolution 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 01/27/2022 \$ 764,108.63

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

VOUCHERS FOR 02/08/2022 \$ 389,968.68

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

## **BIDS**

**CONSIDERATION AND POSSIBLE ACTION TO ACCEPT A BID AWARD FOR 30 YARD TRASH CONTAINERS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Hughes awarding a bid for ten (10) 30 Yard Trash Containers to Roll-Offs USA with a total amount of \$71,256.00, seconded by Councilmember McDonald, with all members of the Council present voting "aye."

**CONSIDERATION AND POSSIBLE ACTION TO REJECT ALL BIDS FOR LEASE PURCHASE FINANCING FOR CAPITAL ITEM PURCHASES**

Motion was made by Mayor Thomason to reject all bids for the lease purchase financing, seconded by Councilmember Hughes, with all members of the Council present voting "aye."

## **NEW BUSINESS**

**EMERGENCY READING OF A RESOLUTION CONSENTING TO THE CITY ATTORNEY ACTING AS AN INTERMEDIARY BETWEEN THE CITY OF BIG SPRING AND THE BIG SPRING HOUSING AUTHORITY FOR THE SOLE PURPOSES OF NEGOTIATING A LEASE OF REAL PROPERTY FROM THE CITY OF BIG SPRING TO THE BIG SPRING HOUSING AUTHORITY FOR AN OFFICE FOR THE BIG SPRING HOUSING AUTHORITY, ADVISING THE CITY AND THE HOUSING AUTHORITY AS TO SAID LEASE, AND NEGOTIATION ONE OF MORE AGREEMENTS BETWEEN THE CITY OF BIG SPRING AND THE HOUSING AUTHORITY OF BIG SPRING, AND PROVIDING AN EFFECTIVE DATE**

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



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 BY INCREASING THE GENERAL FUND BUDGET BY ACCEPTING A DONATION TO BE USED FOR ADDITIONAL EQUIPMENT FOR THE FIRE DEPARTMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

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; TRANSFERRING FUNDS WITHIN THE SANITATION DEPARTMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," ARTICLE VII "BOARDS AND COMMISSIONS," DIVISION "ZONING BOARD OF ADJUSTMENT," SECTION 2-314 "ORGANIZATION AND PROCEDURE" TO CREATE SEVEN ALTERNANTE BOARD POSITIONS FOR THE ZONING BOARD OF ADJUSTMENT; REQUIRING THAT EACH MEMBER POSSESS THE SAME QUALIFICATIONS AS REGULAR BOARD MEMBERS; AND ESTABLISHING REQUIREMENTS UNDER WHICH ALTERNATE MEMBERS SHALL SERVE IN PLACE OF A REGULAR BOARD MEMBER; PROVIDING FOR REMOVAL OF ALTERNATE MEMBERS FOR JUST CAUSE AFTER A PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Motion was made by Councilmember Yanez 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 40 OF THE BIG SPRING CITY CODE ENTITLED "PARKS, RECREATION, AND CULTURAL AFFAIRS," ARTICLE II, "PARKS AND RECREATIONAL FACILITIES," DIVISION 2, "PAVILION AREAS," BY ADDING A NEW SECTION 40-54 ENTITLED "STEWART PAVILION" TO RENAME "BUFFALO PAVILION," ALSO KNOWN AS "2<sup>ND</sup> PAVILION," TO "STEWART PAVILION" IN HONOR OF HOWARD AND VICKI STEWART; AMENDING SECTION 40-58 "USE OF FACILITIES; UNUSUAL NOISE, ETC." FOR CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

**CONSIDERATION AND POSSIBLE ACTION OF A PUBLIC WATER LINE EASEMENT  
LOCATED AT 1409 HARDING STREET**

No action taken on the above captioned item.

**CONSIDERATION AND POSSIBLE ACTION OF AN INTERLOCAL AGREEMENT WITH  
SOUTH PLAINS ASSOCIATION OF GOVERNMENTS (SPAG) FOR THE BIG SPRING  
DOWNTOWN REVITALIZATION PROGRAM GRANT AWARD AND AUTHORIZING  
THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS**

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

**COUNCIL INPUT**

All Councilmembers thanked staff.

Mayor Thomason gave a COVID update and strongly recommends that everyone keep taking precautions such as social distancing, wash hands, etc. and also gave an update on the Animal Shelter. Mayor Thomason asked the staff to conduct a traffic study on the corner of NE 9<sup>th</sup> and Nolan St. regarding a complaint at that intersection. Mayor Thomason also asked the staff to create a Good Samaritan ordinance. Mayor Thomason closed by reminded everyone to help control the pet population by having their pets spayed or neutered.

**EXECUTIVE SESSION**

**ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PURPOSES PERMITTED BY THE OPEN MEETINGS ACT, SECTION 551.071(11)-(2), 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 (1) PENDING OR CONTEMPLATED LITIGATION; AND (2) THE CITY'S RIGHTS, DUTIES, PRIVILEGES, AND OPTIONS; ALL ARISING OUT OF THE EXISTING LEASES, OPERATIONS AGREEMENTS, AND OTHER MATTERS GOVERNING THE CITY OF BIG SPRING'S AGREEMENTS WITH GEO GROUP REGARDING THE BIG SPRING CORRECTIONAL CENTER; AND**

**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 DISCUSS LITIGATION AND ANTICIPATED LITIGATION;**

- CITY OF BIG SPRING V. JAKE TINER CONSTRUCTION, LLC, NO. 54929 (118<sup>TH</sup> DISTRICT COURT)
- SHORT-TERM RENTALS AND INTERNET BOOKING AGENTS SUCH AS AIRBNB AND VRBO

Motion was made by Mayor Pro Tem Ornelas to adjourn into the above captioned executive sessions at 6:28 p.m., seconded by Councilmember McDonald, with all members of the Council present voting "aye."

**RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION ON EXECUTIVE SESSION ITEMS AT 8:32 P.M.**

No action was taken on the agreements with GEO Group regarding the Big Spring Correctional Center or the Litigation regarding Jake Tiner Construction, LLC, No. 54929.

Motion was made by Mayor Thomason directing the City Attorney to negotiate and settle as directed by council regarding the VRBO and the AirBnB, seconded by Councilmember McDonald, with all members of the Council present, voting "aye."

**ADJOURN**

Mayor Thomason adjourned the meeting at 8:32 p.m.



Shannon D. Thomason, Mayor

ATTEST:



Tami L. Davis, City Secretary